

ORDINANCE NO. 1432-20

AN ORDINANCE ANNEXING PORTIONS OF SW 120TH AVE; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT; AND ANNEXING TERRITORY INTO THE BOUNDARY OF CLEAN WATER SERVICES (ANN 20-0001)

WHEREAS, the City of Tualatin, represented by Casey Fergeson Project Engineer with the Engineering Division, with consent from Washington County, submitted a petition for annexation of approximately 1.2 acres of public right-of-way identified as SW 120th Ave on Tax Map 2S127C, running from the southern extent of SW Itel Street and to the southern extent of the undeveloped SW Blake Street ROW, hereafter called the "Property," into the City of Tualatin;

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

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

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

WHEREAS, Metro does not oppose the annexation;

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

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

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

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

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

WHEREAS, the Council conducted a public hearing relating to the annexation on April 27, 2020, 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 Property identified in the legal description attached as Exhibit 1 and as more fully depicted in the map in Exhibit 2, which are both incorporated by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The findings attached as Exhibit 3, which are incorporated herein by reference, are hereby adopted.

Section 3. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

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

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

Section 8. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Adopted by the City Council this ____ day of _____, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit 1 to Ordinance No. 1432-20

DESCRIPTION FOR ANNEXATION

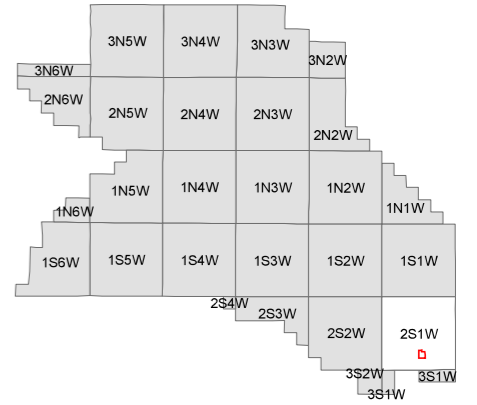
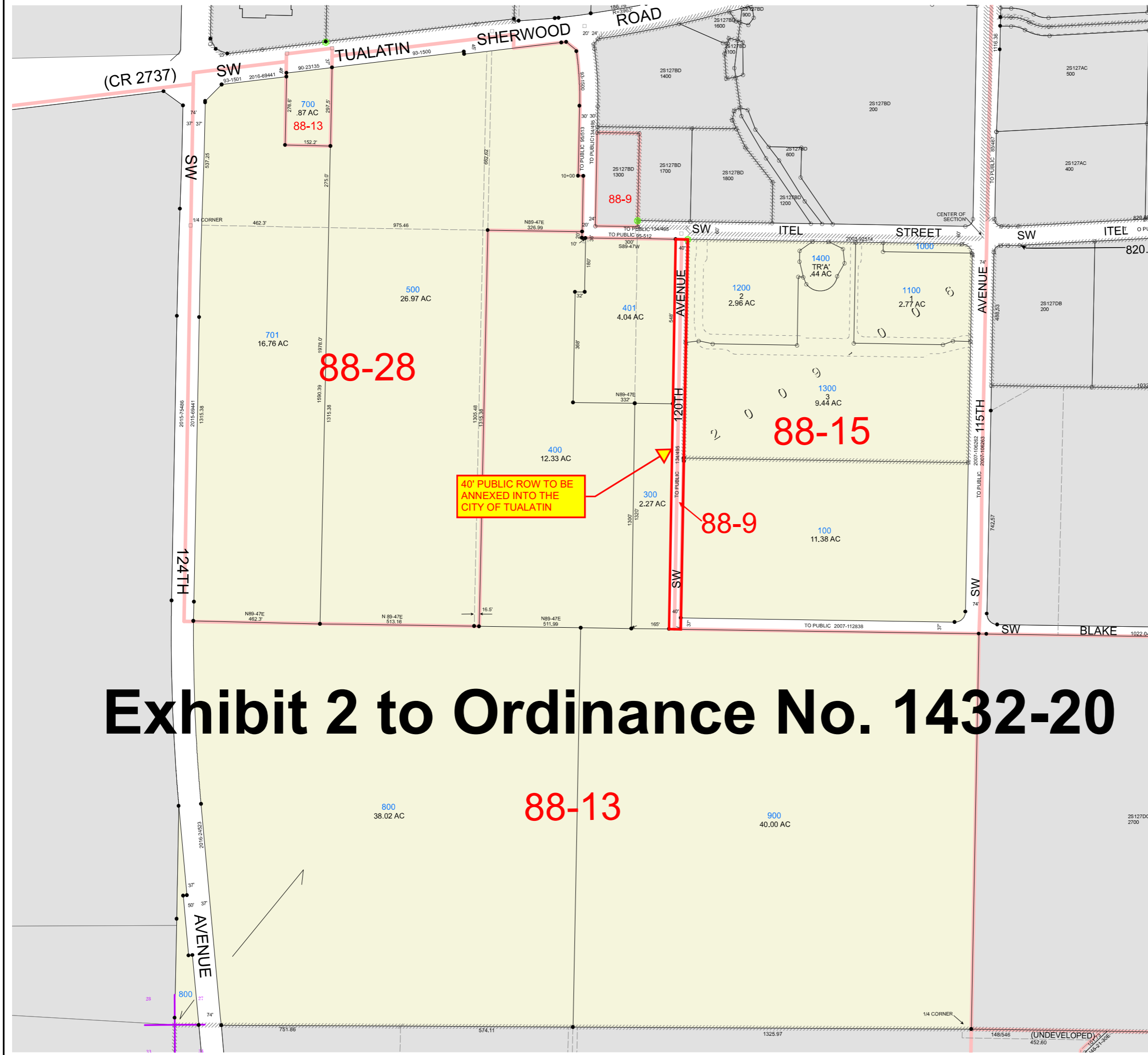
All of SW 120th Avenue lying South of SW Itel Street in the Southwest quarter of Section 27,
Township 2 South, Range 1 West, Washington County Oregon.

