



TUALATIN CITY COUNCIL

Monday, JANUARY 28, 2019

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Frank Bubenik

Council President Joelle Davis

Councilor Robert Kellogg
Councilor Paul Morrison

Councilor Nancy Grimes
Councilor Bridget Brooks

Councilor Maria Reyes

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JANUARY 28, 2019

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring January 2019 as School Board Appreciation Month

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the Regular Meeting of December 10, 2018 and Work Session and Regular Meeting of January 14, 2019
2. Consideration of **Resolution No. 5418-19** Authorizing Stop Sign Changes on Myslony Street at 112th Avenue and 118th Avenue in conjunction with the opening of the Lou Ogden Bridge
3. Notice and Filing with the City Council of the 2018 Urban Renewal Agency Annual Financial Report from the Tualatin Development Commission.
4. Consideration of **Resolution No. 5421-19** Authorizing the City Manager to Execute an Intergovernmental Cooperative Procurement Agreement

E. SPECIAL REPORTS

1. Tualatin Arts Advisory Committee Community Enhancement Award to Marquis - The Community

F. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of **Ordinance No. 1416-19** Annexing Territory Located at 11605 SW Hazelbrook 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 Lot 1401, 2S1 15C) (File No. ANN-18-0001)
2. Consideration of **Ordinance No. 1417-19** Annexing Territory Located at 12150 SW Tualatin-Sherwood 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 Lots 500 and 701, 2S1 27C) (File No. ANN-18-0002)

G. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Resolution No. 5422-19** Authorizing the City Manager to Execute an Intergovernmental Agreement with the Cities of Lake Oswego and West Linn Relating to Stafford Concept Planning

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. ADJOURNMENT

City Council Meeting

Meeting Date: 01/28/2019

ANNOUNCEMENTS: Proclamation Declaring January 2019 as School Board Appreciation Month

ANNOUNCEMENTS

Proclamation Declaring January 2019 as School Board Appreciation Month

Proclamation

Proclamation

Honoring the Directors of Tigard-Tualatin School District's School Board During School Board Appreciation Month, January 2019

WHEREAS the City of Tualatin relies on the leadership of the Tigard-Tualatin School District 23J to prepare our community's young people for success in school and beyond; and

WHEREAS the governance of our school districts are dependent on dedicated community servants to provide sound budgetary and operational oversight; set high standards for academic achievement and ensure our school buildings are safe and first-class; and

WHEREAS the exemplary and selfless leadership of our local school district's school board members Jill Zurschmeide, Maureen Wolf, Terri Burnett, Karen Emerson, and Sharon Fox are making invaluable and life-changing contributions to this community; and

WHEREAS these school board members are serving their community with honor, integrity and an uncompromised commitment to our children's future, and

WHEREAS January is National School Board Appreciation Month;

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

January 2019 be celebrated throughout this community as School Board Appreciation Month and encourage all citizens to join in this observance of Jill Zurschmeide, Maureen Wolf, Terri Burnett, Karen Emerson, and Sharon Fox.

INTRODUCED AND ADOPTED this 28th day of January, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 01/28/2019

SUBJECT: Consideration of Approval of the Minutes for the Regular Meeting of December 10, 2018 and Work Session and Regular Meeting of January 14, 2019

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Regular Meeting of December 10, 2018 and Work Session and Regular Meeting of January 14, 2019.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Regular Meeting Minutes of December 10, 2018](#)
[City Council Work Session Minutes of January 14, 2019](#)
[City Council Regular Meeting Minutes of January 14, 2019](#)



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR DECEMBER 10, 2018

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Robert Kellogg via-phone

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Library Manager Jerianne Thompson; Management Analyst II Kelsey Lewis; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; IS Director Bates Russell; Program Coordinator Lisa Thorpe; Management Analyst II Nic Westendorf; Parks and Recreation Director Ross Hoover; Planning Manager Steve Koper

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:01 p.m.

B. ANNOUNCEMENTS

1. Recognition of Outgoing Mayor Lou Ogden

Council President Davis presented a proclamation and plaque recognizing Mayor Lou Ogden for his service to the City of Tualatin.

Washington County Commissioner Roy Rogers presented Mayor Ogden with a proclamation on behalf of the Washington County Commissioners.

Tigard Mayor John Cook, representing the League of Oregon Cities, National League of Cities, and the Oregon Mayors Association, thanked Mayor Ogden for his service to their organizations.

Mayor of Hillsboro Steve Calloway representing Washington County Mayors presented Mayor Ogden with an American Flag that was flown over the capital on his behalf.

Greater Portland Inc. Executive Director Janet LaBar expressed gratitude and admiration to Mayor Ogden for his service to the community.

Westside Economic Alliance representative shared words in recognition of Mayor Ogden.

Clackamas County Commission representative Mary Jo Cartasenga shared words honoring Mayor Ogden on behalf of the board of commissioners.

Tualatin Valley Fire and Rescue District (TVFR) Board President Clark Balfour presented Mayor Ogden with an award for his service to the district and the city.

Yvonne Addington, representing the Tualatin Historical Society, recognized Mayor Ogden for his years of service to the City.

Tualatin Chamber of Commerce Director Linda Moholt invited everyone to attend an open house on December 20 to honor Mayor Ogden at the Chamber of Commerce.

Members of the Tualatin Youth Advisory Council thanked Mayor Ogden for his years of service to the city.

Councilor Morrison, Councilor Grimes, Councilor Bubenik, and Council President Davis shared sentiments and thanked Mayor Ogden for his service and dedication to the Tualatin City Council.

TriMet Executive of Public Affairs Bernie Bottomly thanked Mayor Ogden for his service to the City of Tualatin on behalf of TriMet.

Tualatin Aging Task Force Chair Susan Novak thanked Mayor Ogden for helping establish the committee.

Paul Hennon thanked Mayor Ogden for his leadership in the community.

Mayor Ogden thanked the community of Tualatin for the opportunity and privilege to serve as the Mayor.

Council President Davis presented Mayor Ogden with a bronze plaque dedicating the Myslony Bridge as the Lou Ogden Bridge.

2. Tualatin Youth Advisory Council Update for December 2018

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC members participated in the Starry Nights and Holiday Lights event where they helped with kids crafts. The next YAC Teen Night will be held on December 14 and will be cookie decorating and movie night. The 2019 Youth Summit will be held in conjunction with the League of Oregon Cities- City Day at the Capitol. Members will meet with other youth councils from around the state. Upcoming activities include planning for Project FRIENDS and the YAC Holiday Party.

3. Proclamation Declaring December 10, 2018 as Human Rights Day in the City of Tualatin

Council President Davis read the proclamation declaring December 10, 2018 as Human Rights Day in the City of Tualatin.

C. CITIZEN COMMENTS

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None.

D. CONSENT AGENDA

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MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg via-phone

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of November 26, 2018
2. Consideration of **Resolution No. 5414-18** Canvassing Results of the General Election Held in the City of Tualatin, Washington and Clackamas Counties, Oregon on November 6, 2018
3. Consideration of **Resolution No. 5415-18** Authorizing the City Manager to Accept a Quitclaim Deed and Execute an Easement to Relocate an Existing Clean Water Services Easement on City Property

E. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Ordinance No. 1415-18** Relating to the Adoption of a New Parks System Development Charge Methodology; Amending Tualatin Municipal Code Chapter 2-6; and Creating New Provisions

Parks and Recreation Director Ross Hoover and Consultant Michaela Jellicoe presented an ordinance for a new Parks System Development Charge (SDC) Methodology. Director Hoover reminded Council the ordinance tonight is not to establish rates just the methodology. He noted feedback from the review period is included in the packet. The new methodology would be effective July 1, 2019.

PUBLIC COMMENT

Dennis Wells spoke in favor of the methodology as one of the straightest forward funding mechanisms for funding parks. He encouraged the Council to explore every avenue for SDC rates including non-residential rates.

James Atkins, on behalf of the Home Builders Association of Portland, spoke in opposition of the SDC methodology. He spoke to concerns with the aspirational levels of service in the master plan, existing deficiencies, and the proposed non-residential rates.

Stu Peterson spoke in opposition of the SDC methodology. He presented concerns with the maximum rate in the methodology when compared to surrounding cities.

Tualatin Chamber of Commerce Director Linda Moholt spoke in opposition of the methodology. She spoke to the assumptions and inequities to the business community in relations to the rates.

Jack Martin spoke in opposition of the methodology. He presented concerns with the maximum rate including the impacts and unintended consequences to the business community.

Mack Martin stated the business community is unaware of the proposed SDC methodology. He encouraged the Council to do more outreach.

Director Hoover responded to the concerns presented. He stated the SDC rates are only to be used for new capacity and to meet the needs of new growth. They cannot use any of the funding for any current deficiencies in the system. Consultant Jellicoe stated the presented level of services is based off the current parks inventory, the methodology does not address any current deficiencies. She stated the master plan addresses the deficiencies and the methodology addresses new and future growth. It was noted the aspirational projects were removed from the calculations. Director Hoover added the SDC funding keeps the same level of service for new projects.

Consultant Jellicoe spoke to the weighting of non-residential against residential in the rates. She stated they weighted the number of hours for user availability to calculate the non-residential methodology.

COUNCIL DELIBERATION

Councilor Morrison would like to see a clear and objective path for developers to get plans approved for development. Without a discussion on rates that path is not clear and leaves uncertainty. He expressed concerns with passing the methodology and the effects that will have on the business community.

Mayor Ogden stated the business community needs to pay its fair share for their impact on the parks system. He stated the methodology needs to embrace the rates as it drives the rates. Mayor Ogden stated historically the city has built parks that are funding half from SDC funding and the remaining half from grants and bonds. He noted it is important to establish how much of the new demand will be paid that way. Mayor Ogden would like to see eligible projects divided in half and set the fees off that rate.

Mayor Ogden addressed concerns he had with the number of hours employees have access to parks and the projection of new employees based on Metros Jobs Housing Analysis. In addition he presented concerns with the shortage of facilities in the industrial area and would like to see more facilities in those areas. He also noted from a cost standpoint the parks that would be built in commercial areas would cost much less to build, so the cost factor should be lower.

Councilor Bubenik asked what the impact would be if Mayor Ogden's suggestions were incorporated into the methodology. He responded to Councilor Morrison's concerns in certainty of rates. He stated the certainty in the rates is the same until the rates are actually changed.

Councilor Morrison stated that he has concerns that Tualatin could potentially have the highest commercial rates in the Metro area.

Council President Davis stated it is unlikely that the city would price itself out of the market with SDC rates. She asked what would happen if the council decided to change the methodology tonight. Director Hoover stated it would take six months to a year to redo the methodology.

Mayor Ogden stated it is important to have the right methodology so it recognizes the cities strategy for setting rates.

Councilor Bubenik asked if deviating from the numbers in the methodology lowers the defensibility of the numbers. City Attorney Brady stated a note could be added to explain the policy reasons behind the change. He noted that policy considerations can go into effect at the time rates are set.

Councilor Kellogg stated he trusts the methodology that is presented.

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis for first reading by title only.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Robert Kellogg via-phone

Nay: Mayor Lou Ogden, Councilor Paul Morrison

MOTION CARRIED

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes for second reading by title only.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Robert Kellogg via-phone

Nay: Mayor Lou Ogden, Councilor Paul Morrison

MOTION CARRIED

DISCUSSION

Mayor Ogden stated he can't support the ordinance. He polled the Council to see if there was consensus to adjust the methodology to include the tenants he presented to split the factors by 50%. Council consensus was not in favor of the change.

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis to adopt Ordinance No. 1415-18 relating to the adoption of a new Parks System Development Charge Methodology; amending Tualatin Municipal Code Chapter 2-6; and creating new provisions.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Robert Kellogg via-phone

Nay: Mayor Lou Ogden, Councilor Paul Morrison

MOTION FAILED

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Resolution No. 5413-18** Awarding a Personal Services Agreement to Murraysmith, Inc. for Program Delivery Services for the Tualatin Moving Forward Bond Program

Public Works Director Jeff Fuchs presented a resolution for program delivery services and an update on the Tualatin Moving Forward Transportation Bond Program. A brief program update was provided including a recap of finished, under construction, and in design projects. A list of upcoming projects was shared. Director Fuchs spoke to the Program Delivery Team. He stated they will establish the program framework, validate project scopes and cost estimates, help staff prioritize projects, secure permits, prepare engineering plans, and provide engineering services during construction. The goal is to have the team deliver all the projects in three to five years, provide the necessary expertise, be efficient and transparent, and establish a consistent approach for all the projects. He stated the Program Delivery team is part of the Tualatin Moving Forward team which consists of city staff, an owner's rep, the program delivery team, and a public involvement group. Director Fuchs stated the resolution tonight is to approve Murraysmith to manage and implement the program.

MOTION by Council President Joelle Davis, SECONDED by Councilor Frank Bubenik to adopt Resolution No. 5413-18 awarding a personal services agreement to Murraysmith, Inc. for program delivery services for the Tualatin Moving Forward Bond Program.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg via-phone

MOTION CARRIED

2. Consideration of **Resolution No. 5412-18** Amending the City of Tualatin Fee Schedule for Small Cell Wireless Fees and Rescinding Resolution 5390-18

Public Works Director Jeff Fuchs and Management Analyst Nic Westendorf presented fees for small cell wireless. Director Fuchs shared a timeline of the process of establishing fees. He stated the goal is to establish fees that cover the City's cost for administering small cellular wireless facilities in the public right of ways. In addition, staff explored different mechanisms for expedited review of applications and the ability to cover costs when additional help is necessary for review. Director Fuchs spoke to the FCC Order on fees stating they must be reasonable approximations of costs for staff review and use and maintenance of the right of way. He spoke to Tualatin's proposed fees which include a one-time application fee (\$660/application), annual attachment fee (\$625/attachment), expedited review fee (\$500/application), and a pass through consultant fee (consultant fee plus staff time to manage consultant). He noted the proposed fees are based on the cost to process the applications and manage the right of way.

PUBLIC COMMENT

Verizon Wireless representative Alan Bar and Steve Kroom presented three issues they have with the proposed fees. Issues consisted of method for cost based fees being higher than the national norm, antenna volume standards limiting deployment, and setbacks from signalized intersections.

Karen Manske, Wireless Policy Group on behalf of AT&T, presented concerns with the fees and standards deviating from the FCC Order. Concerns were centered on the time it will take staff to process applications and the consulting fees associated with that. Issues with standards were in regards to limitations on numbering and mounting configurations for the antennas and the proposed limitations in the relief valves in the language.

Mayor Ogden asked about the concerns Ms. Manske had about the fees in relation to staff time. Director Fuchs clarified staff time for each application is based of 7.5 hours and is per unit. Ms. Manske stated the assumptions by staff on those hours are not fitting in with the reasonable approximations as she sees in the FCC orders. Specific tasks she doesn't feel fit in the staff hours include coordination of traffic impact and maintenance of trees affecting power lines. Director Fuchs stated small cells have not been deployed in Oregon yet so this is staffs best assumption of these fees. He added the consulting fees are how development review is currently happening now.

Councilor Morrison asked about the difference between the fees. Director Fuchs stated the \$660 application fee is to process the original application and the \$625 license fee is to manage the infrastructure. Councilor Morrison asked if there is savings in applications of volume. Director Fuchs stated each application is for an individual sites so they have to be individually reviewed.

Council President Davis does not think it is unreasonable for the city to have a consultant assist with the work as staffing is limited.

Mayor Ogden asked when staff would have enough data to potentially re-evaluate the proposed fees. Director Fuchs stated a year into deployments there should be

enough data to evaluate the fees.

Council President Davis asked if ATT is making decisions on the basis of what the customers needs are or based off the fees to deploy. Ms. Manske stated they are making decisions based off where they can deploy easily.

COUNCIL DELIBERATION

Councilor Bubenik stated he has researched the fess across the country and Tualatin's proposed fees are a quarter of what other areas are charging. He wants the fees evaluated in a year as feels the fees are going to be too low.

Councilor Morrison asked if the fees are based off what is law. City Attorney Brady stated the FCC issued an order that cities believe is an overreach. Councilor Morrison stated the proposed cost is based off staff's assumption of actual costs and would like to see a review in a year to make sure the fees are not underestimated.

MOTION by Council President Joelle Davis, **SECONDED** by Councilor Nancy Grimes to adopt Resolution No. 5412-18 amending the City of Tualatin fee schedule for small cell wireless fees and rescinding Resolution No. 5390-18.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison

Other: Councilor Robert Kellogg via-phone (Abstain)

MOTION CARRIED

3. Consideration of **Resolution No. 5401-18** Updating the Public Works Construction Code to Include Section 331 - Pole Attachments, Small Cell Wireless, and Distributed Antenna Systems (DAS), and Other Items

Public Works Director Jeff Fuchs and Management Analyst Nic Westendorf presented a resolution updating the public works construction code to include pole attachments, small cell wireless and distributed antenna systems.

PUBLIC COMMENT

None.

COUNCIL DELIBERATION

Councilor Bubenik asked what the concerns are with antenna density. Director Fuchs stated Verizon's concerns are with the number of antennas instead of volume based. He stated being volume based does not get staff where they think the standard should be. He added the code allows for flexibility in each of the set standards. Director Fuchs stated additional concerns are with setbacks from signalized intersections. He stated the city is asking for proof of non-interference from an engineer if they want to place closer than 50feet. Councilor Bubenik asked if Washington County was ok with the setback. Director Fuchs stated they want to ensure there is no impacts to their equipment.

Councilor Grimes asked if allowing three antennas is enough to launch a 5G network. Director Fuchs stated companies are still deploying 4G so it is unsure

what would be needed for a 5G network.

Councilor Morrison asked what the timeframe for deployment is. Director Fuchs stated it is within 90 days.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Paul Morrison to adopt Resolution No. 5401-18 updating the Public Works Construction Code to include Section 331 - Pole Attachments, Small Cell Wireless, and Distributed Antenna Systems (DAS), and other items.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg
via-phone

MOTION CARRIED

4. Consideration of Resolution No. 5416-18A Authorizing the City Manager to Execute an Intergovernmental Agreement with the Cities of Lake Oswego and West Linn Relating to Stafford Concept Planning

City Attorney Sean Brady presented an intergovernmental agreement (IGA) with the cities of Lake Oswego and West Linn relating to the Stafford Concept Planning. He provided a brief history on the development of the IGA. He stated the purpose of the IGA is to identify the prerequisites for concept planning, coordination of concept planning, and a method for dispute resolution.

PUBLIC COMMENT

Rick Cook spoke in favor of the IGA as presented.

John Lamont spoke in opposition to the IGA as he believes it is a rush to judgement. His objections are related to the ten year moratorium north of the river and the development of I-205 south of the river.

Peter Watts submitted items for the record for Council review. He would like to see confirmation of areas of interest in the IGA and have a housing needs analysis acknowledged by LCDC before signing.

Herb Koss spoke in opposition of the IGA. He presented concerns with the lack of a traffic study and would like to have density transfers identified in the agreement. He requested boundaries be identified as part of the agreement.

Rob Fallow stated the five party agreement calls for two types of planning: coordination of concept planning and development of a preliminary concept plan that identifies transportation, density, community character, and infrastructure issues. He stated the planning process gives the north Stafford residents an idea of what will happen in the area. He would like to see the cities work together to complete the preliminary concept plan done.

Mike Miller spoke in opposition as he feels the agreement will place roadblocks in the way of planning for the area.

Mike Steward would like to see the ten year moratorium removed from the agreement so planning can continue in the area. He would also like to see a traffic study completed.

Leonard Shaver stated the five party IGA stated that concept planning would begin immediately and feels the ten year moratorium is in direct conflict with the original agreement. He would like to see a transportation study completed using the funds Metro and Clackamas County have designated to have it completed.

Ed Trompque would like to see the momentum for the concept of the planning area continue. He believes the moratorium is in direct violation with Oregon Land Use Laws and is just bad planning.

COUNCIL QUESTIONS

Mayor Ogden asked for clarification that the concept planning can begin anytime before the moratorium ends. City Attorney Brady stated it can begin it just can't be completed or adopted and you must give 90 day notice to other cities to begin planning.

Mayor Ogden stated he is interested in finding an unencumbered pathway forward for the city. He believes not being able to discuss jurisdictional boundaries makes it difficult for preliminary planning to begin.

Council President Davis stated she is concerned with ODOT deciding how Stafford is planned through the expansion of I-205. She would like a traffic study completed so that the expansion does not inadequately meet the needs of the area.

Councilor Morrison's main concerns are with the ten year moratorium and the density transfers not being established. He also wants to work with ODOT on what happens in the area.

Council President Davis stated she believes that changes can be made to the agreement and Lake Oswego can get what they want with the Luscher Farms project.

Councilor Bubenik asked where ODOT is in the planning process for I-205. City Manager Lombos stated they have completed planning and most of the preliminary engineering. They have secured funding to complete the preliminary engineering and right of ways. She noted construction has not been funded at this time.

Councilor Bubenik asked about the funding for the transportation study. City Manager Lombos stated Metro has set aside \$180,000 in a CET grant for a Transportation Refinement Plan for the Stafford Area. She stated she has advocated for the cities to use the funds to complete the transportation study first and then begin planning in the same fashion it was done for Basalt Creek. Councilor Bubenik asked what it would take for the cities to get the grant. City Manager Lombos stated all three cities would have to request the money for the study.

Mayor Ogden stated he believes the IGA language is fine for how the cities will work together but the jurisdictional areas of interest need to be defined.

Jeff Goodman, Lake Oswego City Councilor, stated all the agreement does is provide a framework for going forward. The next step would be the delineation of boundaries as a whole.

Mayor Ogden's recommendation would be to go back to the other cities to define the jurisdictional areas of interest and work to secure the CET funds to begin the transportation study.

Councilor Bubenik stated he would like to see the preliminary planning date removed from the IGA.

Councilor Morrison would like to give the other cities the 90 day notice to begin the preliminary concept plan now.

Councilor Grimes asked if the city agrees to the IGA as it stands if it would preclude the city for using the CET funds to start the transportation study. City Manager Lombos stated the study could begin at any time.

Councilor Bubenik asked what the process is if the IGA is not approved tonight. City Attorney Brady stated staff would go back to the other cities and continue negotiations.

Councilor Kellogg stated he is unsure of what Tualatin's area of interest would be and doesn't think it could be clearly defined with enough citizen engagement by 2020.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes to adopt Resolution No. 5416-18 authorizing the City Manager to execute an Intergovernmental Agreement with the Cities of Lake Oswego and West Linn Relating to Stafford Concept Planning.

Aye: Councilor Frank Bubenik, Councilor Nancy Grimes, Councilor Robert Kellogg via-phone

Nay: Mayor Lou Ogden, Council President Joelle Davis, Councilor Paul Morrison
MOTION Failed

Councilor Morrison would like the Mayors to get together and discuss the timelines in the IGA.

Councilor Bubenik stated he is amenable to a discussion on boundaries but not to adjusting the moratorium.

Councilor Grimes would like to see the 2020 date removed and leave the moratorium in place. She asked what a realist timeline is even if the date is removed. City Manager Lombos stated she is unsure of the timeline as it is not currently in staffs work plans.

5. Consideration of **Ordinance No. 1414-18** an Ordinance Relating to Land Use, Creating New Provisions; Amending and Adding New Provisions to Tualatin Development Code Chapters 1, 2, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 68, 74, 75, and 80; Creating New Tualatin Development Code Chapters 39, 58, 73A, 73B, 73C, 73D, 73E, 73F, and 73G; and Repealing Tualatin Development Code Chapters 37 and 73

City Attorney Brady stated the plan text amendment was passed at the last meeting to direct staff to bring back the attached ordinance.

PUBLIC COMMENT

None.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes for first reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg via-phone

MOTION CARRIED

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis for second reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg via-phone

MOTION CARRIED

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis to adopt Ordinance No. 1414-18 an relating to land use, creating new provisions; amending and adding new provisions to Tualatin Development Code chapters 1, 2, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 68, 74, 75, and 80; creating new Tualatin Development Code chapters 39, 58, 73A, 73B, 73C, 73D, 73E, 73F, and 73G; and repealing Tualatin Development Code chapters 37 and 73.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg via-phone

MOTION CARRIED

G. COMMUNICATIONS FROM COUNCILORS

None.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 12:38 a.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



Present: Mayor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Robert Kellogg; Councilor Maria A. Reyes; Councilor Bridget Brooks

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;
Present: Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Economic Development Manager Jonathan Taylor; City Engineer Jeff Fuchs; IS Director Bates Russell; Parks and Recreation Director Ross Hoover

CALL TO ORDER

Mayor Bubenik called the meeting to order at 6:05 p.m.

1. ***City Council Committee Assignments.***

The Council discussed committee assignments and assigned members.

2. ***Public Meetings – a Briefing.***

City Attorney Sean Brady presented an informational briefing on public meetings. He covered topics including public meeting types, requirements of public meeting laws, serial meetings, information gatherings, and tips to avoid violations.

Mayor Bubenik provided each Councilor with a copy of the Council Rules adopted by the City Council in February 2018.

3. ***Council Meeting Agenda Review, Communications & Roundtable.***

Councilor Morrison announced Tualatin's Athletic Booster Club will be holding their second annual Brew Fest at Stickman Brewery in Tualatin on January 26 to raise funds for sports programs. Tickets are available on their Facebook page.

ADJOURNMENT

The work session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JANUARY 14, 2019

Present: Mayor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Robert Kellogg; Councilor Maria A. Reyes; Councilor Bridget Brooks

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Economic Development Manager Jonathan Taylor; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; IS Director Bates Russell; Management Analyst II Garet Prior; Program Coordinator Lisa Thorpe; Parks and Recreation Director Ross Hoover

A. CALL TO ORDER

Pledge of Allegiance

Mayor Bubenik called the meeting to order at 7:05 p.m.

B. ANNOUNCEMENTS

1. Swear-In Newly Elected Mayor and Councilors

Municipal Judge Jack Morris swore in Mayor Frank Bubenik, Councilor Grimes, Councilor Brooks, and Councilor Reyes.

2. Council President Selection

MOTION by Councilor Paul Morrison, SECONDED by Councilor Robert Kellogg to elect Councilor Joelle Davis as Council President.

Aye: Mayor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg, Councilor Bridget Brooks, Councilor Maria A. Reyes

MOTION CARRIED

3. Annual Report of the Tualatin Youth Advisory Council for 2018

Recreation Supervisor Julie Ludemann and members of the YAC presented their annual report. New members have been appointed and the group is still accepting applications for freshman and junior level students. It was stated the goals for the committee include advising the Council on issues that affect youth, provide a primary communication link for youth to government, identify and advocate for the needs of youth, and carry out events and activities for youth. The committee works to meet the goals through advocacy, activities, and education that include monthly council updates, volunteering at city events, hosting activities for teens, Project FRIENDS and attendance at the National League of Cities Conference. YAC is currently working on Project FRIENDS, a day long anti-bullying workshop for fifth graders, to be held in May.

