

ORDINANCE NO. 1465-22

AN ORDINANCE ANNEXING TERRITORY AT 11345 SW HERMAN ROAD TAX MAP 2S122D LOT 550, INTO THE CITY OF TUALATIN; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND URBAN ROADS MAINTENANCE DISTRICT (ANN 21-0002)

WHEREAS, Gary and Ricky Walgraeve (owners) as represented by AAI Engineering, submitted a petition for annexation of approximately 10.6 acres of land located at 11345 SW Herman Road, Tax Map 2S122D Lot 550, 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, the Property is in the Urban Roads 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, the Council conducted a public hearing relating to the annexation where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing;

Signature: 

Email: fbubenik@tualatin.gov

Signature:   
Sherilyn Lombos (Feb 16, 2022 09:49 PST)

Email: slombos@tualatin.gov

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 and the Urban Roads Maintenance District.

**Section 7.** On the effective date of the annexation, under ORS 199.510(2)(c), the property will continue to be within 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 14<sup>th</sup> day of February, 2022.

CITY OF TUALATIN, OREGON

BY Frank Bubenik  
Mayor

ATTEST:

BY Sherilyn Lombos  
City Recorder



PO Box 398  
Camas, WA 98607  
360.834.2519  
www.kcdevelopment.net

PROVIDING SURVEYING AND PLANNING SERVICES WITH A PERSONAL COMMITMENT TO EXCELLENCE.

## Walgraeves Annexation Legal Description

December 15, 2021

A Portion of the Southeast 1/4 of Section 22, Township 2 South, Range 1 West, W.M., Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the West line of Manhasset Drive Industrial Condominium as recorded in Document Number 2005-058166, at a point which bears N01°33'00"E, 52.03 feet from the 5/8" Rebar with a Yellow Plastic cap marking the Southwest Corner thereof; thence along the West line of said Condominium, and continuing along the West line of Parcel 1, Partition Plat No. 2003-082 , S01°33'00"W, 449.13 feet to the 5/8" Rebar with a Red Plastic Cap inscribed "Ryan LS 58833" as set in Survey Number 30,526 at the Southeast Corner of Tract 2 of that Property Line Adjustment recorded in Document Number 2006-090121, Washington County Records, being also the City Limits Line; thence along the South line of said Tract 2 and said City Limits Line, N88°30'34"W, 1248.54 feet to the 5/8" Rebar with a Red Plastic Cap inscribed "Ryan LS 58833" as set in Survey Number 30,526 at the Southwest Corner of said Tract 2; thence along the West line of said Tract 2, N01°23'38"E, 305.55 feet; thence leaving said line, N88°06'57"E, 588.38 feet; thence N85°36'07"E, 187.62 feet; thence N57°45'52"E, 161.78 feet; thence S88°29'13"E, 340.99 feet to the Point of Beginning.

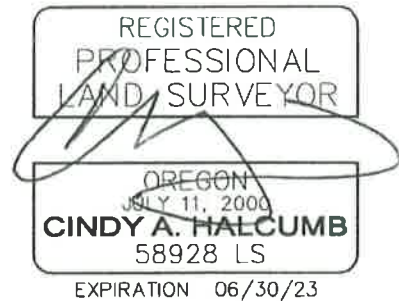
Containing 462,318 Square Feet (10.613 Acres).

**ANNEXATION CERTIFIED**

BY  \_\_\_\_\_

**DEC 16 2021**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**





1" = 200'

**ANNEXATION CERTIFIED**

BY VF

**DEC 09 2021**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

# ANNEXATION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,  
WASHINGTON COUNTY, OREGON

DECEMBER 8, 2021

W A L G R A E V E S

P.O.B.

N57°45'52"E

161.78'

S88°29'13"E

340.99'

N85°36'07"E

187.62'

N88°06'57"E

588.38'

N01°23'38"E  
305.55'

S01°33'00"W  
449.13'

TRACT 2  
2006-090121

ANNEXATION AREA  
462,318 S.F.  
(10.613 ACRES)

WASHINGTON COUNTY

N88°30'34"W

1248.54'

CITY OF TUALATIN

FOUND 5/8" REBAR  
WITH RED PLASTIC CAP  
"RYAN LS 58833" SET  
SN 30,526

FOUND 5/8" REBAR  
WITH RED PLASTIC CAP  
"RYAN LS 58833" SET  
SN 30,526

TRACT 1  
2006-090121

PARCEL 1  
PARTITION PLAT  
NO. 2003-082

MANHASSET DRIVE  
INDUSTRIAL CONDOMINIUM  
2005-058166

FOUND 5/8" REBAR WITH  
YELLOW PLASTIC CAP  
"TETSUKA ASSOC INC."  
SET PP 2003-082



SW MYSLONY STREET

PREPARED BY  
**KC DEVELOPMENT**  
360.834.2519

REGISTERED

PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 11, 2000  
**CINDY A. HALCUMB**  
58928 LS

EXPIRATION 06/30/23

PREPARED FOR  
**PHELAN  
DEVELOPMENT**





## ANALYSIS AND FINDINGS

Case #: ANN 21-0002

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Location:	11345 SW Herman Road; Tax ID 2S122D000550
Owner:	Gary and Ricky Walgraeve
Applicant:	AAI Engineering, Beth Zauner
Representative:	AAI Engineering, Beth Zauner

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### 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 subject territory is 10.6 acres and is located at 11345 SW Herman Road. The land is within Tualatin's Urban Planning Area and is designated as General Manufacturing (MG). The subject territory is located south of SW Herman Road and east of the SW 118th Avenue and SW Myslony Street intersection and north of the SW 112th Avenue and SW Myslony Street Intersection. SW Myslony Street terminates in a cul-de-sac south of the subject territory. The subject territory is within unincorporated Washington County, and is bordered to the east, west and south by the existing City of Tualatin City Limits. The northern portion of Tax Lot 550, which abuts SW Herman Road, will remain within Washington County.

The property owner has petitioned for annexation into the City of Tualatin. The scope of this review is limited to the suitability of annexing the property into the City of Tualatin. The subject territory is already within the Clean Water Services District, Tualatin Valley Fire and Rescue, TriMet, and the Tigard-Tualatin School District. The annexation would prompt withdrawal from the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District.

This application does not approve new development or construction of any buildings, it is solely an annexation application. If annexed, future development would be subject to all applicable requirements of the Tualatin Municipal and Development Codes.

## **Exhibit 3. Analysis and Findings**

### **C. Site Description**

The subject territory is a vacant rectangular property comprised of 10.6 acres and is bordered on the east, west and south by City of Tualatin's City Limits. The property is undeveloped and has been previously utilized for various agricultural crops and grazing for cattle. The subject territory is bordered by industrial uses to the east, west and south.

### **Exhibits**

Exhibit A: Application, Petition and Supporting Materials

Exhibit B: Comprehensive Plan Map 8-1 (Functional Classification and Traffic Signal Plan)

Exhibit C: Comprehensive Plan Map 9-1 (Water System Master Plan)

Exhibit D: Comprehensive Plan Map 9-2 (Sewer System Master Plan)

Exhibit E: Comprehensive Plan Map 10-1 (Zoning)

## Exhibit 3. Analysis and Findings

### TDC Chapter 33, Applications and Approval Criteria

#### Section 33.010 Annexations

To grant an annexation application, the Council must find:

**(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;**

**Finding:**

*As shown in Exhibit E, the subject territory 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 Exhibit A, the property owners, Gary and Ricky Walgraeve, have petitioned to have the territory annexed into the City of Tualatin. 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 subject territory has adequate sanitary sewer, stormwater sewer, potable water to the south of the property and will be accessed from an existing public street SW Myslony Street. The subject territory is already within the Clean Water Services District, Tualatin Valley Fire and Rescue, TriMet, and the Tigard-Tualatin School District. As a result of the proposed annexation, the property would be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District.*

**Sanitary Sewer:**

*The City of Tualatin Sewer Master Plan (Exhibit D) illustrates sewer connections are available in the vicinity of the subject territory. A 21" sanitary sewer main is located in SW 112<sup>th</sup> Avenue that extends onto the subject territory.*

**Stormwater:**

### **Exhibit 3. Analysis and Findings**

*There is an 18" stormwater main in SW Myslony Street that will provide service to the subject territory. Tualatin and Clean Water Services additionally implement stormwater management standards as required by the National Pollution Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer System (MS4) permits. Stormwater facilities, including on-site detention facilities consistent with City and CWS standards, will be required with any future development.*

*The proposed annexation is consistent with the 1972 Tualatin Drainage Plan and Tualatin Comprehensive Plan Chapter 9.*

#### **Potable Water:**

*The City of Tualatin Water System Master Plan (Exhibit C) shows an existing transmission line in the vicinity of the subject territory. A 16" water main is located in SW Myslony Street with a 12" pipe leading to the subject territory. As a result, the property is able to connect to water service consistent with the City's Water Master Plan.*

#### **Transportation and Streets:**

*The subject site is provided with public street access from SW Myslony Street, which is classified as a Collector and Industrial Connector (Exhibit B) and is under the City of Tualatin's jurisdiction. Future road frontage improvements would be reviewed in conjunction with a future Architectural Review application for development on the site.*

*The territory is currently within the TriMet transit district and would continue to be so upon annexation. The property is located south of the current route for TriMet bus line 94 (SW Pacific Highway) and north of line 97 (SW Tualatin Sherwood Road).*

#### **Additional Services:**

*As a result of the proposed annexation, the property would be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District.*

*The territory is currently within the Tualatin Valley Fire and Rescue district, and would continue to be so upon annexation into the City.*

*The territory is currently within the Tigard-Tualatin School District and would be continue to be so upon annexation.*

*The subject territory is not currently within an independent parks district, and would be served by the City of Tualatin for parks services and facilities upon annexation. 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**

## Exhibit 3. Analysis and Findings

### **Finding:**

*The proposed boundary change will withdraw the property from Washington County's jurisdiction for planning, zoning, building, and related services and transfer jurisdiction for those services to the City of Tualatin. This standard is met.*

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

[...]

### **Finding:**

*The annexation of the subject territory will be effective on 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:**

*ORS 195.065 considers urban services agreements pertaining to sanitary sewer, water, fire protection, parks, open space, recreation, and streets, roads, and mass transit. The City of Tualatin has an established Urban Planning Area Agreement (UPAA) with Washington County, which currently has jurisdiction over the subject territory. The UPAA acknowledges that the City of Tualatin is responsible for comprehensive planning, including public facility planning, within the Urban Planning Area. It also establishes a process for determining the likely provider for urban services through concept planning; this is generally the City except where the City holds Intergovernmental Agreements (IGAs) with other service providers.*

*The subject territory is currently within, and would remain within, the Tualatin Valley Fire and Rescue district. Additionally the subject territory is currently within, and would remain within, the Tigard-Tualatin School district. The territory is not within an independent parks, open space or recreation district other than Metro, of which it will remain a part.*

*The City of Tualatin has an established IGA with CWS delineating responsibilities for public sanitary sewer and stormwater management. The subject territory is already within the Clean Water Services District.*

*No additional urban services agreements apply. This standard is met.*

### Exhibit 3. Analysis and Findings

**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, Sewer Master Plan and Water Master Plan are all contained in the Comprehensive Plan and applicable to the subject territory. These plans are discussed below in greater detail.*

***Transportation System Plan:***

*The City of Tualatin Transportation System Plan (Exhibit B) identifies SW Myslony Street as a Major Collector and Industrial Connector. The subject site will have public street access to SW Myslony Street via property to the south. The property is able to connect to the transportation network consistent with the City's TSP.*

***Sewer Master Plan:***

*The City of Tualatin Sewer Master Plan (Exhibit D) illustrates sewer connection is available in the vicinity of the subject territory. A 21" sanitary sewer main is located in SW 112th Avenue that extends onto the subject territory. The subject territory is already within the Clean Water Services district and the City's sewer district.*

***Water Master Plan:***

*The City of Tualatin Water System Master Plan (Exhibit C) shows an existing transmission line in the vicinity of the subject territory. A 16" water main is located in SW Myslony Street with a 12" pipe leading to the subject territory. The property is able to connect to water service consistent with the City's Water Master Plan.*

*The proposed annexation is consistent with these plans. This standard is met.*

**e. Any applicable comprehensive plan;**

**Finding:**

*The City of Tualatin's Comprehensive Plan contains the Comprehensive Plan Map 10-1, (Exhibit E) showing this territory as part of the Urban Planning Area and indicating that the property is zoned General Manufacturing (MG).*

### Exhibit 3. Analysis and Findings

*Comprehensive Plan Chapters 8 Transportation, and 9 Public Facilities Services provide details about service provision in this vicinity. Map 9-1 (Exhibit C) outlines the future provision of water service over the subject territory. Map 9-2 (Exhibit D) shows connections and future provision for sewer service to the subject territory. Chapter 9 establishes a method for cooperation with DEQ and Clean Water Services with the Storm Water Management Ordinance applied at the time of future development.*

*This standard is met.*

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

##### **Finding:**

*The subject territory is not within a concept planning area. The property is subject to a land use designation of General Manufacturing (MG) illustrated on Comprehensive Plan Map 10-1 (Exhibit E). 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:**

*Given the property is adjacent to existing urban services, including utilities and transportation access on SW Myslony Street, 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 territory is wholly within the Urban Growth Boundary (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:**



### **Exhibit 3. Analysis and Findings**

*As shown on the Comprehensive Plan Map 10-1 (Exhibit E), the subject territory 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 within the Tigard-Tualatin School District, Tualatin Valley Fire & Rescue, and TriMet districts and will remain so. 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 21-0002 and adoption of Ordinance No. 1465-22.*



**CITY OF TUALATIN**  
*Planning Division*

## Land Use Application

Project Information		
Project Title: <b>Walgraevs Industrial Park</b>		
Brief Description: <b>Annexation of a portion of property that will have access via SW Myslony Street.</b>		
Property Information		
Address: <b>11345 SW Herman Road, Tualatin OR</b>		
Assessor's Map Number and Tax Lots: <b>2S122D000550</b>		
Applicant/Primary Contact		
Name: <b>Beth Zauner</b>	Company Name: <b>AAI Engineering</b>	
Address: <b>4875 SW Griffith Dr. #300</b>		
City: <b>Beaverton</b>	State: <b>Oregon</b>	ZIP: <b>97005</b>
Phone: <b>503-620-3030</b>	Email: <b>bethz@aaieng.com</b>	
Property Owner		
Name: <b>GARY A. WALGRAEVE, Ricky A Walgraev</b>		
Address: <b>11345 SW HERMAN RD.</b>		
City: <b>TUALATIN</b>	State: <b>OR.</b>	ZIP: <b>97062</b>
Phone: <b>503-692-0766</b>	Email: <b>farmerboys@comcast.net</b>	
Property Owner's Signature: <b>Gary A. Walgraev, Ricky A Walgraev</b>		Date: <b>Sept 1 '21</b>
<small>(Note: Letter of authorization is required if not signed by owner.)</small>		
<b>AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.</b>		
Applicant's Signature: <b>Beth Zauner</b>		Date: <b>11/22/2021</b>
Land Use Application Type:		
<input checked="" type="checkbox"/> Annexation (ANN)	<input type="checkbox"/> Historic Landmark (HIST)	<input type="checkbox"/> Minor Architectural Review (MAR)
<input checked="" type="checkbox"/> Architectural Review (AR)	<input type="checkbox"/> Industrial Master Plan (IMP)	<input type="checkbox"/> Minor Variance (MVAR)
<input type="checkbox"/> Architectural Review—Single Family (ARSF)	<input type="checkbox"/> Plan Map Amendment (PMA)	<input type="checkbox"/> Sign Variance (SVAR)
<input type="checkbox"/> Architectural Review—ADU (ARADU)	<input type="checkbox"/> Plan Text Amendment (PTA)	<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Conditional Use (CUP)	<input type="checkbox"/> Tree Removal/Review (TCP)	
Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

# **Walgraeves Industrial Park**

## **Annexation Application**

**Prepared for:**  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062

**Prepared by:**  
AAI Engineering  
4875 SW Griffith Drive Suite 300  
Beaverton, OR 97005  
(503) 352-7678  
(503) 620-5539, fax  
Email: [bethz@aaieng.com](mailto:bethz@aaieng.com)

**October 2021**

## General Information

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

Applicants: Phelan Development Company  
6750 SW Bradbury Ct.  
Portland, OR 97224

Property Owner: Walgraeves  
11345 SW Herman Rd.  
Tualatin, OR 97062

Applicant's Consultant: AAI Engineering  
4875 SW Griffith Dr.#100  
Beaverton, OR 97005

Contact: Beth Zauner  
Email: bethz@aaieng.com  
Phone: (503) 563-6151

Site Location: Southern portion of 11345 SW Herman Rd.