ANNEXATION CERTIFIED

BY F

FEB 26 2020

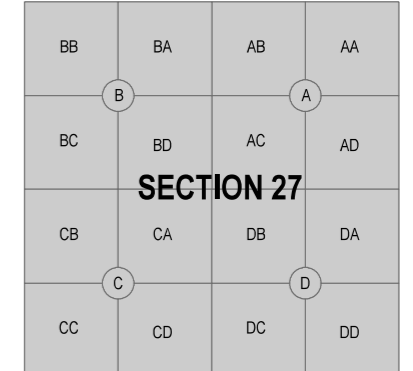
**WASHINGTON COUNTY A & T
CARTOGRAPHY**



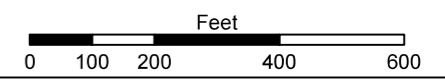
WASHINGTON COUNTY OREGON
SW 1/4 SECTION 27 T2S R1W W.M.
SCALE 1"= 200'

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

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



Cancelled Taxlots For: 2S127C
 600,200,900-A1.



PLOT DATE: 9/18/2019
 Rotation: 0.5
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

Exhibit 2 to Ordinance No. 1432-20

Exhibit 3 to Ordinance No. 1432-20

ANN20-0001

Annexation Analysis and Findings

Case #:	ANN 20-0001
Project:	SW 120 th (SW 119 th) Right-of-Way Annexation
Location:	Public ROW designated as SW 120 th on Tax Map 2S127C south of SW Itel Street
Owner:	Washington County
Applicant:	City of Tualatin, represented by Casey Fergeson

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 City of Tualatin intends to develop a portion of right-of-way (ROW) and assume jurisdiction over newly constructed roadway within said ROW. The land is currently within unincorporated Washington County. This annexation is proposed in order to facilitate City jurisdiction over the ROW; the transfer of jurisdiction is a separate action, but enabled by annexation.

Development of the right-of-way is ongoing while the land remains in Washington County, though not considered as part of this annexation application. The City of Tualatin intends to refer to the developed street as SW 119th Ave, reflecting its position east of other ROW segments labeled as SW 120th Ave. Both names may be used in the supporting documentation.

In conjunction with approval of the proposed annexation, the subject property are withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD) and Washington County Urban Road Maintenance District. The territory is also to be annexed into the Clean Water Services District.

C. Site Description

The annexation would include an area of ROW designated as SW 120th on Tax Map 2S127C, south of SW Itel Street and extending to the southern extent of the SW Blake Street ROW, as shown in Exhibit A. No private property is included with this annexation petition.

The east side of the ROW is industrial land within the City of Tualatin, including a recently developed warehouse and distribution facility that will be served by the new roadway. To the west of the ROW, land is owned by Tigard Sand and Gravel as part of their quarry operation.

Exhibit 3 to Ordinance No. 1432-20

The ROW segment connects to SW Itel Street at the north extent, and to an undeveloped portion of the SW Blake Street ROW at the southern extent.

