

ORDINANCE NO. 1439-20

AN ORDINANCE ANNEXING TERRITORY AT 10835 SW TUALATIN ROAD, TAX ID 2S115DD00800, INTO THE CITY OF TUALATIN; AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT (FILE NO. ANN 20-0002)

WHEREAS, property owners Anna and Daniel Park submitted a petition for annexation of approximately 0.41 acres of property located at 10835 SW Tualatin Road, Tax ID 2S115DD00800, hereafter called the "Property," into the City of Tualatin;

WHEREAS, the City of Tualatin is authorized to annex territory under ORS Chapter 222 and Metro Code Chapter 3.09;

WHEREAS, the annexation of the Property has been requested by 100 percent of the property owners, 100 percent of the electors, and qualifies for annexation under ORS 222.125;

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City;

WHEREAS, Metro does not oppose the annexation;

WHEREAS, under ORS 199.510(2)(c), when a city receives services from a district and is part of that district, any territory annexed to the city is to be included in the boundaries of the district and subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district;

WHEREAS, the City receives sewer, storm, and surface water management services from Clean Water Services and is part of the Clean Water Services district, as referenced ORS 199.510(2)(c);

WHEREAS, the Property is in the Washington County Enhanced Sheriff Patrol District;

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision;

WHEREAS, notice of public hearing on the annexation petition was given as required by Tualatin Development Code 32.260;

WHEREAS, the Council conducted a public hearing relating to the annexation on June 22, 2020, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing Council determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by unanimous vote.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** The Property identified in the legal description attached as Exhibit 1 and as more fully depicted in the map in Exhibit 2, which are both incorporated by reference, is hereby annexed to and made a part of the City of Tualatin.

**Section 2.** The findings attached as Exhibit 3, which are incorporated herein by reference, are hereby adopted.

**Section 3.** The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

**Section 4.** Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

**Section 5.** The annexation of the Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

**Section 6.** On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District.

**Section 7.** The property is, and will remain, a part of the Clean Water Services district for the provision of sanitary sewer, storm, and surface water management.

**Section 8.** The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

**Legal Description for Annexation**

A tract of land in the Southeast quarter of Section 15, Township 2 South, Range 1 West, Willamette Meridian, described in Washington County recording number 2019-33363, more particularly described as follows:

Beginning at the Southwest corner of lot 32 "Maricopa" on the East line of SW 109<sup>th</sup> Avenue; thence along said East line, South 109 feet to the North line of SW Tualatin Road; thence along said North line, East 164 feet to the Southerly extension of said plat of "Maricopa"; thence along said Southerly extension, North 106 feet to the Southeast corner of said lot 32; thence along the South line of said lot, West 164 feet to the place of beginning.

**ANNEXATION CERTIFIED**  
BY   
**MAR 11 2020**  
**WASHINGTON COUNTY A & T**  
**CARTOGRAPHY**





## Analysis and Findings

### 10835 SW Tualatin Road Annexation

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Case #:	ANN 20-0002
Project:	10835 SW Tualatin Road Annexation
Location:	10835 SW Tualatin Road; Tax ID 2S115DD00800
Owner/Applicants:	Anna and Daniel Park

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#### Introduction

##### A. Applicable Criteria

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

##### B. Project Description

The property at 10835 SW Tualatin Road is a 0.41 acre parcel of unincorporated Washington County otherwise fully surrounded by the City of Tualatin. The owner-applicants intend to annex the property into the City of Tualatin to facilitate development of an improved single-family detached dwelling with full access to surrounding available utilities. The scope of this review is limited to the suitability of annexing the parcel into the City of Tualatin and other districts. No development is proposed as part of the request.

In conjunction with approval of the proposed annexation, the subject property are withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD) and Washington County Urban Road Maintenance District. The territory is already within the Clean Water Services District.

##### C. Site Description

The subject territory comprises 0.41 acres of relatively flat land, currently developed with a single-dwelling home dating from the 1930s and a detached garage. No public right-of-way is part of the subject territory to be annexed.

The territory is surrounded by detached single-family dwellings to the east, west, and north. To the south, across SW Tualatin Road, is industrial development in the Manufacturing Park and Light Manufacturing zones.