Assessor's Map: Washington County Assessor's Map 2S122D000550

Site Size: An annexation request affecting +/- 10.6 acres

Land Use District: Washington County zoning: FD-10  
After annexation: MG - General Manufacturing

# Narrative

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## PROJECT DESCRIPTION

### ANNEXATION:

The project site is currently located in Washington County. A Property line Adjustment is currently being processed through Washington County and the City of Tualatin. The property line adjustment will facilitate the annexation of only the project site area. The portion of the property that will not be owned or developed as part of this project, will not be annexed.

Following this Annexation application, the project will be submitted for Architectural Review in the City of Tualatin.

## SITE DESCRIPTION

The property is located at 11345 SW Herman Road. After the Property Line Adjustments and Annexation, the project site will be approximately 10.6 acres. The project will take access from SW Myslony St. The property is vacant with no significant vegetation; however, wetlands do exist of the site and will be mitigated as required. It is anticipated that after annexation, the property will be zoned MG – General Manufacturing.

## APPLICABLE STANDARDS

The following narrative addresses the proposal's consistency with the City of Tualatin Development Code (TDC), and applicable state, regional, and local policies and review criteria.

### **Tualatin Development Code:**

CHAPTER 33 - Applications and Approval Criteria

33.010. - Annexations.

### **Metro Code**

CHAPTER 3.09 – Local Government Boundardy Changes

### **ORS**

CHAPTER 222

## ATTACHMENTS:

Exhibit A: City of Tualatin Annexation Application

Exhibit B: Certification of Property Ownership and Certification of Registered Voters.

Exhibit C: Property Owner Information

Exhibit D: Measure 37 & 49 Waiver of Rights and Remedies

Exhibit E: Annexation Property Information Sheet

Exhibit F: Petition to Annex

Exhibit G: Legal Description

Exhibit H: Quarter Section Map

Exhibit I: Certification of Legal Description and Map Form

Exhibit J: Neighborhood/Developer Meeting Information

**TUALATIN DEVELOPMENT CODE**

**Chapter 33 – Applications and Approval Criteria**

33.010. - Annexations.

(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: The property to be annexed is within the Metro Urban Growth Boundary.**

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

**Response: he owners of the property have made a petition for annexation.**

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

**Response: The application conforms to the applicable criteria in Metro Code 3.09, as described in this narrative document.**

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

**Response: The application conforms to the applicable provisions of ORS Chapter 222, as described in this narrative document.**

**Metro Code**

CHAPTER 3.09 – Local Government Boundardy Changes

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 subject property is a single parcel of 10.6 acres surrounded by developed residential and industrial land within the City of Tualatin. The subject property will take access off of SW Myslony which is being extended and improved to City of Tualatin standards. Adjacent Industrial development ensures adequate utilities will also be available. 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. 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, and the Tigard-Tualatin 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.**

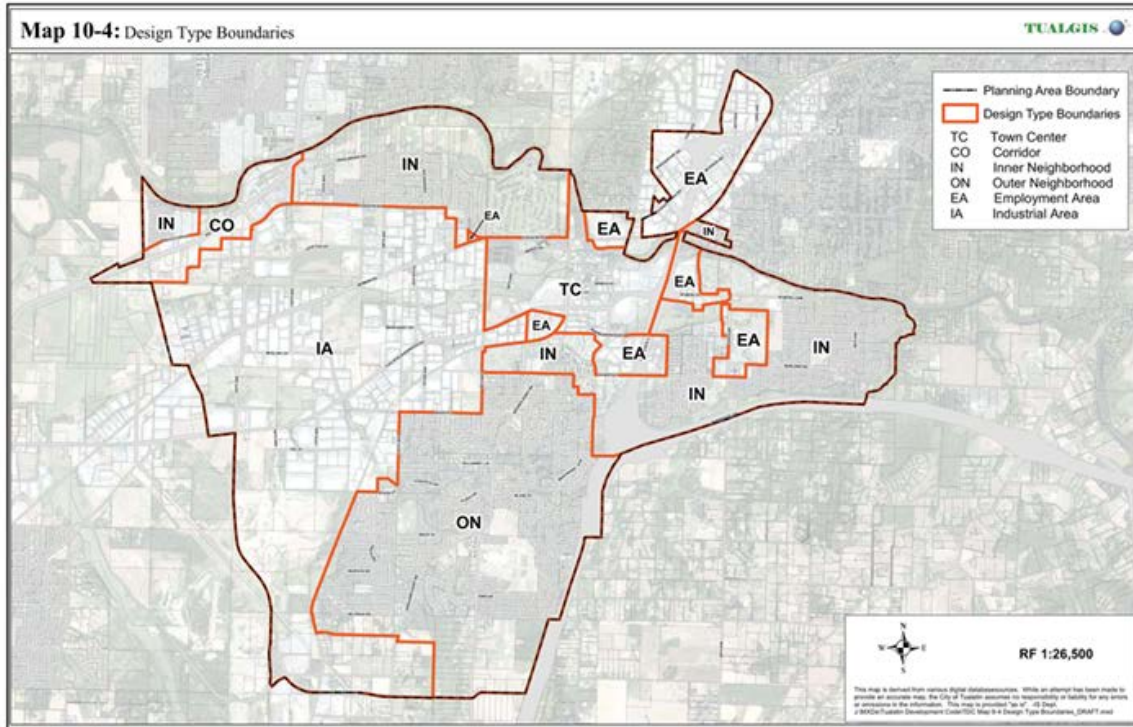
- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

**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 Design Type Boundaries Map 10-4 showing this property as part of the Industrial Areas Lands.**





The provisions of the Comprehensive Plan that relate to annexations, found in TDC Chapter 4 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: This property is not located within a concept plan 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 (Effective 07/11/2012) 3.09 - 6 of 9

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 to Myslony, 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 territory is wholly within the UGB. This standard is met.**

**ORS**

**CHAPTER 222**

**City Boundary Changes; Mergers; Consolidations; Withdrawals**

**222.111 Authority and procedure for annexation; specifying tax rate in annexed territory.**

(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: The subject property is not within a city and is contiguous to the City of Tualatin. This standard 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 and the city, after the incorporation or annexation, will provide for the service to the part of the district that the district provided before the incorporation or annexation, the city may cause the part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after the incorporation or annexation in the manner set forth in ORS 222.524. Until withdrawn, the part of the district incorporated as or annexed to the city shall continue to be a part of the district.

**Finding: The subject property is 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:**

**Based on the application and the above analysis and findings, the proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC.**



PO Box 398  
Camas, WA 98607  
360.834.2519  
www.kcdevelopment.net

*PROVIDING SURVEYING AND PLANNING SERVICES WITH A PERSONAL COMMITMENT TO EXCELLENCE.*

### **Walgraeves Annexation Legal Description**

December 15, 2021

A Portion of the Southeast 1/4 of Section 22, Township 2 South, Range 1 West, W.M., Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the West line of Manhasset Drive Industrial Condominium as recorded in Document Number 2005-058166, at a point which bears N01°33'00"E, 52.03 feet from the 5/8" Rebar with a Yellow Plastic cap marking the Southwest Corner thereof; thence along the West line of said Condominium, and continuing along the West line of Parcel 1, Partition Plat No. 2003-082, S01°33'00"W, 449.13 feet to the 5/8" Rebar with a Red Plastic Cap inscribed "Ryan LS 58833" as set in Survey Number 30,526 at the Southeast Corner of Tract 2 of that Property Line Adjustment recorded in Document Number 2006-090121, Washington County Records, being also the City Limits Line; thence along the South line of said Tract 2 and said City Limits Line, N88°30'34"W, 1248.54 feet to the 5/8" Rebar with a Red Plastic Cap inscribed "Ryan LS 58833" as set in Survey Number 30,526 at the Southwest Corner of said Tract 2; thence along the West line of said Tract 2, N01°23'38"E, 305.55 feet; thence leaving said line, N88°06'57"E, 588.38 feet; thence N85°36'07"E, 187.62 feet; thence N57°45'52"E, 161.78 feet; thence S88°29'13"E, 340.99 feet to the Point of Beginning.

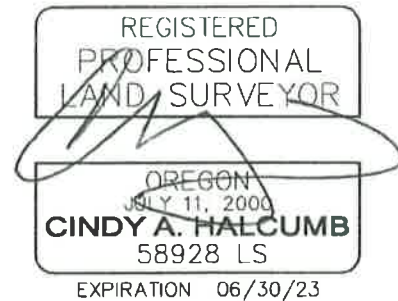
Containing 462,318 Square Feet (10.613 Acres).

**ANNEXATION CERTIFIED**

BY           VF          

**DEC 16 2021**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**





1" = 200'

**ANNEXATION CERTIFIED**

BY VF

**DEC 09 2021**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

# ANNEXATION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,  
WASHINGTON COUNTY, OREGON

DECEMBER 8, 2021

W A L G R A E V E S

N57°45'52"E  
161.78'  
S88°29'13"E  
340.99'

P.O.B.

N88°06'57"E  
588.38'

N85°36'07"E  
187.62'

TRACT 2  
2006-090121

N01°23'38"E  
305.55'

ANNEXATION AREA  
462,318 S.F.  
(10.613 ACRES)

WASHINGTON COUNTY  
CITY OF TUALATIN

1248.54'

FOUND 5/8" REBAR  
WITH RED PLASTIC CAP  
"RYAN LS 58833" SET  
SN 30,526

N88°30'34"W

TRACT 1  
2006-090121

S01°33'00"W  
449.13'

PARCEL 1  
PARTITION PLAT  
NO. 2003-082

FOUND 5/8" REBAR WITH  
YELLOW PLASTIC CAP  
"TETSUKA ASSOC INC."  
SET PP 2003-082

FOUND 5/8" REBAR  
WITH RED PLASTIC CAP  
"RYAN LS 58833" SET  
SN 30,526

MANHASSET DRIVE  
INDUSTRIAL CONDOMINIUM  
2005-058166  
52.03'



SW MYSLONY STREET

PREPARED BY  
**KC DEVELOPMENT**  
360.834.2519

REGISTERED

PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 11, 2000  
**CINDY A. HALCUMB**  
58928 LS

EXPIRATION 06/30/23

PREPARED FOR  
**PHELAN  
DEVELOPMENT**

### 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)**

**MAILING ADDRESS**

**PROPERTY DESIGNATION**

**PROPERTY ADDRESS (If different)**

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

(1) Gary Walgraeve  
25122D00055D

(2) Ricky Walgraeves  
25122D00055D

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

(6) \_\_\_\_\_

(7) \_\_\_\_\_

(8) \_\_\_\_\_

(9) \_\_\_\_\_

(10) \_\_\_\_\_

### ANNEXATION PROPERTY INFORMATION SHEET

**EXISTING CONDITIONS IN AREA TO BE ANNEXED:**

Land area, in acres: 20.43 acres

General description of territory (Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal): vacant, no significant vegetation, wetlands present (to be mitigated)

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

North: This property will remain in the Walgraaves ownership and will remain residential in use, in Washington Co.

South: Ferguson Plumbing Supply (Industrial) & two multi-tenant Industrial buildings.

East: UPS Customer service building

West: Large Warehouse & Distribution centers.

**EXISTING LAND USE:**

Number of existing units/structures:

Single-family: 0 Multi-family: 0 Commercial: 0 Industrial: 0

Describe existing units/structures: none

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

Public facilities or other uses: current access to SW Herman Rd.  
Access after PLA/ANNEX from SW Myslongy St.

Total current year assessed valuation - Land \$: TBD. Structures \$: 0 (no structures on annex. land)

Total existing population: 2

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 Co.

Highway Lighting District: \_\_\_\_\_

Fire District: TVER

Sanitary District: CWS

Water District: \_\_\_\_\_

Grade School District: Tigard-Tualatin

High School District: Tigard-Tualatin

Library District: \_\_\_\_\_

Drainage District: CWS

Parks & Recreation District: \_\_\_\_\_

Other: ESPD.

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

The property to be annexed is vacant and will establish new connections to all City utilities and services.



**PETITION TO ANNEX**

To the Council and City of Tualatin:


We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	Date	I am a*			Address	Property Description			
			PO	RV	OV		QTR	TWN	RANGE	LOT
<i>Gary Wolgroves</i>	<i>GARY WOLGROVES</i>	<i>9/14/21</i>	<input checked="" type="checkbox"/>			<i>11345 SW Herman Rd</i>	<i>22</i>	<i>2S</i>	<i>1W</i>	<i>550</i>
<i>Ricky A Wolgroves</i>	<i>RICKY WOLGROVES</i>	<i>9/14/21</i>	<input checked="" type="checkbox"/>			<i>11345 SW Herman Rd</i>	<i>22</i>	<i>2S</i>	<i>1W</i>	<i>550</i>

\* Please check one of the following: PO: Property Owner; RV: Registered Voter ; OV: Property Owner & Registered Voter

### 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.

<u>TED FOSTER</u>	<u>GIS TECH</u>	_____
Printed Name	Title	
<u></u>	<u>12/9/21</u>	_____
Signature	Date	
<u>CARTOGRAPHY</u>	<u>WASHINGTON</u>	_____
Department	County of	

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

**ANNEXATION CERTIFIED**

BY 

**DEC 09 2021**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

### 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.

GARY A. WALGRAEVE  
Printed Name Title

Gary A. Walgraev Sept 1 - 2021  
Signature Date

Department County of

*\*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.

GARY WALGRAEVE OWNER  
Printed Name Title

Gary Walgraev 8-16-21  
Signature Date

Department County of



25 NW 23rd Place Suite 1 / Commercial Dept  
Portland, OR 97210  
Phone (503) 219-9088 Fax (503) 477-6476

WFG National Title Insurance Company  
Attn: Trevor Cheyne  
25 NW 23rd Place Suite 1 / Commercial Dept  
Portland, OR 97210

Date Prepared: June 12, 2020

### PRELIMINARY TITLE REPORT

Order Number: **20-207334**  
Escrow Officer: Trevor Cheyne  
Phone: (503) 444-7047  
Fax: (503) 296-5869  
Email: [tcheyne@wfgnationaltitle.com](mailto:tcheyne@wfgnationaltitle.com)

**Seller(s): Gary Walgraeve and Ricky Walgraeve**  
**Buyer(s): Phelan Development Company, LLC**

**Property: 11345 SW Herman Road, Tualatin, OR 97062**

**WFG National Title Insurance Company**, is prepared to issue a title insurance policy, as of the effective date and in the form and amount shown on Schedule A, subject to the conditions, stipulations and exclusions from coverage appearing in the policy form and subject to the exceptions shown on Schedule B. This Report (and any Amendments) is preliminary to and issued solely for the purpose of facilitating the issuance of a policy of title insurance at the time the real estate transaction in question is closed and no liability is assumed in the Report. The Report shall become null and void unless a policy is issued and the full premium paid.

