

# SW Norwood Road Application for Annexation

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**Date:** May 2020  
Revised June 2020

**Submitted to:** City of Tualatin  
18800 SW Martinazzi Avenue  
Tualatin, OR 97062

**Applicants:** Venture Properties, Inc.  
4230 SW Galewood Street, Suite 100  
Lake Oswego, OR 97035

**AKS Job Number:** 7598



12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

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## Exhibits

- Exhibit A:** City of Tualatin Annexation Application
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  - Exhibit I:** Neighborhood/Developer Meeting Information
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# Land Use Application for a Annexation

<b>Submitted to:</b>	City of Tualatin Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
<b>Applicants:</b>	Venture Properties, Inc. 4230 SW Galewood Street, Suite 100 Lake Oswego, OR 97035
<b>Property Owner:</b>	P3 Properties, LLC 1707 3 <sup>rd</sup> Street SE Puyallup, WA, 98372
<b>Owner's Contact:</b>	Paul Pennington PO Box 691 White Salmon, WA 98372
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062  Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
<b>Site Location:</b>	Unaddressed property south of SW Norwood Road, west of Interstate 5, east of SW Boones Ferry Road, and north of SW Greenhill Lane, Tualatin, OR
<b>Assessor's Map:</b>	Washington County Assessor's Map 2S 1 35D Lot 100.
<b>Site Size:</b>	An annexation request affecting: ±23.93 acres (Lot 100).
<b>Land Use District:</b>	Washington County zoning: Future Development 20-acre District (FD-20) After annexation: Medium-Low Density Residential (RML)

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## **I. Executive Summary**

Venture Properties, Inc. (Applicant) is seeking approval for the annexation of 23.93 acres of real property (Tax Lot 100, Washington County Assessor's Map 2S 1 35D) to the City of Tualatin. Tax Lot 100 is currently located within unincorporated Washington County but also within the City of Tualatin Urban Growth Boundary (UGB). The site is contiguous to the city limits to the north and west. The property is zoned Future Development 20-Acre District (FD-20). Upon its annexation, the property would be zoned Medium-Low Density Residential (RML) by the City. The subject property is within the Basalt Creek Concept Plan (April 2019) area.

The applicant intends to sequentially submit residential subdivision applications for the properties listed which would provide needed housing for the City of Tualatin.

The proposal satisfies the applicable approval criteria for annexations outlined within the Tualatin Development Code (TDC).

This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## **II. Site Description/Setting**

The annexation area is comprised of real property approximately 23.93 acres in size. The property is located within the UGB and will be designated RML upon its annexation. The lot lies east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the Basalt Creek Planning Area.

The property is currently vacant and undeveloped. See attached Exhibit C for legal description and map of the proposed annexation territory boundaries.

### III. Applicable Review Criteria

#### TUALATIN DEVELOPMENT CODE

##### Chapter 32 – Procedures

##### TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
  - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

Application/ Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
Annexations						
Quasi-Judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010

**Response:** The applicant has submitted an application for annexation to the City of Tualatin. The application involves one parcel within the Basalt Creek Planning Area south of SW Norwood Road. The requested decision affects a limited number of properties and will require a neighborhood meeting, public notice, and a public hearing.

##### TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

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- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
  - (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

**Response:** The applicant and their representatives have attended a pre-application conference with the City of Tualatin to discuss the overall project and this specific application. The required pre-application conference was held with City of Tualatin Staff on February 12, 2020, prior to the application submittal date. These criteria are met.

- (4) *Application Requirements for Pre-Application Conference.*
  - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
  - (b) *Submittal Requirements.* Pre-application conference requests must include:
    - (i) A completed application form;
    - (ii) Payment of the application fee;
    - (iii) The information required, if any, for the specific pre-application conference sought; and
    - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
- (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
  - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
  - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
  - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

**Response:** The required pre-application conference was held on February 12, 2020, less than six months prior to the application's submittal. These criteria are met.

**TDC 32.120. - Neighborhood/Developer Meetings.**

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

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- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
  - (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

**Response:** For this type of application, a Neighborhood/Developer Meeting is required, and was therefore held on June 25, 2020. The application was submitted prior to holding the Neighborhood/Developer Meeting due to the complications of arranging a public meeting during the current public health crisis. With the City of Tualatin’s Temporary Guidance for Neighborhood/Developer Meetings, a meeting was held and these criteria are satisfied.

- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
  - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
  - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

**Response:** Per the City of Tualatin’s “COVID-19 Public Health Response Temporary Guidance for Neighborhood/Developer Meetings” Procedures 1 and 2, the Applicant has held a Neighborhood/Developer Meeting established on a digital platform (Zoom) that is publicly accessible and does not require a user login or subscription to join the meeting. The digital platform also allowed for a call-only option for non-internet users. The meeting was scheduled for June 25, 2020 at 6:00 p.m., meeting the above weekday scheduling requirements.

- (5) *Notice Requirements.*
  - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

**Response:** Notice of the Neighborhood/Developer Meeting was mailed first class with a description of the proposal and instructions on how to join the meeting on June 9, 2020. This date was 17 days prior to the virtual meeting, in keeping with TDC and the City’s Virtual Neighborhood/Developer Meeting Procedures. The notice included instructions on how to view materials to be presented during the meeting, preliminary details of the major elements of the proposal, and whether there would be future applications. The meeting materials were available more than two days prior to the meeting and will be available for at least 10 days after the meeting concludes. These requirements have been or will be satisfied.

- (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
  - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;

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- (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
  - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
  - (c) The City will provide the applicant with labels for mailing for a fee.
  - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

**Response:** The applicant obtained mailing labels from the City of Tualatin. All property owners within 1,000 feet of the text amendment affected property boundaries were provided with notice, including all property owners within a platted residential subdivision located within 1,000 feet of the boundaries. Additionally, all designated representatives of Byrom CIO (CIO-6) and the City of Tualatin were provided notice electronically. These mailing lists, copies of notices, affidavits of mailing and posting, and emailed copies of notices are included within the attached exhibits. These provisions are met.

- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

**Response:** Signs conforming to the design and placement standards established by the City were posted on all subject properties June 9, 2020, 17 days prior to the virtual Neighborhood/Developer Meeting.

- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

**Response:** The required attendee information and meeting notes are attached to this submission. The meeting notes include the required information: major points, issues, and responses concerning the application, including identifying those attending. During the meeting, all submitted questions and comments received prior to or during the meeting were read aloud. These requirements are met.

**TDC 32.130. - Initiation of Applications.**

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
  - (a) The owner of the subject property;
  - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;



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- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
  - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

**Response:** This application has been submitted by the owner and contract purchasers of the property. This criterion is met.

TDC 32.140. - Application Submittal.

- (1) *Submittal Requirements.* Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
  - (a) *A completed application form.* The application form must contain, at a minimum, the following information:
    - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - (ii) The address or location of the subject property and its assessor's map and tax lot number;
    - (iii) The size of the subject property;
    - (iv) The comprehensive plan designation and zoning of the subject property;
    - (v) The type of application(s);
    - (vi) A brief description of the proposal; and
    - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
  - (b) A written statement addressing each applicable approval criterion and standard;
  - (c) Any additional information required under the TDC for the specific land use action sought;
  - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
  - (e) Recorded deed/land sales contract with legal description.
  - (f) A preliminary title report or other proof of ownership.
  - (g) For those applications requiring a neighborhood/developer meeting:
    - (i) The mailing list for the notice;
    - (ii) A copy of the notice;
    - (iii) An affidavit of the mailing and posting;
    - (iv) The original sign-in sheet of participants; and
    - (v) The meeting notes described in TDC 32.120(7).
  - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the

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subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

**Response:** The application for annexation with the required information is attached as Exhibit A. The subject property information, names and addresses of the applicant and owners, the authorized representative, the size and zoning designation of the subject property, as well as a description of the proposal, type of application, and required signatures are included on the attached forms. No additional information was requested.

The site is adjacent to the Byrom Citizen Involvement Organization (CIO) to the north and west. The CIO was not contacted prior to the submittal of this application. These criteria are met.

**TDC 32.240. - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).**

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

- (1) *Submittal Requirements.* Type IV-A applications must include the submittal information required by TDC [32.140\(1\)](#).