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:

The subject territory is public ROW under jurisdiction of Washington County. Washington County has expressed their consent and cooperation for the City of Tualatin representative to pursue annexation of this ROW on their behalf as documented in Exhibit 4. 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:

Exhibit 3 to Ordinance No. 1432-20

This annexation supports development of a public roadway as designated by the City's Functional Classification and Traffic Signal Plan, TDC Figure 11-1, enhancing the supply of urban services. The ROW would not host new private development requiring additional urban services such as sewer, school services, or water. Services necessary for a roadway, such as emergency services are available to areas throughout the City of Tualatin. This standard is met.

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

Finding:

The proposed boundary change will withdraw the property from the Washington County Enhanced Sheriff Patrol District 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 territory is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180. This standard is met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Finding:

These standards are addressed below.

3.09.045 Expedited Decisions

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

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

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

Finding:

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

Exhibit 3 to Ordinance No. 1432-20

intergovernmental agreements (IGAs) with other service providers. The subject territory will also be annexed into the Clean Water Services district.

The subject territory is already within, and would remain within, the, Tualatin Valley Fire and Rescue, TriMet, and the Sherwood School 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 the extent of this territory and plans for eventual annexation. 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 territory as part of the Urban Planning Area. The future street is Manufacturing Business Park (MBP).

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

Exhibit 3 to Ordinance No. 1432-20

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:

This territory is included in the Southwest Tualatin Concept Plan (2010) as shown in Exhibit 5. This plan anticipated the annexation of this territory, and concepts for a local street in this area. This standard is met.

2. Consider whether the boundary change would:

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

Finding:

The boundary change supports the creation of a local street under the jurisdiction of the City of Tualatin, supporting nearby industrial development in a manner that improves the quality and quantity of urban services. The territory is adjacent to existing services including utilities in SW Itel Street; needed services for public infrastructure are typically minimal and new services would not be necessitated by the annexation.

Standards A through C are met.

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

Finding:

The subject territory is wholly within the 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.”

Exhibit 3 to Ordinance No. 1432-20

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 properties are in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject properties 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 20-0001 and adoption of corresponding Ord. No. 1432-20.



CITY OF TUALATIN

Community Development Department-Planning Division

Land Use Application—Type IV

PROPOSAL NAME SW 119TH ROW ANNEXATION

PROPOSAL SUMMARY *(Brief description)*
PROPOSAL TO ANNEX SW 120TH AVE ROW INTO THE CITY OF TUALATIN FROM WASHINGTON COUNTY.

PROPERTY INFORMATION
Location *(address if available)*: SW 120TH AVE, SOUTH OF ITEL STREET
Tax Map & Lot #(s): T2SR1W27C Planning District: M6
Total site size: 1.20AC Developed Undeveloped

APPLICANT/CONTACT INFORMATION
Applicant or Primary Contact Name: CASEY FERGESON, ENGINEERING DIVISION
Mailing Address: 18880 SW MARTINAZZI AVE
City/State: TUALATIN, OR Zip: 97062
Phone: 503-691-3034 Email: cfergeson@tualatin.gov
Applicant's Signature: *Casey Ferguson* Date: 3/10/2020

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: _____
Mailing Address: _____
City/State: _____ Zip: _____
Phone: _____ Email: _____
Property Owner Signature: _____ Date: _____

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:	_____

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: 1.20 AC (EXISTING SW 120TH ROW)

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 W/ SOME LARGE TREES ON THE EASTERN BOUNDARY.

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

North: SW ITEL STREET

South: TIGARD SAND & GRAVEL

East: WESTERN PRECISION PRODUCTS (251W27C001200)
INNOVATIVE BAKERY RESOURCES (251W27C001300)
AMAZON (251W27C000100)

West: VACANT LAND [TIGARD SAND & GRAVEL] (251W27C000300)
ASHWOOD CONSTRUCTION INC. (251W27C000401)

EXISTING LAND USE:

Number of existing units/structures:

Single-family: _____ Multi-family: _____ Commercial: _____ Industrial: _____

Describe existing units/structures: Ø STRUCTURES

What is the current use(s) of the land proposed to be annexed: RIGHT-OF-WAY

Public facilities or other uses: N/A

Total current year assessed valuation – Land \$: _____ Structures \$: _____

Total existing population: 0

Is the territory contiguous to the City limits: No

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

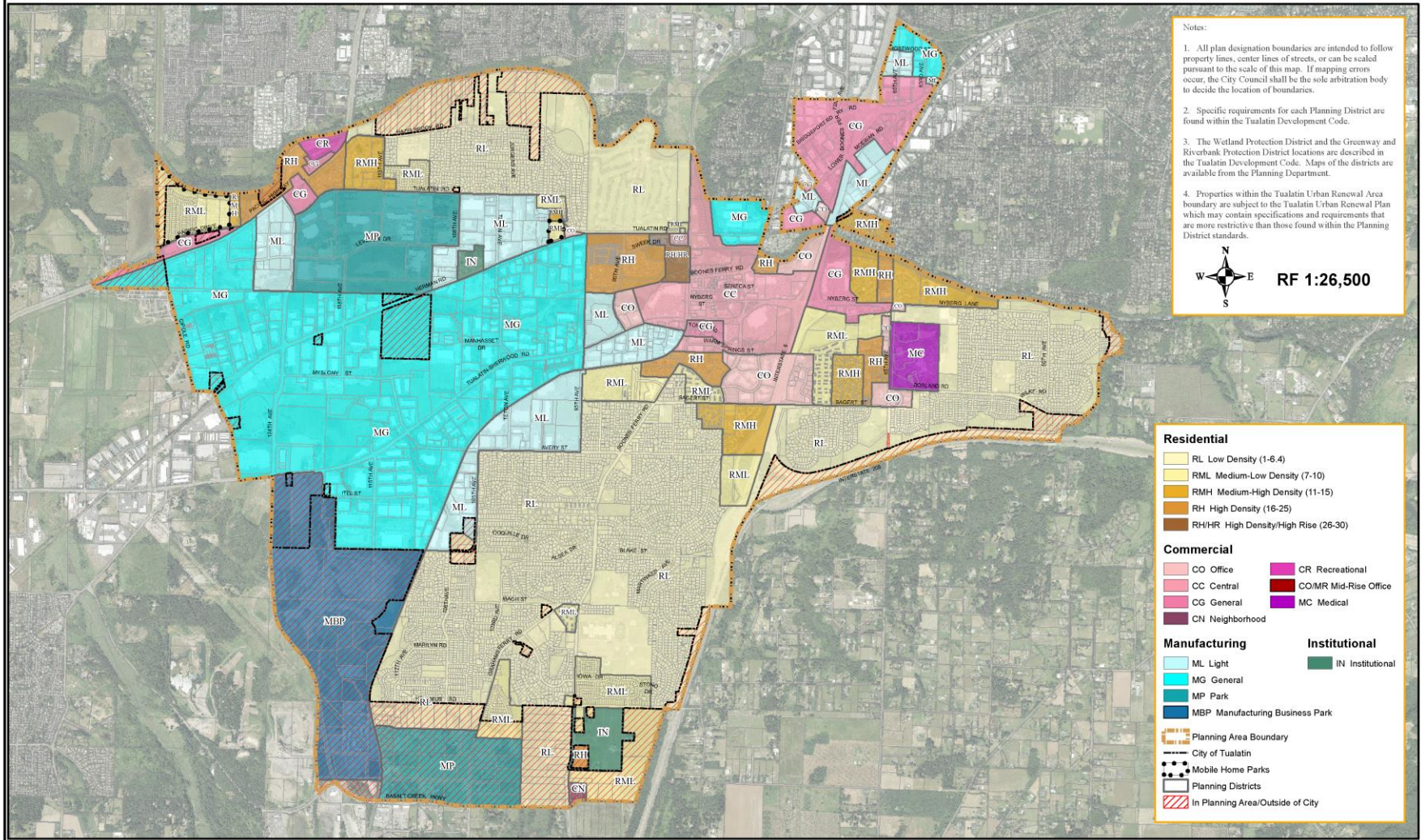
Drainage District: CLEAN WATER SERVICES

Parks & Recreation District: CITY OF TUALATIN

Other: _____

Is the territory served by any of the providers listed above (describe existing connections to public services): NONE