This report is for the exclusive use of the person to whom it is addressed. Title insurance is conditioned on recordation of satisfactory instruments that establish the interests of the parties to be insured; until such recordation, the Company may cancel or revise this report for any reason.

## SCHEDULE A

1. The effective date of this preliminary title report is **8:00 A.M. on 9th day of June, 2020**
2. The policies and endorsements to be insured and the related charges are:

<u>Policy/Endorsement Description</u>	<u>Liability</u>	<u>Charge</u>
<b>ALTA 2006 Owners Policy</b>	<b>\$9,016,920.00</b>	<b>\$14,126.00</b>
<b>Basic Owner's Rate</b>		<b>\$14,126.00</b>

**Proposed Insured: Phelan Development Company, LLC**

**Government Service Fee: \$25.00**

This is a preliminary billing only, a consolidated statement of charges, credits and advances, if any, in connection with this order will be provided at closing.

3. Title to the land described herein is vested in:

**Ricky Walgraeve and Gary Walgraeve, as tenants in common**

4. The estate or interest in land is:

**Fee Simple**

5. The land referred to in this report is described as follows:

**SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A tract of land being a portion of that certain tract of land described in Deed to Gary Walgraeve and Ricky Walgraeve recorded November 12, 1993, as Fee No. 930943118, Washington County Deed Records, in the Southeast 1/4 of Section 22, Township 2 South, Range 1 West of the Willamette Meridian, County of Washington and State of Oregon, being more particularly described as follows:

Commencing at a 3-1/4" aluminum disk marking the South 1/4 corner of said Section 22; thence along the South line of said Southeast 1/4 of Section 22, North 89°37'22" East 69.55 feet to the Southwest corner of said Walgraeve tract; thence along the West line thereof, North 00°27'50" West 970.99 feet to the True Point of Beginning of the herein described tract of land; thence continuing along said West line, North 00°27'50" West 1220.09 feet to the Southeasterly right of way line of the Southern Pacific Railroad (60.00 feet wide); thence along said right of way line North 67°04'40" East 1179.33 feet to the North line of said Southeast 1/4 of Section 22; thence leaving said right of way line and along said North line North 89°40'09" East 167.37 feet; thence South 00°20'09" East 444.41 feet to the North line of Tract B, Partition Plat No. 2003-082, a duly recorded plat in said County; thence along said North line North 88°39'51" West 5.00 feet to the Northwest corner of said Tract B, also being the Northwest corner of that certain tract of land described in Deed to Swanpor Corporation recorded September 24, 1986, as Fee No. 86043361, said Deed Records; thence along the West line of said Swanpor tract South 00°20'09" East 1227.71 feet; thence leaving said West line South 89°37'22" West 1248.52 feet to the True Point of Beginning.

ALSO a tract of land being a portion of that certain tract of land described in Deed to Gary Walgraeve and Ricky Walgraeve, as tenants in common, recorded July 28, 2006 as Instrument No. 2006-090121, Washington County Records, situated in the Southeast quarter of Section 22, Township 2 South, Range 1 West of the Willamette Meridian, County of Washington, State of Oregon, being more particularly described as follows:

Commencing at a 3-1/4" aluminum disk marking the South quarter corner of said Section 22; thence along the South line of said Southeast quarter of Section 22, North 89°37'22" East 69.55 feet to the Southwest corner of said Walgraeve tract; thence along the West line thereof North 00°27'50" West 507.64 feet to the True Point of Beginning of the herein described tract of land; thence continuing along said West line North 00°27'50" West 463.34 feet; thence leaving said West line North 89°37'22" East 1248.52 feet to the West line of Parcel 1, Partition Plat 2003-082, a duly recorded Plat in Washington County; thence along said West line South 00°20'09" East 430.00 feet to the North line of that certain tract of land conveyed to Pascuzzi Investment LLC by Quitclaim Deed recorded June 2, 1995 as Instrument No. 95-037906, said Deed Records; thence along said North line South 89°37'22" West 495.00 feet to the Northwest corner of said Pascuzzi tract of land; thence North 00°22'38" West 30.00 feet to the beginning of a 2553.81 foot radius non-tangent curve to the left, a radial line bears North 00°22'38" West to said point; thence along the arc of said curve 438.46 feet through a central angle of 9°50'14" (the long chord bears South 84°42'15" West 437.93 feet); thence along a radial line North 10°12'52" West 7.00 feet to the beginning of a 2560.81 foot radius curve to the left, said curve being concentric with the aforementioned curve; thence along the arc of said curve 37.74 feet through a central angle of 0°50'40" (the long chord bears South 79°21'49" West 37.74 feet) to the beginning of a 1497.92 foot radius reverse curve to the right; thence along the arc of said curve 272.61 feet through a central angle of 10°25'38" (the long chord bears South 84°09'18" West 272.23 feet); thence South 89°22'07" West 6.87 feet to the true point of beginning. The bearings contained in this description are based on Survey No. 30526, Washington County Survey Records.

EXCEPTING THEREFROM a tract of land located in the Southeast One-Quarter of Section 22, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon and being more particularly described as follows: Beginning at the southwest corner of Parcel 1 of Partition Plat Number 2003-082, being a 3 inch brass disk inscribed "DE HAAS AND ASSOC. INC.", thence along the west line of said Parcel 1 North 00°20'09" West 395.59 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DE HAAS & ASSOC. INC."; thence South 89°37'22" West 5.00 feet to the True Point of Beginning, being a 5/8 inch iron rod with a yellow plastic cap inscribed "DE HAAS & ASSOC. INC."; thence South 89°37'22" West 495.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "RYAN LS 58833"; thence North 00°22'38" West 140.00 feet to a point; thence North 89°37'22" East 495.10 feet to a point on the west line of said Parcel I; thence along said west line South 00°20'09" East 140.00 feet to the True Point of Beginning. The Basis of Bearings is per Washington County Survey Number 30837.

## SCHEDULE B

### GENERAL EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

### SPECIAL EXCEPTIONS

6. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
7. Unpaid Taxes for 2019 -2020:

Levied Amount	:	\$66.94
Balance Owing	:	\$66.94, plus interest
Property ID No.	:	<a href="#">R2159788</a>
Levy Code	:	<a href="#">023.76</a>
Map Tax Lot No.	:	2S122D000550
8. Unpaid Taxes for 2019 -2020:

Levied Amount	:	\$2,028.91
Balance Owing	:	\$2,028.91, plus interest
Property ID No.	:	<a href="#">R530624</a>
Levy Code	:	<a href="#">023.78</a>
Map Tax Lot No.	:	2S122D000550
9. City liens, if any, of the City of Tualatin. We find none as of June 12, 2020.
10. Rights of governmental bodies in and to any portion of the premises lying within an unnamed creek or tributary of [Hedges Creek](#), for flood control and protection of anadromous fish and for wetlands protection.
11. Ordinance No. 685-86 of the City of Tualatin, including the terms and provisions thereof:

Regarding	:	Local Improvement District for sewer system improvements
Recorded	:	January 27, 1986
Recording No.	:	<a href="#">86003933</a>
12. Ordinance No. 684-86 of the City of Tualatin, including the terms and provisions thereof:

Regarding	:	Local Improvement District for water system improvements
Recorded	:	January 27, 1986
Recording No.	:	<a href="#">86003934</a>



13. Easement, including the terms and provisions thereof:
  - For : Sanitary sewer line
  - Granted to : City of Tualatin
  - Recorded : May 12, 1987
  - Recording No. : [87024140](#)
  - Affects : see [Public Survey 31560](#) for location
  
14. Easement, including the terms and provisions thereof:
  - For : Storm water line to benefit property [south of Myslony Street](#)
  - Granted to : Pacific N.W. Properties Limited Partnership, and [assigns](#)
  - Recorded : December 24, 2007
  - Recording No. : [2007-130682](#)
  - Affects : Location to be determined
  
15. State Tax Warrant:
  - In favor of : State of Oregon Department of Revenue
  - Against : Rick A Walgraeve
  - Warrant No. : L0748665344
  - Recorded : August 19, 2016
  - Recording No. : [2016-066433](#)
  - Amount : \$7,907.84
  
16. State Tax Warrant:
  - In favor of : State of Oregon Department of Revenue
  - Against : Rick A Walgraeve
  - Warrant No. : L0115917568
  - Recorded : April 7, 2017
  - Recording No. : [2017-028179](#)
  - Amount : \$2,721.65
  - and
  - Notice of Renewal of Distraint Warrant:
    - Recorded : April 27, 2017
    - Recording No. : [2017-033784](#)
  
17. This Commitment is subject to approval by personnel of WFG National Title Insurance Company and any additional limitations, requirements or exceptions made by WFG National Title Insurance Company.
  
18. The legal description herein covers more property than is intended for the transaction. We require that a surveyor's legal description for the intended parcel be provided prior to closing.

**END OF EXCEPTIONS**

NOTE: Please be advised that we have searched the records and do not find any open Deeds of Trust or Mortgages. If you should have knowledge of an outstanding obligation, please contact the Title Department for further review.

NOTE: In no event shall WFG National Title Insurance Company have any liability for the tax assessor's imposition of any additional assessments for omitted taxes unless such taxes have been added to the tax roll and constitute liens on the property as of the date of closing. Otherwise, such omitted taxes shall be the sole, joint and several responsibility of seller(s) and buyer(s), as they may determine between themselves.

NOTE: LINKS FOR ADDITIONAL SUPPORTING DOCUMENTS:

- [Vesting Deed 93094118](#)
- [Vesting Deed 2006-090121 PLA](#)
- [Vesting Deed 2007-117930 PLA](#)
- [Vesting Deed 2010-102922 PLA](#)
- [PS 30526 - 2006 PLA survey](#)
- [PS 30837 - 2007 PLA survey](#)
- [PS 31560 - 2010 PLA survey](#)
- [PS 33560 - 2019 Myslony Street & 118th Ave survey](#)
- [Partition Plat 2012-002 south of Myslony St](#)
- [Partition Plat 2003-082 - adjacent east](#)
- [Plat Map 3-11 Tualatin Valley Acres - adjacent west](#)
- [86043361 deed to Swanpor](#)- legal description reference
- [2010-102923 deed to Pascuzzi](#) - legal description reference
- [map - WCO - Hedges Creek Greenway](#)
- [map - NWN gas lines](#)
- [map - WCO zoning](#)
- [Photos - GoogleEarth-rTM](#)

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

NOTE: The following applicable recording fees will be charged by the county:

Washington County-First Page	\$81.00
Each Additional Page	\$ 5.00
Non-standard Document Fee	\$20.00
E-recording Fee	\$ 3.00

**Washington County Ordinance No. 193, recorded May 13, 1977 in Washington County, Oregon imposes a tax of \$1.00 per \$1,000.00 or fraction thereof on the transfer of real property located within Washington County.**

NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1 <sup>st</sup> through June 30 <sup>th</sup>
Taxes become a lien on real property, but are not yet payable.	July 1 <sup>st</sup>
Taxes become certified and payable (approximately on this date)	October 15 <sup>th</sup>
First one third payment of taxes are due	November 15 <sup>th</sup>
Second one third payment of taxes are due	February 15 <sup>th</sup>
Final payment of taxes are due	May 15 <sup>th</sup>

Discounts: If two thirds are paid by November 15<sup>th</sup>, a 2% discount will apply.

If the full amount of the taxes are paid by November 15<sup>th</sup>, a 3% discount will apply.

Interest: Interest accrues as of the 15<sup>th</sup> of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

**NOTE: THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THESE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, CONTACT THE ESCROW AGENT.**

## End of Report

### **Your Escrow Officer**

Trevor Cheyne  
WFG National Title Insurance Company  
25 NW 23rd Place Suite 1 / Commercial Dept  
Portland, OR 97210  
Phone: **(503) 444-7047**  
Fax: **(503) 296-5869**  
Email: **TeamTrevor@wfgnationaltitle.com**

### **Your Title Officer**

Rosa Stombaugh  
WFG National Title Insurance Company  
12909 SW 68th Pkwy., Suite 350  
Portland, OR 97223  
Phone: **(503) 431-8526**  
Fax: **(503) 684-2978**  
Email: **rstombaugh@wfgnationaltitle.com**



WFG National Title Insurance Company is prepared to issue, as of the date specified in the attached Preliminary Title Report (the Report), a policy or policies of title insurance as listed in the Report and describing the land and the estate or interest set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as a General or Specific Exception or not excluded from coverage pursuant to the printed Exclusions and Conditions of the policy form(s).

The printed General Exceptions and Exclusions from the coverage of the policy or policies are listed in Exhibit One to the Report. In addition, the forms of the policy or policies to be issued may contain certain contract clauses, including an arbitration clause, which could affect the party's rights. Copies of the policy forms should be read. They are available from the office which issued the Report.

The Report (and any amendments) is preliminary to and issued solely for the purpose of facilitating the issuance of a policy of title insurance at the time the real estate transaction in question is closed and no liability is assumed in the Report.

The policy(s) of title insurance to be issued will be policy(s) of WFG National Title Insurance Company.

**Please read the Specific Exceptions shown in the Report and the General Exceptions and Exclusions listed in Exhibit One carefully. The list of Specific and General Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy to be issued and should be read and carefully considered.**

**It is important to note that the Report is not an abstract of title, a written representation as to the complete condition of the title of the property in question, and may not list all liens, defects and encumbrances affecting title to the land.**

The Report is for the exclusive use of the parties to this transaction, and the Company does not have any liability to any third parties or any liability under the terms of the policy(s) to be issued until the full premium is paid. Until all necessary documents are recorded in the public record, the Company reserves the right to amend the Report.

Countersigned

A handwritten signature in black ink, appearing to be 'J. B. G.', written in a cursive style.

**Exhibit One**  
**2006 American Land Title Association Loan Policy 6-17-06**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

**THE ABOVE POLICY FORM MAY BE ISSUED TO AFFORD EITHER Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:**

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY 6-17-06**  
**EXCLUSIONS FROM COVERAGE**

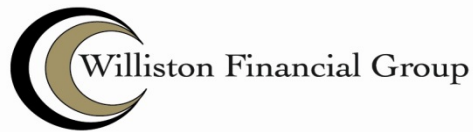
The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.



## **Plain English Privacy Statement for Appraisal, Title & Escrow Customers**

WFG believes it is important to protect your privacy and confidences. We recognize and respect the privacy expectations of our customers. We believe that making you aware of how we collect information about you, how we use that information, and who we share that information will form the basis for a relationship of trust between us. This Privacy Policy provides that explanation. We reserve the right to change this Privacy Policy from time to time.

Williston Financial Group, LLC, WFG National Title Insurance Co. and each of the affiliates listed below (collectively "WFG" or the "WFG Family") are obligated to comply with Federal and state privacy laws. While there are some common requirements to those laws, the definitions and duties differ significantly from law-to-law and state-to-state. A privacy statement drafted to comply with all of the applicable privacy laws and their differing definitions would likely be confusing. Therefore, in an attempt to better communicate our privacy policies, WFG designed this "Plain English" explanation, followed by the Gramm-Leach-Bliley Act model form and State-Specific Privacy Notices in order to provide you with the complete, legal privacy notices and disclosures required under Federal and applicable State Laws.

WFG's primary business is providing appraisal, title insurance and, escrow services for the sale or refinance of real property. This can be a complicated process, involving multiple parties, many of whom have been selected by our customers, each filling a specialized role. In part, you have hired WFG to coordinate and smooth the passage of the information necessary for an efficient settlement or closing.