4. New Employee Introduction- Mike McCarthy, Principal Transportation Engineer

Public Works Director Jeff Fuchs introduced Principal Transportation Engineer Mike McCarthy. The Council welcomed him.

5. New Employee Introduction- Stephanie Hanshaw, Parks Maintenance Worker

Parks and Recreation Director Ross Hoover introduced Parks Maintenance Worker Stephanie Hanshaw. The Council welcomed her.

6. Open House for Basalt Creek Comprehensive Plan Update on January 22, 2019

Community Development Director Aquilla Hurd-Ravich announced an Open House for Tualatin's future Basalt Creek Comprehensive Plan amendments to be held at Horizon High School on Tuesday, January 22, 2019 from 6:00 to 8:00 p.m.

7. Southwest Corridor Community Meeting on January 24

Management Analyst Garet Prior stated as a part of the Southwest Corridor Plan, TriMet is hosting a community meeting to discuss light rail line and Bridgeport station options on January 24 from 6:30 p.m. to 7:30 p.m. at the Tigard Library.

8. League of Oregon Cities "City Day At the Capitol 2019" on January 24, 2019

Assistant to the City Manager Tanya Williams announced the League of Oregon Cities (LOC) City Day at the State Capitol on January 24, 2019. She stated the LOC announced their 2019 priorities which include: mental health investment, revenue reform/cost containment, housing/homelessness, infrastructure finance and resilience investment, right-of-way and franchise fee authority, and third party building inspection preservation.

9. Proclamation Declaring January 20-26, 2019 as School Choice Week in the City of Tualatin

Councilor Morrison read the proclamation declaring January 20-26, 2019 as School Choice Week in the City of Tualatin.

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

None.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Mayor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg, Councilor Bridget Brooks, Councilor Maria A. Reyes

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session of December 10, 2018
2. Consideration of Approval of a New Liquor License Application for Bay Club Oregon
3. Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2017/2018
4. Consideration of the System Development Charge (SDC) Annual Reports for Sewer, Storm, Water, and Transportation (TDT) for Fiscal Year 2017/18
5. Consideration of **Resolution No. 5419 -19** Authorizing the City Manager to Execute an Intergovernmental Agreement with the City of Portland to Participate in the Regional Justice Information Network (RegJIN) as an Inquiry Only Partner

E. SPECIAL REPORTS

1. Washington County Sheriff's Office Report

Washington County Sheriff Pat Garrett and Lieutenant Tristan Sundsted presented an update on the Washington County Sheriff's Office. He stated their mission is to conserve the peace through value driven services. Specific strategic goals include being the safest urban county in Oregon, provide excellent customer services, build and strengthen community relationships and public trust, and being financially responsible. Sheriff Garrett spoke to the department's statutory duties. The

department currently has 604 employees: 430 certified officers and 174 non-certified. The department is part of several interagency special response teams with the newest being the Mental Health Response Team (MHRT). The MHRT has responded to 4,868 events with 23.9% of those calls being in response to calls for service from municipal partners. Lieutenant Sundsted briefed the council on the Jail. He stated the jail has 572 inmate beds with 51 average daily bookings. Lieutenant Sendsted spoke to the activities from arrest to arraignment. The Jail currently offers programs to help with the reduction in recidivism, offers work programs to improve community livability, and several inmate education classes. Sheriff Garrett spoke to the civil work the Sheriff's Office conducts including serving civil cases such as small claims, summonses, subpoenas, and child support documents and issuing concealed handgun license applications and renewals.

Mayor Bubenik stated mental health is one of the top concerns amongst the regional mayors and is glad to see the Sheriff's department participating in the MHRT. Sheriff Garrett thanked the city for their support on the mental health response efforts.

Councilor Kellogg thanked the Sheriff's Office for their improved presence in the Basalt Creek area.

Councilor Morrison asked if there is a possibility for an additional jail in the Beaverton/Tigard area. Sheriff Garrett stated there is not one at this time but that can be a conversation going forward.

Councilor Brooks asked how many more people needed beds in the jail this year. Sheriff Garrett stated there were over 700 more bookings this year. He stated the county is growing rapidly, in addition more people are out on supervision and fewer people are lodged in prison. Due to the higher number of people on supervision who are not successful the jail is seeing more short term stints being served.

2. Municipal Court Update

Finance Director Don Hudson, Court Administrator Cortney Kammerer, and Municipal Judge Jack Morris presented an update on the municipal court. Director Hudson stated the court has been in operation for ten years and provide a brief history on how it was established. Judge Morris stated the court is a limited jurisdiction court that handles city code violations and traffic violations. He stated his philosophy is to treat people with respect and allow them to be heard.

Mayor Bubenik and Councilor Morrison thanked all the court staff for their good work.

Councilor Kellogg asked what the fine is for texting and driving. Judge Morris stated it is a \$265 fine.

Council President Davis thanked the Judge for his good work with the youth in the community.

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1415-18** Relating to the Adoption of a New Parks System Development Charge Methodology; Amending Tualatin Municipal Code Chapter 2-6; and Creating New Provisions

Parks and Recreation Director Ross Hoover and Manager Rich Mueller presented the ordinance adopting new parks system development charge methodology. Director Hoover stated staff is recommending approval and will be back in the future with a discussion on rate adoption.

Mayor Bubenik reiterated that if the ordinance is adopted it would be for the fee structure and capped rate.

Councilor Morrison stated he is not in favor of adopting a fee structure without knowing what the rates will be. He has concerns developers will step back in Tualatin as there will be unknowns for them in the building costs. He would like to readdress this after Basalt Creek is constructed.

MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes for third reading by title only.

Aye: Mayor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Robert Kellogg, Councilor Bridget Brooks

Nay: Councilor Paul Morrison, Councilor Maria A. Reyes

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt Ordinance No. 1415-18 relating to the adoption of a new Parks System Development Charge Methodology; amending Tualatin Municipal Code Chapter 2-6; and creating new provisions.

Aye: Mayor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Robert Kellogg, Councilor Bridget Brooks

Nay: Councilor Paul Morrison, Councilor Maria A. Reyes

MOTION CARRIED

G. COMMUNICATIONS FROM COUNCILORS

Councilor Brooks and Councilor Reyes thanked the citizens for their support in their new positions.

Mayor Bubenik stated he will attend the Community Development Block Grant applicant presentations next week. He stated there are \$5 million in requests with only \$2 million dollars to award.

H. ADJOURNMENT

Mayor Bubenik adjourned the meeting at 8:21 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Mike McCarthy, Principal Transportation Engineer

DATE: 01/28/2019

SUBJECT: Consideration of **Resolution No. 5418-19** Authorizing Stop Sign Changes on Myslony Street at 112th Avenue and 118th Avenue in conjunction with the opening of the Lou Ogden Bridge

ISSUE BEFORE THE COUNCIL:

City Council will consider Resolution No. 5418-19 Approving Stop Sign Installations and Removals Along SW Myslony Street at its Intersections with SW 112th Avenue and SW 118th Avenue

RECOMMENDATION:

Staff recommends Council adopt the attached resolution.

EXECUTIVE SUMMARY:

The Lou Ogden Bridge across Hedges Creek on SW Myslony Street connects SW 112th Avenue to SW 124th Avenue. New traffic patterns created by the completed bridge require a new stop sign and removal of two existing stops to meet standards in the Manual on Uniform Traffic Control Devices (MUTCD).

Myslony Street is now the primary street between the new bridge and SW 124th Avenue. SW 118th Avenue at SW Myslony Street is now the secondary street at the tee intersection with Myslony. To meet MUTCD standards, the existing stop signs on Myslony Street at SW 118th Avenue will be removed and a new stop sign will be installed on the SW 118th Avenue leg of the intersection.

In addition, the traffic study for the new bridge recommended an all-way stop configuration at Myslony Street and SW 112th Avenue. Stop signs were installed with construction of the bridge.

The attached resolution formally authorizes the installation of STOP signs in accordance with Tualatin Municipal Code 8-3.030 Schedule A.

OUTCOMES OF DECISION:

RESOLUTION NO. 5418-19

A RESOLUTION APPROVING NEW STOP SIGN INSTALLATIONS, AND REMOVING OLD STOP SIGN INSTALLATIONS, AT SW MYSLONY STREET.

WHEREAS, pursuant to Tualatin Municipal Code 8-3-030, the City Council exercises all municipal traffic authority for the City by resolution; and

WHEREAS, the installation of stop signs is needed at certain location; and

WHEREAS, Council finds installation of the stop signs is in the public interest and enhances public safety.

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

Section 1. "Schedule A" in Tualatin Municipal Code Chapter 8-03 is amended to identify stop signs at the following locations:

Intersection of SW Myslony Street and SW 118th Avenue
Add STOP sign for SW 118th Avenue approaching SW Myslony Street

Intersection of SW Myslony Street and SW 112th Avenue
Add STOP signs for SW Myslony Street approaching SW 112th Avenue

Section 2. "Schedule A" in Tualatin Municipal Code Chapter 8-03 is amended to remove stop sign locations 388 and 389, as established by Resolution No. 2671-91, to remove STOP signs for SW Myslony Street approaching SW 118th Avenue

Section 3. The City Manager, or designee, is authorized to implement the provisions of this resolution by maintaining the appropriate signs and/or markings at the locations established in Section 1 and removing those signs and/or markings as provided in Section 2.

Section 4. Except to the extent modified by this resolution, "Schedule A" in Tualatin Municipal Code Chapter 8-03 remains in full force and effect.

Section 5. This resolution is effective upon adoption.

Adopted by the City Council this ____ day of January, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

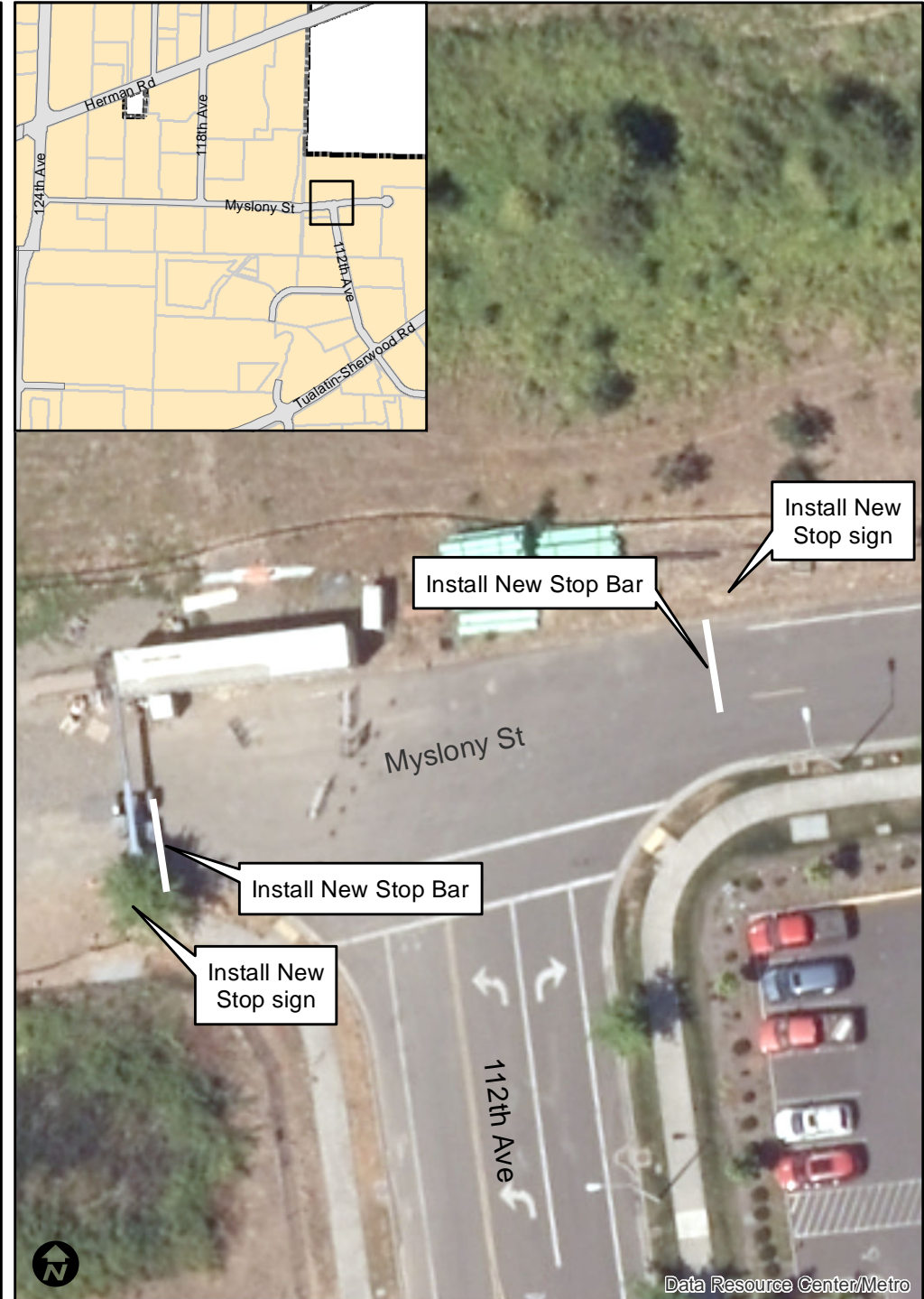
APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Myslony Street Stop Sign Changes





STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, City Manager

FROM: Jonathan Taylor, Economic Development Manager

DATE: 01/28/2019

SUBJECT: Notice and Filing with the City Council of the 2018 Urban Renewal Agency Annual Financial Report from the Tualatin Development Commission.

ISSUE BEFORE THE COMMISSION:

Notice and Filing with the City Council of the 2017-2018 Urban Renewal Agency Annual Financial Report approved by the Tualatin Development Commission on January, 14, 2018.

RECOMMENDATION:

Accept the notice and filing of the the 2017-2018 Urban Renewal Agency Annual Financial Report.

EXECUTIVE SUMMARY:

Under ORS 457.460, the Tualatin Development Commission, as the City's Urban Renewal Agency, must file an annual financial report with the City Council prior to January 31 each year. On January 14, 2019 the Tualatin Development Commission approved the 2017-2018 annual financial report. The report is now being filed with the City Council. Notice of the report was published once a week for two consecutive weeks in *The Tigard-Tualatin Times* in accordance with law beginning on January 14 through January 28, 2019.

The Central Urban Renewal District (CURD) and the Leveton Tax Increment District (LTID) stopped collecting revenue on June 30, 2010. The annual financial report (attachment) outlines:

1. The remaining revenues and expenditures as expected in the Fiscal Year 2018-19 adopted budget; and
2. The year-end actual revenues and expenditures from Fiscal Year 2017-18.

Since both urban renewal districts stopped collecting revenue, no taxes were foregone by other taxing jurisdictions in the districts.

FINANCIAL IMPLICATIONS:

The numbers in the annual financial report are reflected in the audit of Fiscal Year 2017-2018 and the adopted budget of Fiscal Year 2018-2019

Attachments: [2017-2018 Financial Report](#)

NOTICE

TUALATIN URBAN RENEWAL AGENCY – ANNUAL FINANCIAL REPORT FOR 2018

In accordance with ORS 457.460, notice is given that the annual financial statement of the City of Tualatin’s Urban Renewal Agency has been filed with the Tualatin Development Commission and the City of Tualatin. Below is a summary of the two urban renewal districts in Tualatin, the Central Urban Renewal District and the Leveton Tax Increment District. A complete copy of the report is available at the City of Tualatin.

TABLE 1: Tualatin Urban Renewal Agency – Annual Financial Report for 2018

CENTRAL URBAN RENEWAL DISTRICT	FY 17/18	FY 18/19
BOND FUND		
Revenue		
Beginning Balance	\$ -	\$ -
Tax Increment, Current & Prior Years	\$ -	\$ -
Interest	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Debt Service	\$ -	\$ -
Contingency and Reserves	\$ -	\$ -
PROJECT FUND		
Revenues		
Beginning Balance	\$ 119,406	\$ 121,160
Interest	\$ 2,023	\$ 2,420
Sale of Bonds	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Transfers & Reimbursements	\$ -	\$ -
Capital Outlay	\$ -	\$ 123,580
Contingency & Reserves	\$ 121,429	\$ -
LEVETON TAX INCREMENT DISTRICT		
BOND FUND		
Revenue		
Beginning Balance	\$ -	\$ -
Tax Increment, Current & Prior Years	\$ -	\$ -
Interest	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Debt Service	\$ -	\$ -
Contingency and Reserves	\$ -	\$ -
PROJECT FUND		
Revenues		
Beginning Balance	\$ 3,730,142	\$ 3,690,290
Interest	\$ 62,311	\$ 73,810
Sale of Bonds	\$ -	\$ -
Transfers & Reimbursements	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Transfers and Reimbursements	\$ 91,850	\$ 79,400
Capital Outlay	\$ 1,040	\$ 73,000
Contingency & Reserves	\$ 3,699,563	\$ 3,611,700

Both urban renewal districts stopped collecting revenue on June 30, 2010. Accordingly, no taxes were forgone by other taxing jurisdictions in the districts.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Richard Mueller, Parks and Recreation Manager
Ross Hoover, Parks & Recreation Director

DATE: 01/28/2019

SUBJECT: Consideration of **Resolution No. 5421-19** Authorizing the City Manager to Execute an Intergovernmental Cooperative Procurement Agreement

ISSUE BEFORE THE COUNCIL:

Consideration of Resolution No. 5421-19, A Resolution Authorizing the City Manager to Execute an Intergovernmental Cooperative Procurement Agreement.

RECOMMENDATION:

Staff respectfully recommends that Council approve the attached resolution authorizing the City Manager to execute an Intergovernmental Cooperative Procurement Agreement. The City Manager is also authorized to execute any and all other documents necessary to effectuate the purchase allowed under the Intergovernmental Cooperative Purchasing Agreement.

EXECUTIVE SUMMARY:

On March 26, 2018, City Council approved Resolution No. 5359-18 authorizing the City to apply for and accept a local government grant from the Oregon Parks and Recreation Department for Ibach Park playground renovation. The City match for this grant is funded in the 2018-2019 Capital Improvement Plan. The City has been awarded the state grant and is ready to proceed with the Ibach Park playground renovation project.

OUTCOMES OF DECISION:

Staff will proceed with arrangements for the Ibach Park playground renovation project that totals \$273,000, and includes the surface and some equipment replacement. The state grant award is for \$136,500, and City approved capital improvement project funds match is \$136,500. The project is expected to begin in February with completion projected to be in May 2019 (weather dependent).

Attachments: [Resolution 5421-19](#)
[Exhibit A – Intergovernmental Cooperative Purchasing Agreement](#)

RESOLUTION NO. 5421-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COOPERATIVE PROCUREMENT AGREEMENT

WHEREAS, National Purchasing Partners (“NPP”) provides group purchasing and cooperative procurement opportunities for governmental entities;

WHEREAS, NPP has instituted a cooperative purchasing program under which member Participating Agencies may reciprocally utilize competitively solicited Master Price Agreements awarded by the Lead Contracting Agency;

WHEREAS, ORS 190 authorizes the City to utilize cooperative procurement agreements in compliance with State law;

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

Section 1. The City Manager is authorized to execute the Intergovernmental Cooperative Purchasing Agreement as set forth in Exhibit A, which is attached and incorporated by reference. The City Manager is also authorized to execute any and all other documents necessary to effectuate the purchase of the materials and labor allowed under the Intergovernmental Cooperative Purchasing Agreement.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 28th day of January, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

EXHIBIT A
RESOLUTION NO. 5421-19

Intergovernmental Cooperative Purchasing Agreement

This Intergovernmental Agreement (Agreement) is by and between the “Lead Contracting Agency” and participating government entities (“Participating Agencies”), that are members of National Purchasing Partners (“NPP”), including members of FireRescue GPO and Public Safety GPO, that agree to the terms and conditions of this Agreement. The Lead Contracting Agency and all Participating Agencies shall be considered as “parties” to this agreement.

WHEREAS, upon completion of a formal competitive solicitation and selection process, the Lead Contracting Agency has entered into Master Price Agreements with one or more Vendors to provide goods and services, often based on national sales volume projections;

WHEREAS, NPP provides group purchasing, marketing and administrative support for governmental entities. NPP’s marketing and administrative services are free to its membership, which includes participating public entities and nonprofit institutions throughout North America.

WHEREAS, NPP has instituted a cooperative purchasing program under which member Participating Agencies may reciprocally utilize competitively solicited Master Price Agreements awarded by the Lead Contracting Agency;

WHEREAS, the Master Price Agreements provide that all qualified government members of NPP may purchase goods and services on the same terms, conditions and pricing as the Lead Contracting Agency, subject to applicable local and state laws of the Participating Agencies;

WHEREAS, the parties agree to comply with the requirements of the Intergovernmental Cooperation Act as may be applicable to the local and state laws of the Participating Agencies;

WHEREAS, the parties desire to conserve and leverage resources, and to improve the efficiency and economy of the procurement process while reducing solicitation and procurement costs;

WHEREAS, the parties are authorized and eligible to contract with governmental bodies and Vendors to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, the parties desire to contract with Vendors under the terms of the Master Price Agreements;

NOW, THEREFORE, the parties agree as follows:

ARTICLE 1: LEGAL AUTHORITY

Each party represents and warrants that it is eligible to participate in this Agreement because it is a local government created and operated to provide one or more governmental functions and possesses adequate legal authority to enter into this Agreement.

ARTICLE 2: APPLICABLE LAWS

The procurement of goods and services subject to this Agreement shall be conducted in accordance with and subject to the relevant statutes, ordinances, rules, and regulations that govern each party's procurement policies. Competitive Solicitations are intended to meet the public contracting requirements of the Lead Contracting Agency and may not be appropriate under, or satisfy Participating Agencies' procurement laws. It is the responsibility of each party to ensure it has met all applicable solicitation and procurement requirements. Participating Agencies are urged to seek independent review by their legal counsel to ensure compliance with all local and state solicitation requirements.

ARTICLE 3: USE OF BID, PROPOSAL OR PRICE AGREEMENT

- a. A "procuring party" is defined as the Lead Contracting Agency or any Participating Agency that desires to purchase from the Master Price Agreements awarded by the Lead Contracting Agency.
- b. Each procuring party shall be solely responsible for their own purchase of goods and services under this Agreement. A non-procuring party shall not be liable in any fashion for any violation of law or contract by a procuring party, and the procuring party shall hold non-procuring parties and all unrelated procuring parties harmless from any liability that may arise from action or inaction of the procuring party.
- c. The procuring party shall not use this agreement as a method for obtaining additional concessions or reduced prices for similar goods and services outside the scope of the Master Price Agreement.
- d. The exercise of any rights or remedies by the procuring party shall be the exclusive obligation of such procuring party.
- e. The cooperative use of bids, proposals or price agreements obtained by a party to this Agreement shall be in accordance with the terms and conditions of the bid, proposal or price agreement, except as modified where otherwise allowed or required by applicable law, and does not relieve the party of its other solicitation requirements under state law or local policies.

ARTICLE 4: PAYMENT OBLIGATIONS

The procuring party will make timely payments to Vendors for goods and services received in accordance with the terms and conditions of the procurement. Payment for goods and services, inspections and acceptance of goods and services ordered by the procuring party shall be the exclusive obligation of such procuring party. Disputes between procuring party and Vendor shall be resolved in accordance with the law and venue rules of the state of the procuring party.

ARTICLE 5: COMMENCEMENT DATE

This Agreement shall take effect after execution of the "Lead Contracting Agency Endorsement and Authorization" or "Participating Agency Endorsement and Authorization," as applicable.

ARTICLE 6: TERMINATION OF AGREEMENT

This Agreement shall remain in effect until terminated by a party giving 30 days written notice to "Lead Contracting Agency"

ARTICLE 7: ENTIRE AGREEMENT

This Agreement and any attachments, as provided herein, constitute the complete Agreement between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 8: CHANGES AND AMENDMENTS

This Agreement may be amended only by a written amendment executed by all parties, except that any alterations, additions, or deletions of this Agreement which are required by changes in Federal and State law or regulations are automatically incorporated into this Agreement without written amendment hereto and shall become effective on the date designated by such law or regulation.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

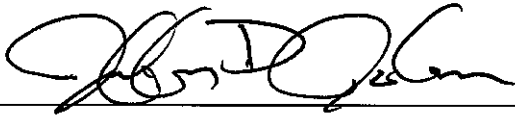
THIS INSTRUMENT HAS BEEN EXECUTED IN TWO OR MORE ORIGINALS BY EXECUTION AND ATTACHMENT OF "THE LEAD CONTRACTING AGENCY ENDORSEMENT AND AUTHORIZATION" OR "PARTICIPATING AGENCY ENDORSEMENT AND AUTHORIZATION," AS APPLICABLE. ONCE EXECUTED, IT IS THE RESPONSIBILITY OF EACH PARTY TO FILE THIS AGREEMENT WITH THE PROPER AGENCY IF REQUIRED BY LOCAL OR STATE LAW.

**PUBLIC PROCUREMENT AUTHORITY
ENDORSEMENT AND AUTHORIZATION**

The undersigned acknowledges, on behalf of the Public Procurement Authority ("Lead Contracting Agency") that he/she has read and agrees to the general terms and conditions set forth in the enclosed Intergovernmental Cooperative Purchasing Agreement regulating use of the Master Price Agreements and purchase of goods and services that from time to time are made available by the Public Procurement Authority to Participating Agencies locally, regionally, and nationally through NPP. Copies of Master Price Agreements and any amendments thereto made available by the Public Procurement Authority will be provided to Participating Agencies and NPP to facilitate use by Participating Agencies.

The undersigned understands that the purchase of goods and services under the provisions of the Intergovernmental Cooperative Purchasing Agreement is at the absolute discretion of the Participating Agencies.

The undersigned affirms that he/she is an agent of the Public Procurement Authority and is duly authorized to sign this Public Procurement Authority Endorsement and Authorization.



Date: 2-13-2014

BY: Jeffrey D. Johnson
ITS: Administrator/Board Member

Public Procurement Authority Contact Information:

Contact Person: Heidi Chames
Address: 25030 SW Parkway Ave., Suite 330
Wilsonville, OR 97070
Telephone No.: 855-524-4572
Email: questions@procurementauthority.org

**PARTICIPATING AGENCY
ENDORSEMENT AND AUTHORIZATION**

The undersigned acknowledges, on behalf of _____ (“Participating Agency”) that he/she has read and agrees to the general terms and conditions set forth in the enclosed Intergovernmental Cooperative Purchasing Agreement regulating use of the Master Price Agreements and purchase of goods and services that from time to time are made available by the Lead Contracting Agency to Participating Agencies locally, regionally, and nationally through NPP.