**D. Attachments**

- A. Application
- B. Community Plan Map 9-1

**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 Attachment B, 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 Attachment A, the property owners have 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 subject territory is a single parcel of 0.41 acres surrounded by developed residential and industrial land within the City of Tualatin. The Low Density Residential (RL) zone to be applied upon annexation would permit the creation of up to two*

*parcels, yielding two possible primary dwellings, which would constitute a minimal impact on an area with developed roadways and utilities. This standard is met.*

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

**Finding:**

*The proposed boundary change will withdraw the property from the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. 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:**

*The Urban Planning Area Agreement between Washington County and the City of Tualatin acknowledges this property as part of the City of Tualatin's Urban Planning Area. As such, this agreement stipulates that urban services will generally be provided by the City upon annexation, except where the City holds intergovernmental agreements (IGAs) with other service providers.*

*The subject territory is already within, and would remain within, the Clean Water Services District, Tualatin Valley Fire and Rescue, TriMet, and the Tigard-Tualatin School District. The annexation would prompt withdrawal from the Washington*

*County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. The annexation would not create any inconsistencies with any urban service agreements. This standard is met.*

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

**Finding:**

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

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

**Finding:**

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

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

**Finding:**

*The City's Transportation System Plan (2014) and public facilities plans contained within Tualatin's Comprehensive Plan reflect the Urban Planning Area that contains the extent of this territory and plans for eventual annexation. This standard is met.*

**e. Any applicable comprehensive plan;**

**Finding:**

*The City of Tualatin's Comprehensive Plan contains the Community Plan Map 9-1, (Attachment B) showing this territory as part of the Urban Planning Area.*

*The provisions of the Comprehensive Plan that relate to annexations, found in TDC Chapter 4, Community Growth, are fully reflected in the criteria presented in the implementing sections of the TDC Chapter 33.010, Annexations, and Chapter 32.260, Annexation Procedures. This standard is met.*

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

**Finding:**



*This territory is within the Hazelbrook Planning Area as indicated in the Tualatin Community Plan, Chapter 9. Annexation of this parcel is consistent with the description of this planning area and future zoning. 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:**

*Annexation of this parcel is consistent with timely, orderly, and economic provision of public facilities and services; all necessary supportive services are in place to support continued development on this small parcel. The extent of possible development have minimal to no impact on the ability of the City to continue providing urban services to this and surrounding property; new facilities and services will not be necessitated. Making use of these existing services in a largely developed area is highly supportive of the overall intent of this section.*

*Standards A through C are met.*

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

**Finding:**

*The subject territory is wholly within the UGB. This standard is met.*

**(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 Community Plan Map 9-1 (Attachment B), 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.

**Finding:**

*The subject properties are in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject properties will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this standard is met.*

**Conclusion 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 20-0002 and adoption of corresponding Ord. No. 1439-20.*

April 27, 2020

**Narrative addressing the criteria in 33.010(5):**

Daniel and Anna Park now submit their application for annexation, believing that the Tualatin City Council will find the following items to be true of their application:

That the territory to be annexed at 10835 SW Tualatin Rd, in Tualatin OR is within the Metro Urban Growth Boundary, as it is surrounded on the north, west, south and east sides by properties currently within the Tualatin Urban Growth Boundary. Please see the enclosed Petition to Annex form that is signed by both of the property owners, Daniel and Anna Park. Upon reviewing Metro Code 3.09 and ORS Chapter 222, we have found that this application conforms to the applicable criteria for a minor boundary change, and is consistent with the applicable provisions of ORS Chapter 222. Please find the following components required for the application enclosed: A certified map and legal description of the subject property, the names and addresses of all of the property owners and the required certifications.



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

**PROPOSAL NAME** Annexation of 10835 SW Tualatin Rd, Tualatin, OR

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

To annex the property located at 10835 SW Tualatin Rd, Tualatin, OR 97062 from unincorporated Washington County into the city of Tualatin.

**PROPERTY INFORMATION**

Location *(address if available)*: 10835 SW Tualatin Rd, Tualatin, OR 97062  
 Tax Map & Lot #(s): 2S115DD00800 Planning District: Urban Unincorporated Washington Co.  
 Total site size: 0.41 acres  Developed  Undeveloped

**APPLICANT/CONTACT INFORMATION**

Applicant or Primary Contact Name: Anna Park  
 Mailing Address: 9333 SW Nez Perce Ct  
 City/State: Tualatin, OR Zip: 97062  
 Phone: 503-930-1525 Email: danielandanna park@gmail.com  
 Applicant's Signature: Anna Park Date: \_\_\_\_\_

*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: Daniel Park, Anna Park  
 Mailing Address: 9333 SW Nez Perce Ct  
 City/State: Tualatin, OR Zip: 97062  
 Phone: 503-930-1525 Email: danielandanna park@gmail.com  
 Property Owner Signature: Daniel Park Date: 4/27/20

*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:	_____

**Neighborhood Meeting Notes**

Re: Annexation of 10835 SW Tualatin Rd, Tualatin, OR 97062

March 12, 2020 at 6:00pm

Juanita Pohl Center

**In Attendance:**

Anna Park, Mark Edwards, Kelly Gallagher, Mark Van Horn, Sue Hein, Chris Hein, Mike Ryan, Mike Hannegan, Tracy Hensley, Mollie Uselman, Stacy Shetler

**Main Points Covered:**

A brief introduction to Daniel and Anna and Family was made: Anna is a native Oregonian and Daniel is a long-time resident. They are currently Tualatin residents. Their children are students in Tualatin, one of whom will be attending nearby Hazelbrook Middle School next year.