In the course of this process, WFG collects a significant amount of personal and identifying information about the parties to a transaction, including sensitive items that include but are not limited to: your contact information including email addresses, Social Security numbers, driver's license and, other identification numbers and information; financial, bank and insurance information; information about past and proposed mortgages and loans; about properties you currently or previously owned; your mortgage application package; and the cookie, IP address, and other information captured automatically by computer systems.

Much of this information is gathered from searches of public land records, tax, court and credit records to make certain that any liens, challenges, or title defects are addressed properly. Some of the information that is collected is provided by you, or the computer systems you use. We also may receive information from real estate brokers and agents, mortgage brokers and, others working to facilitate your transaction. We also may receive information from public, private or governmental databases including credit bureaus, 'no-fly' lists, and terrorist 'watch lists', as well as from your lenders and credit bureaus.

### **What Information is Shared?**

**WFG DOES NOT SELL any of your information to non-affiliated companies for marketing or any other purpose.**

However, some of the same information does get shared with persons inside and outside the WFG Family in order to facilitate and complete your transaction.

For example:

- Information, draft documents, and closing costs will pass back and forth between WFG and your mortgage broker and lender to facilitate your transaction.
- Information, including purchase agreements and amendments, will pass back and forth between WFG and the real estate agents and brokers, the mortgage brokers and lenders, your lawyers and accountants, and others involved in facilitating the transaction.
- WFG may order property searches and examinations from title searchers, abstractors and title plants.
- WFG may use third parties to obtain tax information, lien information, payoff information, condominium and, homeowners' association information and payoff information.
- Third parties may be engaged to prepare documents in connection with your transaction.
- Surveys, appraisals and, inspections may be ordered.
- Within the WFG Family of companies, we may divide up the work to handle each closing in the most efficient and compliant manner possible and to meet specific legal and licensing requirements. Certain parts of your closing (for example a search or disbursement) may be handled by another division or company within the WFG family.

- When it is time for signatures, your complete closing package may be sent to a notary, remote online notary, or notary service company who will arrange to meet with you to sign documents. The notary will, in turn, send signed copies back to us along with copies of your driver's license or other identity documents usually by mail, UPS, Federal Express or another courier service.
- Your deed, mortgage and other documents required to perfect title will be recorded with the local recorder of deeds.
- In some cases, we use an outside service to coordinate the recording or electronic-recording of those instruments, and they will receive copies of your deeds, mortgages and other recordable documents to process, scan and send on to the recording office.
- Various government agencies get involved. The law requires us to provide certain information to the IRS, the US Treasury, local and state tax authorities and other governmental agencies.

You have a choice in the selection of a mortgage broker, lender, real estate broker or agent and others that make up your 'transaction team.' Information flows to and from the members of the transaction team you have selected to facilitate an efficient transaction for you.

When WFG selects and engages a third-party provider, we limit the scope of the information shared with that third party to the information reasonably necessary for that service provider to provide the requested services. With most, we have entered into express agreements in which they expressly commit to maintain a WFG customer's information in strict confidence and use the information only for purposes of providing the requested services, clearing title, preventing fraud and addressing claims under our title insurance policies.

### **How does WFG use your Information?**

We may use your personal information in a variety of ways, including but not limited to:

- Provide the products, services and title insurance you have requested and to close and facilitate your transaction.
- Coordinate and manage the appraisal process.
- Handle a claim or provide other services relating to your title insurance policies.
- Create and manage your account.
- Operate and improve WFG's applications and websites, including WFG MyHome WFG's secure communication and transaction portal. Your information is used for access management, payment processing, site administration, internal operations, troubleshooting, data analysis, testing, research, and for statistical purposes.
- Respond to your requests, feedback, or inquiries.
- Comply with laws, regulations, and other legal requirements.
- Comply with relevant industry standards and our policies, including managing WFG's risk profile through reinsurance.
- Protect and enforce your rights and the rights of other users against unlawful activity, including identity theft and fraud.
- Protect and enforce our collective rights arising under any agreements entered into between WFG and you or any other third party;
- Protect the integrity and maintain security of our applications, websites, and products;
- Operate, evaluate, and improve our business; and
- Provide you with information about products, services, and promotions, from WFG or third parties that may interest you.

### **How Do We Store and Protect Your Personal Information?**

Although no system can guarantee the complete security of your personal information, we will use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your personal information and our systems and sites from malicious intrusions or hacking.

### **How Long Do We Keep Your Personal Information?**

We keep your personal information for as long as necessary to comply with the purpose for which it was collected, our business needs, and our legal and regulatory obligations. We may store some personal information indefinitely. If we dispose of your personal information, we will do so in a way that is secure and appropriate to the nature of the information subject to disposal.

## **Computer Information**

When you access a WFG website, or communicate with us by e-mail, we may automatically collect and store more information than you are expressly providing when you fill out a survey or send an email. This may include:

- Your IP Address.
- Your email address, your alias and, social media handles.
- (Internet Protocol Address) and domain name.
- The type of browser and operating system you use.
- The time of your visit.
- The pages of our site you visit.
- Cookies.

In order to provide you with customized service, we make use of Web browser cookies. Cookies are files that help us identify your computer and personalize your online experience. You may disable cookies on your computer, but you may not be able to download online documents or access certain sites unless cookies are enabled.

The technical information we collect is used for administrative and technical purposes and to prevent fraud and provide identity verification. For instance, we may use it to count the number of visitors to our site and determine the most popular pages. We may also use it to review types of technology you are using, determine which link brought you to our Web site, assess how our advertisements on other sites are working, help with maintenance, and improve our customers' experience.

We may compare information gathered on previous visits to verify that we are interacting with the same parties and not a potential imposter.

If we ask you to fill out any forms or surveys, we will use the information we receive only for the specific purposes indicated in those forms or surveys.

The information you and your transaction team send us in emails or attached to an email, or provide through any of our online tools, is used for purposes of providing title, escrow and appraisal management services and used for the purposes described above.

## **Links to Third Party Sites**

Our Applications and Websites may contain links to third-party websites and services. Please note that these links are provided for your convenience and information, and the websites and services may operate independently from us and have their own privacy policies or notices, which we strongly suggest you review. This Privacy Notice applies to WFG's applications and websites only.

## **Do Not Track**

Because there is not an industry-standard process or defined criteria to permit a user to opt-out of tracking their online activities (Do Not Track or DNT), our websites do not currently change the way they operate based upon detection of a "Do Not Track" or similar signal. Likewise, we cannot assure that third parties are not able to collect information about your online activities on WFG websites or applications.

## **Social Media Integration**

Our applications, websites, and products contain links to and from social media platforms. You may choose to connect to us through a social media platform, such as Facebook, Twitter, Google, etc. When you do, we may collect additional information from or about you, such as your screen names, profile picture, contact information, contact list, and the profile pictures of your contacts, through the social media platform. The social media platforms may also collect information from you.

When you click on a social plug-in, such as Facebook's "Like" button, Twitter's "tweet" button or the Google+, that particular social network's plugin will be activated and your browser will directly connect to that provider's servers. Your action in clicking on the social plug-in causes information to be passed to the social media platform.

We do not have control over the collection, use and sharing practices of social media platforms. We, therefore, encourage you to review their usage and disclosure policies and practices, including their data security practices, before using social media platforms.



### **How Can You “Opt-Out?”**

We do not sell your information; therefore there is no need to opt-out of such reselling. Under various laws, you can opt-out of the sharing of your information for more narrow purposes. For additional detail, consult the Links under the “Legal” Notices attached below.

### **The “Legal” Notices**

To comply with various federal and state laws, we are required to provide more complete legal notices and disclosures. In reviewing these, you will find that these notices incorporate the definitions and terminology used in the respective privacy laws which can often be somewhat convoluted and may even seem inconsistent with the descriptions above. The state-specific statutes may also give residents of those states additional rights and remedies.

### **How to Contact Us**

If you have any questions about WFG’s privacy policy or how we protect your information, please contact WFG:

- By email: [Consumerprivacy@willistonfinancial.com](mailto:Consumerprivacy@willistonfinancial.com)
- By telephone: 833-451-5718
- By fax: 503-974-9596
- By mail: 12909 SW 68th Pkwy, Suite 350, Portland, OR 97223
- In-person: 12909 SW 68th Pkwy, Suite 350, Portland, OR 97223

### **WFG FAMILY**

WILLISTON FINANCIAL GROUP LLC  
WFG NATIONAL TITLE INSURANCE COMPANY  
WFG LENDER SERVICES, LLC  
WFGLS TITLE AGENCY OF UTAH, LLC  
WFG NATIONAL TITLE COMPANY OF WASHINGTON, LLC  
WFG NATIONAL TITLE COMPANY OF CALIFORNIA  
WFG NATIONAL TITLE COMPANY OF TEXAS, LLC D/B/A WFG NATIONAL TITLE COMPANY  
UNIVERSAL TITLE PARTNERS, LLC  
VALUTRUST SOLUTIONS, LLC  
WILLISTON ENTERPRISE SOLUTIONS & TECHNOLOGY, LLC  
WFG NATIONAL TITLE COMPANY OF CLARK COUNTY, WA, LLC D/B/A WFG NATIONAL TITLE

FACTS	WHAT DOES WILLISTON FINANCIAL GROUP DO WITH YOUR PERSONAL INFORMATION?
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
What?	The types of personal information we collect and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> <li>• Social Security number and other government identification information</li> <li>• Your name, address, phone, and email</li> <li>• Information about the property, any liens and restrictions</li> <li>• Financial Information including credit history and other debt</li> <li>• Financial account information, including wire transfer instructions.</li> </ul>
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Williston Financial Group chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Williston Financial Group share?	Can you limit this sharing?
For our everyday business purposes—such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes—to offer our products and services to you	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes—information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes—information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For nonaffiliates to market to you	No	We don't share

To limit our sharing	<ul style="list-style-type: none"> <li>• Call 833-451-5718—our menu will prompt you through your choice(s)</li> <li>• Visit us online: <a href="http://bit.ly/WFGsConsumerPrivacyInformationRequestPage">http://bit.ly/WFGsConsumerPrivacyInformationRequestPage</a> or e-mailing us at <a href="mailto:consumerprivacy@willistonfinancial.com">consumerprivacy@willistonfinancial.com</a></li> </ul> <p>Mail the form below</p> <p>Please note:</p> <p>If you are a new customer, we can begin sharing your information [30] days from the date we sent this notice. When you are no longer our customer, we continue to share your information as described in this notice.</p> <p>However, you can contact us at any time to limit our sharing.</p>
Questions?	Call 833-451-5718 or Email <a href="mailto:consumerprivacy@willistonfinancial.com">consumerprivacy@willistonfinancial.com</a>

Mail-In Form	
If you have a joint policy, your choices will apply to everyone on your account.	<p>Mark any/all you want to limit:</p> <p><input type="checkbox"/> Do not share information about my creditworthiness with your affiliates for their everyday business purposes.</p> <p><input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me.</p> <p><input type="checkbox"/> Do not share my personal information with nonaffiliates to market their products and services to me.</p>
Name	<input type="text"/>
Address	<input type="text"/>
City, State, Zip	<input type="text"/>
File Number	<input type="text"/>
<p>Mail to:</p> <p>Williston Financial Group  PRIVACY DEPT  12909 SW 68<sup>th</sup> Pkwy, #350  Portland, OR 97223</p>	

<b>Who we are</b>	
Who is providing this notice	Williston Financial Group, LLC and its affiliates and subsidiaries as listed below:
<b>What we do</b>	
How does Williston Financial Group protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. We limit access to your information to employees that need to use the information to process or protect transaction. We take industry standard (IPSEC) measures to protect against malicious intrusions or hacking
How does Williston Financial Group collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>• Apply for insurance</li> <li>• Engage us to provide appraisal, title and escrow services</li> <li>• Give us your contact information</li> <li>• Provide your mortgage information</li> <li>• Show your driver's license</li> </ul> <p>We also collect your personal information from others, such as real estate agents and brokers, mortgage brokers, lenders, credit bureaus, affiliates, and others</p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> <li>• sharing for affiliates' everyday business purposes—information about your creditworthiness</li> <li>• affiliates from using your information to market to you</li> <li>• sharing for nonaffiliates to market to you</li> </ul> <p>State laws and individual companies may give you additional rights to limit sharing. See below for more on your rights under state law.</p>
What happens when I limit sharing for an account I hold jointly with someone else?	Your choices will apply to everyone on your policy.
<b>Definitions</b>	
Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <p>Our affiliates include companies with a common corporate identity, including those listed below.</p>
Nonaffiliates	<p>Companies not related by common ownership or control. They can be financial and nonfinancial companies.</p> <p>Nonaffiliates we share with can include real estate agents and brokers, mortgage brokers, lenders, appraisers, abstractors and title searchers and others as appropriate to facilitate your transaction.</p>
Joint marketing	<p>A formal agreement between nonaffiliated financial companies that together market financial products or services to you.</p> <p>Williston Financial Group does not jointly market.</p>
<b>Other important information</b>	
As a resident or citizen of certain states, we may have to provide additional state-specific privacy notices and you may have rights other than as set forth above. The privacy notices below will provide state-specific information:	

## PRIVACY NOTICE FOR CALIFORNIA RESIDENTS

This PRIVACY NOTICE FOR CALIFORNIA RESIDENTS supplements the information contained in the Privacy Statement of WFG NATIONAL TITLE INSURANCE COMPANY and its parent, subsidiaries and affiliates (collectively, "WFG" "we," "us," or "our") and applies solely to customers, parties to real estate transactions, visitors, users, and others who reside in the State of California ("consumer" or "you"). We have adopted this notice to comply with the California Consumer Privacy Act of 2018 ("CCPA") and other California privacy laws. Any terms defined in the CCPA have the same meaning when used in this notice.

### **Your Rights as a California Consumer**

Under California Law, you have the right to request that WFG disclose what personal information we collect, use, disclose, and sell. You have the right to opt-out of a sale of your personal information, and you may request the deletion of your personal information. You will not receive discriminatory treatment by WFG if you exercise any of your privacy rights under CCPA.

You may also designate an authorized agent to make a request under the CCPA on your behalf.

These are not absolute rights, they are subject to exceptions and limitations which we are happy to discuss as they may apply to your particular circumstances and the services you have engaged WFG to supply.

If you would like to exercise any of these rights or to designate an authorized agent, you may start the process by:

- Emailing us at [consumerprivacy@willistonfinancial.com](mailto:consumerprivacy@willistonfinancial.com)
- Going to <http://bit.ly/WFGsConsumerPrivacyInformationRequestPage>
- Calling us at: 833-451-5718; or
- Going into any WFG office and making the request in person.

In exercising any of these rights, we must make absolutely certain we are dealing with you or your authorized agent. So depending on how you submit your request, we will be asking you to confirm your identity, which may include providing additional documentation or information to verify it is really you, and we may send a notary or other person to meet with you in person or require you to come into a WFG office to verify your identity. Some of the identification process may be handled through an online portal and may include knowledge-based identification questions.

### **Information We Collect**

WFG's primary business is providing appraisal, title and escrow services for the sale or refinance of real estate. This can be a complicated and legalistic process. In part, you have hired WFG to centralize and smooth the passage of all the information necessary for your real estate transaction and to have us coordinate a smooth and efficient closing. In the course of providing those services to you, we collect a significant amount of personal information.

We do not knowingly collect, maintain or use personal information from children under the age of 18 and no part of our Services are directed or targeted to children. If you become aware that a child under the age of 18 has provided WFG with personal information in violation of this Privacy Policy, please alert us at [Consumerprivacy@willistonfinancial.com](mailto:Consumerprivacy@willistonfinancial.com).