Map 9-1 Community Plan Map



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 1:26,500

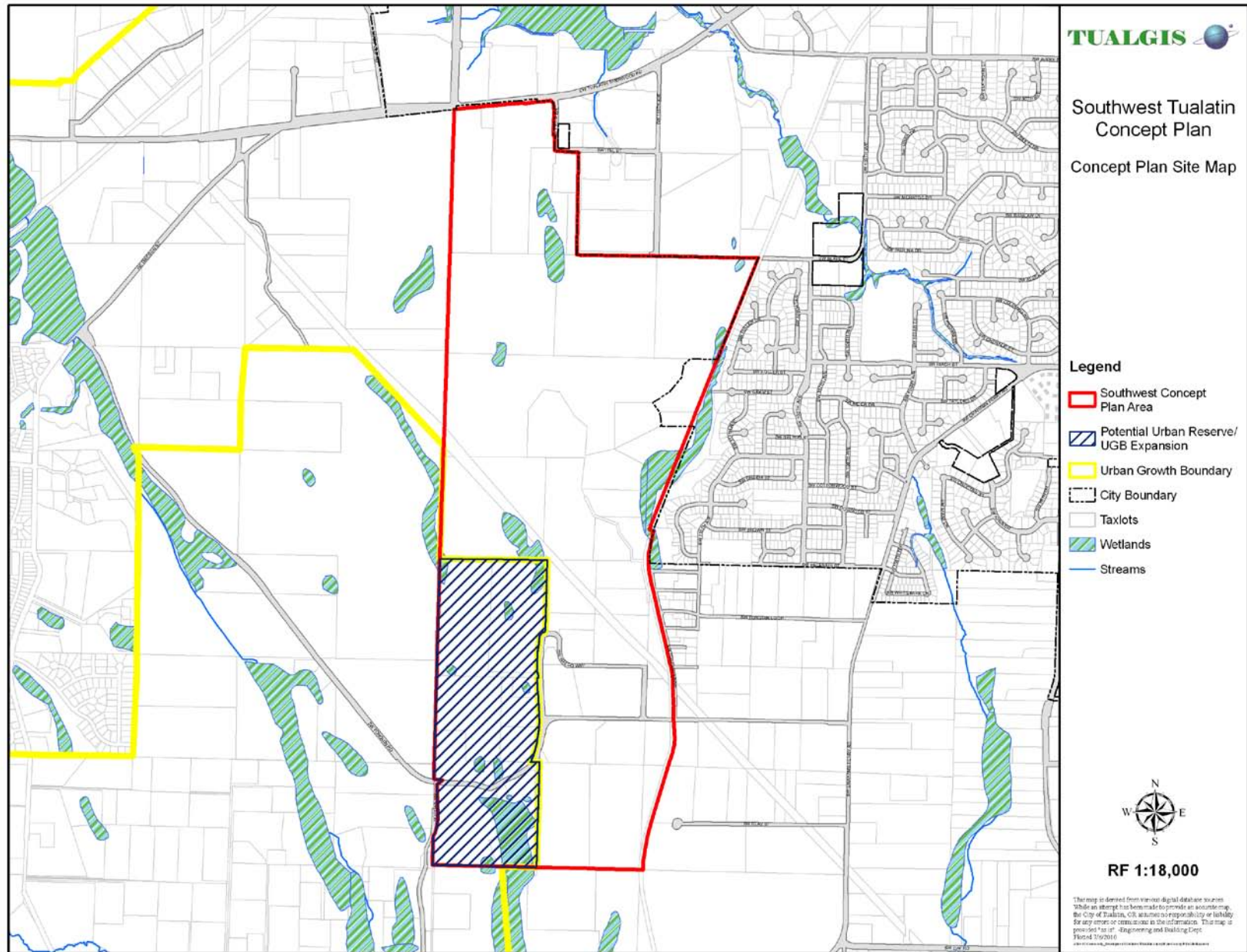
Residential	
	RL Low Density (1-6-4)
	RML Medium-Low Density (7-10)
	RMH Medium-High Density (11-15)
	RH High Density (16-25)
	RH/HR High Density/High Rise (26-30)

Commercial	
	CO Office
	CC Central
	CG General
	CN Neighborhood
	CR Recreational
	COMR Mid-Rise Office
	MC Medical

Manufacturing	Institutional
	IN Institutional

	Planning Area Boundary
	City of Tualatin
	Mobile Home Parks
	Planning Districts
	In Planning Area/Outside of City

Figure 1 Site Map





WASHINGTON COUNTY
OREGON

February 19, 2020

Sean Brady, City Attorney
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Dear Mr. Brady,

Washington County staff have reviewed the materials provided for the City of Tualatin's proposed annexation of the right-of-way of 120th Avenue and a portion of Itel Street into the city of Tualatin.

The proposed annexation is entirely within the area referenced in Washington County's Urban Planning Area Agreement (UPAA) with the City of Tualatin. That agreement contains the following clause:

G. The COUNTY shall not oppose annexations to the CITY within the CITY's Urban Planning Area.

The County consents to this annexation. Both 120th and Itel are local roads, therefore annexation will automatically transfer roadway jurisdiction and maintenance authority to the City.

County staff look forward to further coordination with the City of Tualatin.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen Roberts', with a long horizontal flourish extending to the right.

Stephen Roberts, Director of Land Use & Transportation

cc: Andy Back, Planning and Development Services Manager
Erin Wardell, Principal Transportation Planner
Theresa Cherniak, Principal Community Planner