The undersigned further acknowledges that the purchase of goods and services under the provisions of the Intergovernmental Cooperative Purchasing Agreement is at the absolute discretion of the Participating Agency and that neither the Lead Contracting Agency nor NPP shall be held liable for any costs or damages incurred by or as a result of the actions of the Vendor or any other Participating Agency. Upon award of contract, the Vendor shall deal directly with the Participating Agency concerning the placement of orders, disputes, invoicing and payment.

The undersigned affirms that he/she is an agent of _____ and is duly authorized to sign this Participating Agency Endorsement and Authorization.

BY: _____
ITS: _____

Date: _____

Participating Agency Contact Information:

Contact Person: _____

Address: _____

Telephone No.: _____

Email: _____

City Council Meeting

Meeting Date: 01/28/2019

SPECIAL REPORTS: Community Enhancement Award Presentation

Submitted For: Sherilyn Lombos, City Manager

SPECIAL REPORTS

Tualatin Arts Advisory Committee Community Enhancement Award to Marquis - The Community

A. Community Enhancement Award

COMMUNITY ENHANCEMENT AWARD



**TUALATIN ARTS ADVISORY COMMITTEE
PARKS & RECREATION DEPARTMENT**

THE COMMUNITY ENHANCEMENT AWARD

Created to recognize individuals and organizations for their contributions to significant art endeavors and experiences within the Tualatin community.

The Tualatin Arts Advisory Committee identifies award candidates and makes recommendations to the City Council.

PAST RECIPIENTS

- Mask & Mirror Community Theatre production of “Singin’ in the Rain” (2016)
- CenterCal Properties (2015)
- Jeannine Miller, Tualatin High School (2014)
- The Lewis & Floetta Ide Healing Garden, Meridian Park Hospital (2013)
- Don Armstrong, McDonald’s Restaurants (2011)
- Althea Pratt-Broome, Willowbrook Arts Camp (2011)
- Lumiere Players Theatre (2010)

2019 AWARD RECIPIENT

THE COMMUNITY AT MARQUIS
FOR THEIR DISPLAY OF TUALATIN ELEMENTARY
SCHOOL HISTORICAL OBJECTS



COMMUNITY BENEFITS

- Provides a venue for preserving and displaying key pieces of Tualatin's past
- Showcases articles from Tualatin Historical Society
- Integrates art into an open-to-the-public venue for Tualatin community members to view and enjoy
- Encourages integration of art and history into private business



MARQUIS

THE COMMUNITY





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tabitha Boschetti, Assistant Planner
Steve Koper, Planning Manager

DATE: 01/28/2019

SUBJECT: Consideration of **Ordinance No. 1416-19** Annexing Territory Located at 11605 SW Hazelbrook 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 Lot 1401, 2S1 15C) (File No. ANN-18-0001)

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1416-19 Annexing Territory Located at 11605 SW Hazelbrook 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 Lot 1401, 2S1 15C) (File No. ANN-18-0001).

RECOMMENDATION:

Staff recommends Council adopt Ordinance No. 1416-19.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing.

The applicant is the City of Tualatin, represented by Rich Mueller, Parks Planning and Development Manager, owner of the 0.77-acre Tax Lot 1401 (Map 2S1 15C) with the address of 11605 SW Hazelbrook Road. The subject property is located in the northwestern portion of the City and is bordered by the Tualatin River to the north, Hazelbrook Road to the south, a development lot in unincorporated Washington County to the east, and a development lot in the Low Density Residential (RL) Planning District to the west. The property is currently located in unincorporated Washington County in the FD-10 Planning District (Future Development 10-Acre Section 309). There is a single storage structure on the property, which was acquired as future City parkland. The application materials are included as Exhibit A. The site is already in the Low Density Residential (RL) Planning District as shown on the City's Community Plan Map (Exhibit C).

Before granting the proposed annexation, the City Council must find that the annexation conforms to the applicable criteria of ORS 222, Metro Code Section 3.09 and TDC Section

31.010. The Analysis and Findings (Attachment 1) examines the application in respect to the requirements for granting an annexation. Staff finds that the annexation meets the applicable criteria.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed to the City of Tualatin and designated in the Low Density Residential (RL) Planning District.
2. The territory is concurrently withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.

Denial of the Annexation petition will result in the following:

1. The property remains outside the city limits and within unincorporated Washington County.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Continue the discussion of the annexation and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Not applicable

Attachments: Ord 1416-19 Annexation
 Map Attachment
 Council Presentation

ORDINANCE NO. 1416-19

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 11605 SW HAZELBROOK ROAD (TAX LOT: 2S115C001401) INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (FILE NO. ANN-18-0001)

WHEREAS, the City of Tualatin (“Owner”) submitted a petition for annexation of 0.77 acres of park property located at 11605 SW Hazelbrook Road (Tax Lot: 2S115C001401); hereafter called the “Property;”

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, the Property is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance 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, notice of public hearing was given as required by Tualatin Development Code 32.260 Annexation Procedures;

WHEREAS, the Council conducted a public hearing relating to the annexation on January 28, 2019, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing 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 unanimous vote.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Council approves and endorses the annexation application for the Property.

Section 2. 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 herein by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 3. The findings, attached as Exhibit 3 and incorporated herein by reference, are hereby adopted.

Section 4. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 5. 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 6. 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 7. On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

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 ____ Day of _____, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



PROPERTY DESCRIPTION / LOCATOR MAP

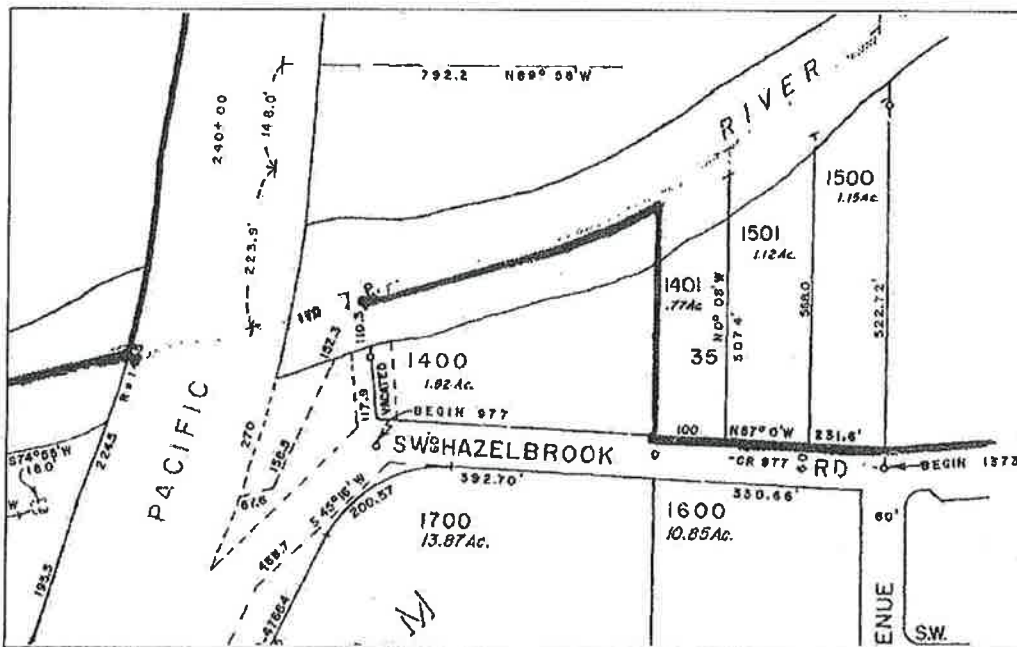
Washington County

Tax Account Number: Map 2S 1 15C, Tax lot 1401

Acreage: 0.77

Street Address: 11605 SW Hazelbrook Road, Tualatin

LOCATOR MAP



PROPERTY LEGAL DESCRIPTION

That part of Lot 35, HAZELBROOK FARM, in the County of Washington and State of Oregon, described as follows:

The East 100 feet of the following described property:

Beginning at an iron pipe on the South line of said Lot, North 87°0' West along said South line, 231.6 feet from the Southeast corner thereof; thence North 0°08' West 507.4 feet to the Northerly line of said Lot; thence Westerly along said Northerly line, to the Northwest corner thereof; thence South along the West line thereof, to the Southwest corner thereof; thence Easterly along the South line thereof to the place of beginning.

Excepting therefrom any portion thereof lying with the boundaries of public roads.

ANNEXATION CERTIFIED

BY VF

MAY 24 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

ANN18-0001
Annexation Analysis and Findings

Case #:	ANN 18-0001
Project:	Hazelbrook Annexation
Location:	11605 SW Hazelbrook Road, Tualatin, OR. Tax lot: 2S115C001401
Owner/Applicant:	City of Tualatin, represented by Rich Mueller, Parks Planning and Development Manager

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 applicant, City of Tualatin, owns the subject site as part of its park land holdings. Currently, this property is outside of the City of Tualatin boundary. This annexation is proposed so that the City-owned property may be part of the City of Tualatin. No development or other modifications to the property is proposed at this time.

The annexation would include approximately 10 feet of the SW Hazelbrook Road right-of-way, following the original property line of Lot 35 and the existing City of Tualatin boundary. The northern extent of the annexation will extend to the centerline of the Tualatin River, also following the original legal description of Lot 35.

In conjunction with approval of the proposed annexation, the subject property is withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD) and Washington County Urban Road Maintenance District.

C. Site Description

The subject property is a 0.77-acre site located on the north side of SW Hazelbrook Road, south of the Tualatin River. It is currently within unincorporated Washington County, within the City of Tualatin Urban Planning Area. As shown on Exhibit B, the property has received the land use designation of Low-Density Residential (RL) in the Community Plan Map that is part of Tualatin's Comprehensive Plan; this RL zoning would be in effect upon annexation. The existing City of Tualatin boundary runs directly to the west of the property, and south within the SW Hazelbrook Road right-of-way.

The site has formerly been occupied as a residential property, though the primary dwelling has since been removed. The garage remains for storage use. More recently, the site has seen public facilities development as part of the Clean Water Services Tualatin Interceptor and Siphon Improvement project. This work is not related to the proposed annexation.

D. Attachments

- A. Application
- B. Community Plan Map 9-1

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 Exhibit 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 the applicant's submission, the City of Tualatin, as represented by Rich Mueller, is the only subject property owner. As owner, the City has petitioned to be 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:

Sanitary sewer, municipal water, and other utility services are available in SW Hazelbrook Road. 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 and the Washington County Urban Road Maintenance District. This standard is met.

3. The proposed effective date of the boundary change.

[...]

Finding:

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. 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:

The Urban Planning Area Agreement between Washington County and the City of Tualatin acknowledges this property as part of the City of Tualatin's Urban Planning Area. As such, this agreement stipulates that urban services will generally be provided by the City upon annexation, except where the City holds intergovernmental agreements (IGAs) with other service providers.

The subject property is already within, and would remain within, the Clean Water Services district, Tualatin Valley Fire and Rescue, TriMet, the Tigard-Tualatin

School District, and the Tigard-Tualatin Aquatic District. The annexation would prompt withdrawal from the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. The annexation would not create any inconsistencies with any urban service agreements. 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:

The City's Transportation System Plan (2014) and public facilities plans contained within Tualatin's Comprehensive Plan reflect the Urban Planning Area that contains this property and plans for eventual annexation as initiated by property owners. This standard is met.

e. Any applicable comprehensive plan;

Finding:

The City of Tualatin's Comprehensive Plan contains the Community Plan Map 9-1, (Exhibit B) showing this property 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. This standard is met.

f. Any applicable concept plan; and

Finding:

There is no applicable concept plan for this particular area. This standard is not applicable.

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:

Since the property is adjacent to existing urban services, including utilities and transportation access in SW Hazelbrook Road, and also considering that provision of services is typically minimal for park land, this annexation would not interfere with the timely, orderly, and economic provision of public facilities and services, nor would it necessitate the duplication of services.

By incorporating future park land into the City of Tualatin, this annexation may promote the quality and quantity of urban park services, while drawing minimally from other services such as utilities and transportation infrastructure. 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 property is wholly within the UGB. 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 (Exhibit 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 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 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-18-0001.

CITY OF TUALATIN
RECEIVED
OCT 26 2018
COMMUNITY DEVELOPMENT
PLANNING DIVISION



CITY OF TUALATIN

Community Development Department-Planning Division

Land Use Application—Type IV

PROPOSAL NAME 11605 SW Hazelbrook Rd. Annexation

PROPOSAL SUMMARY (Brief description)

This proposal is to annex 11605 SW Hazelbrook in to the City of Tualatin from Washington County.

PROPERTY INFORMATION

Location (address if available): 11605 SW Hazelbrook Road
Tax Map & Lot #(s): 2S115C1401 Planning District: N/A
Total site size: 0.77 acres Developed Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Rich Mueller
Mailing Address: 18880 SW Martinazzi Avenue
City/State: Tualatin, OR Zip: 97062
Phone: 503 691-3064 Email: rmueller@tualatin.gov
Applicant's Signature: [Signature] Date: 10/26/18

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION

Name: City of Tualatin
Mailing Address: 18880 SW Martinazzi Avenue
City/State: Tualatin, OR Zip: 97062
Phone: 503 691-3064 Email: rmueller@tualatin.gov
Property Owner Signature: [Signature] Date: 10/26/18

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Annexation (ANN) Plan Map Amendment (PMA)
- Conditional Use Permit (CUP) Plan Text Amendment (PTA)
- Central Urban Renewal Master Other _____
- Historic Landmark Designation or Removal of Designation (HIST)

FOR STAFF USE ONLY	
Case No.:	_____
Date Received:	_____
By:	_____
Fee Amount \$:	_____
Received by:	_____



City of Tualatin

www.tualatinoregon.gov

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

**ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN
BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN**

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
---------------------	---------	---

(1) City of Tualatin	18880 SW Martinazzi Ave Tualatin, OR 97062	25115C1401
----------------------	---	------------

Contact: Rich Mueller, Parks and Recreation Manager

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

Attachment A to Exhibit 3

Annexation Application
Community Development Department - Planning Division

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: 0.77

General description of territory (Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal): The site is generally flat with slopes that are greater than 25% at north end of property, adjacent to the Tualatin River. The site has one storage structure and was acquired as future city parkland.

Describe land uses on surrounding parcels (Use tax lots as reference points)

North: Tualatin River

South: SW Hazelbrook Road

East: Single-family house.

West: City property

EXISTING LAND USE:

Number of existing units/structures:

Single-family: N/A Multi-family: N/A Commercial: N/A Industrial: N/A

Describe existing units/structures: One garage unit used for storage

What is the current use(s) of the land proposed to be annexed: Vacant land

Attachment A to Exhibit 3

Annexation Application
Community Development Department - Planning Division

Public facilities or other uses: N/A

Total current year assessed valuation – Land \$: 221,900 Structures \$: 0

Total existing population: N/A

Is the territory contiguous to the City limits: Yes

Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary: Inside

URBAN SERVICE PROVIDERS:

If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please indicate so by stating the name or names of the governmental units involved.

County: Washington County

Highway Lighting District: N/A

Fire District: Tualatin Valley Fire + Rescue

Sanitary District: Clean Water Services

Water District: City of Tualatin

Grade School District: Tigard Tualatin School District

High School District: Tigard Tualatin School District

Library District: City of Tualatin

Drainage District: Clean Water Services

Parks & Recreation District: City of Tualatin

Other: _____

Is the territory served by any of the providers listed above (describe existing connections to public services): N/A



City of Tualatin

www.tualatinoregon.gov

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME TED FOSTER
TITLE GIS TECH
DEPARTMENT CARTOGRAPHY
COUNTY OF WASHINGTON
DATE 5/24/18

ANNEXATION CERTIFIED
BY TF
MAY 24 2018
WASHINGTON COUNTY A & T
CARTOGRAPHY

*Owner means the owner of the title to real property or the contract purchaser of the real property.

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE _____



City of Tualatin

www.tualatinoregon.gov

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25 1 15C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 5/24/18

ANNEXATION CERTIFIED

BY TF

MAY 24 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT A

PROPERTY DESCRIPTION / LOCATOR MAP

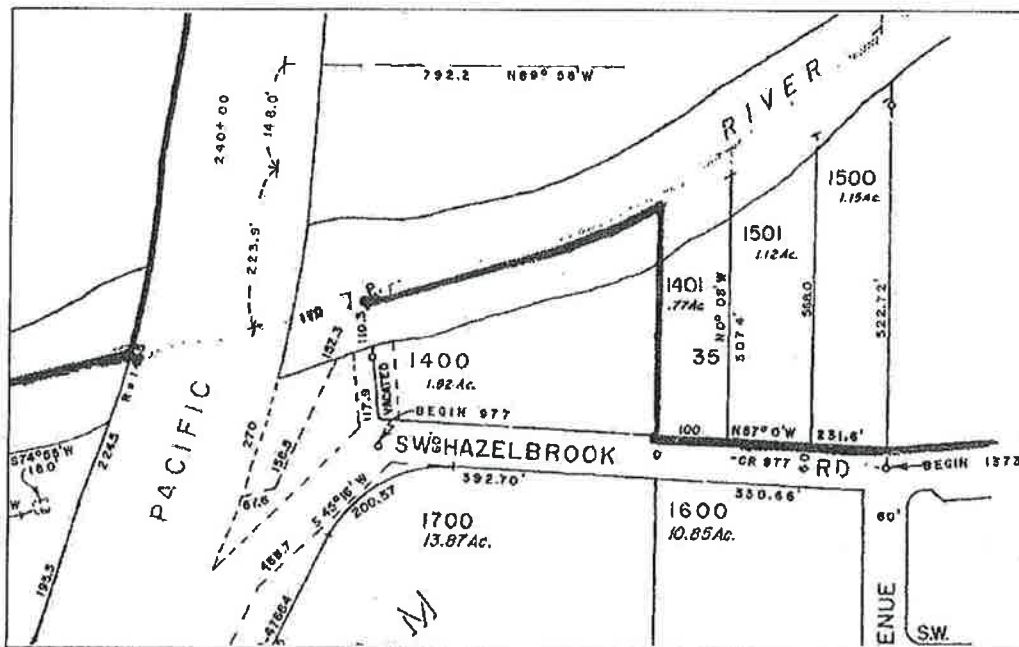
Washington County

Tax Account Number: Map 2S 1 15C, Tax lot 1401

Acreage: 0.77

Street Address: 11605 SW Hazelbrook Road, Tualatin

LOCATOR MAP



PROPERTY LEGAL DESCRIPTION

That part of Lot 35, HAZELBROOK FARM, in the County of Washington and State of Oregon, described as follows:

The East 100 feet of the following described property:

Beginning at an iron pipe on the South line of said Lot, North 87°0' West along said South line, 231.6 feet from the Southeast corner thereof; thence North 0°08' West 507.4 feet to the Northerly line of said Lot; thence Westerly along said Northerly line, to the Northwest corner thereof; thence South along the West line thereof, to the Southwest corner thereof; thence Easterly along the South line thereof to the place of beginning.

Excepting therefrom any portion thereof lying with the boundaries of public roads.

ANNEXATION CERTIFIED

BY VF

MAY 24 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

**Attachment A to
Exhibit 3**

Annexation Application Instructions
City of Tualatin Community Development Dept - Planning Division

**P E T I T I O N T O A N N E X
TO THE CITY OF TUALATIN**



To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:	
11605 SW Hazelbrook Road	
Street Address of Property (If address has been assigned)	
Hazelbrook Farm, a portion of Lot 35	
Subdivision Name, Lot Number(s), Block Number(s)	
2S 1 15C 1401	Washington
Map & Tax Lot Number(s)	County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature	Owner initial	Voter initial	Date
-----------	---------------	---------------	------


Signature	Owner initial	Voter initial	Date
			5/23/18
Owner Authorized Signature	Owner initial	Voter initial	Date

18880 SW Martinazzi Ave	503-692-2000	
Street Address	Phone	Alt Phone

18880 SW Martinazzi Ave	Tualatin, OR 97062
Mailing Address	City, State, Zip

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective indefinitely [] until _____.

Office Use Only	
Date Received	_____
Ownership Checked	_____
By	_____

	5/23/18
Signature	Date

If you have questions, call 503-691-3026.

Signature	Date
-----------	------

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

NOTICE
NEIGHBORHOOD / DEVELOPER MEETING
__/__/2010 __:__.m.
SW _____
503-____-____

18"

24"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

11605 SW Hazelbrook Road Annexation

project, I

hereby certify that on this day, one (1) sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Shelly Helgerson On behalf of Sou Souvanny
(PLEASE PRINT)

Applicant's Signature: _____

Date: _____

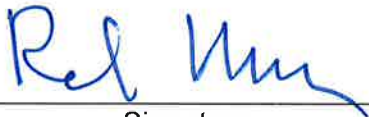
Shelly Helgerson
4/13/18

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Richard Mueller, being first duly sworn, depose and say:

That on the 13 day of April, 2018, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

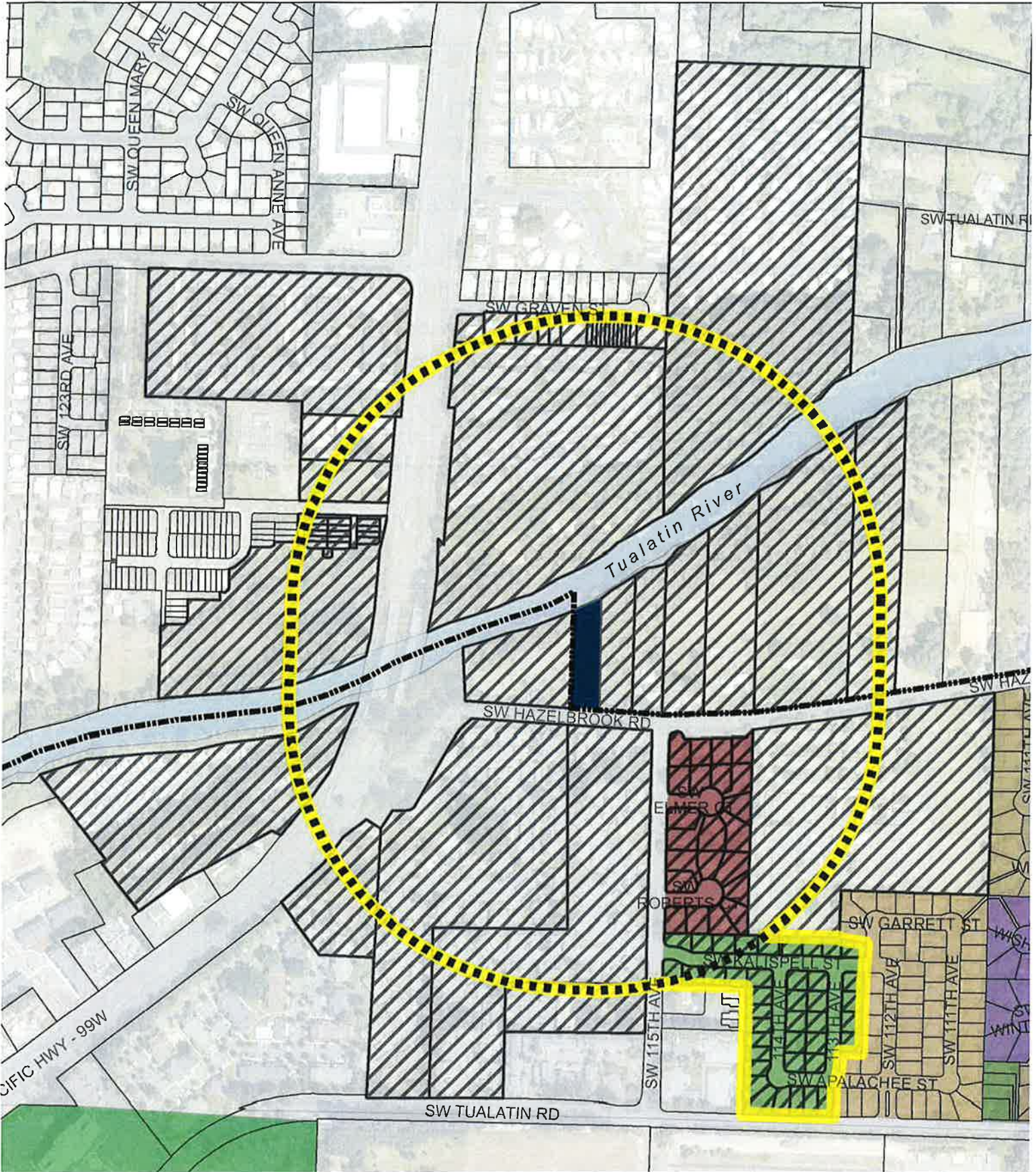
SUBSCRIBED AND SWORN to before me this 5 day of November, 2018.