The CCPA requires us to list the statutory categories of consumers' personal information that we have collected about any consumers in the preceding 12 months. Much of this information is gathered from our searches of the land, tax, court and credit records to make certain that any liens, challenges, or title defects are addressed properly. Some of it is provided by you, or your computer systems. Some come from real estate agents and brokers, mortgage brokers and others working to facilitate your transaction, and some are provided by your lenders and credit bureaus. Here's how it breaks down:

Category and Examples	From where do we get this Information?	Purpose Collected	3 <sup>rd</sup> Parties with whom shared
Identifiers. Such as your name, spouse's name, maiden names, family member's names, aliases, postal address, unique personal identifier, online identifiers, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers	You, your family and agents Your computer, tablet and cell phone Real estate agents and brokers involved in the transaction Mortgage brokers, lenders and credit bureaus Surveyors, appraisers, abstractors, title plants, title searchers Lien searchers and clearance companies	Each Category of information will be used in various combinations for the following purposes: <ul style="list-style-type: none"><li>To provide the services and products requested, including title and settlement services, evaluating the state of title of a property and identifying the liens and encumbrances affecting that property, to close loans, to record your deeds, mortgages and other instruments affecting title, make filings with government agencies, clearing title defects, to provide customer support to you and others involved in your transaction.</li><li>To prevent fraud in transactions, to find, prevent and respond to online and offline security issues, and for purposes of Identity verification</li></ul>	See Below "Disclosure of Personal Information for a Business Purpose"
Personal information categories listed in Cal. Civ. Code § 1798.80(e) such as your name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information..	You, your family and agents Your computer, tablet and cell phone Real estate agents and brokers involved in the transaction Mortgage brokers, lenders and credit bureaus Surveyors, appraisers, abstractors, title plants, title searchers Lien searchers and clearance companies	<ul style="list-style-type: none"><li>To prevent fraud in transactions, to find, prevent and respond to online and offline security issues, and for purposes of Identity verification</li><li>For Government and regulatory compliance and reporting, to comply with relevant industry standards and best practices and WFG policies.</li><li>To maintain and supplement title plants, databases of prior policies, subdivision master searches and other resources which may expedite future transactions affecting your property.</li><li>To use and optimize our computer systems, understand how you use our online an web resources and improve our websites and apps and present their contents to you; while maintaining the</li></ul>	See Below "Disclosure of Personal Information for a Business Purpose"
Protected classification characteristics under California or federal law including your age, race, color, marital status, sex, physical disability, and veteran or military status as such information appears in driver license and other identity documents and in loan application materials.	You, your family and agents Real estate agents and brokers involved in the transaction Mortgage brokers, lenders and credit bureaus	<ul style="list-style-type: none"><li>For Government and regulatory compliance and reporting, to comply with relevant industry standards and best practices and WFG policies.</li></ul>	See Below "Disclosure of Personal Information for a Business Purpose"
Commercial information mostly in the form of real property records, mortgage records and lien records.	You, your family and agents Your computer, tablet and cell phone Real estate agents and brokers involved in the transaction Mortgage brokers, lenders and credit bureaus Surveyors, appraisers, abstractors, title plants, title searchers Lien searchers and clearance companies	<ul style="list-style-type: none"><li>To maintain and supplement title plants, databases of prior policies, subdivision master searches and other resources which may expedite future transactions affecting your property.</li><li>To use and optimize our computer systems, understand how you use our online an web resources and improve our websites and apps and present their contents to you; while maintaining the</li></ul>	See Below "Disclosure of Personal Information for a Business Purpose"
Biometric information as contained in drivers licenses and identity documents; captured on security cameras in our offices; and as	You, your family and agents Notaries and others handling	<ul style="list-style-type: none"><li>To use and optimize our computer systems, understand how you use our online an web resources and improve our websites and apps and present their contents to you; while maintaining the</li></ul>	See Below "Disclosure of Personal Information for a Business Purpose"

required for notarization and e-notarization in some states.	closing and signing functions Your computer, tablet and cell phone	<p>integrity and security of our applications, websites and products.</p> <ul style="list-style-type: none"> <li>To provide you with email, text and video alerts, event registrations and other notices concerning our products or services, or events or news, that may be of interest to you.</li> <li>To carry out our obligations and enforce our rights arising from the contracts entered into between you and us, and with others, including for billing and collections and handling of claims under a title policy.</li> <li>For testing, research, analysis and product development.</li> <li>As necessary or appropriate to protect the rights, property or safety of us, insureds, our customers, and others.</li> <li>To respond to law enforcement, regulatory, and lender requests and as required by applicable law, court order, or governmental regulations.</li> <li>As described to you when collecting your personal information or as otherwise set forth in the CCPA and the Gramm-Leach-Bliley Act.</li> <li>To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.</li> </ul>	Business Purpose”
Internet or other similar network activity such as information on how you interact with and use our websites, applications, emails, texts and other electronic resources	You, your family and agents Your computer, tablet and cell phone		See Below “Disclosure of Personal Information for a Business Purpose”
Geolocation data, primarily in the form of the location of your property and when and where someone may be meeting you for signatures, etc.	You, your family and agents Real estate agents and brokers involved in the transaction Mortgage brokers, lenders and credit bureaus Surveyors, appraisers, abstractors, title plants, title searchers Lien searchers and clearance companies Notaries and those handling closing and signing Your computer, tablet and cell phone		See Below “Disclosure of Personal Information for a Business Purpose”
Audio, electronic, visual, thermal, olfactory, or similar information.  Should you choose to interact with us by phone, video link or come into our offices your voice or images may be recorded	You, your family and agents Your computer, tablet and cell phone		See Below “Disclosure of Personal Information for a Business Purpose”
Professional or employment-related information.  Current or past job history is often a part of loan applications and statements of information.	You, your family and agents Mortgage brokers, lenders and credit bureaus		See Below “Disclosure of Personal Information for a Business Purpose”
Inferences drawn from other personal information.	You, your family and agents Your computer, tablet and cell phone Real estate agents and brokers involved in the transaction Mortgage brokers, lenders and credit bureaus Surveyors, appraisers, abstractors, title plants, title searchers Lien searchers and clearance companies		See Below “Disclosure of Personal Information for a Business Purpose”

## **Disclosure of Personal Information for a Business Purpose**

**WFG DOES NOT SELL your information for monetary or other valuable consideration for marketing or any other purpose.**

However, some of your information **does get shared**, and within the last 12 months has been shared with persons outside of the WFG family of companies in order to better facilitate and complete your transactions and for other business and commercial purposes.

For example:

- WFG may order property searches and examinations from title searchers, abstractors and title plants.
- WFG may use third parties to obtain tax information, lien information, mortgage payoff information, condominium, and homeowners' association information and payoff information.
- WFG may engage third parties to prepare documents in connection with your transaction.
- WFG may order surveys, appraisals, and inspections and/or communicate with those service providers.

Those services can't be ordered without providing basic information about the property involved, the parties, and/or the liens to those service providers.

- Within the WFG family of companies, we divide up the work to handle each closing most efficiently and to meet specific legal and licensing requirements. So certain parts of your closing (for example a search or disbursement) may be handled by another division or company within the WFG family.
- When it is time for signatures, your complete closing package may be sent to a mobile notary, remote online notary, or notary service company who will arrange to meet with you to sign documents. The notary will, in turn, send signed copies back to us along with copies of your driver's license or other identity documents usually by mail, UPS, Federal Express or other courier service and sometimes by email or another electronic transmission.
- Your deed, mortgage and other documents required to perfect or clarify title will be recorded with the local recorder of deeds.
- We may use an outside service to coordinate the recording or e-recording of those instruments, and they will receive copies of deeds, mortgages and other recordable documents to process, scan and send on to the recording office.
- Information and draft documents will pass back and forth between WFG and the lenders and mortgage brokers to facilitate your transaction.
- Information, including purchase agreements and amendments, will pass back and forth between WFG and the Real estate agents and brokers, lenders, the mortgage brokers and others facilitating the transaction; and
- Various government agencies get involved. The law requires us to provide certain information to the IRS, the US Treasury, local and state tax authorities, recorders of deeds and other governmental agencies.
- In resolving claims and mitigating losses, we may engage outside counsel and other service providers (such as surveyors and appraisers) to assist in resolving the claim.
- From time to time, we are required to respond to law enforcement, regulatory, and lender requests and as required by applicable law, court order, or governmental regulations.

## **Contact for More Information**

If you have any questions or comments about this notice, our Privacy Statement, the ways in which we collect and use your personal information, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

- Emailing us at [consumerprivacy@willistonfinancial.com](mailto:consumerprivacy@willistonfinancial.com)
- Going to <http://bit.ly/WFGsConsumerPrivacyInformationRequestPage>
- Calling us at: 833-451-5718; or
- Going into any WFG office and making the request in person.

The business is not subject to requirements set forth section 999.317(g) of the California Consumer Privacy Act Regulations

## **Changes to Our Privacy Notice**

We reserve the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will notify you by email or through a notice on our website homepage.

## **Privacy Notice for Oregon Residents**

We may not disclose personal or privileged information about you unless we provide you with a disclosure authorization form that is executed by you or your representative and otherwise complies with certain statutory requirements. Any such authorization is not valid for more than 24 months and may be revoked by you at any time, subject to the rights of anyone who relied on the authorization prior to your notice of revocation.

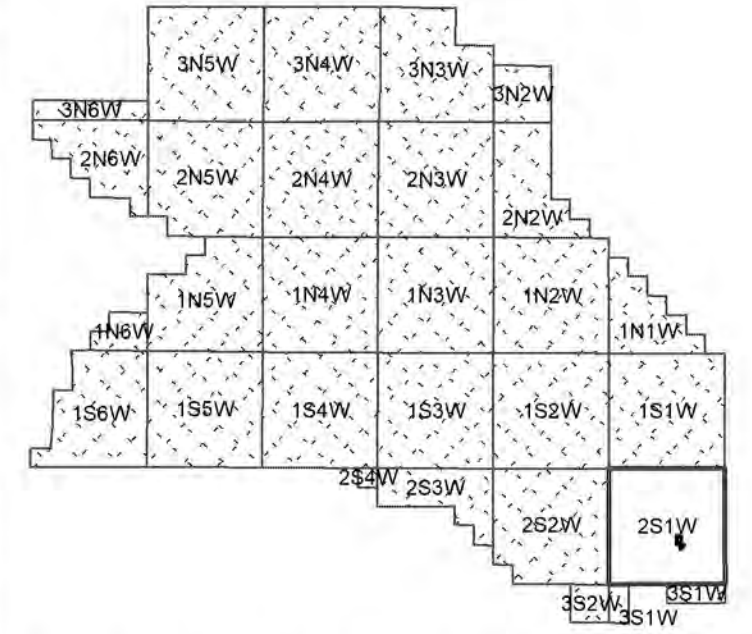
In addition, if your personal or privileged information was collected or received by us in connection with a title insurance transaction, we cannot disclose such information if the disclosure authorization form that you executed is more than one year old or if the requested disclosure is for a purpose other than a purpose expressly permitted by statute.

You have the right at any time to request in writing access to recorded personal information about you that is reasonably described by you and reasonably available to us. Within 30 days of the date of our receipt of any such written request from you, we will inform you of the nature and substance of any such information, permit you to see and copy that information or obtain a copy by mail, disclose the identity, if recorded, of the persons to whom we have disclosed such information during the previous two years, and provide you with a summary of the procedures by which you may request that such information be corrected, amended or deleted.

- Emailing us at [consumerprivacy@willistonfinancial.com](mailto:consumerprivacy@willistonfinancial.com)
- Calling us at: 833-451-5718; or
- Going into any WFG office and making the request in person.

Revised 12/31/19

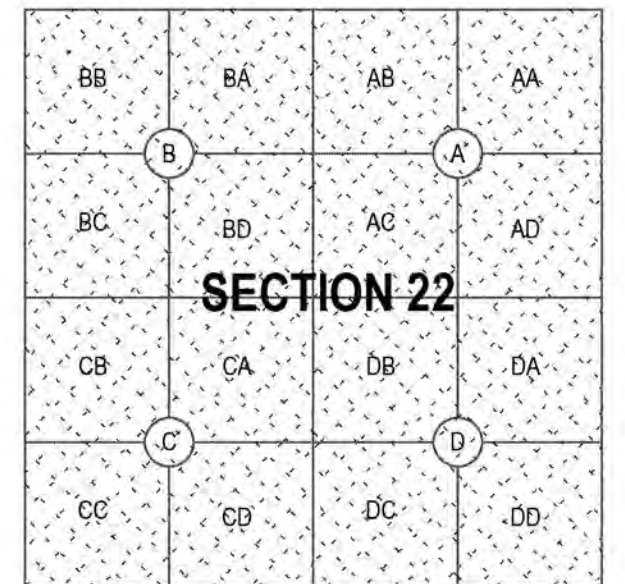




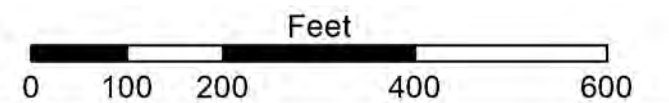
**WASHINGTON COUNTY OREGON**  
**SE 1/4 SECTION 22 T2S R1W W.M.**  
**SCALE 1" = 200'**

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](http://www.co.washington.or.us)

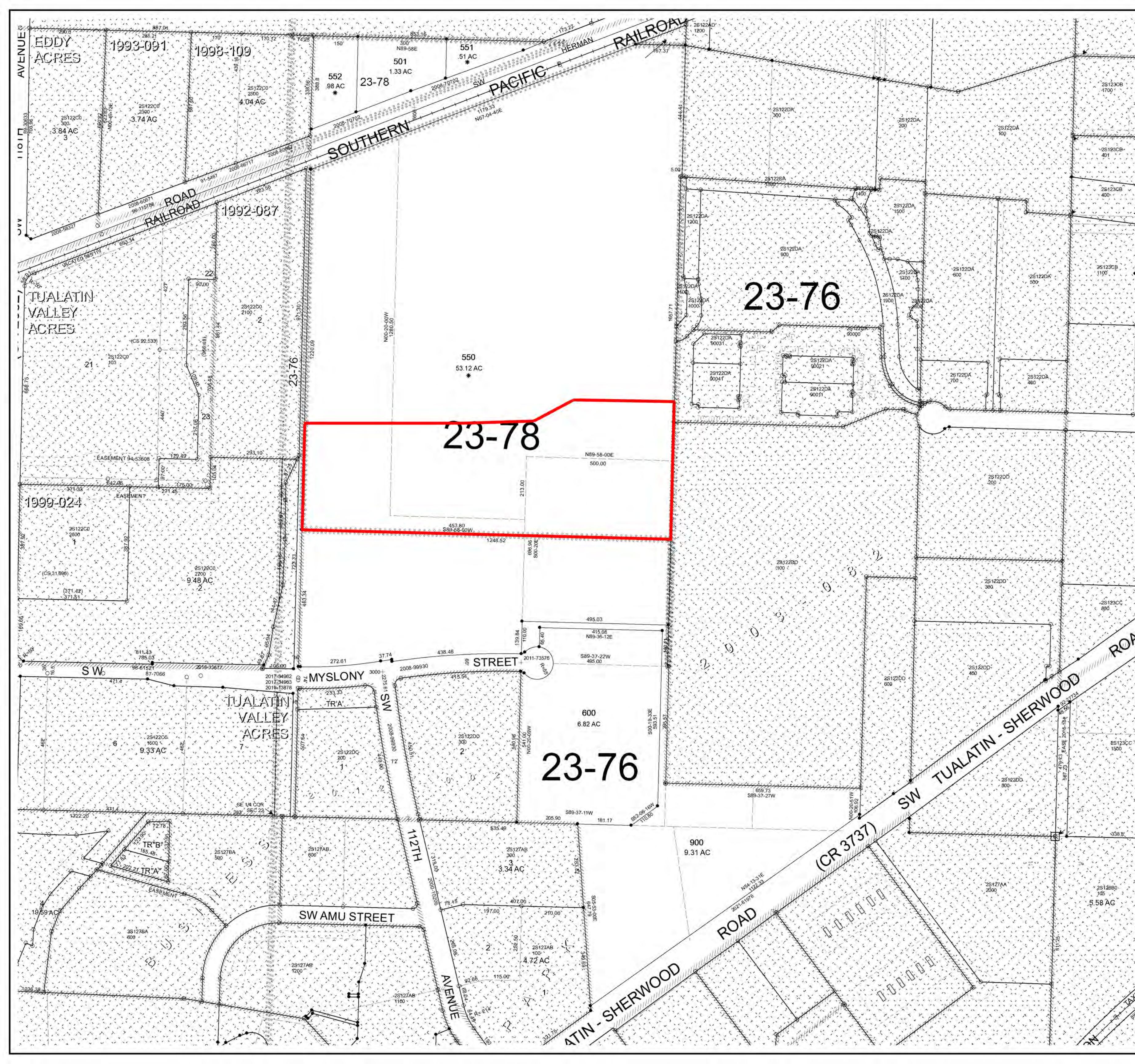


Cancelled Taxlots For: 2S122D  
 400,104,100,102,201,401,601,202,301,300,101,103,  
 200,700,800,500,502.



