



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

PROPOSAL NAME SW Itel Road Annexation

PROPOSAL SUMMARY *(Brief description)*

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

PROPERTY INFORMATION

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

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

Total site size: 4.04 acres Developed Undeveloped


APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Ryan Merlette

Mailing Address: 4660 NE Bleknep Court #101-I

City/State: Hillsboro, OR Zip: 97214

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

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

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

PROPERTY OWNER/DEED HOLDER INFORMATION

Name: Ashwood Construction Inc.

Mailing Address: 29772 SW Heater Road

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

Phone: _____ Email: _____

Property Owner Signature:  Date: 4-27-21

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

LAND USE APPLICATION TYPE

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

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

MAJESTIC TUALATIN 119 PARKING EXPANSION AND ANNEXATION TUALATIN, OREGON

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

June 2021

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

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



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I. INTRODUCTION

General Information

Applicant/Contact Person:

Commerce Construction Co LP

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

Prepared By:

DOWL

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

Property Owner:

Ashwood Construction Inc

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

Authorized Representative:

Majestic Realty Co

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

Project Location:

21100 SW 120th Avenue, Tualatin, Oregon 97062

Parcel Information:

Tax Lot 2S127C000401, 4.04 acres

Land Use Designation:

Manufacturing Business Park (MBP) upon Annexation

II. PROJECT DESCRIPTION

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

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

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

Natural Resources

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

II. APPLICABLE REVIEW CRITERIA

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

State Standards

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

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

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

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

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

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

Regional Standards

Metro Code 3.09 – Local Government Boundary Changes

3.09.045 - Expedited Decisions

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

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

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

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

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

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

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

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

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

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

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

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

e. Any applicable comprehensive plan;

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

f. Any applicable concept plan; and

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

2. Consider whether the boundary change would:

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

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

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

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

provided.

Transportation

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

Sanitary Sewer, Water, and Stormwater

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

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

Fire Protection

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

Parks, Open Space, and Recreation

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

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

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

Response: The area proposed for annexation lies entirely within the UGB.

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

A. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

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

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

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

3. The proposed effective date of the boundary change.

Response: The annexation of the subject property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180. This standard is met.

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

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

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

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

Local Policies

City of Tualatin Development Code

TDC 4 Community Growth

TDC 4.065 – Requirements.

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

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

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

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

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

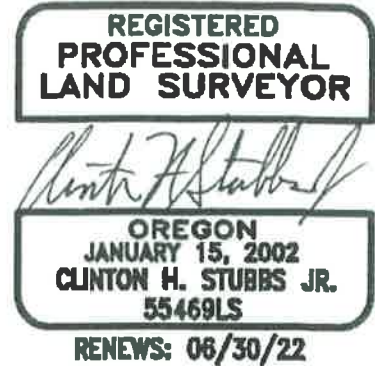
Response: The site is included in the SWCP and Regionally Significant Industrial Area (RSIA) portion of the SWCP area.

III. CONCLUSION

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



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127



Annexation Description

July 15, 2021

NWS Project Number 2029

A tract of land located in the southwest one-quarter of Section 27, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Commencing at a 2 inch brass disk marking the west one-quarter corner of said Section 27; Thence along the northerly line of the southwest one-quarter of said Section 27, South 88°27'34" East 1298.76 feet to its intersection with the westerly right-of-way line of SW 120th Avenue (20.00 feet westerly from the centerline thereof, when measured at right angles); Thence along the said westerly right-of-way line, South 01°45'23" West 20.00 feet to the southerly right-of-way of SW Itel Street; Thence along the southerly right-of-way line of said SW Itel Street, South 88°27'34" East 10.00 feet to the northwest corner of that property conveyed to Ashwood Construction, Inc. by a deed recorded on April 21, 1988 as Document Number 88-016661, Washington County Deed Records, and the Point of Beginning;

Thence continuing along the southerly right-of-way line of SW Itel Street, South 88°27'34" East 10.10 feet to an angle point thereon; Thence continuing along the southerly right-of-way line of SW Itel Street, South 88°34'58" East 290.08 feet to the westerly right-of-way line of SW 120th Avenue; Thence along the westerly right-of-way line of said SW 120th Avenue, South 01°14'05" West 547.98 feet to the southeast corner of said Ashwood Construction, Inc. property; Thence along the south line of said Ashwood Construction, Inc. property, North 88°34'58" West 335.79 feet to the southwest corner thereof; Thence along westerly boundary of said Ashwood Construction, Inc. property, North 01°36'45" East 368.00 feet to an angle point thereon; Thence continuing along said westerly boundary, South 88°34'58" East 32.00 feet to an angle point thereon; Thence continuing along said westerly boundary, North 01°36'45" East 180.00 feet to the Point of Beginning.

The above described tract of land contains 4.07 acres, more or less.

The basis of bearings for this description is the Oregon State Plane Coordinate System, North Zone, NAD (83).

