



ANALYSIS AND FINDINGS

Case #: ANN 21-0002

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

Introduction

A. Applicable Criteria

Annexations are reviewed under Tualatin Development Code (TDC) Chapter 33.010, *Annexations*. This code refers to Metro Code 3.09, *Local Government Boundary Changes*, and the applicable provisions of ORS Chapter 222, which also govern annexations.

B. Project Description

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

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

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

Exhibit 3. Analysis and Findings

C. Site Description

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

Exhibits

Exhibit A: Application, Petition and Supporting Materials

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

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

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

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

Exhibit 3. Analysis and Findings

TDC Chapter 33, Applications and Approval Criteria

Section 33.010 Annexations

To grant an annexation application, the Council must find:

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

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

Finding:

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

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

Finding:

As shown in Exhibit A, the property owners, Gary and Ricky Walgraeve, have petitioned to have the territory annexed into the City of Tualatin. This standard is met.

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

Chapter 3.09 Local Government Boundary Changes

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

[...]

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

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

Finding:

The subject territory has adequate sanitary sewer, stormwater sewer, potable water to the south of the property and will be accessed from an existing public street SW Myslony Street. The subject territory is already within the Clean Water Services District, Tualatin Valley Fire and Rescue, TriMet, and the Tigard-Tualatin School District. As a result of the proposed annexation, the property would be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District.

Sanitary Sewer:

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

Stormwater:

Exhibit 3. Analysis and Findings

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

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

Potable Water:

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

Transportation and Streets:

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

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

Additional Services:

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

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

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

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

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

Exhibit 3. Analysis and Findings

Finding:

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

3. The proposed effective date of the boundary change.

[...]

Finding:

The annexation of the subject territory will be effective on the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180. This standard is met.

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

Finding:

These standards are addressed below.

3.09.045 Expedited Decisions

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

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

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

Finding:

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

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

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

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

Exhibit 3. Analysis and Findings

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

Finding:

No applicable annexation plan exists for this area. This standard is not applicable.

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

Finding:

No applicable cooperative planning agreement exists for this area. This standard is not applicable.

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

Finding:

The City's Transportation System Plan, Sewer Master Plan and Water Master Plan are all contained in the Comprehensive Plan and applicable to the subject territory. These plans are discussed below in greater detail.

Transportation System Plan:

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

Sewer Master Plan:

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

Water Master Plan:

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

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

e. Any applicable comprehensive plan;

Finding:

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

Exhibit 3. Analysis and Findings

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

This standard is met.

f. Any applicable concept plan; and

Finding:

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

2. Consider whether the boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;**
- b. Affect the quality and quantity of urban services; and**
- c. Eliminate or avoid unnecessary duplication of facilities or services.**

Finding:

Given the property is adjacent to existing urban services, including utilities and transportation access on SW Myslony Street, this annexation would not interfere with the timely, orderly, and economic provision of public facilities and services, nor would it necessitate the duplication of services. The progression toward additional transportation and utility improvements associated with any future development would be timely. Annexation is a necessary first step to future development and related public improvements. Standards A through C are met.

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

Finding:

The subject territory is wholly within the Urban Growth Boundary (UGB). This standard is met.

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

ORS 222.111(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

Finding:

Exhibit 3. Analysis and Findings

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

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

Finding:

The subject territory is within the Tigard-Tualatin School District, Tualatin Valley Fire & Rescue, and TriMet districts and will remain so. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this standard is met.

Conclusion and Recommendation:

Based on the application and the above analysis and findings, the proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC. Accordingly, staff recommends City Council approval of File No. ANN 21-0002 and adoption of Ordinance No. 1465-22.