PLOT DATE: 6/3/2021  
 Rotation: 0  
**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.





<b><u>NAME OF DOCUMENT FOR RECORDING:</u></b> <b>Waiver Of Rights And Remedies</b> 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	<i>(For County Recording Use Only)</i>
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**MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES**

Whereas, Gary & Rick Walgraeves ("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

20120.30  
4.

Annexation Application  
Community Development Department - Planning Division

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

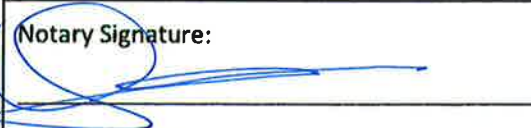
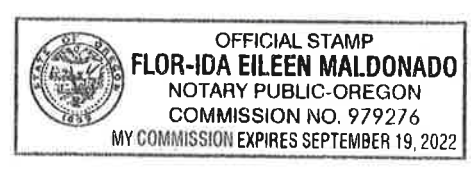
State of Oregon \_\_\_\_\_)

County of Washington)

On this 1 day of September, 2021 before me the undersigned Notary Public, personally appeared

Gary A. Walgraaves, Ricky A. Walgraves  
(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 (Do not write outside of the box)	Place Notary Seal Below
Notary Signature:  Notary name (legible): <u>Flor-Ida E. Maldonado, Notary Public</u>	

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

City of Tualatin, Oregon

\_\_\_\_\_  
City Manager

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 1 day of September, 2021

<p><u>Gary A. Walgraevae</u> (signature)</p> <p>Petitioner Name: <u>Gary A. Walgraevae</u></p> <p>Date Signed: <u>Sept 1 2021</u></p>	<p><u>Ricky A. Walgraevae</u> (signature)</p> <p>Petitioner Name: <u>Ricky A. Walgraevae</u></p> <p>Date Signed: <u>9/1/2021</u></p>
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Project No.: \_\_\_\_\_ Project: Walgraaves

Date: Sept. 16, 2021 Time: 6:00 Meeting  Field  Conversation

Subject: Walgraaves Neighborhood Mtg.

With: Public Contact Info: Zoom - meeting

Cal Coatsworth cca  
Craig Harris AAI  
Beth Zouner AAI

-received emailed questions list:

1. Dave Kiersey (davek@kierseyandmcmillian.com)
2. Cozette Tran-caffee (TranCaffee@LanePowell.com)
3. Lisa McKillips (Lisa.Mckillips@nike.com)

No neighbors joined the Zoom meeting.  
Meeting was ended at 6:30 pm.

ZAMPELL TUALATIN LLC  
3 STANLEY TUCKER DR  
NEWBURYPORT, MA 01950

WETLANDS CONSERVANCY INC  
4640 SW MACADAM AVE #50  
PORTLAND, OR 97239

TUALATIN CITY OF  
18880 SW MARTINAZZI AVE  
TUALATIN, OR 97062

WASHINGTON CO. FACILITIES MGMT.  
169 N 1ST AVE #42  
HILLSBORO, OR 97124

WALGRAEVE GARY & WALGRAEVE  
RICKY  
11345 SW HERMAN RD  
TUALATIN, OR 97062

TUALATIN CITY OF  
PO BOX 723597  
ATLANTA, GA 31139

PHIGHT LLC  
ONE BOWERMAN DR  
BEAVERTON, OR 97005

TUALATIN YARDS LLC  
19100 SW 51ST AVE  
TUALATIN, OR 97062

TUALATIN INDUSTRIAL VENTURES LLC  
1101 SE TECH CENTER DR #160  
VANCOUVER, WA 98683

TAMARISK TUALATIN LLC  
1099 18TH STE 2900  
DENVER, CO 80202

SIDIEL LLC  
PO BOX 1696  
BEAVERTON, OR 97075

SEASONAL PRODUCTS LLC  
4112 NW SANDPIPER DR  
WOODLAND, WA 98674

S BENNER HEATHERBRAE LLC & M  
BENNER HEATHERBRAE LLC  
3329 WINTERCREEK CT  
EUGENE, OR 97405

PASCUZZI INVESTMENT LLC  
10250 SW NORTH DAKOTA  
TIGARD, OR 97223

PNWP LLC #5  
6600 SW 105TH AVE STE 175  
BEAVERTON, OR 97008

PACIFIC METAL COMPANY  
10700 SW MANHASSET DR  
TUALATIN, OR 97062

OFIFLEX OR LLC  
5348 VEGAS DR  
LAS VEGAS, NV 89108

NORSTAR BUSINESS CENTER WEST #2  
LLC  
PO BOX 1696  
BEAVERTON, OR 97075

NDH LLC & HOLMES THOMAS L  
PO BOX 111  
CANBY, OR 97013

MYSLONY LLC  
11555 SW MYSLONY ST  
TUALATIN, OR 97062

MORGAN WILLIAM RAY & JANICE ELLEN  
REV LIV TRUST  
4500 SW ADVANCE RD  
WILSONVILLE, OR 97070

MARSHALL ASSOCIATED LLC  
PO BOX 278  
TUALATIN, OR 97062

MARINE LUMBER COMPANY  
11800 SW MYSLONY ST  
TUALATIN, OR 97062

METRO  
600 NE GRAND AVE  
PORTLAND, OR 97232

MAJNARICH FAMILY LP  
8338 SW 11TH AVE  
PORTLAND, OR 97219

LUMBER FAMILY CO LLC  
PO BOX 1427  
TUALATIN, OR 97062

MANHASSET BUSINESS CENTER  
OWNERS ASSOC  
1498 SE TECH CENTER PL #150  
VANCOUVER, WA 98683

LIGHTSPEED TECHNOLOGIES INC  
11509 SW HERMAN RD  
TUALATIN, OR 97062

LIC LLC  
7650 SW VILLAGE GREEN CIR  
WILSONVILLE, OR 97070

HEDGES A AN LLC  
PO BOX 15523  
SEATTLE, WA 98115

HEDGES B AN LLC  
PO BOX 15523  
SEATTLE, WA 98115

HEDGES C AN LLC  
PO BOX 15523  
SEATTLE, WA 98115

HEDGES D AN LLC  
PO BOX 15523  
SEATTLE, WA 98115

HEDGES D AN LLC  
PO BOX 15523  
SEATTLE, WA 98115

GARSKE TRAVIS W  
PO BOX 729  
COLBERT, WA 99005

FUJIMI CORPORATION  
11200 SW LEVETON DR  
TUALATIN, OR 97062

CJO PROPERTIES LLC  
14859 SW 162ND TER  
TIGARD, OR 97224

CEDAR LANDSCAPE MAINTENANCE LLC  
6107 SW MURRAY BLVD #175  
BEAVERTON, OR 97008

BT PROPERTY LLC  
55 GLENLAKE PKWY NE  
ATLANTA, GA 30328

BENNETT LIV TRUST  
10550 S KELLAND CT  
OREGON CITY, OR 97045

BC CALKIN LLC  
PO BOX 3450  
TUALATIN, OR 97062

AXIOM INDUSTRIES INC  
PO BOX 1147  
TUALATIN, OR 97062

AW & JS ENTERPRISES LLC  
PO BOX 849  
TUALATIN, OR 97062

AMU PROPERTIES LLC  
20049 SW 112TH AVE  
TUALATIN, OR 97062

ABBOTT TUALATIN LLC  
3030 BRIDGEWAY, STE 100  
SAUSALITO, CA 94965

112TH & MYSLONY JPMJD/USICV LLC  
450 NEWPORT CENTER DR STE 405  
NEWPORT BEACH, CA 92660

D&B PROPERTY LEASING LLC  
8060 SW PFAFFLE ST STE 200  
TIGARD, OR 97223

EVE LAND INVESTMENTS LLC  
PO BOX 19856  
PORTLAND, OR 97280

**AFFIDAVIT OF MAILING NOTICE**

STATE OF OREGON )  
 ) SS  
COUNTY OF WASHINGTON )

I, ALISON BAKER being first duly sworn, depose and say:

That on the 1 day of SEPTEMBER 21, I served upon the persons shown on Exhibit "A" (Mailing Area List), 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 13 day of September, 2021.



  
Notary Public for Oregon  
My commission expires: 01/20/2024

RE: WALKER'S NEIGHBORHOOD MEETING



## NOTICE OF NEIGHBOR/DEVELOPER MEETING

9/1/2021

AAI Engineering  
4875 SW Griffith Dr, #100  
Beaverton, Oregon 97005

RE: Walgraeves Industrial Park.

Dear Property Owner,

You are cordially invited to attend an online meeting on Sept. 16, 2021 at 6:00pm. This meeting shall be held to discuss an Annexation application and an Architecture Review application for the same property. It is important to note that the property under consideration is not the entire lot. Rather, the project site is a portion of the property to the south that will take access off of SW Myslony Street, NOT SW Herman Rd.

**This will be a FREE online meeting.**

Please join the meeting from a computer, tablet or smartphone.  
<https://zoom.us/join>

Meeting ID: 823 5620 3004  
Passcode: 611526

You can also dial in using your phone.  
United States: (253) 215-8782

This is an informational meeting to share the development proposal with interested neighbors. You will have the opportunity to review preliminary plans and identify topics of interest or consideration. Feel free to contact me with any questions or commentary.

Regards,

Beth Zauner  
AAI Engineering, Inc.  
503-620-3030; [bethz@aaieng.com](mailto:bethz@aaieng.com)

CERTIFICATION OF SIGN POSTING

<p><b>NOTICE</b></p> <p><b>NEIGHBORHOOD / DEVELOPER MEETING</b></p> <p>___/___/2010 __:__.m.</p> <p>SW _____</p> <p>503-___-___</p>
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In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as 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. A PowerPoint template of this sign is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the Walgraeves project, I hereby certify that on this day, 9/2/2021 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: Beth Zauner  
(Please Print)

Applicant's Signature: 

Date: 9/2/2021



AFFIDAVIT OF MAILING

STATE OF OREGON )
) ss
COUNTY OF WASHINGTON )

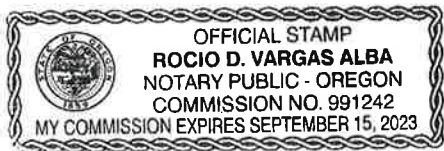
I, Lindsey Hagerman, being first duly sworn, depose and say:

That on the 20 day of January, I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Decision 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 reflect information received from the relevant party or agency, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, prepared to receive postage administered by city staff.

Dated this 20 of, January 2022 [Signature: Lindsey Hagerman] Signature

SUBSCRIBED AND SWORN to before me this January 20, 2022

[Signature: Rocio Vargas] Notary Public for Oregon



My commission expires: Sept. 15, 2023

RE: ANN21-0002
PROPERTY: 20865 SW 105TH AVE
SEE EXHIBIT A-B

TLID	OWNER1	OWNER2
2S122DD00600	ZAMPELL TUALATIN LLC	
2S122DA00200	WETLANDS CONSERVANCY INC	
2S122DA00300	WETLANDS CONSERVANCY INC	
2S1220000500	WASHINGTON COUNTY FACILITIES MGMT	
2S122D000501	WALGRAEVE GARY & WALGRAEVE RICKY	
2S122D000550	WALGRAEVE GARY & WALGRAEVE RICKY	
2S122D000551	WALGRAEVE GARY & WALGRAEVE RICKY	
2S122D000552	WALGRAEVE GARY & WALGRAEVE RICKY	
2S1220000600	TUALATIN CITY OF	
2S1220000700	TUALATIN CITY OF	
2S1220000800	TUALATIN CITY OF	
2S122AD00200	TUALATIN CITY OF	
2S122C000105	TUALATIN CITY OF	
2S122C001500	TUALATIN YARDS LLC	
2S122DA90021	TUALATIN INDUSTRIAL VENTURES LLC	
2S122DA90041	TUALATIN INDUSTRIAL VENTURES LLC	
2S122DC00400	TUALATIN CITY OF	
2S127BA00200	TUALATIN CITY OF	
2S127AB00300	TAMARISK TUALATIN LLC	
2S122DD00400	SIDIEL LLC	
2S122DA00700	S BENNER HEATHERBRAE LLC & M BENNER HEATHERBRAE LLC	
2S122DC00200	PNWP LLC #5	
2S122DC00300	PNWP LLC #5	
2S127AB00100	PNWP LLC	
2S1220000300	PHIGHT LLC	ONE BOWERMAN DR
2S122AD01200	PASCUZZI INVESTMENT LLC	
2S122DA00900	PACIFIC METAL COMPANY	
2S127BA00500	OFIPLEX OR LLC	
2S122C002600	NORSTAR BUSINESS CENTER WEST #2 LLC	
2S122DD00300	NDH LLC & HOLMES THOMAS L	
2S122C002700	MYSLONY LLC	
2S122AD00600	MORGAN WILLIAM RAY & JANICE ELLEN REV LIV TRUST	
2S122AD00700	MORGAN WILLIAM RAY & JANICE ELLEN REV LIV TRUST	
2S122AD00800	MORGAN WILLIAM RAY & JANICE ELLEN REV LIV TRUST	
2S122DA00100	METRO	
2S122AD01000	MARSHALL ASSOCIATED LLC	
2S122C001502	MARINE LUMBER COMPANY	
2S122DA01000	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01100	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01200	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01300	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01400	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01500	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01600	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01700	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01800	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA01900	MANHASSET BUSINESS CENTER OWNERS ASSOC	
2S122DA90000	MANHASSET DRIVE INDUSTRIAL CONDO OWNERS OF ALL UNITS	
2S122DD00200	MANHASSET INDUSTRIAL LLC	
2S122C000300	MAJNARICH FAMILY LP	
2S122C002300	LUMBER FAMILY CO LLC	
2S122C002500	LIGHTSPEED TECHNOLOGIES INC	
2S122DA90011	LIC LLC	
2S127AB01100	HEDGES A AN LLC	
2S127AB01200	HEDGES B AN LLC	
2S127BA00600	HEDGES C AN LLC	
2S127BA00800	HEDGES D AN LLC	
2S127BA00900	HEDGES D AN LLC	
2S122AD01100	GARSKE TRAVIS W	
2S1220000400	FUJIMI CORPORATION	
2S127BA00300	FRANKLIN BUSINESS PARK OWNERS OF LOTS 1-4	