ANNEXATION CERTIFIED

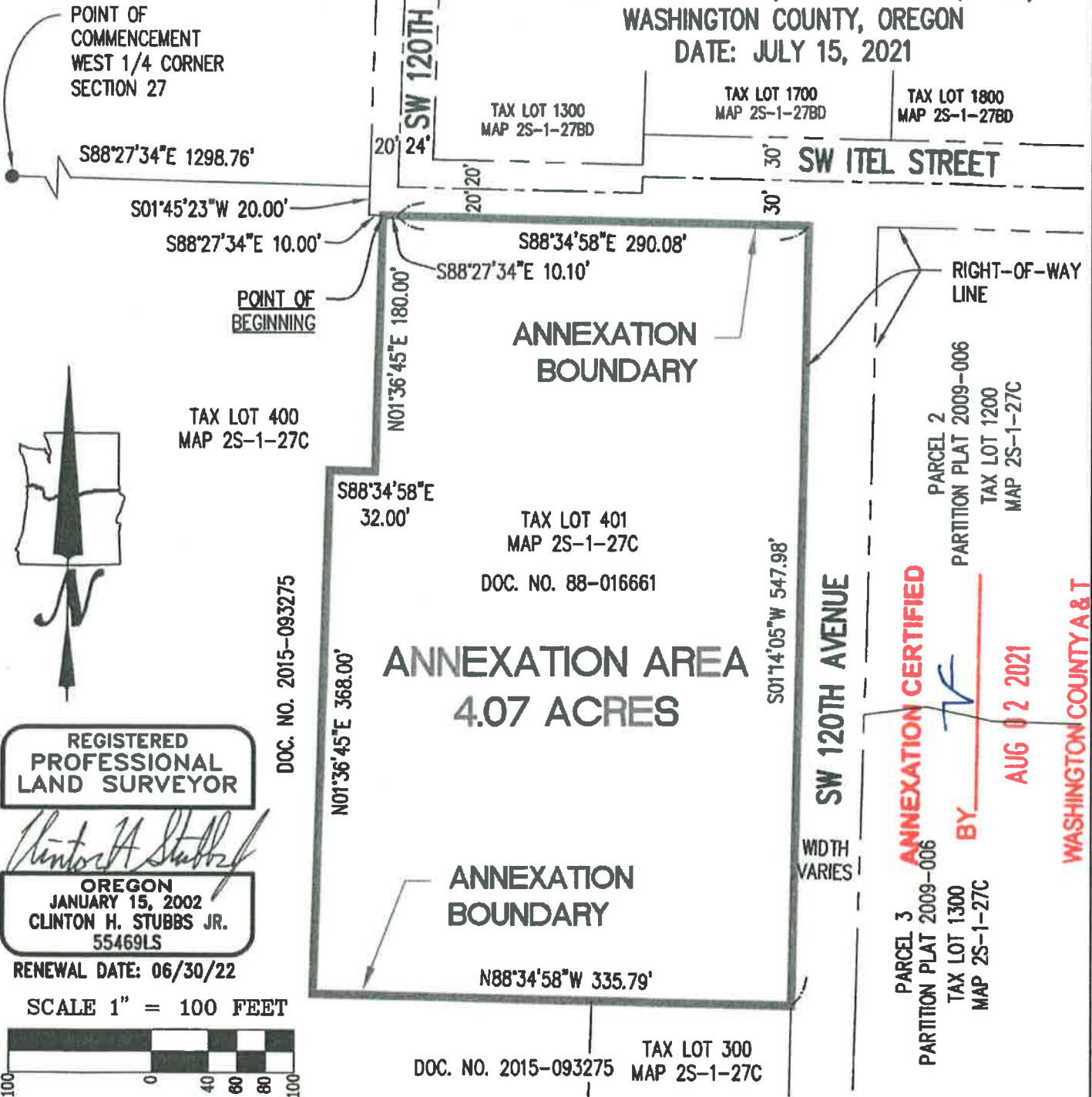
BY VF

AUG 02 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

EXHIBIT MAP

LOCATED IN THE SW 1/4 OF SECTION 27,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,
WASHINGTON COUNTY, OREGON
DATE: JULY 15, 2021



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWAL DATE: 06/30/22

SCALE 1" = 100 FEET



ANNEXATION CERTIFIED
BY *[Signature]*
AUG 02 2021
WASHINGTON COUNTY A & T
CARTOGRAPHY

PREPARED FOR:

MAJESTIC REALTY CO.
13191 CROSSROADS PRKY N.
SIXTH FLOOR
CITY OF INDUSTRY, CA 91746

JOB NAME: MAJESTIC ASHWOOD
JOB NUMBER: 2029
DRAWING NUMBER: 2029 EXHIBIT
DRAWN BY: BJA
CHECKED BY: CHS

**NORTHWEST
SURVEYING, Inc.**

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

PROPERTY OWNER INFORMATION

(This form is NOT the petition)

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

NAME OF OWNER/VOTER (V)

PROPERTY DESIGNATION

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

MAILING ADDRESS

PROPERTY ADDRESS (If different)

(1) Russell Davis QTR 27, TWN 2S, R 1W and Lot 401 29772 SW Heater Road Sherwood, OR 97140

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: 4.04

General description of territory *(Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal)*: Taxlot 2S127C000401 is outside of a floodplain area and not in a wetland.

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

North: Taxlots 2S127BD01300 & 2S127BD01700 are located to the north. Taxlot 2S127BD01300 is zoned General Manufacturing (MG) and land use is Commercial (COM). Taxlot 2S127BD01700 is zoned General Manufacturing (MG) and land use is Commercial (COM).

South: Taxlots 2S127C000400 & 2S127C000300 are located to the south. Taxlot 2S127C000400 is zoned Manufactured Business Park (MBP) and land use is Commercial. Taxlot 2S127C000300 is zoned Manufactured Business Park (MBP) and land use is Commercial (COM).

East: Taxlot 2S127C001200 and 2S127C001300 are located to the east. Taxlot 2S127C001200 is zoned General Manufacturing (MG) and land use is Commercial (COM). Taxlot 2S127C001300 is zoned General Manufacturing (MG) and land use is Commercial (COM).

West: Taxlot 2S127C000400 is located to the west. The taxlot is zoned Manufactured Business Park (MBP) and the land use is Commercial (COM).

EXISTING LAND USE:

Number of existing units/structures:

Single-family: _____ Multi-family: _____ Commercial: 2 Industrial: _____

Describe existing units/structures: Two buildings exist on the SW corner of the tax lot and are used commercially.

What is the current use(s) of the land proposed to be annexed: The current land use designation of the land proposed to be annexed is Commercial.

Public facilities or other uses: N/A

Total current year assessed valuation – Land \$: \$234,600 Structures \$: \$1,000

Total existing population: _____

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

Highway Lighting District: N/A

Fire District: TVFR

Sanitary District: Clean Water Services (CWS)

Water District: CWS

Grade School District: Sherwood

High School District: Sherwood

Library District: N/A

Drainage District: N/A

Parks & Recreation District: City of Tualatin

Other: _____

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

The request is for annexation into the City of Tualatin and the Clean Water Services boundary to be served by the City and CWS. This is further described in the narrative.