Location: A map of the tax lot was shared, along with a description of the lot location north of Tualatin Road, and East of 109<sup>th</sup> Ave on the corner. Anna explained that this lot is currently in unincorporated Washington County, and annexation will be into the city of Tualatin. Zoning will become RL, residential low density.

Current site plan and future site plan: An aerial view including designations of the utility lines, and an image showing the lot shape and footprint of the existing structures were shown, and Anna showed where the shed, juniper and birch tree had been removed and the blackberries cut back. She indicated that asbestos abatement would begin on the old house soon. Two possible plans for the lot are being discussed, depending on certain factors. One is to build a new custom home on the site near where the old house is. The other possibility is to remodel the existing house. She explained that if new construction begins, then the Tualatin development code will be triggered, requiring a masonry wall along Tualatin Road, and the existing driveways will be closed with one driveway to the property installed along 109<sup>th</sup> Avenue. Required set-backs will be applied.

**Comments and Questions:**

Mollie Uselman, Mike Ryan, Mark Vanhorn, Sue Hein and Chris Hein all extended a warm welcome to the neighborhood. Mike Ryan inquired about the site plan for the property and if one or two homes would be constructed. Anna answered that the plan is only for one home on the property. Mark Edwards volunteered to help tear down the old existing fence. Mike Ryan offered painting and handyman services. It was discussed whether the middle school is in easy walking distance of the property and Mike Ryan said it was, with many kids passing by his house in the morning. One man who did not identify himself on the sign-in sheet, but who lives off of 109<sup>th</sup> Ave and who works for the Washington County building department, inquired about the sewer line location, future driveway location and masonry fence. The utility lines and access points were pointed out on the photo, and the Tualatin development code was discussed in relation to these changes. Mollie Uselman asked if our address would be changing once the driveway was relocated to 109<sup>th</sup> Ave and most people agreed that it would change.






## Legal Description for Annexation

A tract of land in the Southeast quarter of Section 15, Township 2 South, Range 1 West, Willamette Meridian, described in Washington County recording number 2019-33363, more particularly described as follows:

Beginning at the Southwest corner of lot 32 "Maricopa" on the East line of SW 109<sup>th</sup> Avenue; thence along said East line, South 109 feet to the North line of SW Tualatin Road; thence along said North line, East 164 feet to the Southerly extension of said plat of "Maricopa"; thence along said Southerly extension, North 106 feet to the Southeast corner of said lot 32; thence along the South line of said lot, West 164 feet to the place of beginning.

ANNEXATION CERTIFIED

BY  \_\_\_\_\_

MAR 11 2020

WASHINGTON COUNTY A & T  
CARTOGRAPHY



Annexation Application  
Community Development Department - Planning Division

### CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 2S 1 15 DD) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

<u>TED FOSTER</u>	<u>C-15 TRACT</u>	_____
Printed Name	Title	
<u>[Signature]</u>	<u>3/11/20</u>	_____
Signature	Date	
<u>CARTOGRAPHY</u>	<u>WASHINGTON</u>	_____
Department	County of	

**ANNEXATION CERTIFIED**

BY TF

**MAR 11 2020**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

### CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners\* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

<u>TEO FOSTER</u> Printed Name	<u>GIS TECH</u> Title	<u>_____</u>
<u>[Signature]</u> Signature	<u>3/11/20</u> Date	<u>_____</u>
<u>CARTOGRAPHY</u> Department	<u>WASHINGTON</u> County of	<u>_____</u>

**ANNEXATION CERTIFIED**  
BY [Signature]  
**MAR 11 2020**  
**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.

<u>Mickie Kawai</u> Printed Name	<u>Manager</u> Title	<u>_____</u>
<u>[Signature]</u> Signature	<u>March 13, 2020</u> Date	<u>_____</u>
<u>Electors</u> Department	<u>Washington</u> County of	<u>_____</u>