Notary Public for Oregon
My commission expires:

RE: _____



 1000' Buffer

 1000' Buffer with Subdivisions

 Selected Taxlots



Attachment A to Exhibit 3

Exhibit A

2S115DC12100
ABERNATHY TRAVIS E & ABERNATHY
AMANDA M
17860 SW 114TH AVE
TUALATIN OR 97062-7211

2S115BD01800
BOYCE ARLEY G & FREDERICK G
5247 SW GARDEN HOME RD
PORTLAND OR 97219-3336

2S115DC10900
CHIZUM CRAIG & KELLY
11380 SW APALACHEE ST
TUALATIN OR 97062-7215

2S115DC00800
ALBERTSON BRUCE AND JUDY
11415 SW ELMER CT
TUALATIN OR 97062-7082

2S115DC11200
BOYD RONALD A & THERESA M
11320 SW APALACHEE ST
TUALATIN OR 97062-7215

2S115DC02100
COCKRELL WILLIAM D & PAMELA K
11460 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115C002802
APOSTOLIC LUTHERAN CHURCH OF
PORTLAND
PO BOX 23312
TIGARD OR 97281-3312

2S115A002600
BRAND-BROADWAY ASSOCIATES & KARNO
NORTON S
16255 VENTURA BLVD #1200
ENCINO, CA 91436

2S115C001300
COMMONS AT AVALON LLC
1200 SW 66TH AVE #300
PORTLAND OR 97225

2S115BD03600
ARTHURK TWYLAH
11592 SW GRAVEN ST
PORTLAND OR 97224-3433

2S115DC08500
BRISAN MARIUS M & LIDIA M
17850 SW 113TH AVE
TUALATIN OR 97062-7216

2S115DC10100
COX LEE H & COX CHRISTINA R
17825 SW 114TH AVE
TUALATIN OR 97062-7211

2S115C001501
AVERY FRANCES L & SHERWOOD RICHARD
11565 SW HAZELBROOK RD
TUALATIN OR 97062-8027

2S115DC09400
BROPHY JEFFREY E & BROPHY DANETTE M
11465 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115C001600 & 2S115C001700
CR RIVERCREST MEADOWS COMMUNITIES
LLC BY COLRICH
444 WEST BEECH ST #300
SAN DIEGO, CA 92101

2S115DC00600
BARRACLOUGH RODNEY P JR &
BARRACLOUGH SANDRA
11475 SW ELMER CT
TUALATIN OR 97062-7082

2S115DC11400
BROWNING MARK A & KELLY J
17915 SW 113TH AVE
TUALATIN OR 97062-8240

2S115DC10200
CROSS THOMAS A & DIANE RUTH
17845 SW 114TH AVE
TUALATIN OR 97062-7211

2S115DC10300
BATEMAN BRENT A & KARLA S
17875 SW 114TH AVE
TUALATIN OR 97062-7211

2S115DC11800
BURNS JACK S
17785 SW 113TH AVE
TUALATIN OR 97062-7235

2S115DC10800
DEMPSEY DAVID O & KIMIKO A
11400 SW APALACHEE ST
TUALATIN, OR 97062-7213

2S115DC08400
BERG TOR L & BERG CHERYL L
17880 SW 113TH AVE
TUALATIN OR 97062-7216

2S115CB12000
BUSKIRK WILLIAM KEITH & BUSKIRK
LYNETTE DIANE
17226 SW 119TH PL
KING CITY OR 97224-2488

2S115DC08600
DONOHUE NICHOLAS MICHAEL
17800 SW 113TH AVE
TUALATIN OR 97062-7216

2S115DC09200
BERGGREN BRAD J & BERGGREN ROBERTA
11425 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115CB11500
CASTRO CESAR J GERONIMO &
DEGERONIMO JOHANNY L ASTACIO
17201 SW 119TH PL
KING CITY OR 97224-2488

2S115CB11300
DORSEY STEVEN
17206 SW 120TH PL
KING CITY OR 97224-2487

2S115BD04000
BERNARDS CHARLES J & BERNARDS AGNES
3881 BLANCHET AVE NE
ST PAUL, OR 97137-9791

2S115DC11000
CHANG SARAH
11360 SW APALACHEE ST
TUALATIN OR 97062-7215

2S115BD02300
EARLEY NANCY L
11700 SW GRAVEN ST
TIGARD OR 97224-3437

Attachment A to Exhibit 3

Exhibit A

2S115DC08700
EASTMAN ROBYN T & SANDY M
17770 SW 113TH AVE
TUALATIN OR 97062-7216

2S115DC09600
HOURANI JIHAD & SHIKHA HAYAT
11490 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115DC01900
JEROME KOREY WAYNE & JEROME JANET
LYNN
11420 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115CB11200
ESTRELLA JEREMY J
17214 SW 120TH PL
KING CITY OR 97224-2487

2S115DC08800
HOOVER DEVIN & HOOVER KRISTEN
11315 SW KALISPELL ST
TUALATIN OR 97062-7209

2S115D001402
JOHNSON NANCY G PASTOR
4509 NE 38TH ST
VANCOUVER WA 98661-3516

2S115DC02000
FENN DENNIS LESLIE & ROBERTA JEAN
11440 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115DC01700
HISLOP BRENT/CLAUDIA
11425 ROBERTS CT
TUALATIN OR 97062

2S115BD03400
JORDAN KEVIN
11961 SW 127TH PL
TIGARD OR 97223-4707

2S115BD03100
FIAL TEDDIE A & FIAL JOSHUA C
11602 SW GRAVEN ST
PORTLAND OR 97224-3435

2S115DC01100
HIRTE EDWIN K & TERESA J
11450 SW ELMER CT
TUALATIN OR 97062-7082

2S115DC05600
KIRKPATRICK GREG D & DEBRA S
17765 SW 112TH AVE
TUALATIN OR 97062-7151

2S115BD02000
FICCADENTI JOSEPH E & FICCADENTI
STEPHANY L
11620 SW GRAVEN ST
TIGARD OR 97224-3435

2S115DC09900
HAMILTON BRETT T & HAMILTON KAMI R
11430 SW KALISPELL
TUALATIN OR 97062

2S115DC11100
KNOLES RYAN CHRISTOPHER & CATON LISA
11340 SW APALACHEE ST
TUALATIN OR 97062-7215

2S115BD02200
FLECK ADAM T
11680 SW GRAVEN ST
PORTLAND OR 97224-3435

2S115DC00400
HAMILTON PAUL CHARLES & HAMILTON
JOAN E
11480 SW HAZELBROOK RD
TUALATIN OR 97062-7084

2S115DC10000
KUHN JON T & KUHN KRISTI B
11410 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115BD03200
FRITZ-PUGH STACI L
11600 SW GRAVEN ST
PORTLAND OR 97224-3435

2S115DC09700
GROTH JEFFREY A & CYNTHIA L
11470 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115DC11700
LAMB ETHAN S & LAMB SARAH W
17825 SW 113TH AVE
TUALATIN OR 97062-7216

2S115DC09800
FRONCZAK GREG JOHN
11450 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115D001500
GREY JEFFREY W & MARILYN H
17670 ARBOR LN
LAKE OSWEGO OR 97035-5402

2S115DC10700
LAUREN NICHOLAS D & LAUREN CHRISTINA
M
17935 SW 114TH AVE
TUALATIN OR 97062-8018

2S115BD02500
FRONTIER COMMUNICATIONS NW INC
PROPERTY TAX MC:D01B18
PO BOX 619015
DALLAS TX 75261-9015

2S115DC00300
GOVINDAN ANUMARLA & SODHARI
11460 SW HAZELBROOK RD
TUALATIN OR 97062-7084

2S115CB11900
LEWIS JOSHUA T & LEWIS DANIELLE L
17231 SW 119TH PL
KING CITY OR 97224-2488

2S115DC10500
GEDROSE RICHARD B
17915 SW 114TH AVE
TUALATIN OR 97062-8018

2S115DC11900
GONZALEZ RODOLFO GUERRERO &
GUZMAN JOSE LUIS AMEZCUA
17780 SW 114TH AVE
TUALATIN OR 97062-7236

2S115DC09100
LIGHT HARVEY EUGENE & CLAUDIA JO
11405 SW KALISPELL ST
TUALATIN OR 97062-7210

Attachment A to Exhibit 3

Exhibit A

2S115DC00100
MANABE STELLA K & NAKAMA DEAN S
11420 SW HAZELBROOK RD
TUALATIN OR 97062-7084

2S115DC02200
MANN ERIC A & LUPULESCU NICOLETA
11490 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115CB12100
MASTERS STEVEN R
17218 SW 119TH PL
KING CITY OR 97224-2488

2S115DC11500
MCPHERSON SCOTT K & SUSAN R
17895 SW 113TH AVE
TUALATIN OR 97062-7216

2S115BD03300
MENGE PAMELA HAN
11598 SW GRAVEN ST
TIGARD OR 97224-3433

2S115DC01600
MINATO KAZUKI/YUKO
11445 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115DC01300
MITCHELL TIMOTHY
11460 SW ELMER CT
TUALATIN OR 97062-7082

2S115BD03800
MOORE JULIE A
11588 SW GRAVEN
TIGARD OR 97224

2S115DC09500
MURMAN CORY D & MURMAN TAMIKO A
11485 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115BD03500
NEWMAN PATRICK
11594 SW GRAVEN ST
TIGARD OR 97224-3433

2S115BD04100
NGUYEN THONG QUOC & QUACH THAO
HONG & NGUYEN LOI DUC
11582 SW GRAVEN ST
PORTLAND OR 97224-3433

2S115DC01500
NGUYEN CATHY H
11485 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115CB11700
O'BRYANT TYLER L & O'BRYANT HEATHER L
17215 SW 119TH PL
KING CITY OR 97224-2488

2S115DC00700
OLSON THEODORE M & CHRISTINE M
11435 SW ELMER CT
TUALATIN OR 97062-7082

2S115CB11400
OSWALT CHRISTOPHER M & OSWALT
JENNIFER L
17200 SW 120TH PL
PORTLAND OR 97224-2487

2S115DC01200
PARKER SARAH D & PARKER WILEY
11480 SW ELMER CT
TUALATIN OR 97062-7082

2S115DC12000
PARKER ALTON D & MARION M
17830 SW 114TH AVE
TUALATIN OR 97062-7211

2S115CB11800
PAUGH CHELSEY M
17223 SW 119TH PL
KING CITY OR 97224-2488

2S115DC10600
PLUCAR MICHAEL T & PLUCAR HOLLY A
17925 SW 114TH AVE
TUALATIN OR 97062-8018

2S115DC01400
POINTS YU SUN
11465 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115C001500
POPPERT ROGER A & JOYCE L REVOCABLE
LIVING TRUST
11515 SW HAZELBROOK RD
TUALATIN OR 97062-8027

2S115CB11000
POUNDS KEVIN
17230 SW 120TH PL
KING CITY OR 97224-2487

2S115DC09300
RADER SAM A & ANDREA S
11445 SW KALISPELL ST
TUALATIN OR 97062-7210

2S115BD02100
RAMIREZ EDUARDO A & LUCIA
12840 SW 121ST AVE
TIGARD OR 97223-2980

2S115DC00200
RANDALL LAWRENCE L AND SANDOVAL-
RANDALL C SUSIE
11440 SW HAZELBROOK RD
TUALATIN OR 97062-7084

2S115D001700
RICHARDS LOUANN M & SANCHEZ
ANTONIO
11475 SW HAZELBROOK RD
TUALATIN OR 97062-7085

2S115DC11600
RIVERA AURELIO GOMEZ
17865 SW 113TH AVE
TUALATIN OR 97062-7216

2S115C001800
ROAMER'S REST R V PARK LLC
19542 SW ALDERWOOD CT
ALOHA OR 97003

2S115DC12200
ROBERTS JULIE A
17890 SW 114TH AVE
TUALATIN OR 97062-8019

2S115BD02400
RODAS LEONEL A
11740 SW GRAVEN ST
TIGARD OR 97224-3437

Attachment A to
Exhibit 3

Exhibit A

2S115DC12300
RYMAL CHARLES & RYMAL JESSICA
17920 SW 114TH AVE
TUALATIN OR 97062-8018

2S115DC08900
SAVASTA THOMAS
11355 SW KALISPELL ST
TUALATIN OR 97062-7209

2S115BD03700
SIDNAM LOUISE & SIDNAM LAYA
11590 SW GRAVEN ST
TIGARD OR 97224-3433

2S115BD03900
STOUT JESSICA
11586 SW GRAVEN ST
TIGARD OR 97224-3433

2S115D001400
TIGARD-TUALATIN SCHOOL DISTRICT #23J
6960 SW SANDBURG ST
TIGARD OR 97223-8039

2S115C000500
TMC OREGON LLC & R&S PROPERTY
HOLDINGS LLC & WOR-RIVERWOOD
HEIGHTS LLC ET AL
27520 HAWTHORNE BLVD STE #205

2S115CB04200
TUALATIN VALLEY FIRE & RESCUE
11945 SW 70TH AVE
TIGARD,OR,97223-8566

2S115CB11600
TYE MAYNARD
13411 SW 129TH AVE
TIGARD OR 97223-2865

2S115CB11100
WAGER AMY
17222 SW 120TH PL
KING CITY OR 97224-2487

2S115DC01000
WAGGONER LOREN M & CYNTHIA J
11430 SW ELMER CT
TUALATIN OR 97062-7082

2S115DC01800
WATTS MARK A & WATTS APRYLE
11400 SW ROBERTS CT
TUALATIN OR 97062-7083

2S115DC09000
WEBSTER CHARLES N & KAREN A
11385 SW KALISPELL ST
TUALATIN OR 97062-7209

2S115DC10400
WEN-SHU LIU
17885 SW 114TH AVE
TUALATIN OR 97062-7212

2S115D001600
WESTPHAL FAMILY TRUST
11405 SW HAZELBROOK RD
TUALATIN OR 97062-7085

2S115CB04300
WILLAMETTE WEST HABITAT FOR HUMA
5293 NE ELAM YOUNG PKWY #140
HILLSBORO OR 97124

2S115CC00100
WOODRIDGE LIMITED PARTNERSHIP
THREE CENTERPOINTE DR #130
LAKE OSWEGO, OR 97035

2S115DC00500
ZEPEDA ANTONIO JR & ZEPEDA LAURA
11495 SW ELMER CT
TUALATIN OR 97062-7082

2S115CB12200 & 2S115CB12300
ZHANG QUN
17208 SW 119TH PL
KING CITY OR 97224-2488

City of Tualatin

www.ci.tualatin.or.us

April 13, 2018

SUBJECT: Annexation of property located at 11605 SW Hazelbrook Road, Tualatin, OR, 97062 into the city of Tualatin

Dear Property Owner and/or Resident:

The City of Tualatin owns a 0.77 acre parcel adjacent to 1.82 acres of parkland owned by the City that includes the historic Louis Walnut house to support the city's goals of protecting and providing access to the Tualatin River and adding to the city's park and natural areas. The property is currently in unincorporated Washington County and needs to be annexed into the city of Tualatin so that it can receive services and be covered by the city's laws and codes.

The process for annexing into the City of Tualatin includes a requirement that the applicant (in this case the City's Community Services Department) hold a meeting to provide the applicant and the surrounding property owners and residents an opportunity to meet and discuss the annexation and to identify any issues regarding annexation. We would like to invite all interested parties to attend this meeting on **Monday, April 30, 2018 from 6:00 p.m. to 7:00 p.m. at the Juanita Pohl Center, 8513 SW Tualatin Road**, located in Tualatin Community Park.

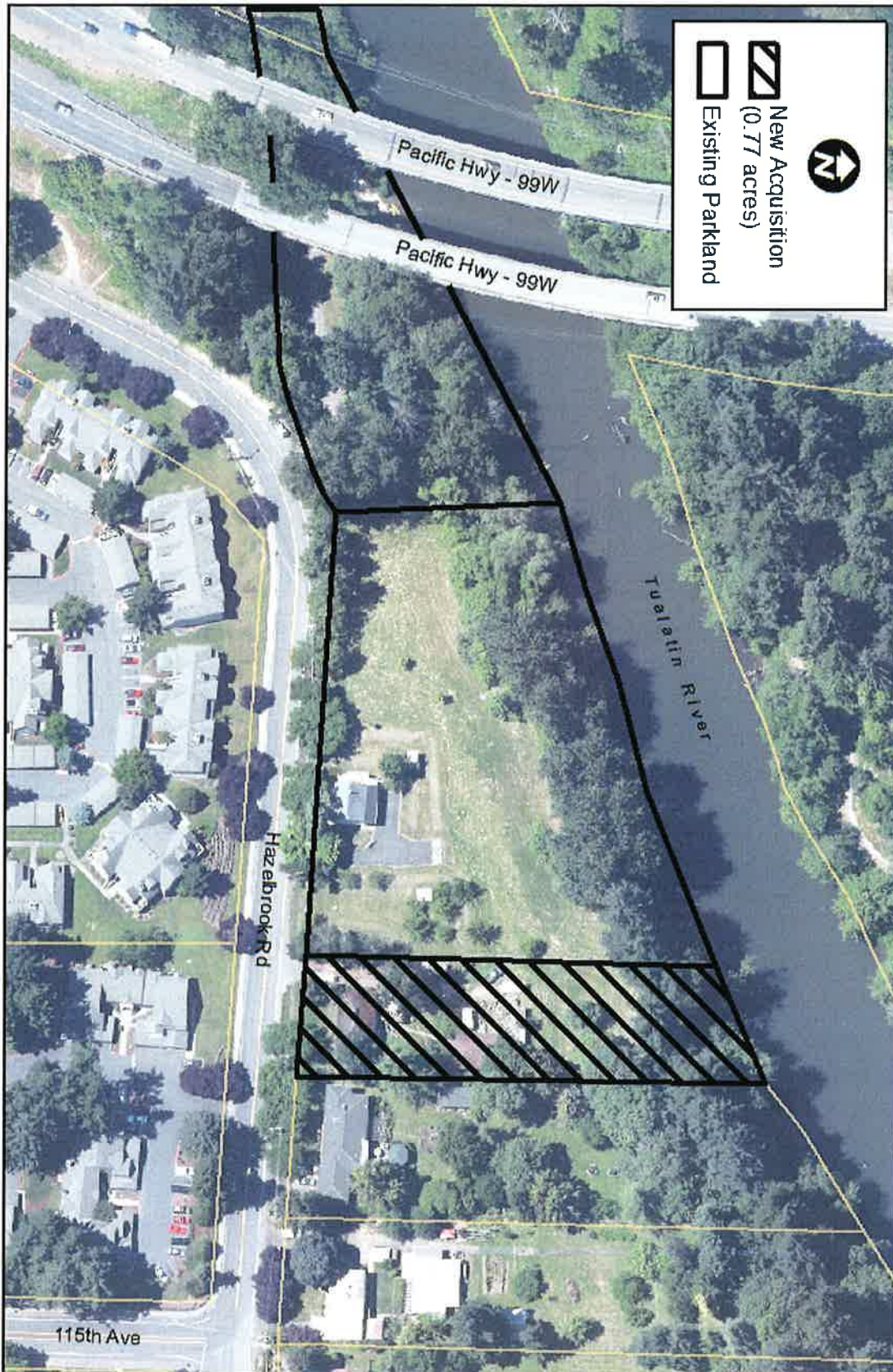
Currently, the property is being managed to protect the natural resources and to hold the site until funding becomes available to develop the Tualatin River Greenway Trail and associated facilities. Residents and property owners will be invited to participate in the public involvement process for preparation of the site plan when that occurs in the future. A map showing the location of the new property is printed on the backside of this letter.

You are welcome to call or email me with questions, comments, or concerns about the annexation proposal and/or to attend the April 30 meeting.

Regards,



Sou Souvanny
Management Analyst II
Community Services Department
503.691.3062
ssouvanny@tualatin.gov



Attachment A to Exhibit 3

10511 SW Hazelbrook Road & 11605 SW Hazelbrook Road Annexation Neighborhood Meeting

Monday, April 30, 2018
6:00pm-7:00 pm
Juanita Pohl Center
8513 SW Tualatin Road

Summary

Paul Hennon, Community Services Director, presented to the attendees of the neighborhood meeting the history of each parcel and their purpose. Paul explained that this is an annexation and not a development review where there is a purpose and site plan leading the application process. The process that would be discussed at this neighborhood meeting is the incorporation of the parcels into the City of Tualatin. At the close of the neighborhood meeting, Paul explained the process for developing parkland with public involvement in the future.

Paul opened the floor to questions. Below is a list of the questions that were asked and the responses provided.

Questions & Answers

Q1: What is the timeline for the development of the site adjacent to Jurgens Park?

A1: When there is available funds the approximate period is 2 years.

Q2: How much time and resources does it take to remove the fence that separates the existing Jurgens Park and the undeveloped unincorporated parcel?

A2: Any recommendations on how the unincorporated site is developed will be included and vetted through the Parks and Recreation Master Plan Update process, where public comments will be receive. Paul then guided the attendees to the Parks and Recreation Master Plan Project webpage, where those interested in advocating for development of the undeveloped parcels should go.

Q3: Does the City have a rule stating dog parks have to be fenced?

A3: Yes, the City does have standards. There is also a rule that governs the appropriate length of a leash (6-ft).

Q4: What is the cost to annex the land?

A4: The process is heavily dependent on submitting the proper paper work for staff to process. The time and other associated costs for annexation are included with standard staff responsibilities and roles.

Q5: What is the worst-case scenario?

A5: The site remains undeveloped until funding becomes available.

Q6: What are the implications of using the undeveloped area as an off lease dog park, where owners use the area at their own risk? In other words, if the people of the community would like to have a natural dog park, can residents mobilize and have an off leash dog park?

A6: If residents wanted to advocate for an off-leash dog park, that would be the best way.

**At this point, the discussion diverted to the topic of an off-leash dog park. Staff reminded the attendees that this meeting is not to discuss the development of the undeveloped parcels but the incorporation of the sites into the City Limits.*

Attachment A to
Exhibit 3

Q7: Please confirm that the purchase of the sites are to develop a Greenway adjacent to the Tualatin River. What happens to the wildlife present along the river currently?

A7: The City and components of the Development Code required mitigation to enhance the property. If residents want to address the impacts to the wildlife, this should be communicated through the master plan process.



City of Tualatin

Hazelbrook Road Annexations
Neighborhood Meeting
April 30, 2018
Juanita Pohl Center
6pm-8pm

NAME	STREET ADDRESS	EMAIL
Dawn Westphal	11405 SW Hazelbrook R	westphal1738@comcast.net
Louann Richards	11475 NW Hazelbrook	louannhome@comcast.net
Tony SAUCHER	11475 SW HAZELBROOK	TSFLITE@COMCAST.NET
Cathy Holland	10740 SW Lucas Dr	Catherine.p.holland@gmail.com
Bob Wegener	10740 SW Lucas Dr	biwagener32@gmail.com
WARREN HARNEW	10275 SW Anderson Ct.	harnew3577@comcast.net
Frank Bubenik	17445 SW 107th	Fbubenik@HOTMAIL.com
Joyce Roppert	11515 SW Hazelbrook R.	
Fran Avery	11565 SW HAZELBROOK Rd	RWS 12838@gmail.com
Dick Sherwood	S	S
CHRIS & ROBIN WYATT	17280 SW 108th AVE	cw4prs@yuhoo.com
MARIUS BRISAN	17850 SW 113th AVE	MARLID16@FRONTIER.COM
Dan Scott	17010 SW 108th Ave	dscott@wundermenn.com



City of Tualatin

Hazelbrook Road Annexations
Neighborhood Meeting
April 30, 2018
Juanita Pohl Center
6pm-8pm

NAME	STREET ADDRESS	EMAIL
KELI JOHNSON	17285 SW 109 th AVE TUAL OR 97062	kenj4609@gmail.com
Charles BLATT	17897 SW 105 th CT Tualatin, OR 97062	OREGON-PFS@JUNO.com
JORGE DEL RIO	10650 SW TVERBLOCT TUALATIN	jorgedelr;052@gmail.com
Jill Maronde	17730 Sw 111 th Ave Tualatin	Maronde@MSN.COM
Allyse Reed	17920 SW Yaquina ct. Tualatin, OR, 97062	allysereed@gmail.com
CHRIS MITCHELL	10145 SW MAZELBROOK RD TUALATIN, 97062	CHRIS.MITCHELL@AUTODESK.COM

Map 9-1 Community Plan Map

Attachment B to
Exhibit 3

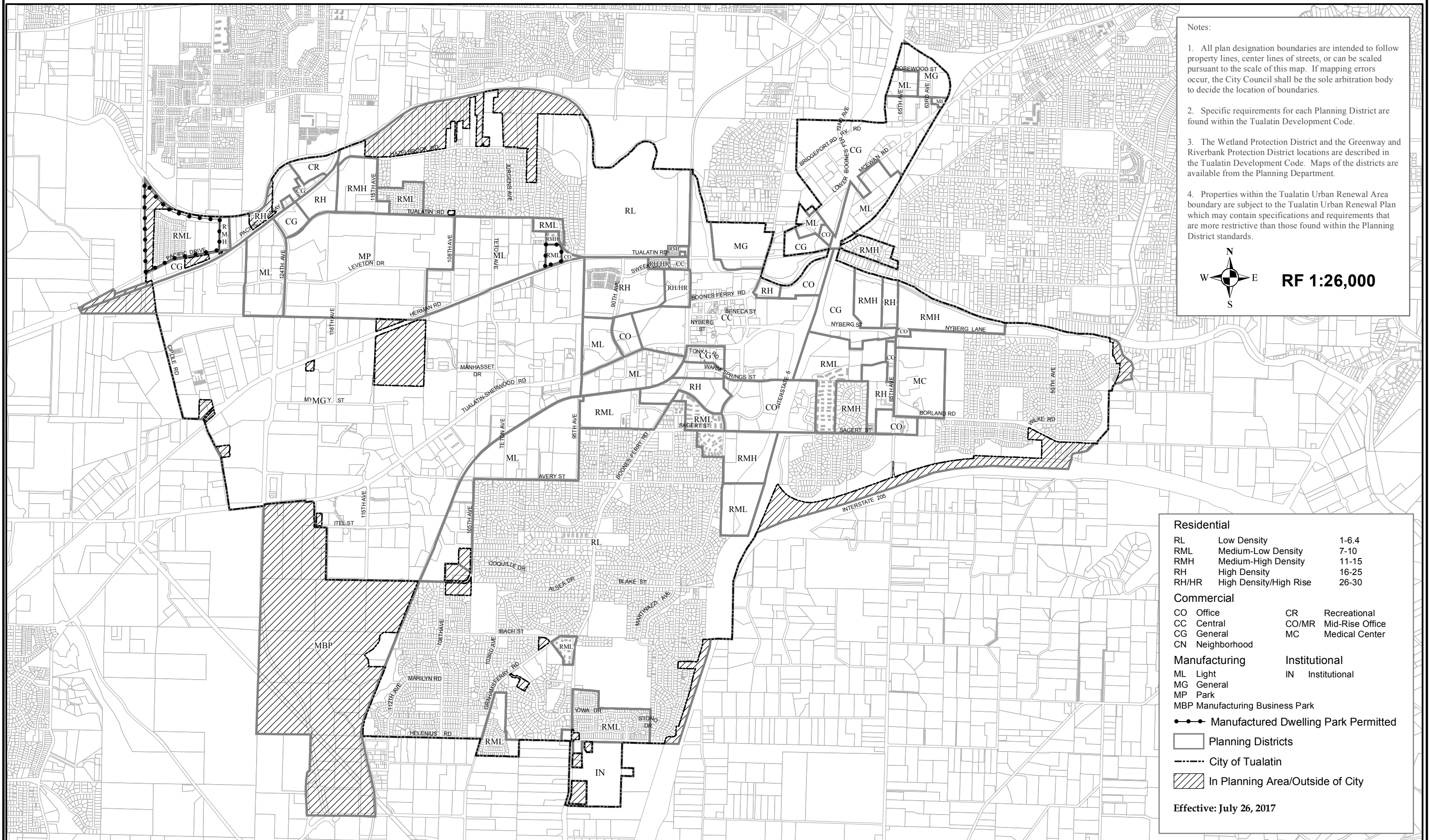


Notes:

1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
2. Specific requirements for each Planning District are found within the Tualatin Development Code.
3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.