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.

ANNEXATION CERTIFIED

TED FOSTER GIS TECH
Printed Name Title

BY TF

[Signature] 5/12/21
Signature Date

MAY 12 2021

CARTOGRAPHY WASHINGTON
Department County of

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

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

CERTIFICATION OF REGISTERED VOTERS

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

Printed Name Title

Signature Date

Department County of



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

- 1 Number of signatures of individuals on petition.
- 0 Number of active **registered voters** within the territory to be annexed.
- 0 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 2S127C000401 21100 SW 120th Ave

DIVISION: ELECTIONS
 COUNTY: WASHINGTON
 DATE: May 18, 2021
 NAME: Angie Muller
 TITLE: Senior Administrative Specialist



 Angie Muller
 (Signature of Election Official)

*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009



First American Title Insurance Company
National Commercial Services
200 SW Market Street, Suite 250
Portland, Oregon 97201

Escrow Officer: **Rene Moody**
Phone: **(503)795-7600**
Fax: **(866)678-0591**
E-mail **rmoody@firstam.com**

File No: **NCS-986797-OR1**

PRELIMINARY TITLE REPORT

ALTA Owners Standard Coverage	Liability	\$	TBD	Premium	\$	TBD
ALTA Owners Extended Coverage	Liability	\$		Premium	\$	
ALTA Lenders Standard Coverage	Liability	\$		Premium	\$	
ALTA Lenders Extended Coverage	Liability	\$	TBD	Premium	\$	TBD
ALTA Leasehold Standard Coverage	Liability	\$		Premium	\$	
ALTA Leasehold Extended Coverage	Liability	\$		Premium	\$	
Endorsements	Liability	\$		Premium	\$	
Govt Service Charge				Cost	\$	
Other					\$	

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit "A" attached hereto.

and as of 10/25/2019 at 8:00 a.m., [title to the fee simple estate is vested in:](#)

Ashwood Construction, Inc., an Oregon corporation

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

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.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
-
6. Taxes for the year 2019-2020
 - Tax Amount: \$2,225.67
 - Unpaid Balance: \$2,225.67, plus interest, if any
 - Code No.: 088.13
 - Map & Tax Lot No.: 2S127C-00401
 - Property ID/Key No.: R546813
 7. Easement, including terms and provisions contained therein, reserved in Deed:
 - Recording Information: January 18, 1972 in [Book 851, page 182](#)
 - In Favor of: Adjacent property owners
 - For: Roadway
 8. Title to vest in an incoming owner whose name is not disclosed. Such name must be furnished to us so that a name search may be made.
 9. Unrecorded leases or periodic tenancies, if any.

-END OF EXCEPTIONS-

INFORMATIONAL NOTES

Property Address: 21100 Southwest 120th, **Tualatin, OR**

NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and book.

NOTE: Washington County Ordinance No. 267, filed August 5, 1982 in Washington County, Oregon, imposes a tax of \$1.00 per thousand or fraction thereof on the transfer of real property located within Washington County.

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE
WE KNOW YOU HAVE A CHOICE!**



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006 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).

