



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

**PROPOSAL NAME** SW Itel Road Annexation

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

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

**PROPERTY INFORMATION**

Location *(address if available)*: 21100 SW 120th Avenue, Tualatin, Oregon 97062

Tax Map & Lot #(s): 2S127C 401 Planning District: WA County

Total site size: 4.04 acres  Developed  Undeveloped


**APPLICANT/CONTACT INFORMATION**

Applicant or Primary Contact Name: Ryan Merlette

Mailing Address: 4660 NE Bleknep Court #101-I

City/State: Hillsboro, OR Zip: 97214

Phone: 971-400-7214 Email: RMerlette@commercelp.com

Applicant's Signature:  Date: 04/27/2021

*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: Ashwood Construction Inc.

Mailing Address: 29772 SW Heater Road

City/State: Sherwood, OR Zip: 97140-5005

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner Signature:  Date: 4-27-21

*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:	_____

# MAJESTIC TUALATIN 119 PARKING EXPANSION AND ANNEXATION TUALATIN, OREGON

**An Application For:**  
Annexation into the City of Tualatin and CWS Service Area

June 2021

Applicant:  
**Commerce Construction Co LP**  
4660 NE Bleknep Court #101-I  
Hillsboro, OR 97214  
Contact: Ryan Merlette  
Phone: (971) 400-7214

Applicant's Representative:  
**DOWL**  
720 SW Washington Street, Suite 750  
Portland, Oregon 97205  
Contact: Read Stapleton, AICP  
Phone: (971) 280-8648



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## I. INTRODUCTION

### General Information

**Applicant/Contact Person:**

**Commerce Construction Co LP**

4660 NE Bleknap Court #101-I  
Hillsboro, Oregon 97214  
Contact: Ryan Merlette  
Phone: (971) 400-7214  
RMerlette@commercelp.com

**Prepared By:**

**DOWL**

720 SW Washington Street, Suite 750  
Portland, Oregon 97205  
Contact: Read Stapleton, AICP  
Phone: (971) 280-8648  
Rstapleton@dowl.com

**Property Owner:**

**Ashwood Construction Inc**

29772 SW Heater Rd  
Sherwood, Oregon 97140  
Contact: Russell Davis, President/Owner

Authorized Representative:

**Majestic Realty Co**

13191 Crossroads Parkway N. Sixth Floor  
Industry, California 91746  
Contact: Phillip Brown  
Phone: 562-948-4350  
PBrown@majesticrealty.com

**Project Location:**

21100 SW 120<sup>th</sup> Avenue, Tualatin, Oregon 97062

**Parcel Information:**

Tax Lot 2S127C000401, 4.04 acres

**Land Use Designation:**

Manufacturing Business Park (MBP) upon Annexation

## **II. PROJECT DESCRIPTION**

Commerce Construction Co LP (the "Applicant") is requesting annexation approval for approximately 4.04 acres of land. The subject property is composed of tax lot 2S127C000401, located at the intersection of SW 119<sup>th</sup> Avenue and SW IteI Street (the "proposed annexation property"). The site is currently within unincorporated Washington County, and the City of Tualatin Urban Planning Area. The City comprehensive plan designation for the site is Manufacturing Business Park (MBP) and the City zoning designation is MBP.

This request is for annexation of the site (proposed annexation property) into the City of Tualatin and the Clean Water Services (CWS) service boundary to enable future development that would be served by the City and CWS. No development or modifications to the property are proposed within this narrative.

The proposed annexation area is described and shown in the legal description and exhibit included in Exhibit E.

### *Natural Resources*

The applicant submitted a Prescreen to CWS that determined sensitive areas potentially exist on site or within 200 feet of the site. The applicant is in the process of performing a site assessment to obtain a Service Provider Letter (SPL). The CWS Pre-Screen form is included as Exhibit N.

## II. APPLICABLE REVIEW CRITERIA

This section is provided to demonstrate the proposal's consistency with the City of Tualatin Development Code (TDC), and applicable state, regional, and local policies and review criteria.

### State Standards

#### **ORS 222.127 – Annexation without election notwithstanding contrary city law upon petition of all owners of land**

- (1) **This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.**

**Response:** A petition for annexation is attached as Exhibit C. This standard is met.

- (2) **Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:**

- (a) **The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015 (Definitions for ORS chapters 195, 196, 197 and ORS 197A.300 to 197A.325);**

**Response:** The proposed annexation property is located within the UGB adopted by Metro. The property has one owner, Ashwood Construction Inc. The property owner has consented to the submittal of this annexation request, as required by ORS 222.127(2). This standard is met.