RF 1:26,000



Residential

RL	Low Density	1-6.4
RML	Medium-Low Density	7-10
RMH	Medium-High Density	11-15
RH	High Density	16-25
RH/HR	High Density/High Rise	26-30

Commercial

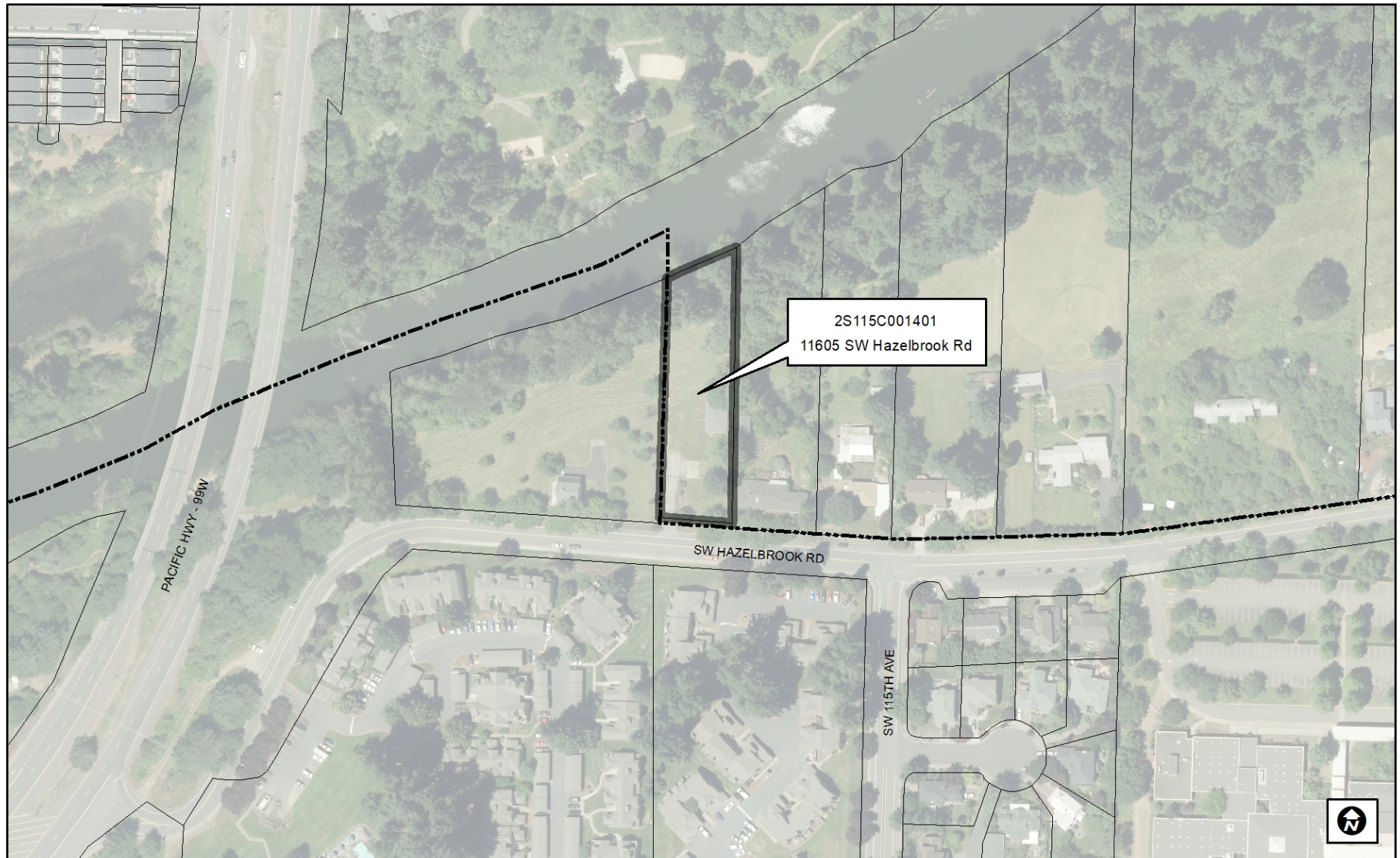
CO	Office	CR	Recreational
CC	Central	CO/MR	Mid-Rise Office
CG	General	MC	Medical Center
CN	Neighborhood		

Manufacturing

ML	Light	IN	Institutional
MG	General		
MP	Park		
MBP	Manufacturing Business Park		

- Manufactured Dwelling Park Permitted
- Planning Districts
- - - - City of Tualatin
- ▨ In Planning Area/Outside of City

Effective: July 26, 2017



ANN18-0001: 11605 SW Hazelbrook Road property view

ANN 18-0001
Hazelbrook Road Annexation

Tualatin City Council
January 28, 2019



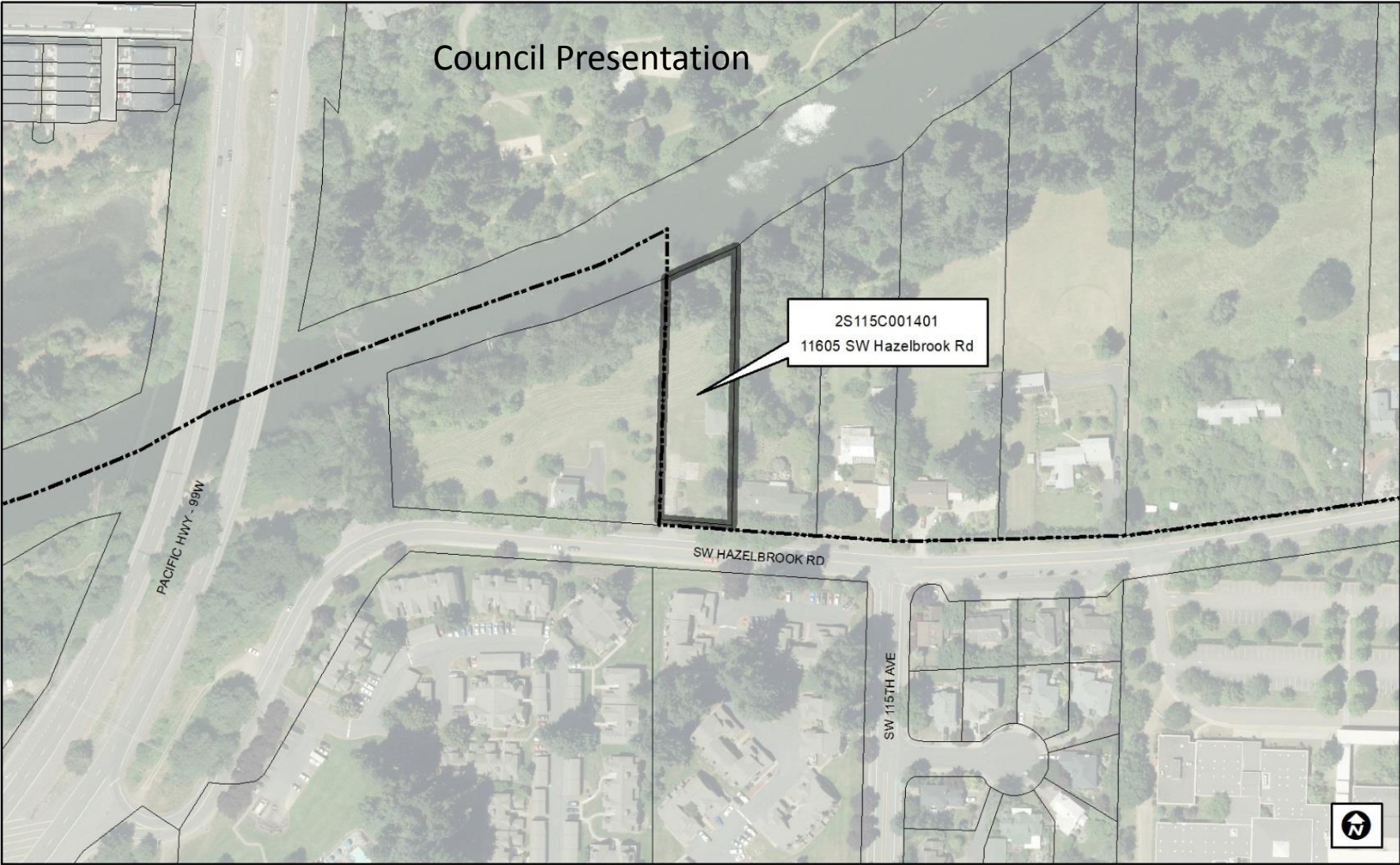
Proposal

- Annexation of a single 0.77-acre taxlot at 11605 SW Hazelbrook Road
- Owned by City of Tualatin
- Located in the Low-Density Residential (RL) Planning District
- Annexation area to include portions of SW Hazelbrook Road ROW and Tualatin River to centerline

ANN18-0001: 11605 SW Hazelbrook Road



Council Presentation



ANN18-0001: 11605 SW Hazelbrook Road



CITY OF
TUALATIN OREGON

Criteria

- Meets ORS Chapter 222
- Meets Metro Code 3.09
- Meets TDC Section 33.010 (Annexations)
 - Property is within Urban Growth Boundary
 - Owner has petitioned to be annexed
- No development proposed

ANN18-0001: 11605 SW Hazelbrook Road



CITY OF

TUALATIN OREGON

Conclusion and Recommendation

The proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC.

Staff recommends that the City Council approve Annexation 18-0001 and adopt Ordinance 1416-19 when it is considered as a separate item under General Business.

ANN18-0001: 11605 SW Hazelbrook Road





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tabitha Boschetti, Assistant Planner
Steve Koper, Planning Manager

DATE: 01/28/2019

SUBJECT: Consideration of **Ordinance No. 1417-19** Annexing Territory Located at 12150 SW Tualatin-Sherwood 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 Lots 500 and 701, 2S1 27C) (File No. ANN-18-0002)

ISSUE BEFORE THE COUNCIL:

Consideration of a property owner-initiated petition requesting annexation of a 43.73-acre site located at 12150 SW Tualatin-Sherwood Road and identified as Tax Lots 500 and 701 on Washington County Assessor's Map 2S1 27C and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance 1417-19.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing.

The applicant is the Matthew Dolan of KPFF Consulting Engineerings, representing Kenneth E. Iteel, owner of the 43.73 acre site comprised of Tax Lots 500 and 701 (Map 2S1 27C) with the address of 12150 SW Tualatin-Sherwood Road. The subject property is located in the westerly portion of the City and is bordered by the Tualatin-Sherwood Road to the north, properties developed with a sand and gravel quarry in unincorporated Washington County to the south, properties located in the General Manufacturing (MG) to the east, and 124th Avenue to the west. The property is currently located in unincorporated Washington County in the FD-10 Planning District (Future Development 10-Acre Section 309). The site has most recently been used as agricultural land and contains several farm structures on the north side of the property. Open fields dominate most of the site, with a denser stand of trees to the southwest. The application materials are included as Exhibit A. The site is already in the Manufacturing Business Park (MBP) Planning District as shown on the City's Community Plan Map (Exhibit C).

Staff notes that the property will be required to annex to the Clean Water Services (CWS) service district prior to development of the property.

Before granting the proposed annexation, the City Council must find that the annexation conforms to the applicable criteria of ORS 222, Metro Code Section 3.09 and TDC Section 31.010. The Analysis and Findings (Attachment 1) examines the application in respect to the requirements for granting an annexation. Staff finds that the annexation meets the applicable criteria.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed to the City of Tualatin and designated in the Manufacturing Business Park (MBP) Planning District.
2. The territory is concurrently withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.

Denial of the Annexation petition will result in the following:

1. The property remains outside the city limits and within unincorporated Washington County.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Continue the discussion of the annexation and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

If this application is approved, the City will provide services to the property and the property owner will begin paying City property taxes for those services.

Attachments: [Ord 1417-19 - Annexation](#)
 [Map Attachment](#)
 [Council Presentation](#)

ORDINANCE NO. 1417-19

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 12150 SW TUALATIN-SHERWOOD ROAD ((TAX LOTS: 2S127C0701; 2S127C0500) INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (FILE NO. ANN-18-0002)

WHEREAS, Kenneth Itel (“Owner”) submitted a petition for annexation of 43.73 acres of property located at 12150 SW Tualatin-Sherwood Road (Tax Lots: 2S127C0701; 2S127C0500), 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, the Property is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District;

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

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 on January 28, 2019, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing 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 unanimous vote.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Subject 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 herein by reference, is hereby annexed to and made a part of the City of Tualatin.

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

Adopted by the City Council this ____ Day of _____, 2018.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

██████████
CITY OF TUALATIN ANNEXATION
JOB NO. 1800045
04 DECEMBER 2018

LEGAL DESCRIPTION

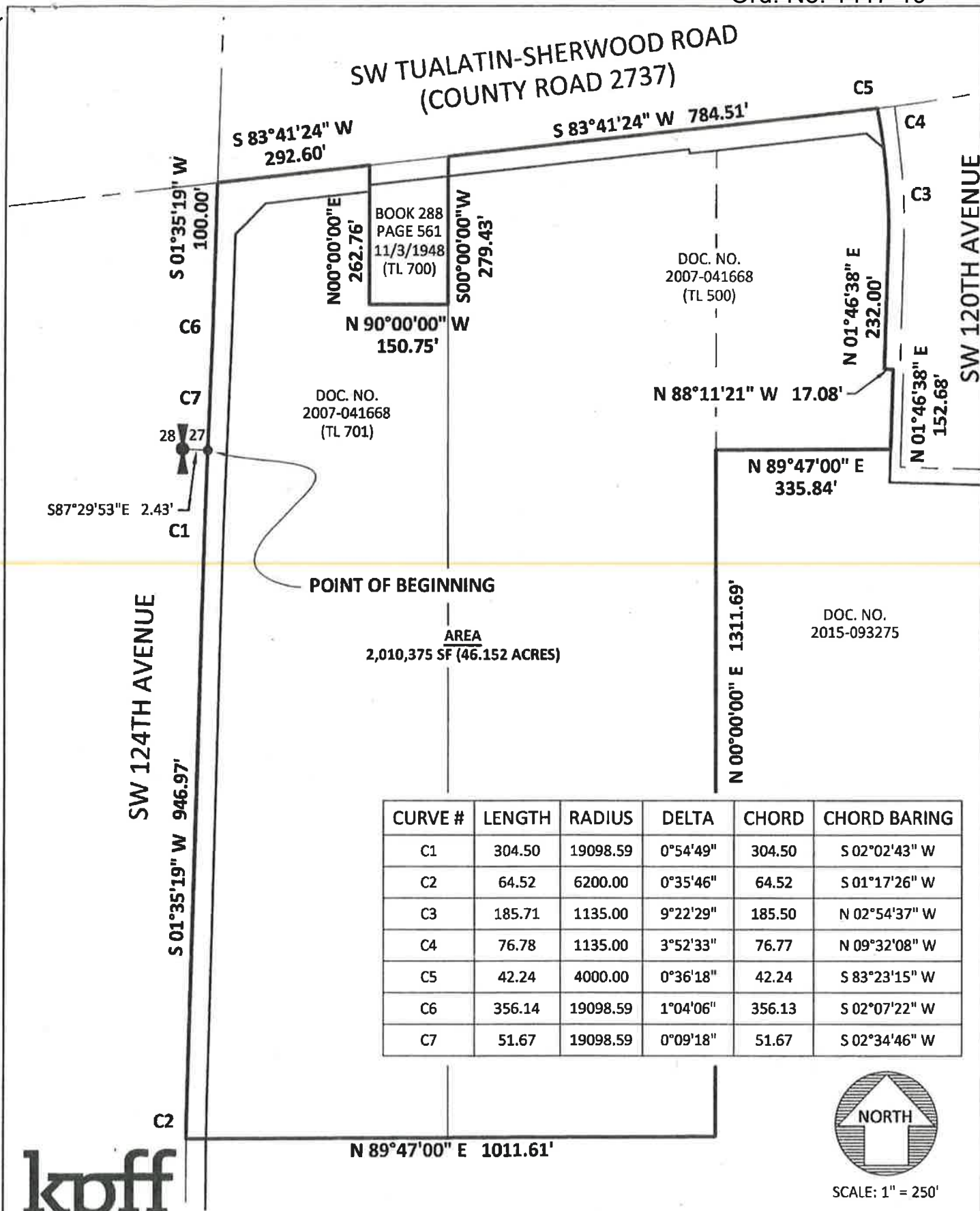
A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 27 AND EAST HALF OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SW 124TH AVENUE, AS DESCRIBED IN DOCUMENT NO. 2015-069441, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEARS SOUTH 87°29'53" EAST 2.43 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°54'49" (THE LONG CHORD OF WHICH BEARS SOUTH 02°02'43" WEST 304.50 FEET) AN ARC DISTANCE OF 304.50 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 946.97 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 6200.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°35'46" (THE LONG CHORD OF WHICH BEARS SOUTH 01°17'26" WEST 64.52 FEET) AN ARC DISTANCE OF 64.52 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO KENNETH E. ITTEL, RECORDED AS DOCUMENT 2007-041668, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°47'00" EAST 1011.61 FEET TO THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO TIGARD SAND & GRAVEL, LCC, RECORDED AS DOCUMENT NO. 2015-093275, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID WESTERLY LINE NORTH 00°00'00" EAST 1311.69 FEET TO THE NORTHWEST CORNER OF SAID TIGARD SAND & GRAVEL TRACT; THENCE ALONG THE NORTHERLY LINE OF SAID TIGARD SAND & GRAVEL TRACT NORTH 89°47'00" EAST 335.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SW 120TH AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 01°46'38" EAST 152.68 FEET; THENCE NORTH 88°11'21" WEST 17.08 FEET; THENCE NORTH 01°46'38" EAST 232.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°22'29" (THE LONG CHORD OF WHICH BEARS NORTH 02°54'37" WEST 185.50 FEET) AN ARC DISTANCE OF 185.71 FEET TO THE NORTHEAST CORNER OF PARCEL 1 OF SAID ITTEL TRACT; THENCE CONTINUING ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°52'33" (THE LONG CHORD OF WHICH BEARS NORTH 09°32'08" WEST 76.77 FEET) AN ARC DISTANCE OF 76.78 FEET TO A POINT ON THE CENTERLINE OF SW TUALATIN-SHERWOOD ROAD (COUNTY RD. NO. 2737); THENCE ALONG SAID CENTERLINE AND ALONG THE ARC OF A 4000.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00°36'18" (THE LONG CHORD OF WHICH BEARS SOUTH 83°23'15" WEST 42.24 FEET) AN ARC DISTANCE OF 42.24 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83°41'24" EAST 784.51 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO R. A. STEVENS AND CELIA A. STEVENS, RECORDED SEPTEMBER 3, 1948 IN BOOK 288, PAGE 561, WASHINGTON COUNTY DEED

RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 00°00'00" EAST 279.43 FEET TO THE SOUTHEAST CORNER OF SAID STEVENS TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID STEVENS TRACT NORTH 90°00'00" WEST 150.75 FEET TO THE SOUTHWEST CORNER OF SAID STEVENS TRACT; THENCE ALONG THE WESTERLY LINE OF SAID STEVENS TRACT NORTH 00°00'00" EAST 262.76 FEET TO A POINT ON THE CENTERLINE OF SAID COUNTY RD. NO. 2737; THENCE ALONG SAID CENTERLINE SOUTH 83°41'24" WEST 292.60 FEET TO SAID CENTERLINE OF SW 124TH AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 100.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°04'06" (THE LONG CHORD OF WHICH BEARS SOUTH 02°07'22" WEST 356.13 FEET) AN ARC DISTANCE OF 356.14 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°09'18" (THE LONG CHORD OF WHICH BEARS SOUTH 02°34'46" WEST 51.67 FEET) AN ARC DISTANCE OF 51.67 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2,010,375 SQUARE FEET OR 46.152 ACRES (MORE OR LESS).

SW TUALATIN-SHERWOOD ROAD
(COUNTY ROAD 2737)



POINT OF BEGINNING
AREA
2,010,375 SF (46.152 ACRES)

CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BARING
C1	304.50	19098.59	0°54'49"	304.50	S 02°02'43" W
C2	64.52	6200.00	0°35'46"	64.52	S 01°17'26" W
C3	185.71	1135.00	9°22'29"	185.50	N 02°54'37" W
C4	76.78	1135.00	3°52'33"	76.77	N 09°32'08" W
C5	42.24	4000.00	0°36'18"	42.24	S 83°23'15" W
C6	356.14	19098.59	1°04'06"	356.13	S 02°07'22" W
C7	51.67	19098.59	0°09'18"	51.67	S 02°34'46" W



SCALE: 1" = 250'



111 SW 8th Ave., Suite 2400
Portland, OR 97204
O: 503.227.3251
F: 503.274.4681
www.kpff.com

EXHIBIT MAP
CITY OF TUALATIN ANNEXATION
WEST HALF OF SEC 27 & EAST HALF OF SEC 28 / T2S / R1W / W.M.
TUALATIN / WASHINGTON COUNTY / OREGON

DATE:	03 DECEMBER 2018
DRAWN BY:	NJL
CHECKED BY:	JRD
PROJECT NO.	1800045
SHEET:	3 OF 3

ANN18-0002
Annexation Analysis and Findings

Case #:	ANN 18-0002
Project:	Itel Annexation
Location:	12150 SW Tualatin-Sherwood Road, Tualatin, OR. Tax lots: 2S127C0701; 2S127C0500
Owner:	Kenneth E. Itel
Applicant:	KPFF Consulting Engineers; Matthew Dolan

Introduction

A. Applicable Criteria

Annexations are reviewed under Tualatin Development Code 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 applicant proposes to annex the subject property into the City of Tualatin. Adjacent right-of-way would be included in the annexation to the existing City of Tualatin boundary north and east of the site, and to the centerline of SW 124th Avenue to the west.

The property will also need to be annexed into the Clean Water Services Service District prior to future development. No development or other modifications to the property is proposed at this time.

C. Site Description

The subject property is a 43.73-acre site located at the intersection of SW 124th Avenue and SW Tualatin-Sherwood Road. The site has most recently been used as agricultural land and contains several farm structures on the north side of the property. Open fields dominate most of the site, with a denser stand of trees to the southwest.

The site is currently within unincorporated Washington County, within the City of Tualatin Urban Planning Area. The property has received the land use designation of Manufacturing Business Park (MBP) in the Community Plan Map that is part of Tualatin's Comprehensive Plan; this MBP zoning would be in effect upon annexation.

D. Attachments

- A. Application
- B. Community Plan Map 9-1
- C. Southwest Concept Plan Map

Tualatin Development Code 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 the applicant's submittal, Attachment A, the sole property owner in the subject area has petitioned for annexation. 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:

The Southwest Concept Plan (2010) previously analyzed the availability of urban services in relationship to plans for future annexation. This plan incorporated analyses of the water, sewer, and transportation systems. Tualatin Valley Fire and Rescue was also consulted as part of the process. While services will need to be extended as part of any development on this property, urban services are available to this area. 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's Patrol District. This standard is met.

3. The proposed effective date of the boundary change.

Finding:

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. 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:

The Urban Planning Area Agreement between Washington County and the City of Tualatin acknowledges this property as part of the City of Tualatin's Urban Planning Area. As such, this agreement stipulates that urban services will generally be provided by the City upon annexation, except where the City holds intergovernmental agreements (IGAs) with other service providers.

Clean Water Services is the provider for public storm and sanitary services in the City of Tualatin, and has an established IGA delineating responsibility for these urban services. Annexation into CWS also requires final approval by the Washington County Board of Commissioners and the CWS Board of Directors. This standard is met.

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

Finding:

There are no applicable annexation plans. 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:

There are no applicable cooperative planning agreements plans. This standard is not applicable.

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

Finding:

The Southwest Concept Plan considered the development of public facilities and urban services that would be necessary for future development of this and adjacent properties. Analysis of transportation and utility systems provided within this concept plan supported future annexation efforts. With the recent extension of SW 124th Avenue, the progression toward additional transportation and utility improvements associated with any future development would be timely

The City's Transportation System Plan (2014) and public facilities plans contained within Tualatin's Comprehensive Plan, have been updated to reflect the Southwest Concept Plan, which planned for future annexation of this and adjacent properties. 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 property 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. This standard is met.

f. Any applicable concept plan; and

Finding:

The subject site was considered for future annexation and zoning under the Southwest Concept Plan (Attachment C). The proposed annexation would be entirely 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:

Since the property is adjacent to existing urban services, including utilities and transportation access in SW Tualatin-Sherwood Road and SW 124th Avenue, this annexation would not interfere with the timely, orderly, and economic provision of public facilities and services, nor would it necessitate the duplication of services. The progression toward additional transportation and utility improvements associated with any future development would be timely. Annexation is a necessary first step to future development and related public improvements. 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 property is wholly within the UGB. 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, 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:

As part of this annexation, the subject territory 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-18-0002.

Attachment A to
Exhibit 3

01 – Scoping Meeting

02 – Pre-Application Meeting

03 – Neighborhood Developer Meeting

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF MAILING

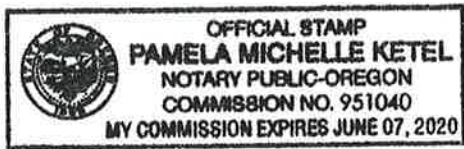
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Matthew J. Dolan, being first duly sworn, depose and say:

That on the 28th day of November, 2018, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Matthew J. Dolan
Signature

SUBSCRIBED AND SWORN to before me this 28th day of November, 2018.