2. American Land Title Association OWNER POLICY - 2006 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:

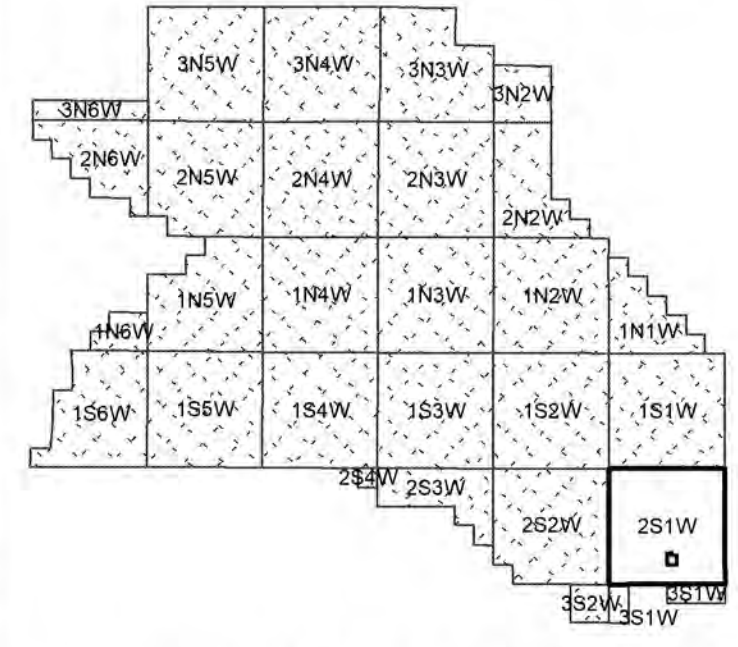
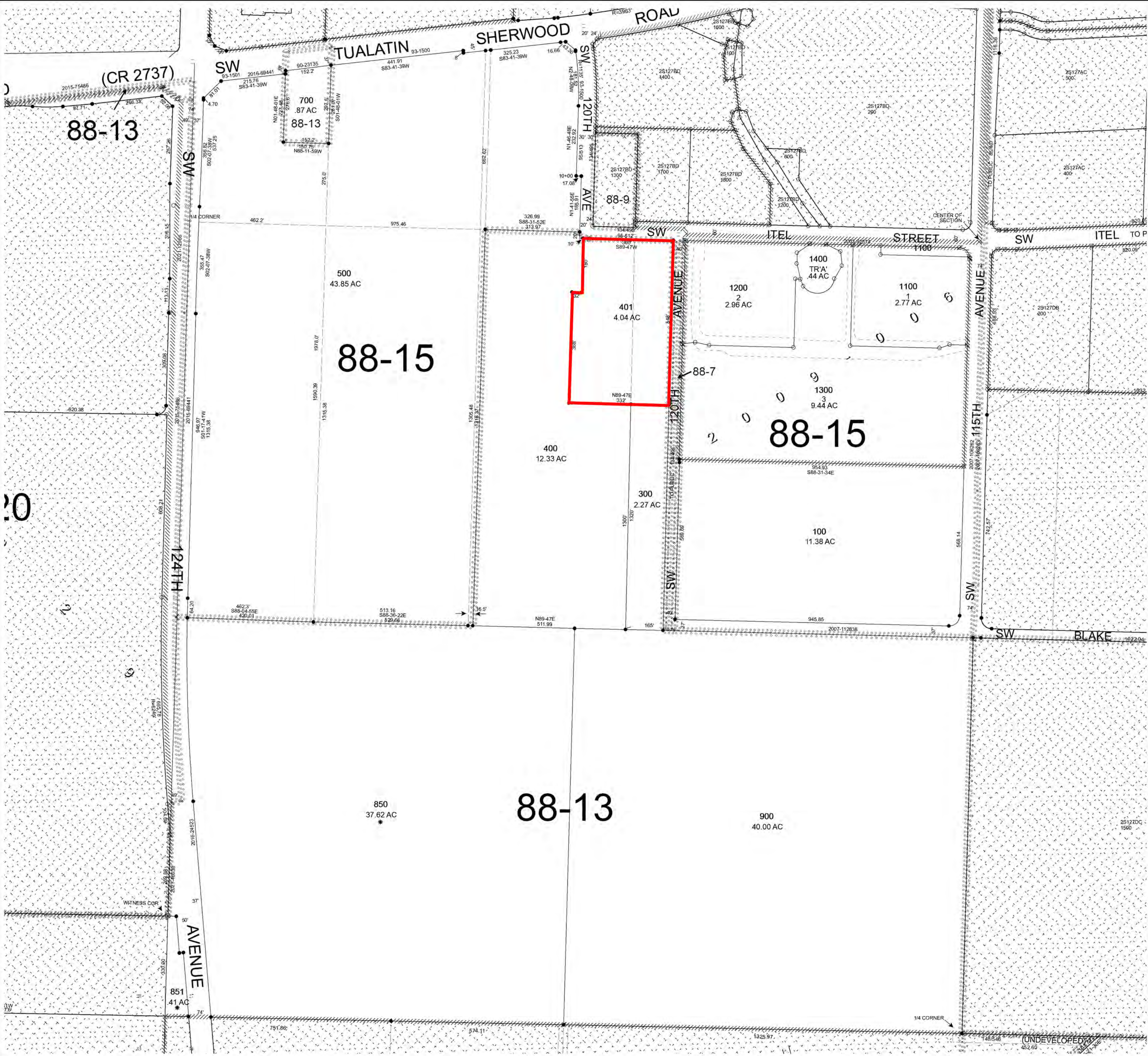
1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (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 Risks 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.

Exhibit "A"

Real property in the County of Washington , State of Oregon, described as follows:

A tract of land situated in the Southwest quarter of Section 27, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, being more particularly described as follows:

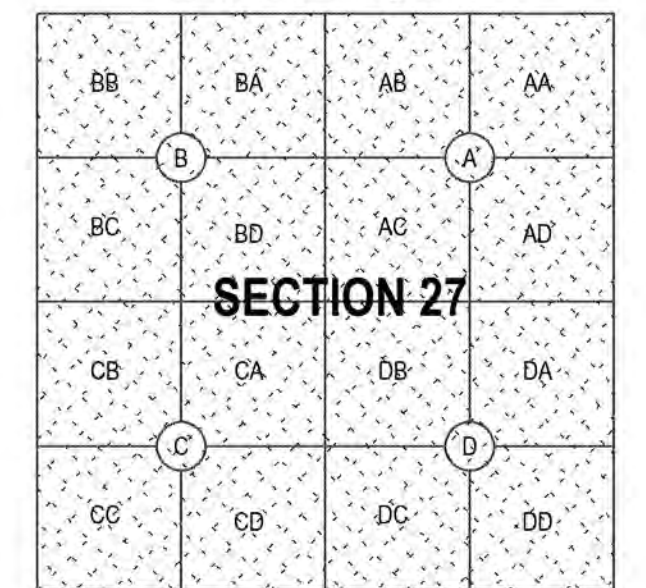
Beginning at a point 975.46 feet East of the quarter section corner between Section 27 and 28, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; thence North 89°47' East 326.99 feet to an iron pipe on the West line of a 40 foot deeded road; thence South along said West line 20 feet to the Southwest corner of said 40 foot deeded road; thence North 89°47' East along the South line of said road 10 feet to the true point of beginning of the parcel herein described; thence South 180 feet to a point; thence South 89°47' West 32 feet to a point; thence South 368 feet to a point; thence North 89°47' East 332 feet, more or less, to a point in the West line of a 40 foot deeded road; thence North along said West line of said deeded road 548 feet to the South line of a 40 foot deeded road; thence South 89°47' West along said South line of said deeded road 300 feet, more or less, to the point of beginning.



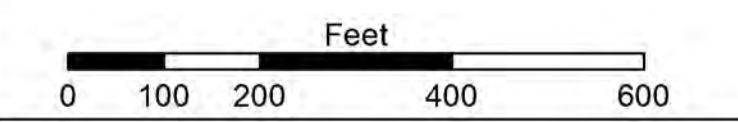
WASHINGTON COUNTY OREGON
SW 1/4 SECTION 27 T2S R1W W.M.
SCALE 1" = 200'

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

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



Cancelled Taxlots For: 2S127C
 600,200,900A1,800,701.



The logo for Washington County Assessment Cartography Taxation, featuring a circular seal with 'WASHINGTON COUNTY OREGON' and a map of the county, next to the text 'Assessment CARTOGRAPHY Taxation'.

PLOT DATE: 5/20/2021
 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.