### Regional Standards

#### **Metro Code 3.09 – Local Government Boundary Changes**

##### **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;**

**Response:** The City of Tualatin and Washington County have an Urban Planning Area Agreement (UPAA) (BCC09-1150) that acknowledges the subject property as part of the City's Urban Planning Area. Per the UPAA, the City provides urban services upon annexation to properties within the UGB, except where the City holds intergovernmental agreements (IGAs) with other service providers. Therefore, the annexation proposal is consistent with the UPAA. Clean Water Services (CWS) is the provider for public storm, surface water management and regional sanitary services in the City and annexation into the CWS service boundary is also requested meeting this standard.

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

**Response:** The applicant is initiating this annexation request, as opposed to the City. Therefore, this ORS provision does not apply.

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

**Response:** There are no known cooperative planning agreements that are applicable to or affected by the proposed annexation request. Pursuant to ORS 199.510(c), the applicant is requesting annexation into the boundaries of CWS for the provision of sanitary sewer,

storm, and surface water management. The territory to be annexed is also currently within the district of Tualatin Valley Fire and Rescue (TVFR), who will remain the fire and emergency services provider for the site.

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

**Response:** The Southwest Tualatin Concept Plan identifies the public facilities and urban services that would be needed for future development in the vicinity of the proposed annexation property. Analysis of transportation and utility systems provided within this concept plan supported future annexation efforts. The City's Transportation System Plan (2014) have been updated to reflect the Southwest Concept Plan, which planned for future annexation of this property and adjacent properties.

The proposed annexation property is consistent with the City's Capital Improvement Plan for 2021-2025, the City Sewer Master (2019), Water System Master Plan (2013) and Stormwater Master Plan (2019). The annexation will enable improvements consistent with these plans.

**e. Any applicable comprehensive plan;**

**Response:** The City of Tualatin's Comprehensive Plan contains the Community Plan Map 9-1, showing the subject property as part of the Urban Planning Area. The provisions of the Comprehensive Plan (TDC) that directly pertain to annexations found in TDC Chapter 4, Community Growth, are included. This standard is met.

**f. Any applicable concept plan; and**

**Response:** The proposed annexation territory is within the Southwest Tualatin Concept planning area. The Southwest Tualatin Concept Plan (2010), provides guidance for future industrial development in southwest Tualatin. In 2011, the SWCP was adopted into the Tualatin Development Code. The SWCP planning area includes 614 acres, which were added to the UGB in 2004 by Metro for the purposes of future industrial growth in Tualatin. Before industrial uses can develop within the planning area, annexation must occur.

**2. Consider whether the boundary change would:**

**a. Promote the timely, orderly and economic provision of public facilities and services;**

**Response:** As stated in the Engineering Pre-Application Comments by the City Engineer, dated January 25, 2021, included in Exhibit A, the proposed annexation property can be adequately served by existing public infrastructure, or by the feasible extension of nearby existing public infrastructure. A public works permit will be obtained for any work within the right-of-way or public easements.

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

**Response:** The proposed land use is consistent with the MBP zoning designation, therefore the City has already considered and planned for the future impacts of the site. The anticipated impact of the proposed project on the quality and quantity of urban services are



provided.

***Transportation***

The proposed annexation property is accessible from SW 119<sup>th</sup> Street which is classified as a future connector by the City of Tualatin Transportation System Plan (2014) Figure 1 Functional Classification Plan. Future use of the property will be consistent with the permitted uses within the MBP zoning designation and, therefore, the future trip generation of the site will be consistent with the levels anticipated in City and regional transportation planning efforts.

***Sanitary Sewer, Water, and Stormwater***

The Tualatin Sewer Master Plan, 2019, Figure ES-1 shows the site within the Tualatin Reservoir and Southwest Tualatin Concept Area. Figure ES-2 identifies a proposed developer funded gravity sewer line identified as SS-5. Table ES-3 lists the recommended improvements including a new 8-inch, 5,175-foot long pipe.

The Tualatin Stormwater Master Plan (2019) and Tualatin Water Master Plan (2013) are both consistent with the Southwest Tualatin Concept Plan. The Stormwater Master Plan does not identify any proposed improvements at or near the site. The Water Master Plan does not identify any proposed improvements at or near the site however services will need to be extended upon annexation into the CWS boundary.

***Fire Protection***

The proposed annexation property is currently within and will remain within the TVFR service district. The TVFR Station 34, is located at 19365 SW 90<sup>th</sup> Court, approximately 2.2 miles northwest of the site.