OWNERADDR	OWNERCITY	OWNERSTATE	OWNERZIP
3 STANLEY TUCKER DR	NEWBURYPORT	MA	01950
4640 SW MACADAM AVE #50	PORTLAND	OR	97239
4640 SW MACADAM AVE #50	PORTLAND	OR	97239
169 N 1ST AVE #42	HILLSBORO	OR	97124
11345 SW HERMAN RD	TUALATIN	OR	97062
11345 SW HERMAN RD	TUALATIN	OR	97062
11345 SW HERMAN RD	TUALATIN	OR	97062
11345 SW HERMAN RD	TUALATIN	OR	97062
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
PO BOX 723597	ATLANTA	GA	31139
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
19100 SW 51ST AVE	TUALATIN	OR	97062
1101 SE TECH CENTER DR #160	VANCOUVER	WA	98683
1101 SE TECH CENTER DR #160	VANCOUVER	WA	98683
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
1099 18TH STE 2900	DENVER	CO	80202
PO BOX 1696	BEAVERTON	OR	97075
3329 WINTERCREEK CT	EUGENE	OR	97405
6600 SW 105TH AVE STE 175	BEAVERTON	OR	97008
6600 SW 105TH AVE STE 175	BEAVERTON	OR	97008
6600 SW 105TH AVE, STE 175	BEAVERTON	OR	97008
	BEAVERTON	OR	97005
10250 SW NORTH DAKOTA	TIGARD	OR	97223
10700 SW MANHASSET DR	TUALATIN	OR	97062
5348 VEGAS DR	LAS VEGAS	NV	89108
PO BOX 1696	BEAVERTON	OR	97075
PO BOX 111	CANBY	OR	97013
11555 SW MYSLONY ST	TUALATIN	OR	97062
4500 SW ADVANCE RD	WILSONVILLE	OR	97070
4500 SW ADVANCE RD	WILSONVILLE	OR	97070
4500 SW ADVANCE RD	WILSONVILLE	OR	97070
600 NE GRAND AVE	PORTLAND	OR	97232
PO BOX 278	TUALATIN	OR	97062
11800 SW MYSLONY ST	TUALATIN	OR	97062
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
		OR	00000
8625 EVERGREEN WAY STE 200	EVERETT	WA	98208
8338 SW 11TH AVE	PORTLAND	OR	97219
PO BOX 1427	TUALATIN	OR	97062
11509 SW HERMAN RD	TUALATIN	OR	97062
7650 SW VILLAGE GREEN CIR	WILSONVILLE	OR	97070
PO BOX 15523	SEATTLE	WA	98115
PO BOX 15523	SEATTLE	WA	98115
PO BOX 15523	SEATTLE	WA	98115
PO BOX 15523	SEATTLE	WA	98115
PO BOX 15523	SEATTLE	WA	98115
PO BOX 729	COLBERT	WA	99005
11200 SW LEVETON DR	TUALATIN	OR	97062
		OR	00000

2S122DA00600 EVE LAND INVESTMENTS LLC  
2S122C002100 D&B PROPERTY LEASING LLC  
2S122DA90031 CJO PROPERTIES LLC  
2S122AD00900 CEDAR LANDSCAPE MAINTENANCE LLC  
2S122DD00100 BT PROPERTY LLC  
2S122C000103 AW & JS ENTERPRISES LLC  
2S127AB00600 AMU PROPERTIES LLC  
2S122AD01300 ABBOTT TUALATIN LLC  
2S122D000600 112TH & MYSLONY JPMJD/USICV LLC  
2S122D000900 112TH & MYSLONY JPMJD/USICV LLC

STE 100

PO BOX 19856	PORTLAND	OR	97280
8060 SW PFAFFLE ST STE 200	TIGARD	OR	97223
14859 SW 162ND TER	TIGARD	OR	97224
6107 SW MURRAY BLVD #175	BEAVERTON	OR	97008
55 GLENLAKE PKWY NE	ATLANTA	GA	30328
PO BOX 849	TUALATIN	OR	97062
20049 SW 112TH AVE	TUALATIN	OR	97062
3030 BRIDGEWAY	SAUSALITO	CA	94965
450 NEWPORT CENTER DR STE 405	NEWPORT BEACH	CA	92660
450 NEWPORT CENTER DR STE 405	NEWPORT BEACH	CA	92660

Janine Wilson  
18325 SW 135th Terrace  
Tualatin, OR 97062

Margarita Crowell  
7237 SW Delaware Ct.  
Tualatin, OR 97062

Ed Casey  
22255 SW 102nd Pl.  
Tualatin, OR 97062

Chris Tunstall  
17400 SW Cheyenne Way  
Tualatin, OR 97062

Sallie Olson  
8960 SW Arapaho Rd  
Tualatin, OR 97062

Julie Makarowsky  
10775 SW Willow St.  
Tualatin, OR 97062

Dan Hardy  
23070 SW Lodgepole Ave  
Tualatin, OR 97062

Del Moore  
8790 SW Nisqually Ct  
Tualatin, OR 97062

Alex Thurber  
9875 SW Iowa Dr  
Tualatin, OR 97062

Kate Pinamonti  
10240 SW Fulton Drive  
Tualatin, OR 97062

Jamison Shields  
8182 SW Paiute  
Tualatin, OR 97062

Mary Lyn Westenhaver  
9845 SW Iowa Dr  
Tualatin, OR 97062

Jeanne Raikoglo  
17630 SW Shawnee Trail  
Tualatin, OR 97062

Claudia Sterling  
20600 SW Shoshone Dr  
Tualatin, OR 97062

Susan Humphrey  
8801 SW Stono Dr.  
Tualatin, OR 97062

Daniel Bachhuber  
10205 SW Casteel Ct  
Tualatin, OR 97062

Janet Gilkey  
21132 SW 86th Ct  
Tualatin, OR 97062

Deb Fant  
22680 SW Eno Pl.  
Tualatin, OR 97062

Doug Ulmer  
7237 SW Delaware Ct.  
Tualatin, OR 97062

Roy Loop  
20190 SW 86th Ct  
Tualatin, OR 97062

Cathy Holland  
10740 SW Lucas Dr.  
Tualatin, OR 97062

Scott Miller  
12976 SW Hillside Terrace  
Tualatin, OR 97062

Chris Tunstall  
17400 SW Cheyenne Way  
Tualatin, OR 97062

Brian Fant  
22680 SW Eno Place  
Tualatin, OR 97062





# NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

## CASE FILE: ANN 21-0002 — 11345 SW Herman Road

NOTICE IS HEREBY GIVEN that an application for Annexation (ANN 21-0002) will be heard by Tualatin City Council:

**Monday, February 14, 2022 at 7 pm**

Location: Juanita Pohl Center  
8513 SW Tualatin Road. Tualatin, OR 97062

To view the application materials visit:  
[www.tualatinoregon.gov/projects](http://www.tualatinoregon.gov/projects)

**TO COMMENT:**

**Email:** kleonard@tualatin.gov  
**Mail:** Planning Division. Attn: Keith Leonard  
18880 SW Martinazzi Ave.  
Tualatin, OR 97062

To make verbal comment at the hearing, there are two options:

- **Zoom Teleconference.** Details at: [www.tualatinoregon.gov/citycouncil/council-meetings](http://www.tualatinoregon.gov/citycouncil/council-meetings)
- **Attend in person at the Juanita Pohl Center.** Physical distancing measures will be implemented for those attending in person, and City staff will be available to answer any questions.

- **Annexation ANN 21-0002:** Proposal to annex a 10.613-acre parcel located at 11345 SW Herman Road (Tax ID 2S122D000550) into the City of Tualatin from unincorporated Washington County. Any future development or construction will require a separate Architectural Review application to be submitted and approved.



- Criteria: Tualatin Development Code (TDC) 33.010, and Metro Code 3.09.045.
- **Application materials** are public record and are available for review. Copies can be viewed online or obtained at a reasonable cost, by contacting the Planning Division.
- **Staff report materials** will be available for inspection at no cost, at least seven days prior to the hearing. Copies can be obtained for a reasonable cost.
- **Individuals wishing to comment** may do so in writing to the Planning Division



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prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing.

- **The public hearing process** begins with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. Individual testimony may be limited. At the conclusion of the hearing, the City Council will deliberate and make a decision based on the facts and arguments in the public record. Before the hearing is closed, a participant may request that the record remain open for at least seven days after the hearing.
- **Everyone is invited to attend the hearing and comment** on the application's approval criteria. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.
- A copy of the staff report, findings, and draft Ordinance on ANN 21-0002 will be available one week before the hearing at:  
<https://www.tualatinoregon.gov/citycouncil>.

**For additional information contact:**

Keith Leonard, Associate Planner: [kleonard@tualatin.gov](mailto:kleonard@tualatin.gov), 503-691-3029

*You received this mailing because you own property within 1,000 feet (ft) of the site or within a residential subdivision which is partly within 1,000 ft.*

 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062

[TUALATINOREGON.GOV/PLANNING](https://www.tualatinoregon.gov/planning) 

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 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062

[TUALATINOREGON.GOV/PLANNING](https://www.tualatinoregon.gov/planning) 

# 11345 SW Herman Road (Myslony)

## Pre-Application Meeting 10/14/20 Summary

Thank you for discussing the proposed industrial development at 11345 SW Herman Road. Below, please find a summary of some of the points we were able to discuss. If there is anything else you would like to document from our meeting, please respond with your notes as well. Thank you.

### Required Land Use Reviews

Submit electronically via eTrakit: <https://permits.ci.tualatin.or.us/eTrakit/>

A Neighborhood/Developer meeting must be held prior to submitting a land use application, including Annexation, Land Division, and Architectural Review.

- One Neighborhood/Developer meeting may cover multiple applications but should generally be held no more than six months prior to application. More detailed information about this meeting, including options for virtual meetings during the present pandemic response, is online here: <https://www.tualatinoregon.gov/planning/neighborhood-developer-meetings>
- Applicants are responsible for mailing and posting notice of your Neighborhood Developer meeting. The City can provide an address list for your notice letters for a \$32 fee. Please request this through our [eTrakit](#) platform, which enables online payment.

### Annexation:

- As we discussed, a portion of the proposed development area is within unincorporated Washington County. The property is presently within the Clean Water Services Sewer District, but not annexed into the City of Tualatin.
- Annexation application: [https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5060/annexation\\_instructions\\_1.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5060/annexation_instructions_1.pdf)
- For a recent example of an annexation application being reviewed now, see <https://www.tualatinoregon.gov/planning/ann-20-0003-norwood-annexation>
- Annexation must be adopted by City Council prior to acceptance of future land use applications on the subject territory. Prior to Annexation, Washington County retains jurisdiction over the territory and the land is zoned FD-10.

### Land Division:

- A Partition is required for of up to three legal lots and Subdivision for four or more.
- Land division is typically preferred prior to an Architectural Review. Defined legal lots enables precise application of requirements for development.
- [https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/page/5159/development\\_app\\_sub\\_par\\_pla\\_w\\_sign\\_and\\_mailing\\_labels.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/page/5159/development_app_sub_par_pla_w_sign_and_mailing_labels.pdf)

### Architectural Review:

- [https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5081/ar\\_instructions\\_2019\\_withforms.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5081/ar_instructions_2019_withforms.pdf)
- Industrial developments over 150,000 square feet in building area are reviewed through Type III review including a hearing at the Architectural Review Board.
- Criteria to address in your narrative include:



**Tualatin Municipal Code:**

- [Chapter 03-02: Sewer Regulations; Rates;](#)
- [Chapter 03-03: Water Service;](#)
- [Chapter 03-05: Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers;](#)

**Tualatin Development Code:**

- [TDC 61: General Manufacturing;](#)
- [TDC 70: Floodplain District;](#)
- [TDC 72: Natural Resource Protection Overlay;](#)
- [TDC 73A: Site Design,](#)
- [73B: Landscaping Design,](#)
- [73C: Parking Standards, and](#)
- [73D: Waste and Recyclables Management Standards;](#)
- [TDC 74: Public Improvements;](#)
- [TDC 75: Access.](#)

**Highlighted Site Design Standards**

- **Natural Resource Protection Overlay—Wetland Conservation Natural Area**



- The light purple shows the NRPO-WCNA. An additional screenshot of the overlay areas is included at the end of these notes. You may request these and additional land use layers for inclusion in your plan drawings from our GIS team as needed (contact Martin Loring at [mloring@tualatin.gov](mailto:mloring@tualatin.gov) or Tom Scott at [tscott@tualatin.gov](mailto:tscott@tualatin.gov)).

- Development is very restricted within the NRPO-WCNA. Uses other than trails, streets, parks, and driveway access are generally not permitted unless the overlay is removed. See [TDC 72.060](#). Partial grading may be permitted within the NRPO-WCNA per [TDC 72.040](#).
- This resource is listed as W-35 in the Tualatin Natural Resources Inventory and Local Wetlands Inventory (1995):  
[https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/4242/natural\\_resource\\_inventory\\_and\\_local\\_wetlands\\_inventory\\_-\\_dec\\_1995.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/4242/natural_resource_inventory_and_local_wetlands_inventory_-_dec_1995.pdf)
- From our discussion, it sounds like you will seek to revise the location of the overlay following the process described in [TDC 72.065](#). Per this section, claims of a location error for this type of overlay may be processed as part of a subdivision, partition, lot line adjustment, architectural review, or variance.
- [TDC 72.065](#): *Claims of map errors shall be supported by adequate inventory information and analysis to justify the claim and meet the land use application approval criteria. Claims of map error for wetland boundaries shall be verified by the Oregon Division of State Lands.*
- Clean Water Services may present additional requirements for vegetated corridors and other site development requirements through their Service Provider Letter process.

#### **Additional notes on site design:**

- Demonstrate the minimum landscaping requirements in [TDC 73B](#) are met. Recall that the Architectural Review Board has expressed a particular interest in the quality of the public facing appearance of the development including landscaping.