SENSITIVE AREA PRE-SCREENING SITE ASSESSMENT

Clean Water Services File Number

21-000039

 1. **Jurisdiction:** Tualatin

 2. **Property Information** (example: 1S234AB01400)

 Tax lot ID(s): _____
2S127C000401

 OR Site Address: 21100 SW 120th Ave

 City, State, Zip: Tualatin, Oregon, 97062

Nearest cross street: _____

 4. **Development Activity** (check **all** that apply)

- Addition to single family residence (rooms, deck, garage)
 Lot line adjustment Minor land partition
 Residential condominium Commercial condominium
 Residential subdivision Commercial subdivision
 Single lot commercial Multi lot commercial
 Other annex site and a minor architectural review

 3. **Owner Information**

Name: _____

 Company: Ashwood Construction Inc

 Address: 720 SW WASHINGTON ST, SUITE 750

 City, State, Zip: PORTLAND, Oregon, 97205

 Phone/fax: 9712808655

 Email: sgieseke@dowl.com

 4. **Applicant Information**

 Name: Sarah Gieseke

 Company: DOWL LLC

 Address: 720 SW WASHINGTON ST, SUITE 750

 City, State, Zip: PORTLAND, Oregon, 97205

 Phone/fax: 7192808655

 Email: sgieseke@dowl.com

 6. **Will the project involve any off-site work?** Yes No Unknown

Location and description of off-site work: _____

 7. **Additional comments or information that may be needed to understand your project:** _____

The intent is to annex the site into Tualatin and obtain development review approval for a minor architectural review.

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

 Print/type name Sarah Gieseke

 Print/type title Project Administrative Assistant

 Signature ONLINE SUBMITTAL

 Date 12/23/2020

FOR DISTRICT USE ONLY

- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, State and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- THIS SERVICE PROVIDER LETTER IS NOT VALID UNLESS _____ CWS APPROVED SITE PLAN(S) ARE ATTACHED.**
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

 Reviewed by Lindsey Obermiller

 Date 01/07/2021

 Once complete, email to: SPLReview@cleanwaterservices.org • Fax: (503) 681-4439

OR mail to: SPL Review, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123

Revised 2/2020

NAME OF DOCUMENT FOR RECORDING: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
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MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES

Whereas, Russell Davis ("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

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 27 day of April, 2021

 (signature)	 (signature)
Petitioner Name: <u>RUSSELL DAVIS</u>	Petitioner Name:
Date Signed: <u>4-27-21</u>	Date Signed:

Petitioner (corporation, etc.) Name: Redwood Court, Inc.
By: Russell Davis
Name of Signor: RUSSELL DAVIS
Office/Title of Signor: Pres.

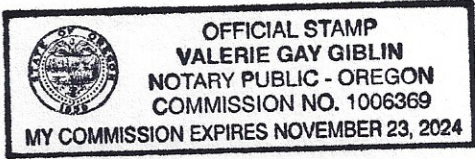
State of Oregon _____)
County of Washington

On this 27th day of April, 2021, before me the undersigned Notary Public, personally appeared

Russell Davis

(Name of Petitioners signing; not Notary name)

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

WITNESS my hand and official seal <i>(Do not write outside of the box)</i>	Place Notary Seal Below
Notary Signature: <u>Valerie Gay Giblin</u> Notary name (legible): <u>Valerie Gay Giblin</u>	

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

City of Tualatin, Oregon

City Manager

CERTIFICATION OF SIGN POSTING



The applicant must provide and post a sign pursuant to Tualatin Development Code (TDC 32.150). The block around the word "NOTICE" must remain purple composed of the RGB color values Red 112, Green 48, and Blue 160. A template is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

NOTE: For larger projects, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the Tualatin Parking Lot Annexation project,
I hereby certify that on this day, July 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: MIKE TOWLE
(Please Print)

Applicant's Signature: 

Date: JULY 7, 2021



February 25, 2021

Re: Neighborhood Meeting Summary

The Neighborhood/Developer Meeting for the Tualatin Tax Lot 401 Annexation was held virtually via Zoom on February 25th, 2021 from 6:00 PM-7:00 PM. Those in attendance were as follows:

- Read Stapleton, AICP with DOWL
- Mike Towle, Project Manager with DOWL
- Sarah Gieseke, Project Administrative Assistant with DOWL
- Phillip Brown, Executive Vice President with Majestic Realty
- Mark Owens, Majestic Realty
- Ryan Merlette, Vice President - District Manager with Commerce Construction Co LP

The meeting began at 6:00 PM and DOWL team members stayed on the meeting until 7:00 PM. There were not any neighbors or invited members of the Commercial CIO Board in attendance for the meeting. One question was brought up and resolved the day before the meeting by Tigard Sand and Gravel regarding the preliminary Concept Site Plan. Tigard Sand and Gravel expressed concern for their private access via SW 120th Avenue because the west lot line was shown too far to the west, encroaching into Tigard Sand and Gravel's property. The Concept Site Plan was corrected to reflect accurate project boundaries and DOWL PM, Mike Towle, assured Tigard Sand and Gravel that their access would not be impacted. No further questions or concerns were raised by Tigard Sand and Gravel or any other neighbor and/or property owner.



February 12, 2021

Re: Summary of CIO Contact

The Commercial CIO Contact list was obtained on February 8, 2021 from the City of Tualatin Community Development Department. The Neighborhood/Developer Meeting Notices for the Tualatin Tax Lot 401 Annexation were sent on February 11, 2021 including notices sent to the Commercial CIO Board Members:

President, Cathy Holland
10740 SW Lucas Dr.
Tualatin, OR 97062
(503) 691-1813
tualatincommercialcio@gmail.com

Vice President/Land Use Office, Scott Miller
12976 SW Hillside Terrace
Tualatin, OR 97223
(971) 275-0341
scottm@capacitycommercial.com

The meeting was held virtually via Zoom on February 25, 2021 from 6:00 PM-7:00 PM and neither CIO board member were in attendance. There has not been any further outreach to the CIO Board Members at this time.