***Parks, Open Space, and Recreation***

The City of Tualatin manages over 300 acres of open space. The City of Tualatin adopted the Parks and Recreation Master Plan in November 2018. The area to be annexed is not identified as a future acquisition site in the City of Tualatin Parks Master Plan or as part of the Southwest Plan Area and is not anticipated to have a significant impact on demand for parks and recreational facilities.

**Response:**        **c.        Eliminate or avoid unnecessary duplication of facilities of services.**  
The proposed annexation territory is within the SWCP concept planning area. The SWCP planning area includes 614 acres, which were added to the UGB in 2004 by Metro for the purposes of future industrial growth in Tualatin. The proposed annexation implements the SWCP concept plan, and MBP zoning will be applied to the site pursuant to the SWCP concept plan to facilitate future employment commercial uses. Metro and the City of Tualatin have completed extensive, coordinated planning for the siting of new commercial uses within MBP zoning. The SWCP concept plan encourages future commercial uses. Before commercial uses can develop within the planning area, annexation must occur. Unnecessary duplication of facilities will not occur because of this annexation.

**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 area proposed for annexation lies entirely within the UGB.

**3.09.050 - Hearing and Decision Requirements for Decisions Other Than Expedited Decisions**

**A. 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;**

**Response:** The Southwest Tualatin Concept Plan analyzed the availability of urban services in relation to plans for future annexation. This plan evaluated and incorporated needed improvements to the water, sewer and transportation systems and also considered emergency services provided by Tualatin Valley Fire and Rescue. Services will need to be extended to the property with any development and 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**

**Response:** The proposed boundary change will result in the withdrawal of the property from the Washington County Enhanced Sheriff Patrol District therefore meeting this standard.

**3. The proposed effective date of the boundary change.**

**Response:** 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.

**B. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.**

**Response:** The proposed boundary change meets the applicable criteria from Metro Code 3.09 and ORS 222. This standard is met.

**C. 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:** These standards are addressed in the above responses under section 3.09.045 Expedited Decisions.

**Local Policies**

**City of Tualatin Development Code**

**TDC 4 Community Growth**

**TDC 4.065 – Requirements.**

**(1) Metro Code Urban Growth Management Functional Plan (MUGMFP) TDC 3.07.1120 requires the City to adopt comprehensive plan provisions and land use regulations for areas added to the Urban Growth Boundary (UGB) that are identified as the responsibility of the City. The adopted plan provisions and regulations are to address the requirements of Section 3.07.1120(c).**

**Response:** The City adopted comprehensive plan provisions and land use regulations for the SW Tualatin planning area that contains the proposed annexation property. This standard is met.

- (2) **In December, 2002 (Metro Ordinances No. 02-969B & 02-990A (and June, 2004 (Metro No. 04-1040B) Metro expanded the UGB to include 382 acres of land in the southwestern corner of Tualatin. Of this area, 302 acres were designated as Regionally Significant Industrial Area (RSIA) and the remaining acreage was designated as Industrial. Specific conditions were placed by Metro relating to compliance with MUGMFP Titles 3, 4, & 11, lot sizes, and commercial restrictions. The Southwest Tualatin Concept Plan (SWCP) area was accepted by the City in October, 2010, encompassed the 382 acres added to the UGB in 2002 and 2004, a 50 acre property within the Tualatin Planning Area, 117 acres identified in Metro's 2010 Urban Re-serve process as the "Knife River Area" and 66 acres south of Tonquin Road east of the railroad brought into the UGB in 2004.**

**Response:** The site is included into the UGB after metro's expansion. The site is designated as Regionally Significant Industrial Area (RSIA) within the SWCP area.

- (3) **In March 2011, Plan Amendments implementing the SWCP for the 431-acre Southwest and Regionally Significant Industrial Area portion of the SWCP Area were approved by the City Council. The amendments were not applied to the 117.5 acre "Urban Reserve" designated by Metro and the 65.5 acre "Basalt Creek" area to be considered in the Basalt Creek Concept Plan.**

**Response:** The site is included in the SWCP and Regionally Significant Industrial Area (RSIA) portion of the SWCP area.

### **III. CONCLUSION**

As demonstrated throughout this narrative and in associated documents, the applicant's request for annexation into the City of Tualatin and CWS's service area is consistent with the applicable local, regional, and state policies and regulations governing the allowance of the requested actions. Therefore, the applicant respectfully requests City of Tualatin's approval of this application.