**Response:** The required materials, as outlined by Tualatin Development Code (TDC) 32.140 (1) and addressed above, have been provided and are attached to this application. This criterion is met.

**TDC 32.260. - Annexation Procedures.**

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

- (1) *Procedure Type—Annexations.*
  - (a) Quasi-Judicial Annexations will be conducted by City Council under the Type IV-A process in TDC 32.240, as modified by this Section. The 120-day rule does not apply to annexations.
- (2) *Submittal Information and Completeness.*
  - (a) *Quasi-Judicial Annexation.* For quasi-judicial annexation applications, submittal requirements must be in accordance with TDC 32.240(1) and will be reviewed for completeness in accordance with TDC 32.240(2).

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**Response:** The application for annexation has been submitted with the required information as outlined. These criteria are met.

Chapter 33 – Applications and Approval Criteria

TDC 33.010. - Annexations.

- (1) *Purpose.* The purpose of this Section is to establish the application requirements for annexing territory to the City Limits, consistent with Metro Code 3.09 and Oregon law.
- (2) *Applicability.* The requirements of this section apply to all applications for annexation to the City of Tualatin.
- (3) *Procedure Type.* Annexations are processed in accordance with the annexation procedure in [TDC Chapter 32.260](#).

**Response:** The application narrative addresses each of the application requirements for the proposed annexation of territory into the city limits of the City of Tualatin. The application is also consistent with Metro Code 3.09 and Oregon law, addressed later within this document. These criteria are satisfied.

- (4) *Specific Submittal Requirements.* In addition to the general application submittal requirements in [TDC 32.140](#) (Application Submittal), an applicant(s) for a quasi-judicial annexation must submit the following:
  - (a) The Application for Annexation form;
  - (b) The Petition to Annex to the City of Tualatin form;
  - (c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;
  - (d) The Certification of Legal Description and Map form;
  - (e) The Certification of Property Ownership form;
  - (f) The Certification of Registered Voters form;
  - (g) The Property Owner Information Sheet form;
  - (h) The City application fee, and the Metro application fee in a separate check made payable to Metro;
  - (i) The three column by ten row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:
    - (i) The owner (fee title) of the subject territory, and
    - (ii) Recipients pursuant to [TDC 32.240](#) (3) and the governing jurisdiction of any public street right-of-way to be annexed;
  - (j) The Annexation Property Information Sheet form;
  - (k) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within 1,000 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed must be outlined with a wide, light colored ink marker;
  - (l) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; and
  - (m) Any information required by the City Manager in addition to the above.

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**Response:** The applicant has submitted the required materials for annexation applications in accordance with TDC 32.140 and 33.010. No additional materials have been requested. This criterion is met.

(5) *Approval Criteria. To grant an annexation application, the Council must find:*

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

**Response:** As shown within Exhibit C, the territory to be annexed is within the Metro Urban Growth Boundary (UGB) and within Tualatin’s Urban Planning Area. This criterion is met.

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

**Response:** A Petition to Annex to the City of Tualatin that is signed by 100 percent of the owners of the territory to be annexed is attached as part of Exhibit B. A Certification of Ownership is included with Exhibit D. This criterion is met.

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

**Response:** The applicable criteria of Metro Code 3.09 have been listed below, addressed, and satisfied.

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

**Response:** The applicable criteria of Oregon Revised Statutes (ORS) Chapter 222 have been listed below, addressed, and satisfied.

## **METRO CODE**

### **Title III. Planning**

#### **3.09 Local Government Boundary Changes**

##### **3.09.040 Requirements for Petitions**

A. A petition for a boundary change must contain the following information:

1. The jurisdiction of the reviewing entity to act on the petition;
2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and

**Response:** The required information has been included within the application to the City of Tualatin.

##### **3.09.045 Expedited Decisions**

A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

**Response:** The proposed annexation is a Minor Boundary Change as identified in Metro Code 3.09.020(I.); 100 percent of the property owners have signed a consent to the change, and there are no electors. As such, the City may use the Expedited Decision process.