#### **Public Utilities and Other Site Development**

- Geotech/soil/infiltration report:
  - An infiltration test report will need to be submitted to Engineering for a complete land use application if the private water quality facility includes infiltration in the design.
- An Erosion Control permit is required from Tualatin for projects disturbing over 500 square feet.
  - Additionally if between one and five acres are disturbed, a 1200CN is needed from CWS.
  - If over five acres are disturbed, a 1200C is needed from DEQ.
- A Water Quality Permit is needed for construction and modification of public and private impervious areas. The permit will include wetland mitigation/revegetation required by CWS SPL in addition to treatment/25-year Hedges Creek Subbasin detention per [TMC 3-5-3-220\(4\)](#)/hydromodification
  - <https://www.tualatinoregon.gov/engineering/water-quality-permit-application>
  - [TDC 14.020. - Drainage Plan](#) discusses the Hedges Creek detention requirements. *Map 14-1: Recommended Capital Improvements Hedges Creek Subbasin* is located here: [https://library.municode.com/or/tualatin/codes/development\\_code?nodeId=THDECOT\\_UOR\\_APXAMA](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOT_UOR_APXAMA)
- A Public Works Permit is needed for work within right-of-way or public easements.
  - Proposal to relocate the 21" sanitary sewer line crossing the lot will involve coordination and approval from Clean Water Services.
  - <https://www.tualatinoregon.gov/engineering/public-works-permit-application>
- Floodplain permit plans must confirm balanced cut & fill per [TMC 3-5-250](#)
- Hydraulic Modeling may be requested in advance of land use application to confirm availability/requirements. When submitting a modeling application include:

- Requirements/alternatives allowed by Tom Mooney, TVF&R (503-259-1419; [thomas.mooney@tvfr.com](mailto:thomas.mooney@tvfr.com))
- Hydrant flow test results. Request testing via <https://www.tualatinoregon.gov/publicworks/hydrant-flow-tests>. For questions contact Terrance Leahy, Water Division Manager, (503-691-3095; [tleahy@tualatin.gov](mailto:tleahy@tualatin.gov))

### Transportation and Site Access

- Traffic Impact Analysis – Contact Mike McCarthy, [mmcarthy@tualatin.gov](mailto:mmcarthy@tualatin.gov) to confirm TIA scope proposal
- Myslony requires dedication and Public Works and Water Quality Permits for construction. We strongly suggest providing exhibits showing both sides of Myslony for discussion with the City Engineer earlier rather than later.
  - TDC [Figure 11-1: Functional Classification and Traffic Signal Plan](#) shows Myslony as [Major Collector](#) to the west and [Minor Collector](#) to the east.
  - TDT credits are available per the Washington County TDT manual
- A 24-foot wide private easement must allow lots to the north to access Myslony. Utility easements must be provided. Please propose locations for vehicle, Public Utility, sanitary sewer, stormwater, and water that makes the most sense with your development for staff discussion.
  - Future development of the lot to the north will not be allowed access to Herman Road across Portland & Western Railroad tracks.
  - TDC 75.140 Existing Streets Access Standards (17)(b)(ii) [https://library.municode.com/or/tualatin/codes/development\\_code?nodeId=THDECOT\\_UOR\\_CH75ACMA\\_TDC\\_75.140EXSTACST](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOT_UOR_CH75ACMA_TDC_75.140EXSTACST)

### Trail

- Rich Muller, Parks and Planning Development Manager, for discussion of Ice Age Tonquin Trail (503) 691-3064

### Fire

- Tom Mooney, TVF&R (503-259-1419; [thomas.mooney@tvfr.com](mailto:thomas.mooney@tvfr.com))
- Flow testing: Terrance Leahy, Water Division Manager, (503-691-3095; [tleahy@tualatin.gov](mailto:tleahy@tualatin.gov))

### Fees

- Current fee schedule: <https://www.tualatinoregon.gov/finance/fee-schedule>
- For calculating SDC fees, please work with Lauren Gonzalez, [lgonzalez@tualatin.gov](mailto:lgonzalez@tualatin.gov)



# Natural Resource Protection Overlays GIS Screenshot

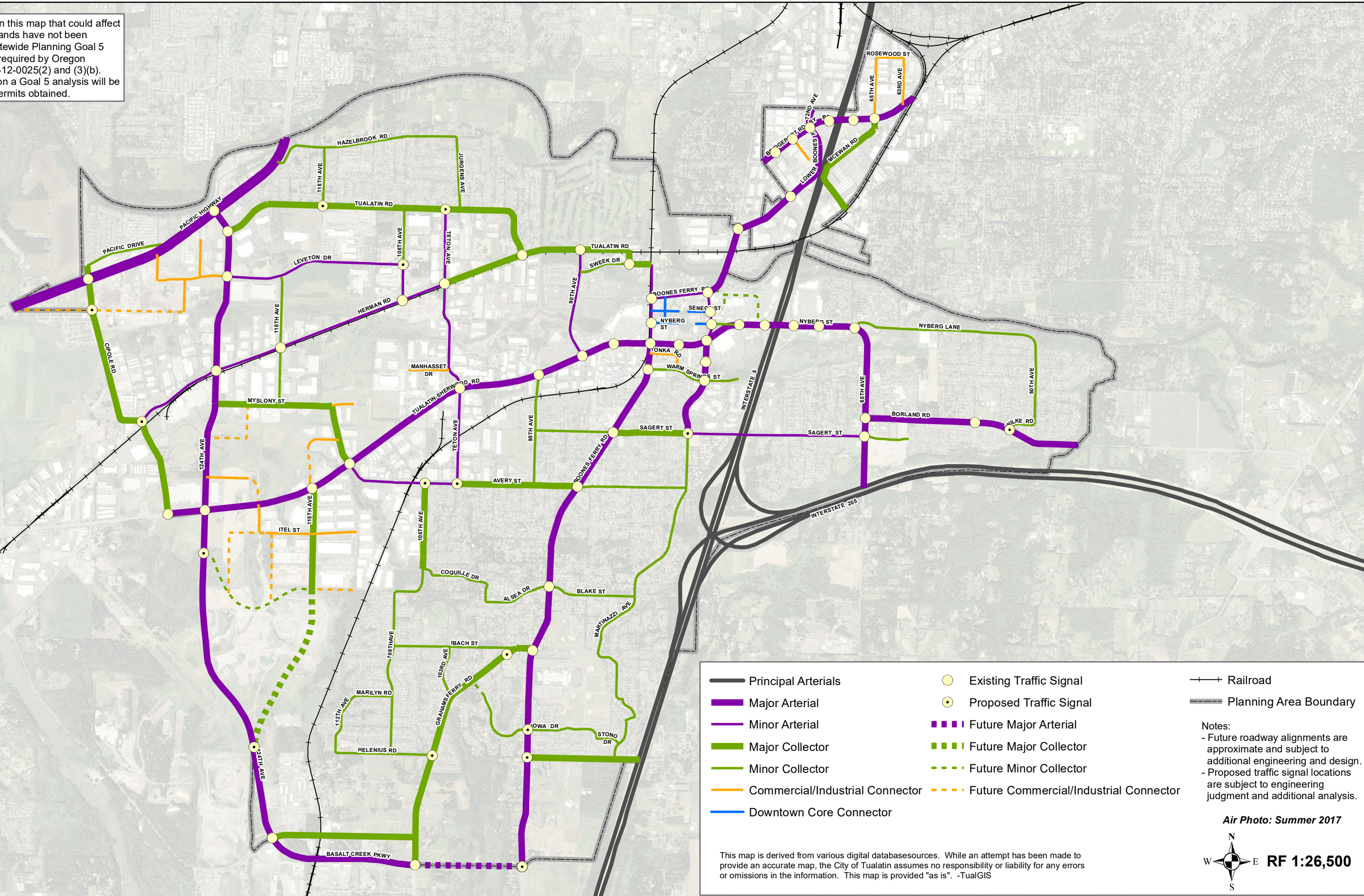


- Natural Resources Protection Overlay District
- Wetland Preservation District
- Wetland Conservation District
- Open Space Preservation District
- Greenway



# Map 8-1: Functional Classification and Traffic Signal Plan

The projects embodied in this map that could affect rivers, streams and wetlands have not been analyzed in terms of Statewide Planning Goal 5 (Natural Resources) as required by Oregon Administrative Rule 660-12-0025(2) and (3)(b). Thus, prior to construction a Goal 5 analysis will be completed and proper permits obtained.



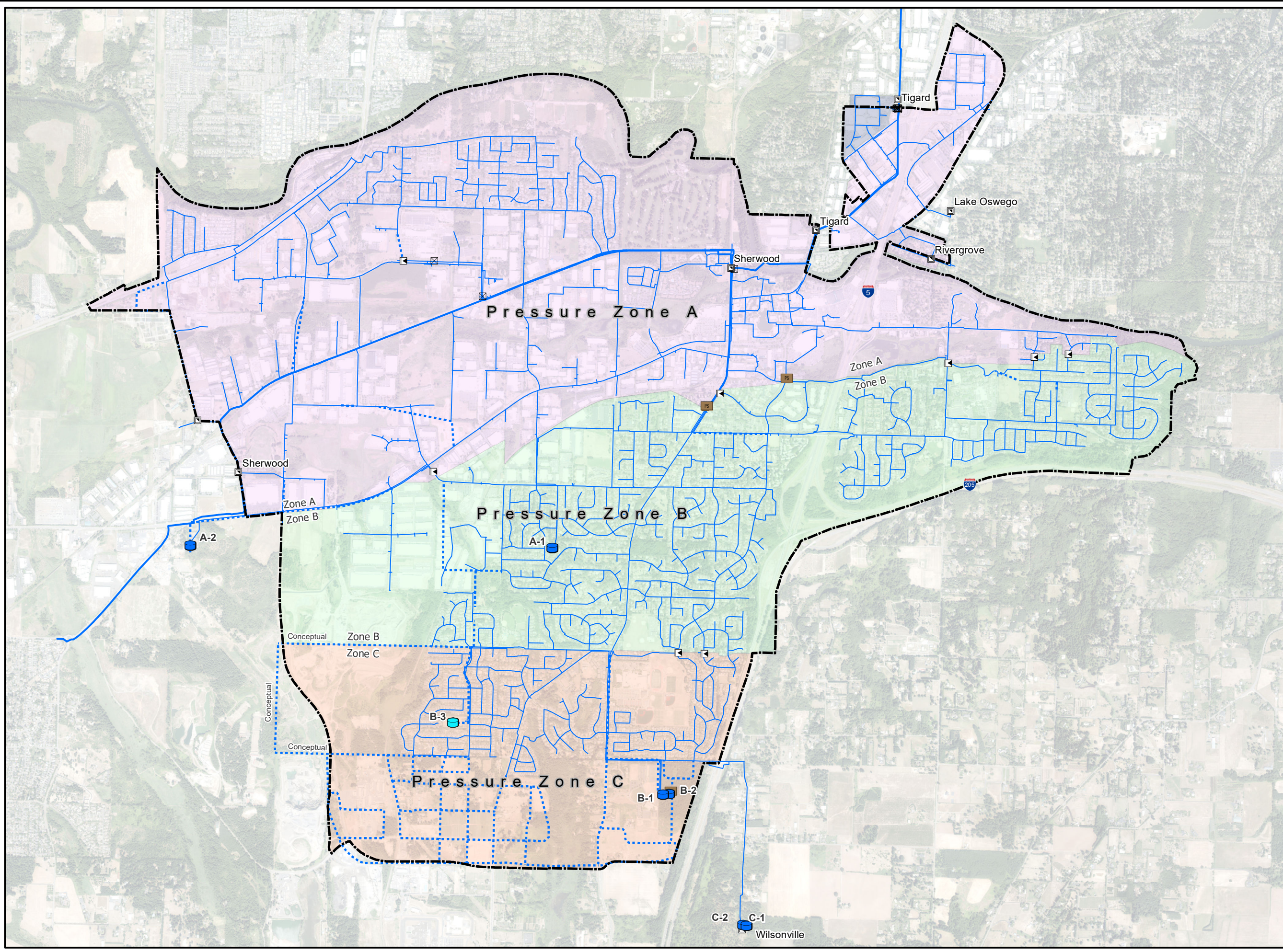
Principal Arterials	Existing Traffic Signal	Railroad
Major Arterial	Proposed Traffic Signal	Planning Area Boundary
Minor Arterial	Future Major Arterial	Notes: - Future roadway alignments are approximate and subject to additional engineering and design. - Proposed traffic signal locations are subject to engineering judgment and additional analysis.
Major Collector	Future Major Collector	
Minor Collector	Future Minor Collector	
Commercial/Industrial Connector	Future Commercial/Industrial Connector	
Downtown Core Connector		















This map is derived from various digital databasesources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS

**Air Photo: Summer 2017**

**RF 1:26,500**





-  Pump Stations
-  Pressure Reducing Valve
-  Pressure Reducing-Sustaining Valve
-  Existing Reservoirs
-  Future Reservoirs
-  Water System Interties
-  Transmission Lines
-  Distribution System
-  Future System Improvements
-  A-Level
-  B-Level
-  C-Level
-  Bridgeport
-  Planning Area Boundary










RF 1:26,500

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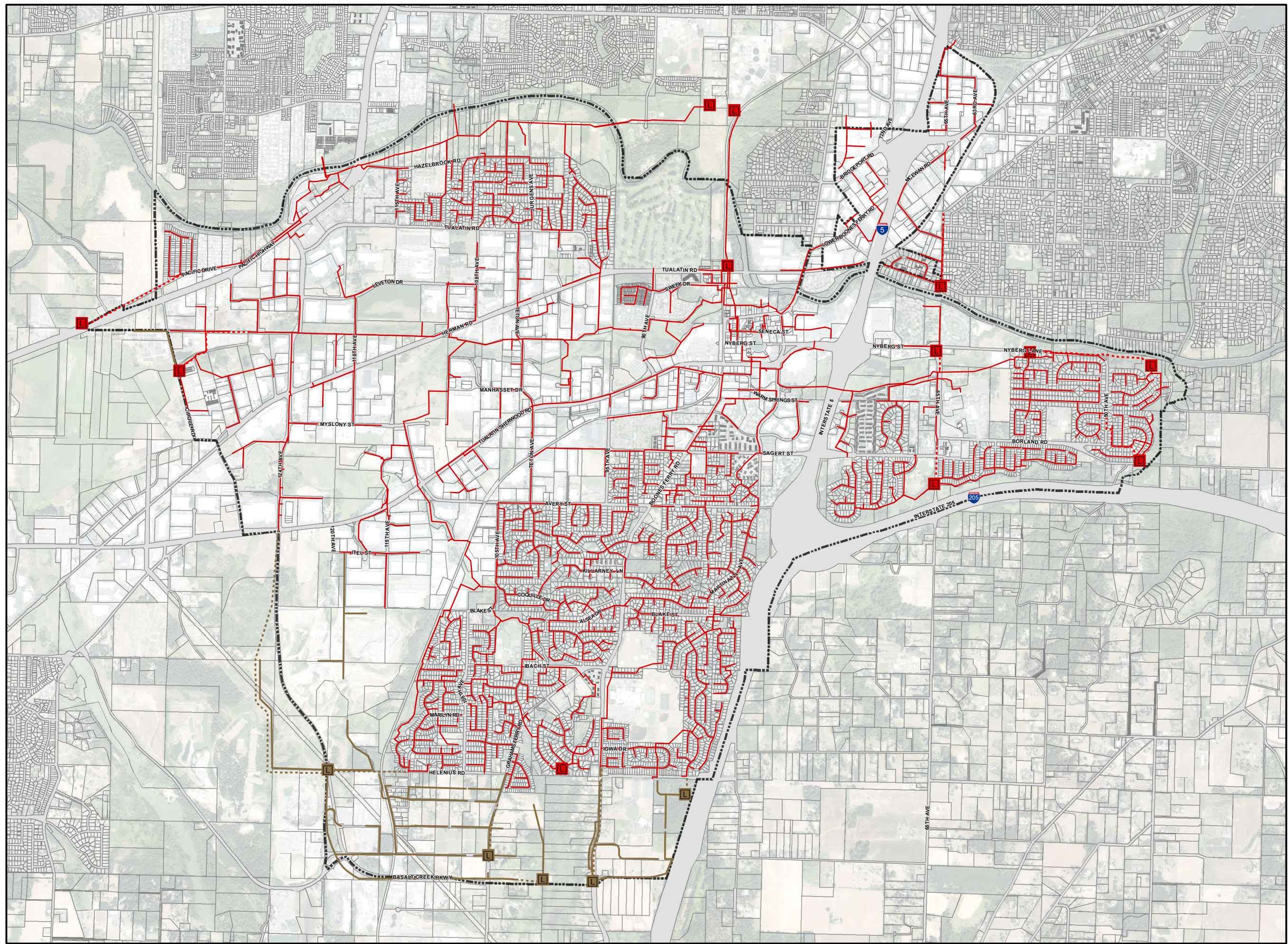
City of Tualatin  
Sewer System Master Plan  
Map 9-2

-  Conceptual Lift Station
-  Lift Station
-  Gravity Pipe
-  Force Main
-  Conceptual Gravity Pipe
-  Conceptual Force Main
-  Planning Area Boundary



RF 1:26,500

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS





# Map 10-1 Comprehensive 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
- RML Medium-Low Density
- RMH Medium-High Density
- RH High Density
- RH/HR High Density/High Rise

### Commercial

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

### Manufacturing

- ML Light
- MG General
- MP Park
- MBP Manufacturing Business Park

### Institutional

- IN Institutional

Planning Area Boundary

City of Tualatin

Mobile Home Parks

Planning Districts

In Planning Area/Outside of City

Effective: April 21, 2021