Pamela Ketel
Notary Public for Oregon
My commission expires:

RE: Itel Annexation

Attachment A to Exhibit 3

EXHIBIT A

TLD	OWNER1	OWNER2	OWNER3	OWNERADDR	OWNERCITY	OWNERSTATE	OWNERZIP
251278D01600	2003-042 PARTITION PLAT	OWNER OF LOT 1		1400 SW FIFTH AVE #810	PORTLAND	OR	97201
251278D01400	2009-008 PARTITION PLAT	OWNERS OF LOTS 1-3					00000
251278D00401	ASHWOOD CONSTRUCTION INC	BY NTRG		28772 SW HEATER RD	SHERWOOD	OR	97140-5005
25128A000300	COLUMBIA CORRUGATED BOX CO INC	BY DAYNE BARRETT INGRAM		12777 SW TUALATIN-SHERWOOD RD	TUALATIN	OR	97062
251278D01300	CPUS 115TH COMMERCE PARK LP	AL-HADI FAROUK H		14785 PRESTON RD #680	DALLAS	TX	75254
251278D00700	DTI PROPERTIES LLC			15836 SW MADRONA LN	SHERWOOD	OR	97140-5578
251278D01800	ELIJS DAVID L &			155 B AVE #222	LAKE OSWEGO	OR	97035
25128A000100	FORE-SIGHT BALBOA LLC			20400 SW CPOLE RD	TUALATIN	OR	97062-7269
251278D01000	G & S FAMILY LIMITED PARTNERSHIP			20752 SW 120TH AVE	TUALATIN	OR	97062-5961
251278D01100	G & S FAMILY LIMITED PARTNERSHIP			20752 SW 120TH AVE	TUALATIN	OR	97062-5961
251278D01400	G & S FAMILY LIMITED PARTNERSHIP			20752 SW 120TH AVE	TUALATIN	OR	97062-5961
25128D000100	HILLSBORO CITY OF &	TUALATIN VALLEY WATER DISTRICT		1850 SW 170TH AVE	BEAVERTON	WA	97006
251278C98111	ICC 2 LLC			4200 SE COLUMBIA WAY	VANCOUVER	WA	98661-5572
251278C98121	ICC 2 LLC			4200 SE COLUMBIA WAY	VANCOUVER	WA	98661-5572
251278D01700	INDOOR ARENA INVESTORS LLC			4200 SE COLUMBIA WAY	VANCOUVER	WA	98661-5572
251278C90200	ITEL KENNETH E			11889 SW ITEL ST	TUALATIN	OR	97062-5655
251278C90000	ITEL CORPORATE CENTER	CONDOMINIUMS OWNERS OF ALL		12155 SW TUALATIN-SHERWOOD RD	TUALATIN	OR	00000
251278D01300	ITEL MICHAEL						00000
251278C90500	ITEL KENNETH E			20900 SW 120TH AVE	TUALATIN	OR	97062-4817
251278C90701	ITEL KENNETH E			12155 SW TUALATIN-SHERWOOD RD	TUALATIN	OR	97062
251278D00200	MILGARD MANUFACTURING INC	BY RYAN TAX COMPLIANCE SRVS LLC		12155 SW TUALATIN-SHERWOOD RD	TUALATIN	OR	97062
251278D00100	MEMARKIN FAMILY PROPERTIES LLC			PO BOX 4600	SCOTTSDALE	AZ	85261-4600
251278D01200	NICOL GORHAM DOUGLAS REV TRUST			201 NE 2ND AVE	PORTLAND	OR	97232-3289
251278C00600	OREGON ASPHALTIC PAVING LLC	NICOL ROBIN HIATT REV TRUST		3881 CALAROGA DR	WEST LINN	OR	97068-1071
251278D01100	OREGON REAL ESTATE & LLC			PO BOX 4610	TUALATIN	OR	97062-4810
25128D000500	OREGON ASPHALTIC PAVING LLC			4900 CASH RD	DALLAS	TX	75247-6308
25128A001600	PM MARSHALL CO			PO BOX 4810	TUALATIN	OR	97062-4810
251278A00400	POWIN PACIFIC PROPERTIES LLC			PO BOX 478	TUALATIN	OR	97062-4278
251278D01600	POWIN PACIFIC PROPERTIES LLC			PO BOX 463	TUALATIN	OR	97062-4463
251278C90141	SHIELDS MANUFACTURING INC			PO BOX 463	TUALATIN	OR	97062-4463
251278C00300	TIGARD SAND & GRAVEL LLC			PO BOX 463	TUALATIN	OR	97062-4463
251278C00400	TIGARD SAND & GRAVEL CO INC			12310 SW CIMINO ST	TUALATIN	OR	97062-9852
251278C00500	TIGARD SAND & GRAVEL CO INC			PO BOX 4610	TUALATIN	OR	97062-4810
251278D00600	TUALATIN CITY OF			PO BOX 4610	TUALATIN	OR	97062-4810
251278D00600	TUALATIN SHERWOOD INVESTORS LLC	BY PANATTONI DEVELOPMENT LLC		1689 SW MARTINAZZI AVE	TUALATIN	OR	97062-7682
251278D00700	TUALATIN SHERWOOD INVESTORS LLC	BY PANATTONI DEVELOPMENT LLC		1400 SW FIFTH AVE #810	PORTLAND	OR	97201
251278D00800	TUALATIN SHERWOOD INVESTORS LLC	BY PANATTONI DEVELOPMENT LLC		1400 SW FIFTH AVE #810	PORTLAND	OR	97201
251278D00900	TUALATIN SHERWOOD INVESTORS LLC	BY PANATTONI DEVELOPMENT LLC		1400 SW FIFTH AVE #810	PORTLAND	OR	97201
251278D01000	WAGER EDWARD J			8331 SE CARNATION ST	MILWAUKEE	OR	97267-2426
251278C00100	WESTERN PRECISION PROPERTIES LLC	BY WESTERN PRECISION PRODUCTS INC		8331 SE CARNATION ST	MILWAUKEE	OR	97267-2426
251278C01200	WESTERN PRECISION PROPERTIES LLC			21101 SW 115TH AVE	TUALATIN	OR	97062-8659

Attachment A to
Exhibit 3

111 SW Fifth Avenue, Suite 2500 Portland, OR 97204 503.542.3860 kpff.com



November 27, 2018

Recipient
Street address
City, ST 12345

RE: Itel Annexation

Dear Property Owner:

You are cordially invited to attend a meeting on December 13, 2018 at 6:00 PM to discuss the annexation of two parcels into the City of Tualatin. The parcels are Taxlots 2S127C00701 and 2S127C00500 located at the southeast corner of SW Tualatin-Sherwood Road and SW 124th Avenue. The property consists of approximately 43.7 acres of farm land, an area within the Urban Growth Boundary that is contiguous to the current City limits. The current zoning under Washington County is FD-20. The city has established a Manufacturing Business Park (MBP) zone designation that will apply when the property is annexed into the city.

The meeting will be held at the following location:

Juanita Pohl Center
West Dining Room
8513 SW Tualatin Road
Tualatin, OR 97062

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Regards,
KPFF Consulting Engineers

A handwritten signature in blue ink, appearing to read 'Matthew J. Dolan'.

Matthew J. Dolan, PE
Principal

Attachment A to
Exhibit 3



ITEL ANNEXATION
Neighborhood Meeting
December 13, 2018

Presenters: Matt Dolan and Mark Reuland, KPFF

Discussion Items

- The subject parcels are Tax Lots 2S127C 701 and 500 owned by Ken Itel
- The parcels are currently in Unincorporated Washington County and we are seeking to have the parcels annexed into the City of Tualatin
- We are seeking annexation to obtain city services and facilitate future development
- The total land area not including right-of-way to be annexed into the City of Tualatin is 43.73 acres
- The current use of the parcels is farming
- The parcel is within the Southwest Concept Plan area and when annexed will be in the Manufacturing Business Park Plan District
 - The purpose of this district is to provide an environment for industrial development consistent with the Southwest Concept Plan (SWCP) (Accepted by the City in October, 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary (UGB) expansion decisions of December 2002 and June 2004. The Manufacturing Business Park (MBP) Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards. Permitted uses are required to be conducted within a building and uses with unmitigated hazardous or nuisance effects are restricted. The RSIA-designated area requires at least one 100-acre parcel and one 50-acre parcel for large industrial users. The remainder of the area is likely to include light to medium industrial uses with some limited, local-serving commercial services. The district is intended to provide for an aesthetically attractive working environment with campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee-oriented activity. It also is intended to protect existing and future sites for such uses by maintaining large lot configurations, a cohesive planned-development design and limiting uses to those that are of a nature that will not conflict with other industrial uses or nearby residential areas of the City.
- Public utilities are generally available to the site
 - Water – City of Tualatin Public Water Main in SW Tualatin Sherwood Road
 - Sanitary Sewer – City of Tualatin Public Sewer Main in SW 124th on the north side of Tualatin Sherwood Road
 - Storm Drainage – City of Tualatin Public Storm Main in Tualatin Sherwood Road
- Planned adjacent development
 - Washington County is currently constructing the extension of SW 124th along easterly project boundary. More information can be found on their website:
www.co.washington.or.us/lut/transportationprojects/124th-avenue-extension.cfm
 - Willamette Water Supply is currently working through entitlements to construct a water treatment plant east of the site. More information can be found on their website:
www.ourreliablewater.org/water-treatment-plant



QUESTIONS

Question: How was the future city limit line between Tualatin and Sherwood determined?

Response: Our understanding is that it is based on the SW Concept Plan.

Question: How was the future zoning (MBP) determined for the site?

Response: This was established in the SW Concept Plan.

Attachment A to
Exhibit 3



ITEL
PROPERTY



NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING



In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain orange composed of the RGB color values Red 254, Green 127, and Blue 0. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the
Itel Annexation

_____ project, I

hereby certify that on this day, November 26, 2018, three sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Matthew J. Dolan
(PLEASE PRINT)

Applicant's Signature: _____

Date: 11/28/18

04 – Annexation Application



CITY OF TUALATIN
Community Development Department-Planning Division
Land Use Application—Type IV

CITY OF TUALATIN
RECEIVED
DEC 14 2018
COMMUNITY DEVELOPMENT
PLANNING DIVISION

PROPOSAL NAME Itel Annexation

PROPOSAL SUMMARY *(Brief description)*

The applicant is seeking to annex the tax lots noted below into the City of Tualatin.

PROPERTY INFORMATION

Location *(address if available)*: 12150 SW Tualatin-Sherwood Rd.
Tax Map & Lot #(s): 2S127C 701 & 500 Planning District: WA County
Total site size: 43.73 Developed Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Matthew J Dolan with KPFF Consulting Engineers
Mailing Address: 111 SW 5th Ave., Suite 2500
City/State: Portland, OR Zip: 97204
Phone: 503-542-3802 Email: matthew.dolan@kpff.com
Applicant's Signature: *Matthew J Dolan* Date: 12/12/16

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION

Name: Kenneth E Itel
Mailing Address: 2283 SW Cowiltz Drive
City/State: Tualatin, OR Zip: 97062
Phone: 503-730-0592 Email: ken.itel@gmail.com
Property Owner Signature: *Kenneth E. Itel* Date: 11/29/18

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Annexation (ANN) Plan Map Amendment (PMA)
- Conditional Use Permit (CUP) Plan Text Amendment (PTA)
- Central Urban Renewal Master Other _____
- Historic Landmark Designation or Removal of Designation (HIST)

FOR STAFF USE ONLY	
Case No.:	<u>1117 18-0002</u>
Date Received:	<u>12-14-18</u>
By:	<u><i>[Signature]</i></u>
Fee Amount \$:	_____
Received by:	_____

05 – Narrative

NARRATIVE FOR ITTEL ANNEXATION

ANALYSIS AND FINDINGS

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

Response: The subject property is currently within the Metro UGB and was so at the time the petition for annexation was filed on November xx, 2018. This criterion is satisfied.

(b) The owner of the territory to be annexed has petitioned to be annexed;

Response: The owner has filed a petition to annex on November xx, 2018. This criterion is satisfied.

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

Response: The applicable sections under Metro Code 3.09 are outlined 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.

Response: At this time there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider. This provision 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.

Response: 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. This criterion is satisfied.

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

Response: The Tualatin Community Plan (Comprehensive Plan) is incorporated into and implemented by the Tualatin Development Code (TDC). The applicable TDC standards for boundary changes are addressed below:

Tualatin Itel Annexation

December 14, 2018



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 is within the Urban Growth Boundary (UGB) and will be within the Manufacturing Business Park (MBP) Planning District upon annexation. It is not planned for residential development. The criterion is not applicable.

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 is 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.

The subject property is within the Tualatin Urban Planning Area which establishes the City’s intent to annex and provide urban services to properties within this area. The Southwest Tualatin Concept Plan (2010) determined how public facilities and services can be extended to serve this and other properties in the planning area in a timely and efficient manner. It is recognized that the property owner will be responsible for paying for the extension of sewer, water and transportation facilities to serve the annexed property when development occurs. For these reasons, the annexation is consistent with TDC 4.060(1).

This criterion is satisfied.

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

Response: 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 is consistent with the Framework and Functional Plans. This criterion is satisfied.

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

Response: The proposed annexation will promote the timely, orderly and economic provision of public facilities and services consistent with the Southwest Concept Plan as implemented by

Tualatin IteI Annexation

December 14, 2018



the Tualatin Development Code. The applicant recognizes that future development of the subject property will require right-of-way dedication and facility improvements that are designed to serve the subject property and other properties within the Southwest Tualatin planning area.

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.

Response: This criterion is not applicable because the subject property is already within the Metro jurisdictional boundary.

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

While not likely necessary for this application, addressing the Transportation Planning Rule Oregon Administrative Rule 660-012-0060 is covered below.

It is possible a Transportation Planning Rule (TPR) be required for the proposed development since annexation of the subject property into the City of Tualatin will result in a change of zoning. The TPR is intended to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule.

...

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all the following requirements are met:

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

Tualatin Itel Annexation

December 14, 2018



The proposed zoning is consistent with the existing comprehensive plan map designation and will not change the comprehensive plan map. The City of Tualatin's zoning map indicated that the subject property is outside the city, but is included in the planning area and is designated as having future MBP zoning. Tony Doran and the City of Tualatin have confirmed that the proposed zoning is consistent with the acknowledged TSP. The annexed property was not exempted from this rule upon amending the urban growth boundary.

Based on the analysis, the proposed zone change is in conformance with the City of Tualatin's Comprehensive Plan, and the levels of development allowable under the proposed MBP zoning were already included in the City's planning model and the Transportation System Plan. Accordingly, the City of Tualatin may find that the proposed zone change does not significantly affect an existing or planned transportation facility and the Transportation Planning Rule is satisfied.

The Transportation Planning Rule is satisfied.

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."

Response: The subject property is currently within the Metro UGB and was so at the time the petition for annexation was filed on November xx, 2018. This criterion is satisfied.

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

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. This criterion is satisfied.

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



Tualatin Itel Annexation

December 14, 2018

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 requirement is satisfied.

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 are satisfied.

1800045- pm

06 – Petition to Annex

07 – Legal Description

Attachment A to
Exhibit 3

EXHIBIT A

CITY OF TUALATIN ANNEXATION

JOB NO. 1800045

04 DECEMBER 2018

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 27 AND EAST HALF OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SW 124TH AVENUE, AS DESCRIBED IN DOCUMENT NO. 2015-069441, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEARS SOUTH 87°29'53" EAST 2.43 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°54'49" (THE LONG CHORD OF WHICH BEARS SOUTH 02°02'43" WEST 304.50 FEET) AN ARC DISTANCE OF 304.50 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 946.97 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 6200.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°35'46" (THE LONG CHORD OF WHICH BEARS SOUTH 01°17'26" WEST 64.52 FEET) AN ARC DISTANCE OF 64.52 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO KENNETH E. ITTEL, RECORDED AS DOCUMENT 2007-041668, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°47'00" EAST 1011.61 FEET TO THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO TIGARD SAND & GRAVEL, LCC, RECORDED AS DOCUMENT NO. 2015-093275, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID WESTERLY LINE NORTH 00°00'00" EAST 1311.69 FEET TO THE NORTHWEST CORNER OF SAID TIGARD SAND & GRAVEL TRACT; THENCE ALONG THE NORTHERLY LINE OF SAID TIGARD SAND & GRAVEL TRACT NORTH 89°47'00" EAST 335.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SW 120TH AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 01°46'38" EAST 152.68 FEET; THENCE NORTH 88°11'21" WEST 17.08 FEET; THENCE NORTH 01°46'38" EAST 232.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°22'29" (THE LONG CHORD OF WHICH BEARS NORTH 02°54'37" WEST 185.50 FEET) AN ARC DISTANCE OF 185.71 FEET TO THE NORTHEAST CORNER OF PARCEL 1 OF SAID ITTEL TRACT; THENCE CONTINUING ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°52'33" (THE LONG CHORD OF WHICH BEARS NORTH 09°32'08" WEST 76.77 FEET) AN ARC DISTANCE OF 76.78 FEET TO A POINT ON THE CENTERLINE OF SW TUALATIN-SHERWOOD ROAD (COUNTY RD. NO. 2737); THENCE ALONG SAID CENTERLINE AND ALONG THE ARC OF A 4000.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00°36'18" (THE LONG CHORD OF WHICH BEARS SOUTH 83°23'15" WEST 42.24 FEET) AN ARC DISTANCE OF 42.24 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83°41'24" EAST 784.51 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO R. A. STEVENS AND CELIA A. STEVENS, RECORDED SEPTEMBER 3, 1948 IN BOOK 288, PAGE 561, WASHINGTON COUNTY DEED

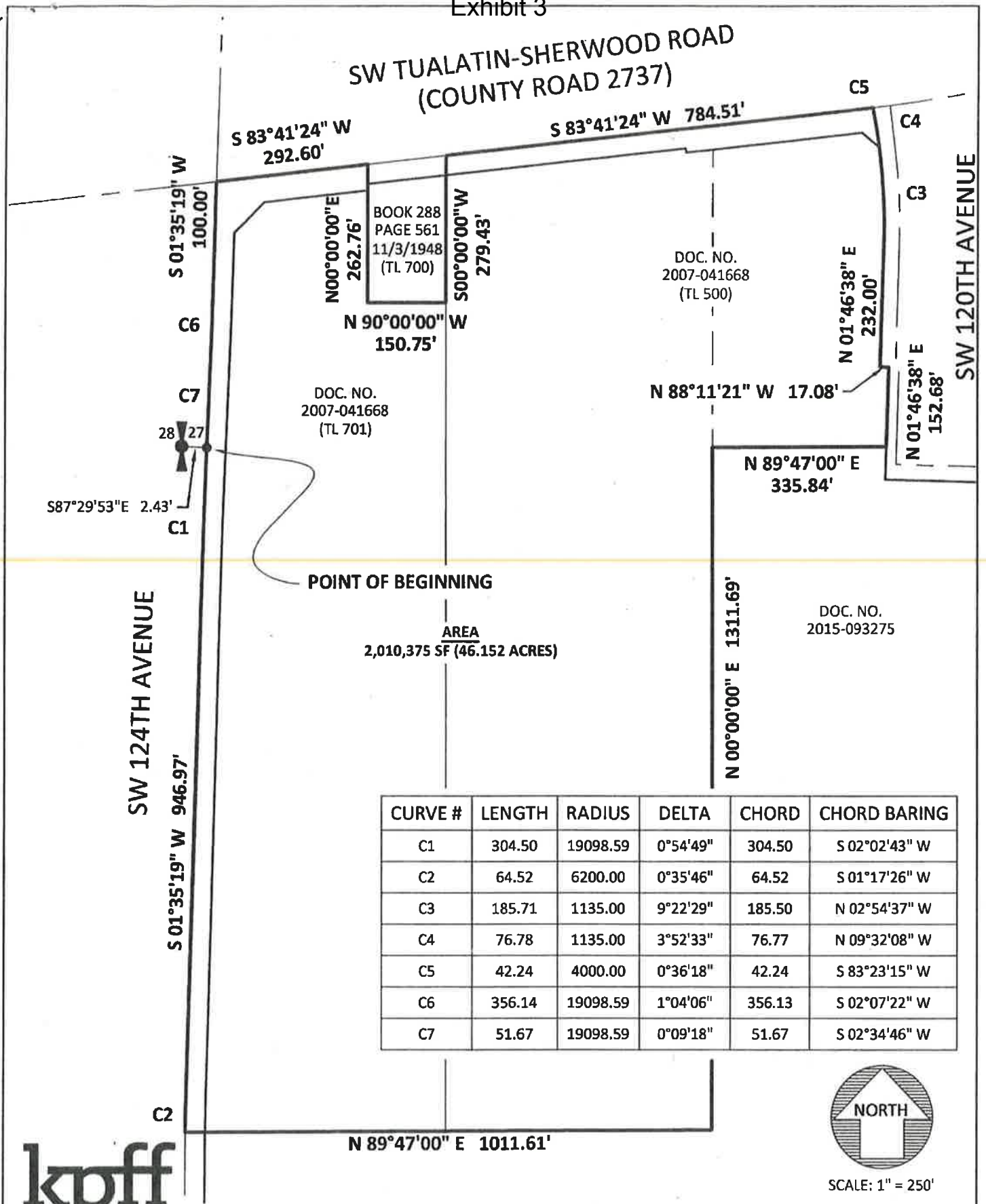
Attachment A to
Exhibit 3

RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 00°00'00" EAST 279.43 FEET TO THE SOUTHEAST CORNER OF SAID STEVENS TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID STEVENS TRACT NORTH 90°00'00" WEST 150.75 FEET TO THE SOUTHWEST CORNER OF SAID STEVENS TRACT; THENCE ALONG THE WESTERLY LINE OF SAID STEVENS TRACT NORTH 00°00'00" EAST 262.76 FEET TO A POINT ON THE CENTERLINE OF SAID COUNTY RD. NO. 2737; THENCE ALONG SAID CENTERLINE SOUTH 83°41'24" WEST 292.60 FEET TO SAID CENTERLINE OF SW 124TH AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 100.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°04'06" (THE LONG CHORD OF WHICH BEARS SOUTH 02°07'22" WEST 356.13 FEET) AN ARC DISTANCE OF 356.14 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°09'18" (THE LONG CHORD OF WHICH BEARS SOUTH 02°34'46" WEST 51.67 FEET) AN ARC DISTANCE OF 51.67 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2,010,375 SQUARE FEET OR 46.152 ACRES (MORE OR LESS).

Attachment A to
Exhibit 3

SW TUALATIN-SHERWOOD ROAD
(COUNTY ROAD 2737)



POINT OF BEGINNING
AREA
2,010,375 SF (46.152 ACRES)

CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BARING
C1	304.50	19098.59	0°54'49"	304.50	S 02°02'43" W
C2	64.52	6200.00	0°35'46"	64.52	S 01°17'26" W
C3	185.71	1135.00	9°22'29"	185.50	N 02°54'37" W
C4	76.78	1135.00	3°52'33"	76.77	N 09°32'08" W
C5	42.24	4000.00	0°36'18"	42.24	S 83°23'15" W
C6	356.14	19098.59	1°04'06"	356.13	S 02°07'22" W
C7	51.67	19098.59	0°09'18"	51.67	S 02°34'46" W



SCALE: 1" = 250'



111 SW 5th Ave., Suite 2400
Portland, OR 97204
O: 503.227.3251
F: 503.274.4681
www.kpff.com

EXHIBIT MAP
CITY OF TUALATIN ANNEXATION
WEST HALF OF SEC 27 & EAST HALF OF SEC 28 / T2S / R1W / W.M.
TUALATIN / WASHINGTON COUNTY / OREGON

DATE:	03 DECEMBER 2018
DRAWN BY:	NJL
CHECKED BY:	JRD
PROJECT NO.	1800045
SHEET:	3 OF 3

08 – Certification of Legal Description

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25127C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

CHARLES FOSTER

Printed Name

GIS TECH

Title

[Signature]

Signature

12/7/18

Date

CARTOGRAPHY

Department

WASHINGTON

County of

ANNEXATION CERTIFIED

BY [Signature]

DEC 07 2018

WASHINGTON COUNTY A & T
CARTOGRAPHY

Attachment A to
Exhibit 3

EXHIBIT A

CITY OF TUALATIN ANNEXATION

JOB NO. 1800045

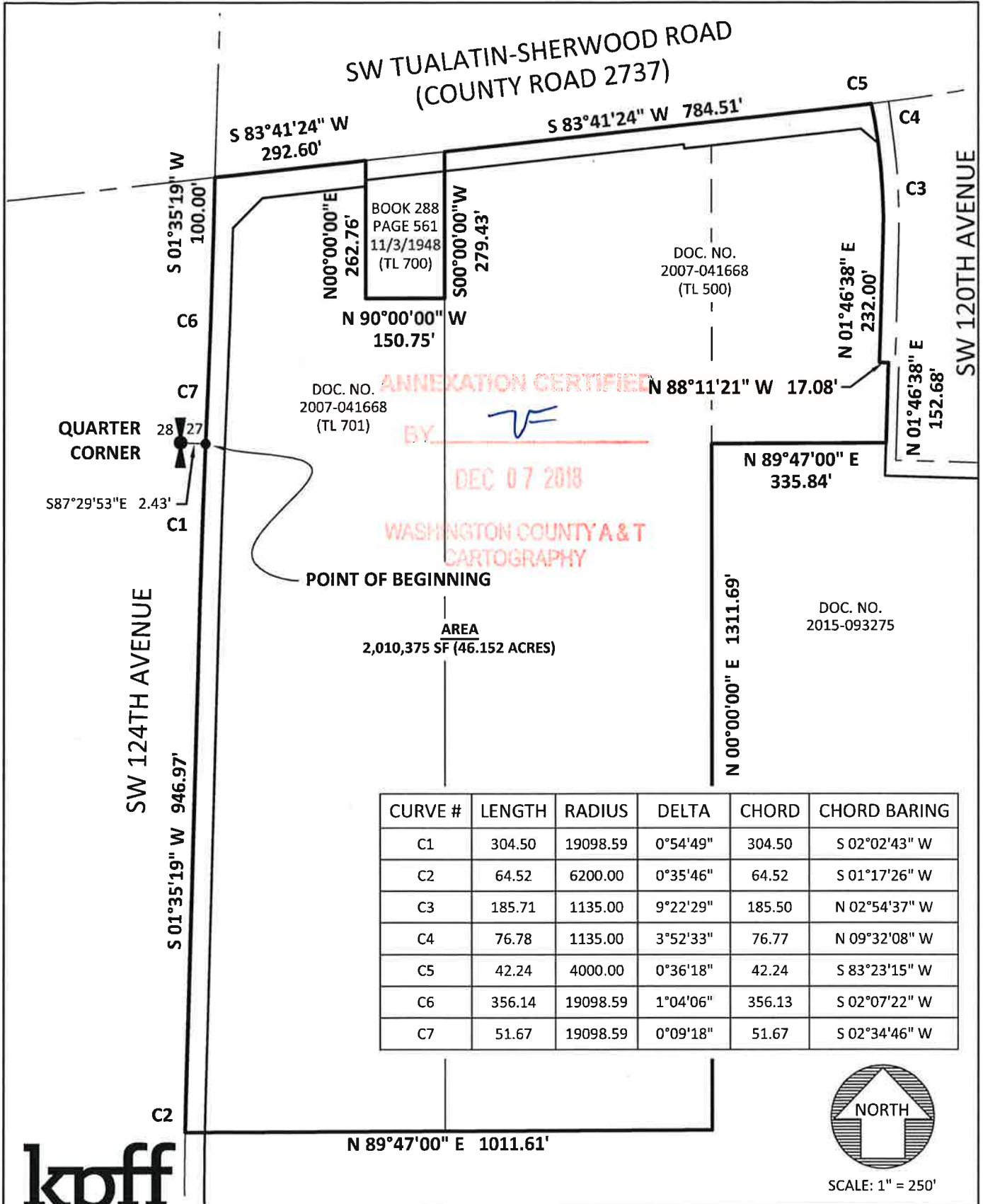
04 DECEMBER 2018

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 27 AND EAST HALF OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SW 124TH AVENUE, AS DESCRIBED IN DOCUMENT NO. 2015-069441, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEARS SOUTH 87°29'53" EAST 2.43 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°54'49" (THE LONG CHORD OF WHICH BEARS SOUTH 02°02'43" WEST 304.50 FEET) AN ARC DISTANCE OF 304.50 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 946.97 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 6200.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°35'46" (THE LONG CHORD OF WHICH BEARS SOUTH 01°17'26" WEST 64.52 FEET) AN ARC DISTANCE OF 64.52 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO KENNETH E. ITEL, RECORDED AS DOCUMENT 2007-041668, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°47'00" EAST 1011.61 FEET TO THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO TIGARD SAND & GRAVEL, LCC, RECORDED AS DOCUMENT NO. 2015-093275, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID WESTERLY LINE NORTH 00°00'00" EAST 1311.69 FEET TO THE NORTHWEST CORNER OF SAID TIGARD SAND & GRAVEL TRACT; THENCE ALONG THE NORTHERLY LINE OF SAID TIGARD SAND & GRAVEL TRACT NORTH 89°47'00" EAST 335.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SW 120TH AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 01°46'38" EAST 152.68 FEET; THENCE NORTH 88°11'21" WEST 17.08 FEET; THENCE NORTH 01°46'38" EAST 232.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°22'29" (THE LONG CHORD OF WHICH BEARS NORTH 02°54'37" WEST 185.50 FEET) AN ARC DISTANCE OF 185.71 FEET TO THE NORTHEAST CORNER OF PARCEL 1 OF SAID ITEL TRACT; THENCE CONTINUING ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°52'33" (THE LONG CHORD OF WHICH BEARS NORTH 09°32'08" WEST 76.77 FEET) AN ARC DISTANCE OF 76.78 FEET TO A POINT ON THE CENTERLINE OF SW TUALATIN-SHERWOOD ROAD (COUNTY RD. NO. 2737); THENCE ALONG SAID CENTERLINE AND ALONG THE ARC OF A 4000.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00°36'18" (THE LONG CHORD OF WHICH BEARS SOUTH 83°23'15" WEST 42.24 FEET) AN ARC DISTANCE OF 42.24 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83°41'24" WEST 784.51 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO R. A. STEVENS AND CELIA A. STEVENS, RECORDED SEPTEMBER 3, 1948 IN BOOK 288, PAGE 561, WASHINGTON COUNTY DEED

Attachment A to
Exhibit 3



AREA
2,010,375 SF (46.152 ACRES)

CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BARING
C1	304.50	19098.59	0°54'49"	304.50	S 02°02'43" W
C2	64.52	6200.00	0°35'46"	64.52	S 01°17'26" W
C3	185.71	1135.00	9°22'29"	185.50	N 02°54'37" W
C4	76.78	1135.00	3°52'33"	76.77	N 09°32'08" W
C5	42.24	4000.00	0°36'18"	42.24	S 83°23'15" W
C6	356.14	19098.59	1°04'06"	356.13	S 02°07'22" W
C7	51.67	19098.59	0°09'18"	51.67	S 02°34'46" W



SCALE: 1" = 250'



111 SW Fifth Ave., Suite 2400
Portland, OR 97204
O: 503.227.3251
F: 503.274.4681
www.kpff.com

EXHIBIT MAP CITY OF TUALATIN ANNEXATION WEST HALF OF SEC 27 & EAST HALF OF SEC 28 / T2S / R1W / W.M. TUALATIN / WASHINGTON COUNTY / OREGON	DATE: 03 DECEMBER 2018
	DRAWN BY: NJL
	CHECKED BY: JRD
	PROJECT NO. 1800045
	SHEET: 3 OF 3

Attachment A to
Exhibit 3

09 - Certification of Property Ownership

10 – Certification of Registered Voters

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

CHARLES FOSTER GIS TECH
Printed Name Title

[Signature] 12/7/18
Signature Date

CARTOGRAPHY WASHINGTON
Department County of

*Owner means the owner of the title to real property or the contract purchaser of the real property.

