



ANALYSIS AND FINDINGS

Case #: ANN 21-0001

Location:	21100 SW 120 th Avenue; Tax ID 2S127C000401
Owner:	Ashwood Construction Inc.
Applicant:	Commerce Construction Co LP, Ryan Merlette
Representative:	Dowl, Read Stapleton

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 property is a 4.07 acre parcel located at 21100 SW 120th Avenue, at the intersection of SW 119th Avenue and SW Itel Street. The property is within unincorporated Washington County, and abuts the existing City of Tualatin boundary along the northern and eastern property line. Adjacent public right-of-way designated as SW Itel Street, is already situated within the City of Tualatin, as established under previous land use review ANN 02-01, Ordinance No. 1099-02, effective March 13, 2002.

The property owner has petitioned for annexation into the City of Tualatin. Simultaneous annexation into the Clean Water Services Service District is also under review as a necessary component to effective future development review. The scope of this review is limited to the suitability of annexing the parcel into the City of Tualatin and Clean Water Services Service District. No development is being reviewed as part of this application. If annexed, future development would be subject to all applicable standards applied by the City of Tualatin.

The subject property is not located within the Washington County Enhanced Sheriff Patrol District (ESPD) and Washington County Urban Road Maintenance District boundaries.

C. Site Description

The subject territory comprises 4.07 acres rectilinear parcel and is located in the Southwest Concept Plan Area. It is developed with two commercial buildings and various accessory structures. The majority of the parcel is open field with mature trees throughout. There are mapped Title 13 resource areas recognized by Metro on-site. The topographical high point of

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the site is toward the southeast corner at 218 feet in elevation; the property generally slopes down toward the northwest to an elevation of about 192 feet.

The territory is surrounded by industrial development to the east and north. To the south lies the Tigard sand and gravel quarry. The Portland General Electric Integrated Operations Center is located west of the site. The north property line fronts on SW Itel Street, a local street under jurisdiction of the City of Tualatin.

Exhibit

- A. Application Form, Petition, and Supporting Materials
- B. *(Intentionally Left Blank - No Exhibit B)*
- C. Comprehensive Plan Map 9-1 (Functional Classification and Traffic Signal Plan)
- D. Comprehensive Plan Map 9-1 (Water System Master Plan)
- E. Comprehensive Plan Map 9-2 (Sewer System Master Plan)
- F. Comprehensive Plan Map 10-1 (Zoning)
- G. SW Concept Plan Map
- H. Connector Street Standards

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TDC Chapter 33, Applications and Approval Criteria

Section 33.010 Annexations

To grant an annexation application, the Council must find:

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

Finding:

As shown in Exhibit F, the subject property is within the Metro Urban Growth Boundary and within Tualatin's Urban Planning Area. This standard is met.

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

Finding:

As shown in Exhibit A, the property owner, Ashwood Construction Inc., has petitioned to have the territory annexed. 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 Southwest Concept Plan (Exhibit G) previously analyzed the availability of urban services in relationship to plans for future annexation. This plan incorporated analyses of the water, sewer, and transportation systems. Tualatin Valley Fire and Rescue was also consulted as part of the process. While services will need to be extended as part of any development on this property, urban services are available to this area.

Sanitary Sewer:

The City of Tualatin Sewer Master Plan (Exhibit E) plans for new sewer connections in the vicinity of the subject territory. A 12" sewer main is located in SW Itel Street, abutting an eastern portion of the northern property line. The Sewer Master Plan also shows a conceptual gravity line traveling south along the SW 119th Avenue right-of-way, along the eastern property line. The extension of these facilities consistent with the City's Sewer Master Plan would need to be constructed prior to construction of new development.

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Upon annexation, the territory would also be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin. The subject territory would be able to connect to sanitary sewer service consistent with the City's Sewer Master Plan.

Stormwater:

As noted by the Southwest Concept Plan, on-site stormwater detention and treatment at local facilities is a requirement of the development review process and is expected to be funded by private development. Additional new stormwater infrastructure in the Southwest Concept Plan Area is expected to be primarily integrated with the local road network. 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. Public stormwater systems for road networks will be developed concurrent with road development.

To this extent, the annexation is consistent with the Southwest Concept Plan as it applies to the 1972 Tualatin Drainage Plan and Tualatin Comprehensive Plan Chapter 9.