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

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1. Find that the change is consistent with expressly applicable provisions in:
    - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
    - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
    - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
    - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
    - e. Any applicable comprehensive plan;
    - f. Any applicable concept plan; and

**Response:** The proposed annexation is consistent with intergovernmental planning agreements between the jurisdictions of the City of Tualatin, the City of Wilsonville, Washington County, and Metro. The area was included within the City’s adopted Basalt Creek Concept Plan and related documents. The City has also addressed future transportation needs in the area through its adopted Transportation System Plan (February 2014). Wastewater within this area is handled by Clean Water Services (CWS) which has adopted an updated Sanitary Sewer Master Plan (August 2019) to address this area’s needs. The City of Tualatin has an intergovernmental agreement with CWS for cooperation and the provision of these services. These criteria are met.

2. Consider whether the boundary change would:
  - a. Promote the timely, orderly and economic provision of public facilities and services;

**Response:** The proposed boundary change would promote the timely, orderly, and economic provision of public facilities and services. The territory to be annexed is included within the Basalt Creek Concept Plan, an adopted part of the Tualatin Comprehensive Plan, and other implemented plans such as the City’s Sanitary Sewer Master Plan. The property is contiguous to the city limits and annexation of the property is integral to providing urban services to the area. This criterion has been met.

- b. Affect the quality and quantity of urban services; and

**Response:** The annexation of property into the City of Tualatin would not in itself affect the quality or quantity of urban services. Future development of the site could and would affect the quality and quantity of urban services. This provisions of this section have been satisfied.

- c. Eliminate or avoid unnecessary duplication of facilities or services.

**Response:** The proposed annexation would not create or begin unnecessary duplication of facilities or services, nor would it eliminate or avoid unnecessary duplication of facilities or services. Many of the service districts which currently serve the property would continue to do so as the property was annexed and developed. Upon its annexation, this territory will be withdrawn from some districts and jurisdiction will be given to the City of Tualatin.

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Washington County currently provides planning and building services for this property as well as Sheriff's protection. Following annexation, these services will be provided by the City of Tualatin. This criterion is 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.

**Response:** The territory proposed for annexation lies entirely within the UGB. This criterion is met.

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

- 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.

**Response:** The criteria listed have been addressed above, considered, and satisfied.

### OREGON REVISED STATUTES

#### ORS Chapter 222 - City Boundary Changes; Mergers; Consolidations; Withdrawals

##### 222.111 Authority and procedure for annexation.

- (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."

**Response:** The subject property is not within a city and is contiguous to the City of Tualatin. This criterion is met.

##### 222.520 Annexation of less than entire district; assumption of obligations by city conditional.

- (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.

**Response:** The subject property is currently within the Washington County Enhanced Sheriff's Patrol District (ESPD). Upon annexation, the property would be withdrawn from the ESPD. Law enforcement services would be provided by the City of Tualatin. This standard is met.

### **IV. Conclusion**

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan, Metro Code, and applicable Oregon Revised Statutes. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application for annexation to the City of Tualatin.

# **Exhibit A: City of Tualatin Annexation Application**

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# City of Tualatin

[www.tualatinoregon.gov](http://www.tualatinoregon.gov)

## ANNEXATION APPLICATION INSTRUCTIONS AND REQUIREMENTS

### PURPOSE

Property owners can initiate their own annexation process if the territory is contiguous to the existing city limits. Multiple parcels can be processed as a single application as long as the parcels are neighboring.

Please read all instructions before filing an application with the City.

### APPLICATION REQUIREMENTS

The following information is required with all Annexation applications. If any information is missing, the application will be deemed incomplete until all required information is submitted. Once an application is deemed complete, staff review can begin.

1. Attend a required **Pre-Application meeting** with the Community Development staff to discuss the application requirements. The application to request a Pre-Application meeting and fee schedule is available on the City website.
2. Hold a **Neighborhood/Developer meeting** and provide documentation as described in [TDC 32.120](#).
3. The **Annexation Application** shall be submitted with one hardcopy original with electronic copies of the annexation packet and supporting documentation, and a nonrefundable fee. Metro also requires a fee for annexations. Provide a separate check made out to "Metro":  
<http://www.oregonmetro.gov/tools-partners/data-resource-center/annexation-and-boundary-change-information>.
4. A **Narrative** addressing criteria in [33.010\(5\)](#):
  - (a) *The territory to be annexed is within the Metro Urban Growth Boundary;*
  - (b) *The owners of the territory to be annexed have petitioned to be annexed;*
  - (c) *The application conforms to the applicable criteria in Metro Code 3.09; and*
  - (d) *The application is consistent with applicable provisions of ORS Chapter 222.*
5. **Petition to Annex to the City of Tualatin.** Consent to annex is necessary to initiate the annexation proceeding. Attached is a petition form for your use. This form shall be signed by the majority of electors and land owners or, where there is a recorded land contract, the purchaser thereunder of the property to be annexed. If there are multiple ownerships, each signer is counted toward a proportion to the size of their ownership. If a corporation owns the land, the corporation is considered the individual property owner.  
  