ANNEXATION CERTIFIED

BY TF

DEC 07 2018

WASHINGTON COUNTY A&T
CARTOGRAPHY

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

Angie Muller - Admin Assistant
Printed Name Title

Angie Muller 12/11/18
Signature Date

Elections Washington
Department County of



11 – Property Owner Information Sheet

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

PROPERTY OWNER INFORMATION

(This form is NOT the petition)

Metro Code 3.09.040 requires the names and address of all property owners and/or registered voters of the property, regardless of support shown on petition to annex. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER (V)

PROPERTY DESIGNATION

(Indicate Section, Township, Range and Lot No.)

MAILING ADDRESS

PROPERTY ADDRESS (If different)

(1) Kenneth E Itel 2283 SW Cowiltz Dr. Tualatin, OR 97062 

SW1/4 Section. Map & Tax Lot Numbers: 2S127C 701 & 500 12150 SW Tualatin Sherwood Rd. Tualatin, OR 97062

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

12 – Annexation Property Information Sheet

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: 43.73

General description of territory (Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal): The parcel slopes from south to north. The high point, approximate elevation 255, is at the southwest corner and the low point, approximate elevation 180 is at the northeast corner. The south end of the site with steeper slopes is undeveloped and has some tree coverage. The north end is currently used for farming and includes some farm structures.

Describe land uses on surrounding parcels (Use tax lots as reference points)

North: Taxlots 2S127BC00200 & 2S127BC90000 are located to the north. Taxlot 2S127BC0090000 is an industrial business park and includes several condo parcels. Taxlot 2S127BC00200 is zoned commercial and currently under development.

South: Taxlot 2S127C000800 is located to the south. The current use appears to be a commercial gravel operation.

East: Taxlot 2S127C000400, 2S127BD01300, 2S127BD01700 & 2S127BD01400 is located to the east. Taxlot 2S127C00400 appears to provide access and be part of the commercial gravel operation. Taxlots 2S127BD01300, 2S127BD01700 & 2S127BD01400 are developed industrial/commercial uses.

West: Taxlot 2S128D000100 is located to the west. The current use is undeveloped farmland.

EXISTING LAND USE:

Number of existing units/structures:

Single-family: 1 Multi-family: Commercial: 6 Industrial:

Describe existing units/structures: Small farm complex consisting of residence and several farm buildings

What is the current use(s) of the land proposed to be annexed: Farming

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

Public facilities or other uses: N/A

Total current year assessed valuation – Land \$: \$274,480 Structures \$: \$1,000

Total existing population: One household

Is the territory contiguous to the City limits: Yes

Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary: Yes

URBAN SERVICE PROVIDERS:

If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please indicate so by stating the name or names of the governmental units involved.

County: Washington

Highway Lighting District: N/A

Fire District: TVFR

Sanitary District: N/A

Water District: N/A

Grade School District: SHERWOOD

High School District: SHERWOOD

Library District: N/A

Drainage District: N/A

Parks & Recreation District: N/A

Other: N/A

Is the territory served by any of the providers listed above *(describe existing connections to public services)*: _____

13 – Quarter Section Map

Attachment A to
Exhibit 3

2S 1 27C

SW1/4 SECTION 27 T2S R1W WM.
WASHINGTON COUNTY OREGON

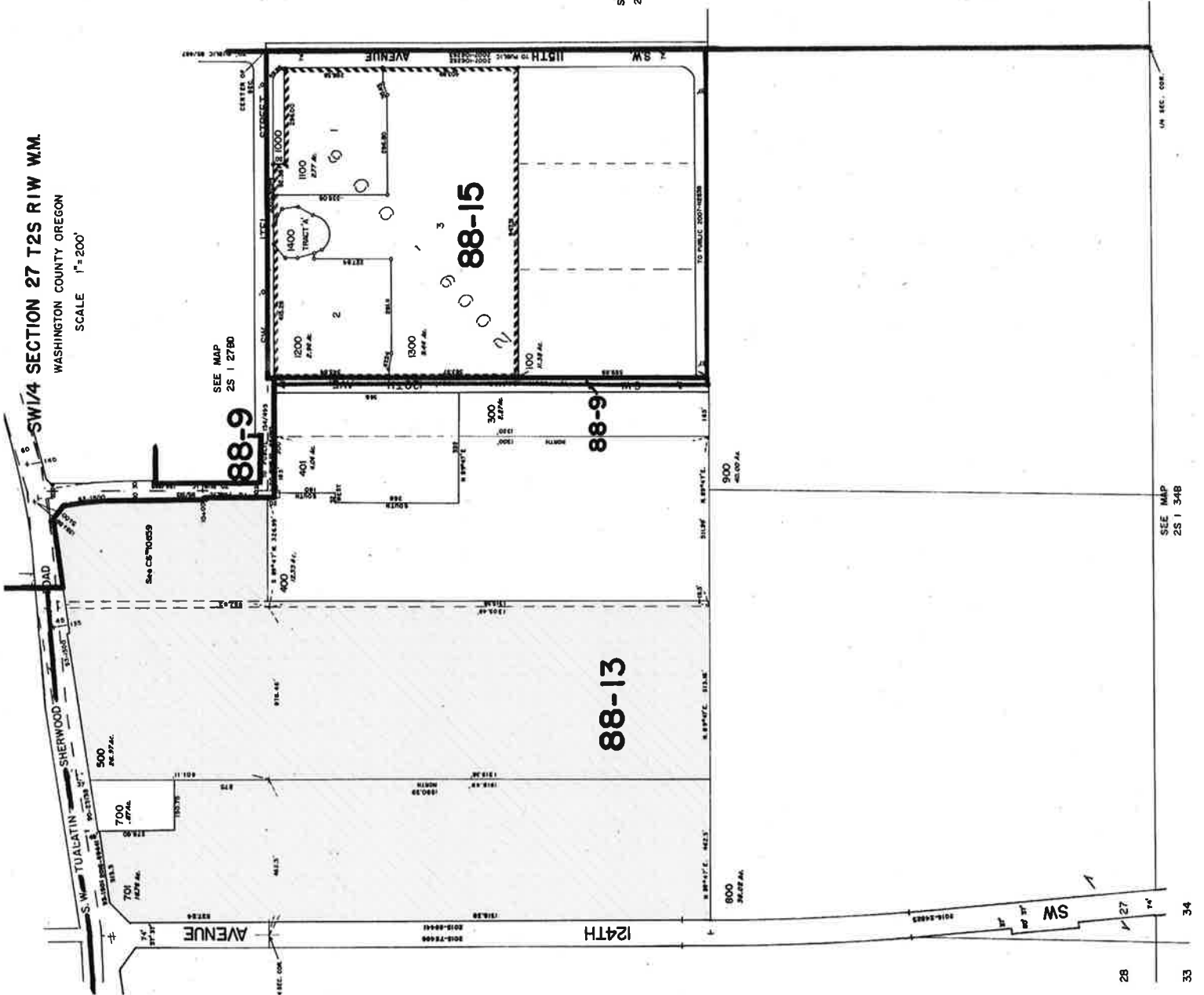
SCALE 1"=200'

THE PLAN: CASSELLER
00000000-04

SEE MAP
2S 1 27D

FOR ASSESSMENT
PURPOSES ONLY.
DO NOT RELY ON
FOR ANY OTHER USE.

TUALATIN
2S 1 27C



SEE MAP
2S 1 27B

88-9

88-13

SEE MAP
2S 1 28D

SEE MAP
2S 1 34B

28

33

27

34

TRACED BY
01/1/88

14 - Measure 37 & 49 Waiver Form

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

Washington County, Oregon	2018-084997
D-IRUL	12/19/2018 02:23:26 PM
Stn=11 C WHITE	
\$30.00 \$11.00 \$5.00 \$60.00	\$106.00

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

<p><u>NAME OF DOCUMENT FOR RECORDING:</u> Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062</p>	(F)
---	-----

MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES

Whereas, Kenneth Itel ("Petitioner", including collectively all petitioners) has petitioned to the City of Tualatin ("City") to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), as amended by Ballot Measure 49 (effective December 6, 2007), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner's requested proceedings if such approval could result in the owner or the owner's successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner's requested proceedings; and

Whereas, Petitioner wishes to obtain the City's approval of Petitioner's requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable land use regulations and overlay zones and districts, which may include, but are not limited to the Mixed Use Commercial Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts ("proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division

forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) and Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This covenant, waiver, release, and discharge binds the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release, and discharge will run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 18th day of December, 2018

<p><u>Kenneth E. Ite</u> (signature)</p> <p>Petitioner Name: <u>Kenneth E. Ite</u></p> <p>Date Signed: <u>12/18/18</u></p>	<p>_____ (signature)</p> <p>Petitioner Name:</p> <p>_____</p> <p>Date Signed:</p> <p>_____</p>
--	--

Attachment A to
Exhibit 3

Annexation Application
Community Development Department - Planning Division


Petitioner (corporation, etc.) Name: _____
By: _____
Name of Signor: _____
Office/Title of Signor: _____

State of Oregon _____)
County of Clackamas

On this 18 day of December 2018 before me the undersigned Notary
Public, personally appeared

Kenneth Itef
(Name of Petitioners signing; not Notary name)

- Personally known to me
- Proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument
- As _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal <i>(Do not write outside of the box)</i>	Place Notary Seal Below
Notary Signature: <u>Lori E Phillips</u> Notary name (legible): <u>LORI E PHILLIPS</u>	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

Shirley Lomb
City Manager

Attachment A to
Exhibit 3

EXHIBIT A

CITY OF TUALATIN ANNEXATION

JOB NO. 1800045

04 DECEMBER 2018

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 27 AND EAST HALF OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SW 124TH AVENUE, AS DESCRIBED IN DOCUMENT NO. 2015-069441, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEARS SOUTH 87°29'53" EAST 2.43 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°54'49" (THE LONG CHORD OF WHICH BEARS SOUTH 02°02'43" WEST 304.50 FEET) AN ARC DISTANCE OF 304.50 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 946.97 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 6200.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°35'46" (THE LONG CHORD OF WHICH BEARS SOUTH 01°17'26" WEST 64.52 FEET) AN ARC DISTANCE OF 64.52 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO KENNETH E. ITEL, RECORDED AS DOCUMENT 2007-041668, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°47'00" EAST 1011.61 FEET TO THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO TIGARD SAND & GRAVEL, LCC, RECORDED AS DOCUMENT NO. 2015-093275, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID WESTERLY LINE NORTH 00°00'00" EAST 1311.69 FEET TO THE NORTHWEST CORNER OF SAID TIGARD SAND & GRAVEL TRACT; THENCE ALONG THE NORTHERLY LINE OF SAID TIGARD SAND & GRAVEL TRACT NORTH 89°47'00" EAST 335.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SW 120TH AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 01°46'38" EAST 152.68 FEET; THENCE NORTH 88°11'21" WEST 17.08 FEET; THENCE NORTH 01°46'38" EAST 232.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°22'29" (THE LONG CHORD OF WHICH BEARS NORTH 02°54'37" WEST 185.50 FEET) AN ARC DISTANCE OF 185.71 FEET TO THE NORTHEAST CORNER OF PARCEL 1 OF SAID ITEL TRACT; THENCE CONTINUING ALONG THE ARC OF A 1135.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°52'33" (THE LONG CHORD OF WHICH BEARS NORTH 09°32'08" WEST 76.77 FEET) AN ARC DISTANCE OF 76.78 FEET TO A POINT ON THE CENTERLINE OF SW TUALATIN-SHERWOOD ROAD (COUNTY RD. NO. 2737); THENCE ALONG SAID CENTERLINE AND ALONG THE ARC OF A 4000.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 00°36'18" (THE LONG CHORD OF WHICH BEARS SOUTH 83°23'15" WEST 42.24 FEET) AN ARC DISTANCE OF 42.24 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83°41'24" EAST 784.51 FEET TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO R. A. STEVENS AND CELIA A. STEVENS, RECORDED SEPTEMBER 3, 1948 IN BOOK 288, PAGE 561, WASHINGTON COUNTY DEED

Attachment A to
Exhibit 3

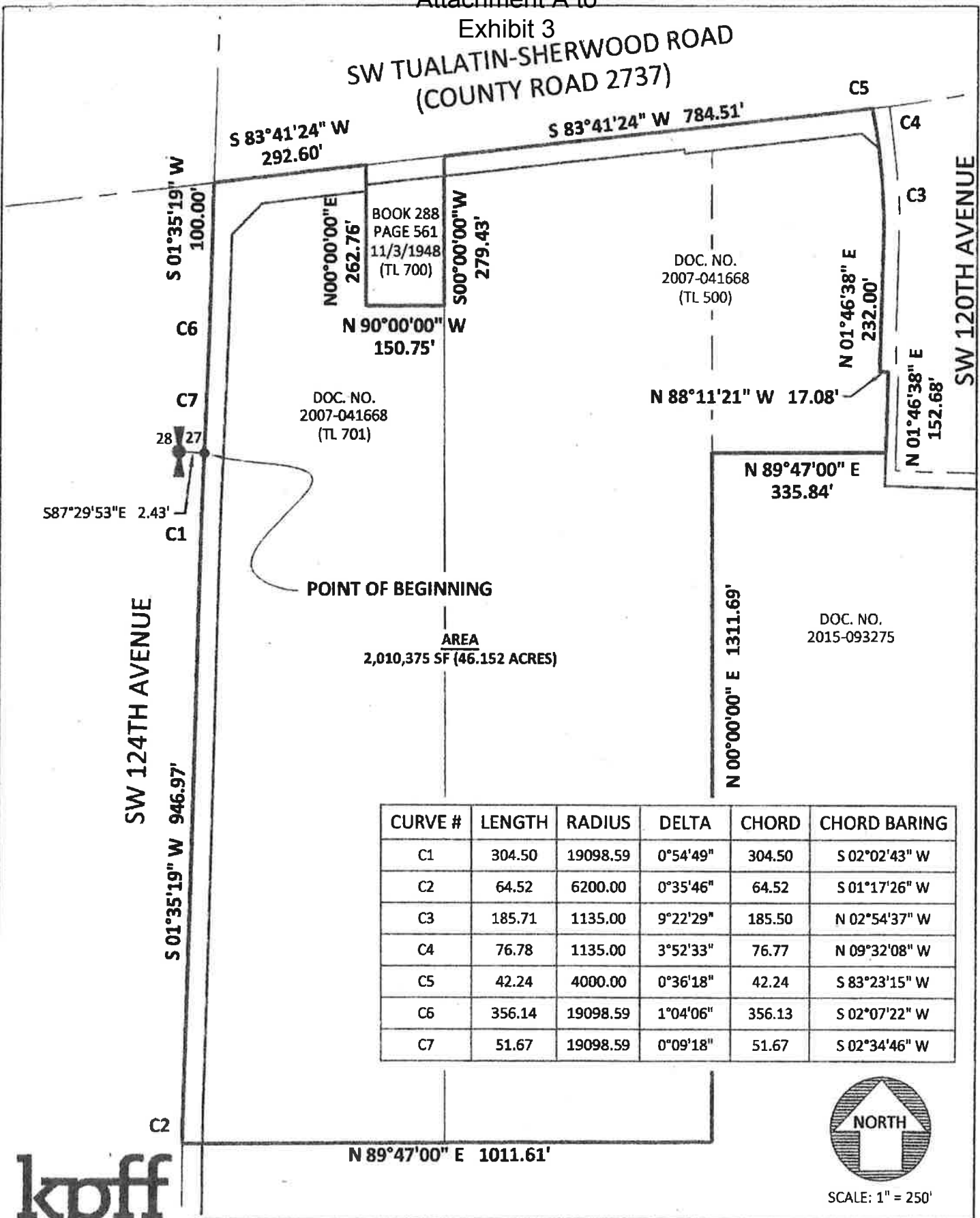
RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 00°00'00" EAST 279.43 FEET TO THE SOUTHEAST CORNER OF SAID STEVENS TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID STEVENS TRACT NORTH 90°00'00" WEST 150.75 FEET TO THE SOUTHWEST CORNER OF SAID STEVENS TRACT; THENCE ALONG THE WESTERLY LINE OF SAID STEVENS TRACT NORTH 00°00'00" EAST 262.76 FEET TO A POINT ON THE CENTERLINE OF SAID COUNTY RD. NO. 2737; THENCE ALONG SAID CENTERLINE SOUTH 83°41'24" WEST 292.60 FEET TO SAID CENTERLINE OF SW 124TH AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 01°35'19" WEST 100.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°04'06" (THE LONG CHORD OF WHICH BEARS SOUTH 02°07'22" WEST 356.13 FEET) AN ARC DISTANCE OF 356.14 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 19098.59 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°09'18" (THE LONG CHORD OF WHICH BEARS SOUTH 02°34'46" WEST 51.67 FEET) AN ARC DISTANCE OF 51.67 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2,010,375 SQUARE FEET OR 46.152 ACRES (MORE OR LESS).

Attachment A to

Exhibit 3

SW TUALATIN-SHERWOOD ROAD
(COUNTY ROAD 2737)



CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BARING
C1	304.50	19098.59	0°54'49"	304.50	S 02°02'43" W
C2	64.52	6200.00	0°35'46"	64.52	S 01°17'26" W
C3	185.71	1135.00	9°22'29"	185.50	N 02°54'37" W
C4	76.78	1135.00	3°52'33"	76.77	N 09°32'08" W
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C7	51.67	19098.59	0°09'18"	51.67	S 02°34'46" W



SCALE: 1" = 250'



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EXHIBIT MAP CITY OF TUALATIN ANNEXATION WEST HALF OF SEC 27 & EAST HALF OF SEC 28 / T2S / R1W / W.M. TUALATIN / WASHINGTON COUNTY / OREGON	DATE: 03 DECEMBER 2018
	DRAWN BY: NJL
	CHECKED BY: JRD
	PROJECT NO. 1800045
	SHEET: 3 OF 3

16 – Certification of Sign Posting

CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code ([TDC 31.064\(2\)](#)). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

As the applicant for the ITEV ANNEXATION project, I hereby certify that on this day, 12/14/18 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

Applicant's Name: Matt Dolan
(Please Print)

Applicant's Signature: *Matt Dolan*

Date: 12/14/18

Map 9-1 Community Plan Map

Attachment B to
Exhibit 3

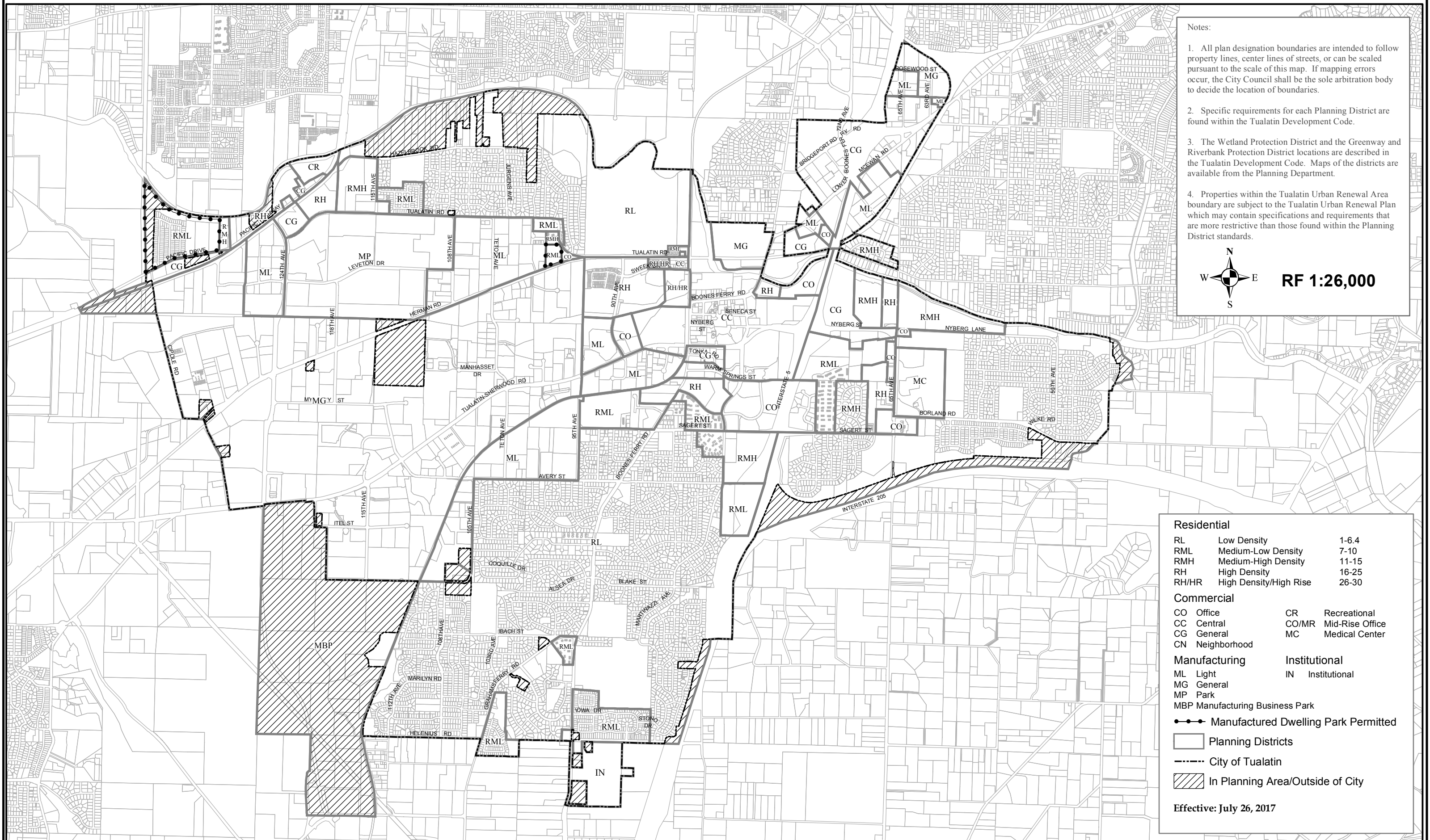


Notes:

1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
2. Specific requirements for each Planning District are found within the Tualatin Development Code.
3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.