February 25, 2021

Re: Neighborhood Meeting Sign-In Sheet

Participation List from Virtual Zoom Meeting (in Lieu of Sign-In Sheet)

Read Stapleton, DOWL
720 SW Washington Street, Suite 750
Portland, OR 97205
(971) 280-8648
Rstapleton@dowl.com

Mike Towle, DOWL
720 SW Washington Street, Suite 750
Portland, OR 97205
(971) 280-8645
Mtowle@dowl.com

Sarah Gieseke, DOWL
720 SW Washington Street, Suite 750
Portland, OR 97205
(971) 280-8655
Sgieseke@dowl.com

Phillip Brown, Majestic Realty
13191 Crossroads Parkway North, 6th Floor
Industry, CA 91746
(562) 948-4350
PBrown@majesticrealty.com

Mark Owens, Majestic Realty
13191 Crossroads Parkway North, 6th Floor
Industry, CA 91746
(562) 331-0322

Ryan Merlette, Commerce Construction Co LP
4660 NE Belknap Court #101-I
Hillsboro, OR 97124
(971) 400-7214
RMerlette@commercelp.com

CERTIFICATION OF SIGN POSTING

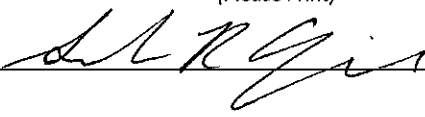


In addition to the requirements of TDC 32.150, the 18" x 24" sign must display the meeting date, time, and address as well as a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. A PowerPoint template of this sign is available at: <https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the SW Itel Road Annexation project, I hereby certify that on this day, February 11, 2021, two 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: Sarah R. Gieseke

(Please Print)

Applicant's Signature: 

Date: 2/11/2021

AFFIDAVIT OF MAILING NOTICE

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Read Stapleton being first duly sworn, depose and say:

That on the 11th day of February, 2021, 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.

[Handwritten Signature]

Signature

SUBSCRIBED AND SWORN to before me this 11TH day of FEBRUARY, 2021.



[Handwritten Signature]

Notary Public for Oregon
My commission expires:

RE: Itel Annexation

2S127BC00100
TUALATIN 124 LLC
9760 SW FREEMAN DR
WILSONVILLE, OR 97070-9221

2S127BC00200
POER MARVIN
18818 TELLER AVE #277
IRVINE, CA 92612-1612

2S127BD00200
MILGARD MANUFACTURING INC
PO BOX 4900
SCOTTSDALE, AZ 85261-4900

2S127BD00500
TUALATIN CITY OF
18880 SW MARTINAZZI AVE
TUALATIN, OR 97062-7092

2S127BD00600
TUALATIN CITY OF
18880 SW MARTINAZZI AVE
TUALATIN, OR 97062-7092

2S127BD00700
2002-066 PPLat OWNER OF LOT 2
PO BOX 4900
SCOTTSDALE, AZ 85261-4900

2S127BD00800
2002-066 PPLat OWNER OF LOT 2
PO BOX 4900
SCOTTSDALE, AZ 85261-4900

2S127BD00900
2002-066 PPLat OWNER OF LOT 2
PO BOX 4900
SCOTTSDALE, AZ 85261-4900

2S127BD01000
G & S FAMILY LP
20752 SW 120TH AVE
TUALATIN, OR 97062-6961

2S127BD01100
G & S FAMILY LP
20752 SW 120TH AVE
TUALATIN, OR 97062-6961

2S127BD01200
NICOL GORHAM DOUGLAS
3891 CALAROGA DR
WEST LINN, OR 97068-1071

2S127BD01300
MICHAEL ITEL
20900 SW 120TH AVE
TUALATIN, OR 97062-6817

2S127BD01400
G & S FAMILY LP
20752 SW 120TH AVE
TUALATIN, OR 97062-6961

2S127BD01600
2003-042 PPLat OWNER OF LOT 1
20752 SW 120TH AVE
TUALATIN, OR 97062-6961

2S127BD01700
INDOOR ARENA INVESTORS LLC
11883 SW ITEL ST
TUALATIN, OR 97062-6855

2S127BD01800
THRIVE INVESTMENTS LLC
16192 NW JOSCELYN ST
BEAVERTON, OR 97006-7259

2S127BD01900
LU PACIFIC BUILDING 2 LLC
PO BOX 483
TUALATIN, OR 97062

2S127C000100
MAJESTIC TUALATIN LLC
13191 CROSSROADS PKWY N #6
CITY OF INDUSTRY, CA 91746-3421

2S127C000300
TIGARD SAND & GRAVEL LLC
PO BOX 4810
TUALATIN, OR 97062-4810

2S127C000400
TIGARD SAND & GRAVEL CO INC
PO BOX 4810
TUALATIN, OR 97062-4810

2S127C000401
ASHWOOD CONSTRUCTION INC
29772 SW HEATER RD SHERWOOD,
OR 97140-5005

2S127C000500
PORTLAND GENERAL ELECTRIC CO
121 SW SALMON ST
PORTLAND, OR 97204-2908

2S127C000700
Dayne Barrett Ingram / DTI Prop LLC
15836 SW MADRONA LN SHERWOOD,
OR 97140-9578