Potable Water:

The City of Tualatin Water System Master Plan (Exhibit D) shows an existing transmission line in the vicinity of the subject site. A 12" water main is located in SW Itel Street, abutting the full extent of the northern property line. Upon development, the applicant would be required to connect to this service line. 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 served by SW 120th Street, which is classified as an Industrial Connector (Exhibit C) and is under the City of Tualatin's jurisdiction. This roadway has paved travel lanes, but is not fully improved to include striping, parking strips, landscape strips, and sidewalks. Additionally SW Itel Street and SW 119th Avenue are in the vicinity of the site and are both classified as Industrial Connectors and are under the City of Tualatin's jurisdiction. SW Itel Street abuts the site's northern property line; however the roadway terminates with barricades at roughly the midway point of the eastern portion of the property. SW Itel Street includes full improvements on the northern side of the road. SW 119th Avenue abuts the site's eastern property line. This roadway was recently improved, with full improvements limited to the eastern side of the road. The site's future development is ultimately positioned to connect to the existing transportation network consistent with the City's Transportation System Plan.

The territory is currently with the TriMet transit district and would be continue to be so upon annexation. The property is located south of the current route for TriMet bus line 97, which includes an established stop at 115th Avenue and Tualatin-Sherwood Road.

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Additional Services:

The territory is currently by the City of Tualatin Police Department, and would continue to be so upon annexation into the City.

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 with the Sherwood School District and would be continue to be so upon annexation.

The territory is currently under the jurisdiction of Washington County for planning, zoning, building, and related services; jurisdiction would transfer to the City of Tualatin upon annexation. The subject property is not currently within an independent parks district, and would be served by the City of Tualatin for parks services and facilities.

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 Washington County's jurisdiction for planning, zoning, building, and related services and transfer those serves 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 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:

ORS 195.065 considers urban services agreements pertaining to sanitary sewer, water, fire protection, parks, open space, recreation, and streets, roads, and mass transit.

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The City of Tualatin has an established Urban Planning Area Agreement (UPAA) with Washington County, which currently has jurisdiction over the subject property. 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 within, and would remain within, the Tualatin Valley Fire and Rescue district. Additionally the subject territory is within, and would remain within, the Sherwood 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. Simultaneous annexation into the Clean Water Services District is proposed with assent from CWS staff.

No additional urban services agreements apply. 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 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 support future annexation efforts.

The City's Transportation System Plan (2014) and public facilities plans contained within Tualatin's Comprehensive Plan, have been updated to reflect the Southwest Concept Plan, which planned for future annexation of this and adjacent properties. This standard is met.

Transportation System Plan: *The City of Tualatin Transportation System Plan (Exhibit C) identifies SW 120th Avenue, SW Itel Street, and SW 119th Avenue as Industrial Connectors. The*

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subject site is served by SW 120th Street and directly abuts SW Itel Street to the north and SW 119th Avenue to the east. 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 E) plans for new sewer connections in the vicinity of the subject territory. A 12" sewer main is located in SW Itel Street, abutting an eastern portion of the northern property line. The Sewer Master Plan also shows a conceptual gravity line traveling south along the SW 119th Avenue right-of-way, along the eastern property line. The extension of these facilities consistent with the City's Sewer Master Plan would need to be constructed prior to construction of new development.*

Upon annexation, the territory would also be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin. The subject territory would be able to connect to sanitary sewer service consistent with the City's Sewer Master Plan.

Water Master Plan:

An extension of water services would be required prior to development in the subject territory. The City of Tualatin Water System Master Plan (Exhibit D) shows an existing transmission line in the vicinity of the subject site. A 12" water main is located in SW Itel Street, abutting the full extent of the northern property line. Upon development, the applicant would be required to connect to this service line. As a result, 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 F) showing this territory as part of the Urban Planning Area and indicating planned zoning of Manufacturing Business Park (MBP) for this parcel.

Comprehensive Plan Chapters 8, Transportation, and 9, Public Facilities Services provide details about service provision in this vicinity. Map 9-1 (Exhibit D) outlines the future provision of water service over the subject territory. Map 9-2 (Exhibit E) 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

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Finding:

The subject site was considered for future annexation and zoning under the Southwest Concept Plan, adopted by Ordinance 1321-11. The land use designation of Manufacturing Business Park (MBP), identified in the plan, would be applied upon annexation. 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:

Since the property is adjacent to existing urban services, including utilities and transportation access on SW 120th Avenue, 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. 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:

As shown on the Comprehensive Plan Map 10-1 (Exhibit F), the subject property is not within a city and is contiguous to the City of Tualatin. This standard is met.

ORS 222.520(1) Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.

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Finding:

The subject property is within the Sherwood School, 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 21-0001 and adoption of corresponding Ord. No. 1460-21.