After completing the petition and corresponding Legal Description (7), have the appropriate County Departments certify the petition using the attached certification forms (8-10)
6. **Legal Description.** The applicant shall provide a legal description of the property to be annexed. The legal description should include any abutting public rights-of-way. See attached *Important Information on Annexation Legal Descriptions* for more information.

A lot, block and subdivision description may be substituted for the meets and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's



Office. If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

- 7. **Certification of Legal Description and Map Form.** Have the County Assessors certify the legal description and corresponding map.
- 8. **Certification of Property Ownership Form.** Have the County Assessors Department certify the signatures of the property owners.
- 9. **Certification of Registered Voters Form.** Have the County Elections Department certify the signatures of the registered voters.
- 10. **Property Owner Information Form.** If the proposed annexation involves 10 or fewer property owners/registered voters, complete the attached form. The purpose of this form is to give the City a legible *list of names and addresses of all property owners/registered voters in the area to be annexed regardless of whether these owners/voters petitioned for annexation.*
- 11. An **Annexation Property Information Sheet.**
- 12. **Quarter Section Map.** Submit the latest quarter section map that indicates the subject territory to be annexed. Highlight the area to annexed on the map.
- 13. A completed **Measure 37 & 49 Waiver Form** is required for all annexation applications. Notarized signatures and a copy of the recorded document must be submitted.
- 14. **Mailing Labels for Public Notice.** As part of the application submittal, the applicant is required to provide mailing labels and list of property owners within 1,000 feet of the subject property. This list shall include the Assessors Map Number, Tax Lot Number, name and mailing address for all recipients listed in TDC 32.140(3).  
  
The Community Development Department is able to provide the applicant with a complete Mailing Area list for a fee.
- 15. Include a completed and signed **Certification of Sign Posting.**

#### **NEXT STEPS**

After the application requirements are submitted and the application is deemed complete, staff will gather materials and comments for the staff report. Preparing the report will include review by a variety of service providers (water, wastewater, stormwater, parks, police, and fire) to ensure that public facilities and services can be provided. The report will also address how the application is consistent with the approval criteria in TDC 33.010(5). The annexation staff report will be available for review fifteen days prior to the public hearing.

The applicant should plan to attend their City Council hearing for annexation. The City Council decision will be made by Resolution adoption at the following City Council hearing. A Notice of Adoption will be sent within five days of the hearing. Lastly a completed annexation agreement may be required.



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

**PROPOSAL NAME** SW Norwood Road Annexation

**PROPOSAL SUMMARY** *(Brief description)*

Annexation of 25.18 AC located within the City of Tualatin UGB and assignment of RML zoning.

**PROPERTY INFORMATION**

Location *(address if available)*: No assigned address - south of SW Norwood Road, east of SW Boones Ferry

Tax Map & Lot #(s): 2S135D0-00100

Planning District: RML

Total site size: 25.18 AC

Developed

Undeveloped

**APPLICANT/CONTACT INFORMATION**

Applicant or Primary Contact Name: Mimi Doukas, AICP, RLA

Mailing Address: 12965 SW Herman Road, Suite 100

City/State: Tualatin, OR

Zip: 97062

Phone: 503-563-6151

Email: mimid@aks-eng.com

Applicant's Signature: 

Date: 6/18/2020

*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: P3 Properties LLC by Paul Pennington

Mailing Address: PO Box 691

City/State: White Salmon, WA

Zip: 98672

Phone: Please contact Applicant's Representative

Email: Please contact Applicant's Representative

Property Owner Signature: 

Date: 04/15/2020

*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:	_____