2S127C000850
OREGON ASPHALTIC PAVING LLC
PO BOX 4810
TUALATIN, OR 97062-4810

2S127C000900
TIGARD SAND & GRAVEL CO INC
PO BOX 4810
TUALATIN, OR 97062-4810

2S127C001000
TUALATIN CITY OF
18880 SW MARTINAZZI AVE
TUALATIN, OR 97062-7092

2S127C001100
OREGON REAL ESTATE 8 LLC
4930 CASH RD
DALLAS, TX 75247-6308

2S127C001200
WESTERN PRECISION PRODUCTS INC
21101 SW 115TH AVE
TUALATIN, OR 97062-6959

2S127C001300
CPUS 115TH COMMERCE PARK LP
PO BOX 638
ADDISON, TX 75001

2S127C001400
2009-006 PPlat OWNERS OF LOTS 1-3
4930 CASH RD
DALLAS, TX 75247-6308

2S127C001400
2009-006 PPlat OWNERS OF LOTS 1-3
21101 SW 115TH AVE
TUALATIN, OR 97062-6959

2S127C001400
2009-006 PPlat OWNERS OF LOTS 1-3
PO BOX 638
ADDISON, TX 75001

President Cathy Holland
10740 SW Lucas Dr
Tualatin, OR 97062

Vice President, Land Use Officer
Scott Miller
12976 SW Hillside Terrace Tualatin,
OR 97223



February 10, 2021

RE: SW Itel Road Parking Lot

Dear Property Owner,

You are cordially invited to attend a virtual meeting on **February 25, 2021 at 6:00-7:00 PM** via **Zoom**. The purpose of the meeting is to discuss a proposed project located at **22110 SW 120th Avenue, at SW Itel Street and SW 119th Avenue**. The proposal involves annexing the site into the City of Tualatin and constructing a commercial parking lot for fleet vehicles that will support a nearby warehouse and distribution center. The City's review process will require multiple steps starting with annexation requests into the Tualatin city limits and the Clean Water Services (CWS) district boundary, followed by an Architectural Review Application to review and authorize the parking lot development plan. Meeting details are as follows:

Thursday February 25, 2021

Join by Internet: <https://zoom.us/j/93880850647?pwd=Mzg5UVlOK1BSK0JnSmxpZjdQek5rZz09>

Join by Telephone: +1 253 215 8782 US (Tacoma), +1 669 900 6833 US (San Jose)

Zoom Meeting ID: 938 8085 0647

Passcode: 751565

6:00-7:00pm

Those joining by internet may ask questions or comment during the meeting through a chat box in the digital platform. Those phoning into the meeting will be provided an opportunity to ask questions at the end of the meeting. In addition, questions or comments may be submitted via email to Rstapleton@dowl.com up until 5:00 PM on the day of the meeting and these questions/comments will be read aloud during the meeting. Materials to be presented during the virtual meeting will be made available on a publicly accessible digital platform and by email request up to 10 days after the meeting.

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 regarding the meeting.

Regards,

Read Stapleton, AICP
DOWL
(971) 280-8648
Rstapleton@dowl.com

cc: lsanford@tualatin.gov; Tualatin Community Development Department

Majestic/Amazon Vehicle Lot—12110 SW 120TH AVE

Pre-Application Meeting 1/20/21 Summary

Thank you for discussing the proposed vehicle lot development at 12110 SW 120th Ave. 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

All land use reviews may be submitted 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 Variances and Architectural Reviews.

- 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 email us at planning@tualatin.gov to request this address list.

Annexation:

- Application packet:
https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5060/ann_revised_8.2018.pdf
- Work with Washington County Assessment and Taxation's Cartography staff to obtain a certified tax map and have your other application forms certified:
<https://www.co.washington.or.us/AssessmentTaxation/GISCartography/index.cfm>
- A strong example of a recent annexation application is ANN 18-0002:
<https://www.tualatinoregon.gov/planning/ann-18-0002-itel-annexation>. Their narrative went into more detail on some subjects than we necessarily need.
- Annexation must be approved locally by City Council prior to official submittal of further land use applications for development, though staff are happy to informally give feedback on draft plans prior to submittal as time allows.

Architectural Review:

- General information and application packet:
https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5081/architectural_instructions_2019_withforms.pdf
- Type II staff-level review

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 64: Manufacturing Business Park \(MBP\)](#)
- [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

Use:

- Commercial Parking as described in TDC 39.315 is a permitted use in the MBP zone. (https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_C H39USCA COUSCA TDC 39.315COPA)
- Vehicle Storage as described in TDC 39.430 is not a permitted use in the MBP zone. (https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_C H39USCA INUSCA TDC 39.430VEST)
- Your application ultimately must demonstrate that the proposed use is permitted at the subject location.

Development Standards:

This site is in the Manufacturing Business Park (MBP) zone and must address those development standards:

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH64MABUPAZOMB

Setbacks in the MBP zone include:

- 50-foot minimum setback from public rights-of-way specific to fences;
- Parking and Circulation Areas Adjacent to Public Right-of-Way: 20-25 feet;
- Parking and Circulation Areas Adjacent to any other property line: 10 feet;
- If requesting a Variance to any development standard, your application will need to clearly demonstrate that all criteria are met including demonstrating a unique hardship specific to the site. Any Variances must have final approval through the Tualatin Planning Commission before Architectural Review can be approved--the land use review applications may overlap, but fully concurrent decisions are not permitted by code.

There are additional fence standards in the Tualatin Municipal Code limiting barbed wire and electric fences “along a sidewalk or public way:”

https://library.municode.com/or/tualatin/codes/city_charter_and_municipal_code?nodeId=TUALATIN_MUNICIPAL_CODE_TIT6GEOFNU_CH6-04NU_NUAFUPUSA_TMC_6-4-120FE

TDC 73C outlines parking standards. Regardless of the use, the development type must meet the parking lot development standards of this section, including parking lot island landscaping, surface standards, and pedestrian access standards.

Landscaping:

Demonstrate the minimum landscaping requirements in [TDC 73B](#) are met. The minimum landscaping area is defined by the effective development area, which should be defined in your application. You may want to review the Architectural Review for the PGE IOC: <https://www.tualatinoregon.gov/planning/ar-19-0005%E2%80%9494pge-integrated-operations-center>. Note that there are outstanding conditions related to the landscaping associated with that AR approval.

Tree Removal standards and submittal requirements are found in TDC 33.110.

https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH33APAP_CR_TDC_33.110TRREPERE Tree removal is reviewed as part of the Architectural Review.