RF 1:26,000



Residential

RL	Low Density	1-6.4
RML	Medium-Low Density	7-10
RMH	Medium-High Density	11-15
RH	High Density	16-25
RH/HR	High Density/High Rise	26-30

Commercial

CO	Office	CR	Recreational
CC	Central	CO/MR	Mid-Rise Office
CG	General	MC	Medical Center
CN	Neighborhood		

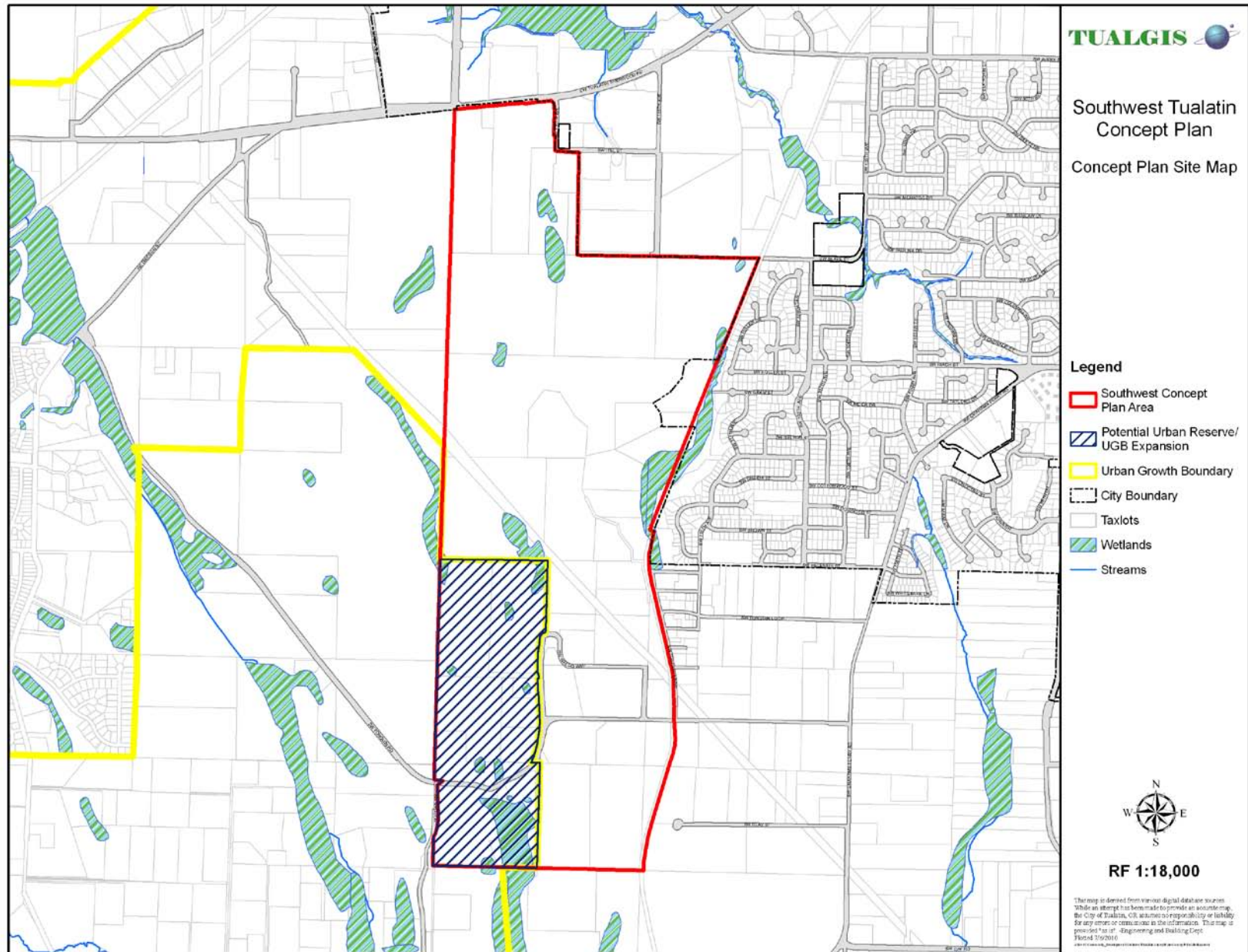
Manufacturing

ML	Light	IN	Institutional
MG	General		
MP	Park		
MBP	Manufacturing Business Park		

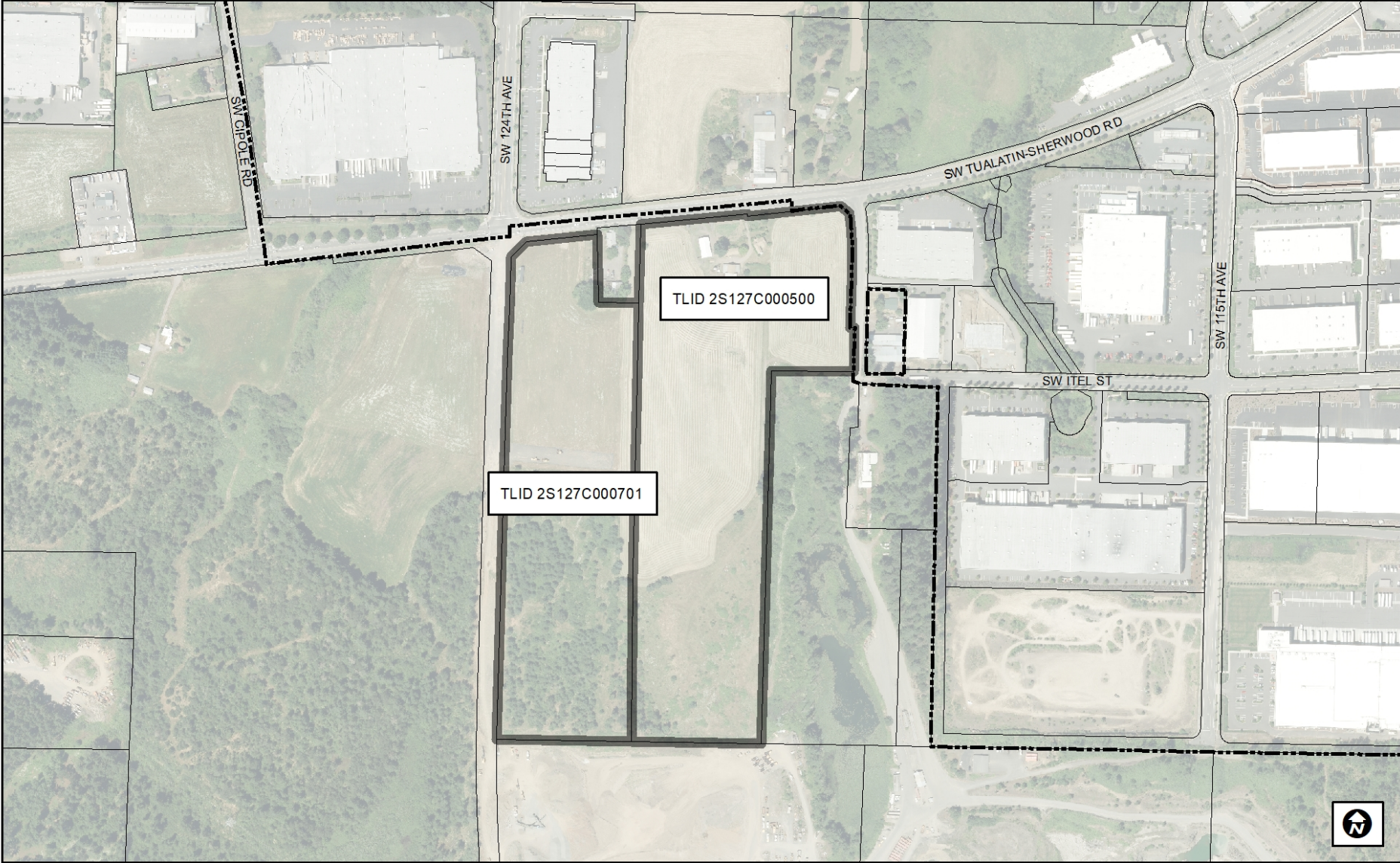
- Manufactured Dwelling Park Permitted
- Planning Districts
- City of Tualatin
- ▨ In Planning Area/Outside of City

Effective: July 26, 2017

Figure 1 Site Map



Map Attachment



ANN18-0002: 12150 SW Tualatin-Sherwood Road property view

ANN 18-0002
Itel Annexation

Tualatin City Council
January 28, 2019



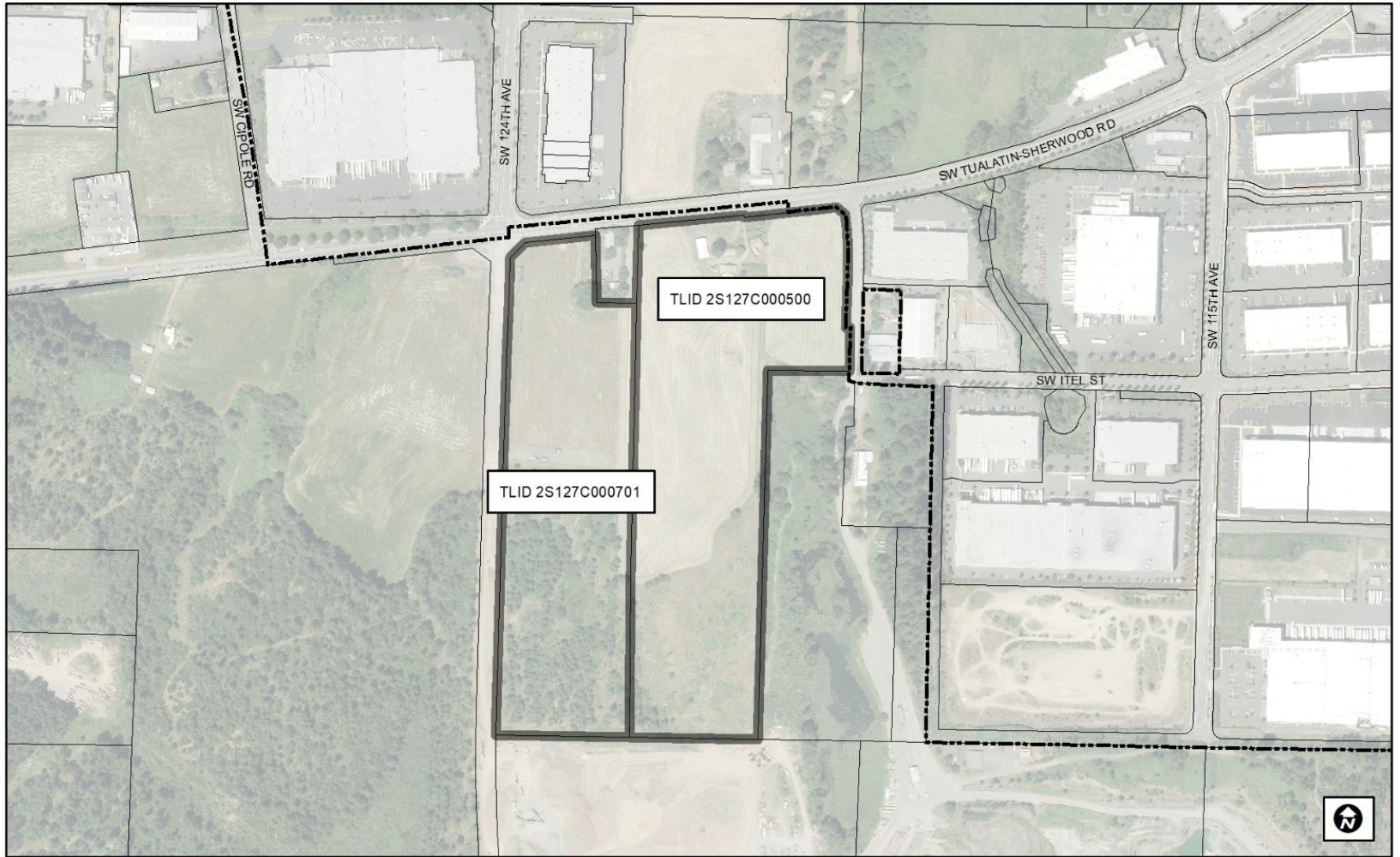
Proposal

- Property owner-initiated annexation of two tax lots, comprising 43.73-acres, at 12150 SW Tualatin-Sherwood Road
- Located in the Manufacturing Business Park (MBP) Planning District
- Annexation area to include ROW to centerline where not already within City boundary

ANN18-0002: 12150 SW Tualatin-Sherwood Road



Council Presentation



ANN18-0002: 12150 SW Tualatin-Sherwood Road



CITY OF
TUALATIN OREGON

Criteria

- Meets ORS Chapter 222
- Meets Metro Code 3.09
- Meets TDC Section 33.010 (Annexations)
 - Property is within Urban Growth Boundary
 - Owner has petitioned to be annexed
- No development proposed

ANN18-0002: 12150 SW Tualatin-Sherwood Road



Conclusion and Recommendation

The proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC.

Staff recommends that the City Council approve Annexation 18-0002 and adopt Ordinance 1417-19 when it is considered as a separate item under General Business.

ANN18-0002: 12150 SW Tualatin-Sherwood Road



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 01/28/2019

SUBJECT: Consideration of **Resolution No. 5422-19** Authorizing the City Manager to Execute an Intergovernmental Agreement with the Cities of Lake Oswego and West Linn Relating to Stafford Concept Planning

ISSUE BEFORE THE COUNCIL:

Council will consider a resolution authorizing the City Manager to execute an Intergovernmental Agreement with the Cities of Lake Oswego and West Linn relating to planning for the Stafford Urban Reserve area.

RECOMMENDATION:

Staff recommends that the City Council consider the resolution for adoption.

EXECUTIVE SUMMARY:

At the December 10, 2018 City Council meeting, the City Council discussed the Intergovernmental Agreement, heard from a number of speakers, and ultimately voted three in favor of adopting the resolution (Bubenik, Grimes, Kellogg) and three opposed (Ogden, Davis, Morrison). There were two primary concerns expressed: 1) the 10-year moratorium on planning in the area north of the Tualatin River, and 2) wanting to ensure coordination with ODOT's projects on I-205 and timely transportation and infrastructure planning for the area. On January 16, 2019, representatives of the three cities met. Both Lake Oswego and West Linn have adopted the IGA; however, they both agreed that while the 10-year moratorium is firm, they acknowledge and agree that there is work that can get underway well before then. In addition, they fully agreed that the transportation planning work needs to move forward and that we all must be engaged and coordinated on the I-205 planning and projects. They reiterated that the IGA does not prevent either of those things from taking place.

The premise behind the IGA before the City Council is that the three cities recognize that uncoordinated decisions by one City could have severe, negative impacts on the other Cities. The purpose of the Agreement is to identify the prerequisites for concept planning, to provide for coordination of concept planning, and to adopt a method for dispute resolution in order to ensure the orderly and coordinated process for any urbanization of Stafford, concurrent with the provision of required urban services, to provide for community involvement, and to ensure preservation of community character and important natural resources.

If adopted, the Resolution would authorize the City Manager to execute the 3-City IGA as adopted by the Cities of Lake Oswego and West Linn.

Attachments: Reso 5422-19 Stafford 3-City IGA
 Exhibit A Reso 5416-18 - Three-City IGA

RESOLUTION NO. 5422-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAKE OSWEGO AND CITY OF WEST LINN RELATING TO STAFFORD CONCEPT PLANNING

WHEREAS, on or about June 28, 2017, the City of Tualatin, City of Lake Oswego, City of West Linn (collectively "Cities"), Clackamas County, and Metro entered into an intergovernmental agreement (the "Five-Party IGA"), in which the Cities agreed to end their long-standing opposition to designation of Metro study areas 4A, 4B, 4C, and 4D ("Stafford") as urban reserve in return for recognition by the County and Metro that the Cities will be responsible for and have control over the planning and timing of urbanization of Stafford.

WHEREAS, Section 2 of the Five-Party IGA and Section 3.07.1110 of the Metro Code require the Cities to adopt a concept plan or plans for Stafford, and Section 2.a of the Five-Party IGA states that the timing for commencement and completion of a concept plan is up to the affected city.

WHEREAS, the purpose of the Intergovernmental Agreement ("IGA") between the Cities is for the Cities to identify the prerequisites for concept planning, provide for coordination of concept planning, and adopt a method for dispute resolution in order to ensure the orderly and coordinated urbanization of Stafford, concurrent with the provision of required urban services, to provide for citizen involvement, and to ensure preservation of community character and important natural resources.

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

Section 1. This City Manager is authorized to execute an IGA with the City of Lake Oswego and City of West Linn related to Stafford, in a form substantially similar to that which is attached as Exhibit A and incorporated by reference.

Section 2. This resolution is effective upon adoption.

ADOPTED by the City Council this 28th day of January, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit A

Resolution No. 5416-18

THREE CITY INTERGOVERNMENTAL AGREEMENT PLANNING FOR THE STAFFORD URBAN RESERVE

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this ____ day of _____, 2018, by the City of Lake Oswego ("Lake Oswego"), the City of Tualatin ("Tualatin"), and the City of West Linn ("West Linn") (together, the "Cities" or the "Parties"). This Agreement is entered into pursuant to ORS 190.010 to 190.110.

RECITALS

1. By intergovernmental agreement dated June 28, 2017, among the Cities, Clackamas County (the "County"), and Metro (the "Five-Party IGA"), the Cities agreed to end their long-standing opposition to designation of Metro study areas 4A, 4B, 4C, and 4D ("Stafford") as urban reserve in return for recognition by the County and Metro that the Cities will be responsible for and have control over the planning and timing of any urbanization of Stafford. Consequently, the Cities did not file an objection or appeal of Metro's submittal to the State of Oregon Land Conservation and Development Commission ("LCDC"). LCDC acknowledged Metro's designation of urban reserves (including Stafford) and Clackamas County's and Multnomah County's designation of rural reserves on May 16, 2018.
2. The Cities had long opposed the designation of Stafford as urban reserve because of concerns with regard to the high cost of providing the necessary public infrastructure, including the feasibility of providing functional transportation infrastructure, and the potential for severe negative impacts on community character and livability, if urbanization were to occur in an uncoordinated manner before the necessary infrastructure is planned for and funded.
3. The purpose of Metro's urban reserves designation is to provide for a 20- to 30-year supply of land for employment and residential land needs beyond the 20-year supply of those lands provided for in the Metropolitan Urban Growth Boundary ("UGB"). Given the infrastructure challenges, any urbanization of Stafford is not likely to occur until the latter part of this period.
4. Section 2 of the Five-Party IGA and Section 3.07.1110 of the Metro Code require that the Cities must have adopted a concept plan or plans for Stafford, or any portion thereof, before it can be considered for addition to the UGB. Section 2.a of the Five-Party IGA states that the timing for commencement and completion of a concept plan is up to the affected city.
5. The Parties recognize that uncoordinated decisions by one Party could have severe, negative impacts on the other Parties. The purpose of this Agreement is to identify the prerequisites for concept planning, to provide for coordination of concept planning, and to adopt a method for dispute resolution in order to ensure the orderly and coordinated process for any urbanization of Stafford, concurrent with the provision of required urban services, to provide for citizen involvement, and to ensure preservation of community character and important natural resources.

6. The Parties also recognize that this Agreement is consistent with and implements the Five-Party IGA and, therefore, is necessary to support the determination by Metro and Clackamas County that the designation of Stafford as an urban reserve is supportable under the urban reserve factors contained in ORS 195.145(5) and OAR 660-027-0050.

NOW, THEREFORE, the Parties agree as follows:

1. **Timing of Concept Planning**

- 1.1 The Parties agree that a very significant challenge for urbanization of Stafford in terms of cost and the potential for severe, negative community impacts is providing for adequate transportation infrastructure and transit service.

- 1.2 The Parties further agree that a key piece of infrastructure that must be planned for and funded before the Parties can complete meaningful concept planning is the widening of Interstate 205 to three lanes in each direction from Oregon City to Stafford Road and the replacement or reconstruction of the Abernethy Bridge ("I-205 Widening Project"). Given the jurisdiction over and the cost of this project, it will have to be a regional project funded by state and federal funds.

- 1.3 The Parties, therefore, agree that no Party will complete or adopt any concept plan for any part of Stafford under Title 11 of the Metro Urban Growth Management Functional Plan (Metro Code Section 3.07), or that otherwise constitutes a concept plan under the terms of the Five-Party Agreement, or that otherwise constitutes a criterion for UGB expansion, nor will any Party apply for, promote or support any expansion of the UGB into any part of Stafford, until:

- 1.3.1 **South of Tualatin River.** For any concept plan proposal involving a portion of Stafford that is south of the Tualatin River:

- (a) The I-205 Widening Project has received preliminary design approval; and
- (b) Funds to construct the I-205 Widening Project have been identified and appropriated; and
- (c) Construction of the I-205 Widening Project is scheduled to begin in two years or less.

- 1.3.2. **North of the Tualatin River.** For any concept plan proposal involving any portion of Stafford that is north of the Tualatin River, the later of:

- (a) December 31, 2028; or
- (b) until all the conditions in subsections 1.3.1 (a), (b) and (c) are met.

- 1.4 By mutual written amendment to this Agreement, the Parties may substitute an alternative I-205 improvement project in place of the I-205 Widening Project as used in Section 1.3, if all the Parties determine in the discretion of each that the alternative project includes high-

capacity transit or other features that enhance capacity and mitigate impacts in a substantially equivalent or superior manner to the I-205 Widening Project.

2. **Coordination of Concept Planning**

2.1 **Notice of Intent to Initiate Concept Plan.** Before initiating concept planning for any portion of Stafford, the planning Party will provide not less than 90 days' written notice to the other Parties. Representatives of all three Parties will meet simultaneously at least twice before the end of the 90-day period to discuss the process, including an approach to addressing any concerns. If one or more Parties refuse to meet during the 90-day period, the initiating Party may begin concept planning, but must still meet the other obligations of coordination under this Agreement.

2.2 **Coordination among the Cities.** The planning Party will coordinate with the other Parties in developing the concept plan, and will provide ample opportunities for the other Parties to evaluate and meaningfully participate and comment on the proposed plan. Further, if a Party (the "objecting Party") presents to the planning Party substantial evidence that a proposed concept plan or concept plan element will materially impair or degrade the functionality of a transportation or utility facility or any other system of the objecting Party or of a service provider providing service within the objecting Party's planning and service area as determined under Section 3 of this Agreement, the planning Party will, in good faith, address the alleged impacts and revise its concept plan or include mitigation measures or requirements that specifically and effectively address the impacts.. For the purposes of this section, substantial evidence includes without limitation evidence that the objecting Party's standards for transportation level of service, operations and safety will be impaired or degraded.

2.3 **Citizen Involvement.** Each Party's consideration and approval of its concept plan will follow the citizen involvement procedures and requirements for comprehensive plan amendments contained in that Party's comprehensive plan and land use regulations. Each Party will coordinate with the Stafford Hamlet and other Clackamas County citizen participation organizations within Stafford in the same manner as a city neighborhood association or other city-recognized citizen involvement organization with relation to providing involvement opportunities during the concept plan adoption process, but shall not be required to provide fee waivers or any other financial or in-kind support.

2.4 **Concept Planning Criteria in Addition to Metro Code.** In addition to concept planning criteria under Metro Code Section 3.07.1100 that is consistent with the Five-Party IGA, the Parties agree that the following criteria will apply to Stafford area concept plans:

- (a) Consider community character;
- (b) Provide separation between communities and understandable borders;
- (c) Preserve natural features;
- (d) Maintain functionality of transportation and other systems. Unless mitigated and addressed as provided in Section 2.2, no material impairment or degradation of the functionality of a transportation or utility facility or system of another Party.

3. **Determination of Concept Planning and Urban Services Areas.** Commencing no earlier than the year 2020, the Parties will develop and enter into an amendment to this Agreement establishing boundaries for each Party's concept planning and Urban Services Area in Stafford. The boundaries will be based upon the considerations listed in Section 2.4 and in Exhibit A. The Parties agree to work with each other to develop and employ a coordinated public review and involvement process in each City before approving the boundaries and the amendment.

4. **Adjustments for Certain Public Facilities or Services.**

4.1 Notwithstanding the timing requirements of Section 1 of this Agreement, provided that all three Parties agree in writing in advance, a Party may approve a concept plan and apply for or support a UGB expansion at any time to include an area of less than 120 acres in Stafford, provided that the area is publicly-owned, and use of the area is limited to parks, recreation, open space, or agricultural uses. Concept plans under this Section 4 are subject to the noticing, coordination and citizen involvement provisions in Sections 2.1, 2.2, and 2.3 of this Agreement. Nothing shall prohibit a Party from including an area that has been concept planned or brought into the UGB under this Section 4 in subsequent concept planning for a larger area in compliance with the terms of this Agreement.

4.2 The Parties hereby agree to Lake Oswego concept planning and requesting UGB expansion under this Section 4 to include all or part of the Luscher Farm/Rosemont Open Space properties consisting of approximately 110.5 acres at 125-385 S. Rosemont Road in Stafford, depicted in Exhibit B with tax lot numbers 21E16AD 03000, 03001; 21D16D 00100, 00300; 21D6E 00200; 21E15C00700, 00300, provided that the Luscher Farm/Rosemont Open Space properties are publicly-owned, and use of the Luscher Farm/Rosemont Open Space properties is limited to parks, recreation, open space, or agricultural uses. In the event Lake Oswego acquires the private parcels north of Rosemont Road surrounded on three sides by the listed properties, or the parcels north of Rosemont Road that lie between 21E15C 00700 and 00300, as shown on Exhibit B, Lake Oswego may include those additional parcels as part of the concept planning and proposed UGB expansion together with the other properties approved under this subsection, provided that the parcels are publicly-owned, and use is limited to parks, recreation, open space or agricultural uses.

5. **Enforcement/Dispute Resolution.** If any dispute arising out of or relating to this Agreement, including the alleged breach, validity, interpretation and performance thereof ("Dispute"), is not resolved through negotiation within 30 days of written notice of a Dispute sent by one of the Parties to the others, the Parties agree to then use their best efforts in good faith to settle the Dispute by mediation before resorting to litigation or some other dispute resolution procedure. The mediator will be an individual acceptable to all three Parties, but in the absence of agreement each Party will select a temporary mediator and the temporary mediators will jointly select the permanent mediator. Each Party will pay its own costs for the time and effort involved in mediation. The cost of the mediator will be shared equally among the Parties. The mediation session will be held within 45 days of the retention of the mediator, and last for at least one full day before any Party has the option to terminate the process. The process will continue until a Party or the mediator states there is no reason to continue because of an impasse that cannot be overcome and sends a "notice of termination of mediation" to the (other)

Parties. Upon termination of mediation, each Party will have the right to exercise all legal remedies available at law or equity. If the Parties reach agreement in mediation, the agreement will be reduced to writing and signed by all Parties.

6. Miscellaneous Provisions.

6.1 **Governing Law.** The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon.

6.2 **Amendments.** This Agreement may be amended at any time with the written consent of all Parties.

6.3 **Severability.** If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.

6.4 **Term.** This Agreement shall be effective upon execution by all Parties identified herein. This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.

IN WITNESS WHEREOF, each Party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the date first mentioned above.

City of Lake Oswego

Dated: _____, 2018

City of Tualatin

Dated: _____, 2018

City of West Linn

Dated: _____, 2018

EXHIBIT A- Three City Intergovernmental Agreement

Considerations in drawing boundaries

1. Efficient and effective use of existing and planned public investments
 - Transportation
 - Sanitary and Storm Sewer
 - Water
 - Open space
 - Emergency response
 - Schools
2. Existing parcelization and committed land uses
3. Separation of cities and understandable boundaries

Although it is too early to consider land use and urban design, boundaries should support each city in maintaining its distinct identity and sense of place.

Avoid splitting properties between cities and support efficient operations and maintenance of city infrastructure

4. Natural areas
 - Promote efficient management of natural resources, e.g., avoid fragmentation of major stream corridors.
 - Use natural areas and natural features as buffers/greenbelt for separation between cities.
 - Provide equitable distribution of regional open spaces among cities.
5. Development costs and fiscal impact
 - Equitable distribution of buildable land for housing and employment
 - Consider relative cost of serving areas; avoid creating areas that are isolated or not fiscally feasible to serve (topography, transportation access, parcelization)

EXHIBIT B – Three City Intergovernmental Agreement
“Luscher Farm” Parcels