Natural resources:

Clean Water Services will comment on additional natural resource concerns including any possible required dedications, through their Environmental Review process: The Service Provider Letter from CWS is a requirement of a complete Architectural Review submittal. For more information, see <http://www.cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/>

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 per CWS D&CS Ch 4.
 - Downstream evaluation with a maximum of 82% capacity within public lines per [TMC 3-5-210 - Review of Downstream System](#)
 - [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=THDECOTUOR_APXAMA

- A Public Works Permit is needed for any work within right-of-way or public easements.
 - Dedicate and construct SW 119th Avenue to include a 60-foot wide/30 centerline Connector cross-section
 - Street classifications <https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/15715/356235/Figure11-1.png>

- Connector cross-section
https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/15715/356235/figure_74-2e.png
 - Construct water quality facilities such as LIDA swales for the west side
 - Two 32 foot wide accesses are requested. A good location may be near the southeast corner of lot to have more direct access to the Majestic site and for any emergency vehicle access needs of TVF&R. TDC 75.040. - Driveway Approach Requirements, TABLE 75-1,
https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH75ACMA_TDC_75.040DRAPRE
 - Provide a copy of the TS&G easement across to the 32-foot driveway on SW Itel Street
- Hydraulic Modeling may be requested in advance of land use application to confirm availability/requirements. Hydraulic Modeling would be required for larger buildings and higher use which this project does not propose. If submitting a modeling application include:
 - Requirements/alternatives allowed by Tom Mooney, TVF&R (503-259-1419; 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)

Transportation and Site Access

- Your transportation engineer must contact Mike McCarthy, Principal Traffic Engineer, mmccarthy@tualatin.gov (please also copy tdoran@tualatin.gov) to confirm proposed Traffic Impact Analysis scope. Mike will coordinate with Washington County and any other applicable agencies and jurisdictions.
 - SW Itel Street is not fully constructed on the north side and the TIA may indicate the need for a full cross-section
 - SW 119th Avenue extension to Majestic entrance may be recommended. Tualatin would coordinate with Washington County for any right-of-way that your team would obtain that might be in non-annexed lots.
 - Recommend stop sign locations for the shared access/120th/Itel intersection.

Fire

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

Economic Development

- We also discussed putting you in touch with Jonathan Taylor, Economic Development Manager, to discuss other Tualatin opportunities. He is at jtaylor@tualatin.gov or 503-691-3049.

January 22, 2021

Tabitha Boschetti
Assistant Planner
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

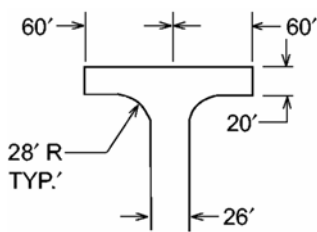
**Re: Majestic Parking Lot
Tax Lot I.D: 2S127C000401**

Dear Tabitha,

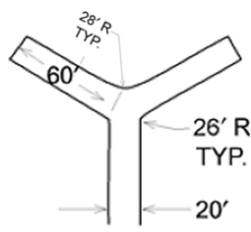
Thank you for the opportunity to review the proposed site plan surrounding the above-named development project. These notes are provided regarding the pre-application meeting held on January 20, 2021 and are based on the current New Construction Guide. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

FIRE APPARATUS ACCESS:

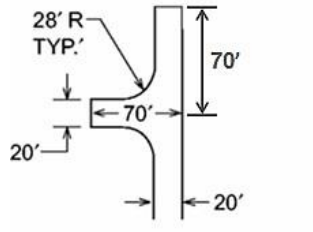
- FIRE ACCESS ROADS FOR NON-BUILDING FACILITIES:** Fire apparatus access is required for uses at fixed locations that are deemed as being a “facility” by the Fire Marshal. A “facility” includes exterior storage, processing or filling areas for flammable and combustible substances and hazardous materials; piers and wharves; recreational vehicle, mobile home and manufactured housing parks, sales and storage lots; permanent outdoor assembly venues for gatherings exceeding 1,000 persons; and similar uses. Access to facilities may be modified by the Fire Marshal in accordance with OFC 104.8 based on the specific use, frequency, location and other site conditions. (OFC 503.1.1)
- DEAD ENDS AND ROADS IN EXCESS OF 150 FEET (TURNAROUNDS):** Dead end fire apparatus access roads or roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are shown below: (OFC 503.2.5 & Figure D103.1)



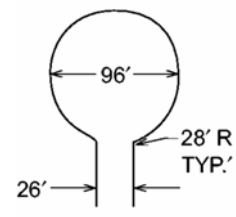
120' HAMMERHEAD



60-FOOT "Y"



ACCEPTABLE ALTERNATIVE
TO 120' HAMMERHEAD



96' DIAMETER
CUL-DE-SAC

3. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1)
4. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

No parking signs will need to be installed along the edges at the North and South ends of the lot.

5. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
 1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted**Note:** For specific widths and parking allowances, contact the local municipality.
6. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
7. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

Please note turning radius on plans using AutoTurn.

8. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%).
9. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
10. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
11. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
 1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
 2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 3. Electric gates shall be equipped with a means for operation by fire department personnel
 4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.

**Access gates or control arms will need to be provided with a means for fire department access. Some options are Option 1: Knox Brand #3200 series box w/ Multi-purpose electrical switch (#3291) as an additional option)
Option 2: Knox Brand Padlock #3770 (Exterior – All Weather Condition) with a NEMA rated "Fire Access" Box (example* – S-1514 includes switch).**

12. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3310.1)

13. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: <http://www.tvfr.com/DocumentCenter/View/1578>

BUILDING ACCESS AND FIRE SERVICE FEATURES

14. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification, please feel free to contact me at **503-849-6020**.

Sincerely,

Tom Mooney

Tom Mooney
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File
City of Tualatin

A full copy of the New Construction Fire Code Applications Guide for Commercial and Multi-Family Development is available at <https://www.tvfr.com/DocumentCenter/View/1296>