Reg # on 10835 SW Tualatin Rd

Old Republic Title Company of Oregon 5511005975

**RECORDING REQUESTED BY  
OLD REPUBLIC TITLE COMPANY OF OREGON**

Escrow No.: 5511005975  
APN: R524016

**WHEN RECORDED MAIL TO**

Daniel K. Park and Anna K. Park  
20243 SW 93rd Ave  
Tualatin, OR 97062

**MAIL TAX STATEMENT TO**

Daniel K. Park and Anna K. Park  
20243 SW 93rd Ave  
Tualatin, OR 97062

Washington County, Oregon **2019-033363**  
D-DW  
Stn=7 C LOUCKS **05/30/2019 01:43:17 PM**  
\$15.00 \$11.00 \$5.00 \$60.00 \$209.00 **\$300.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of  
Assessment and Taxation, Ex-Officio

SPACE ABOVE RESERVED FOR RECORDER'S USE

**WARRANTY DEED**

Craig E Fritz, Grantor, conveys and warrants to Daniel K. Park and Anna K. Park, as Tenants by the Entirety, Grantee, the following described real property in the County of Washington, State of Oregon, described as follows:

See "Exhibit A" attached hereto and made a part hereof.

The described real property is free of all liens and encumbrances except (if none, so state):

See "Exhibit A" attached hereto and made a part hereof.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$208,263.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 14 day of May, 2019.

Craig E Fritz  
Craig E Fritz

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on this 14<sup>th</sup> day of May, 2019 by Craig E Fritz.

Arica Dahn Focer  
Notary Public for Oregon  
My Commission Expires: 1-21-20



Order No.: 5511005975

### EXHIBIT A

All of Lot 7, HAZELBROOK FARM, in the County of Washington and State of Oregon.

EXCEPT that parcel conveyed by deed to Charles L. Roberts, et ux, recorded in Washington County Deed Records, at Book 465, page 213, and

EXCEPT that parcel conveyed to Curtis C. Tigard, et ux, recorded in Washington County Deed Records, at Book 506, page 73.

Exceptions:

The subject property lies within the boundaries of the Clean Water Services service district and is subject to the levies and assessments thereof. None found as of the effective date herein.

Rights of the public, County and/or City, in and to that portion of said land lying within the lines of Tualatin Road.

An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following,

Granted To	:	City of Tualatin
For	:	Pedestrian walkway
Recorded	:	June 07, 1993 in Official Records under Document No. <u>93044580</u>

### PROPERTY OWNER INFORMATION

(This form is NOT the petition)

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

NAME OF OWNER/VOTER (V)	MAILING ADDRESS
PROPERTY DESIGNATION	PROPERTY ADDRESS (if different)
(Indicate Section, Township, Range and Lot No.)	
(1) Anna Park (v) 15 2S 1W 800	mailing: 9333 SW Nez Perce Ct, Tualatin, OR 97062 property: 10835 SW Tualatin Rd, Tualatin OR 97062
(2) Daniel Park 15 2S 1W 800	mailing: 9333 SW Nez Perce Ct Tualatin OR 97062 property: 10835 SW Tualatin Rd, Tualatin, OR 97062
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	

### ANNEXATION PROPERTY INFORMATION SHEET

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

Land area, in acres: 0.41

General description of territory (Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal): Level

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

North: Residential (RL) Tax lot: 2S115DD13400

South: ~~Residential~~ Manufacturing Park (MP) Tax lot: 2S122AA00800

East: Residential (RL) Tax lot: 2S115DD02300

West: Residential (RL) Tax lot: 2S115DD00700

**EXISTING LAND USE:**

Number of existing units/structures:

Single-family: 1 Multi-family: 0 Commercial: 0 Industrial: 0

Describe existing units/structures: 830 sq ft single family home, built 1935

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

Annexation Application  
Community Development Department - Planning Division

Public facilities or other uses: NA

Total current year assessed valuation – Land \$: 231,250 Structures \$: 7,280

Total existing population: 0

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: NA

Fire District: TVFR

Sanitary District: CWS

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

Grade School District: Tigard-Tualatin

High School District: Tigard-Tualatin

Library District: Washington County Cooperative Library Services

Drainage District: \_\_\_\_\_

Parks & Recreation District: NA

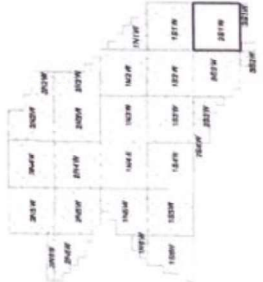
Other: ODOT District: 2B

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

Property currently has an account with CWS, (storm water fee)



2S 1 15DD



WASHINGTON COUNTY OREGON  
 SE 1/4 SE 1/4 SECTION 15 T2S R1W W.M.  
 SCALE 1" = 100'

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

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



Cancelled Taxlots For: 2S115DD  
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 2019-33500

ANNEXATION CERTIFIED BY  
 WASHINGTON COUNTY  
 CARTOGRAPHY  
 3/11/2020

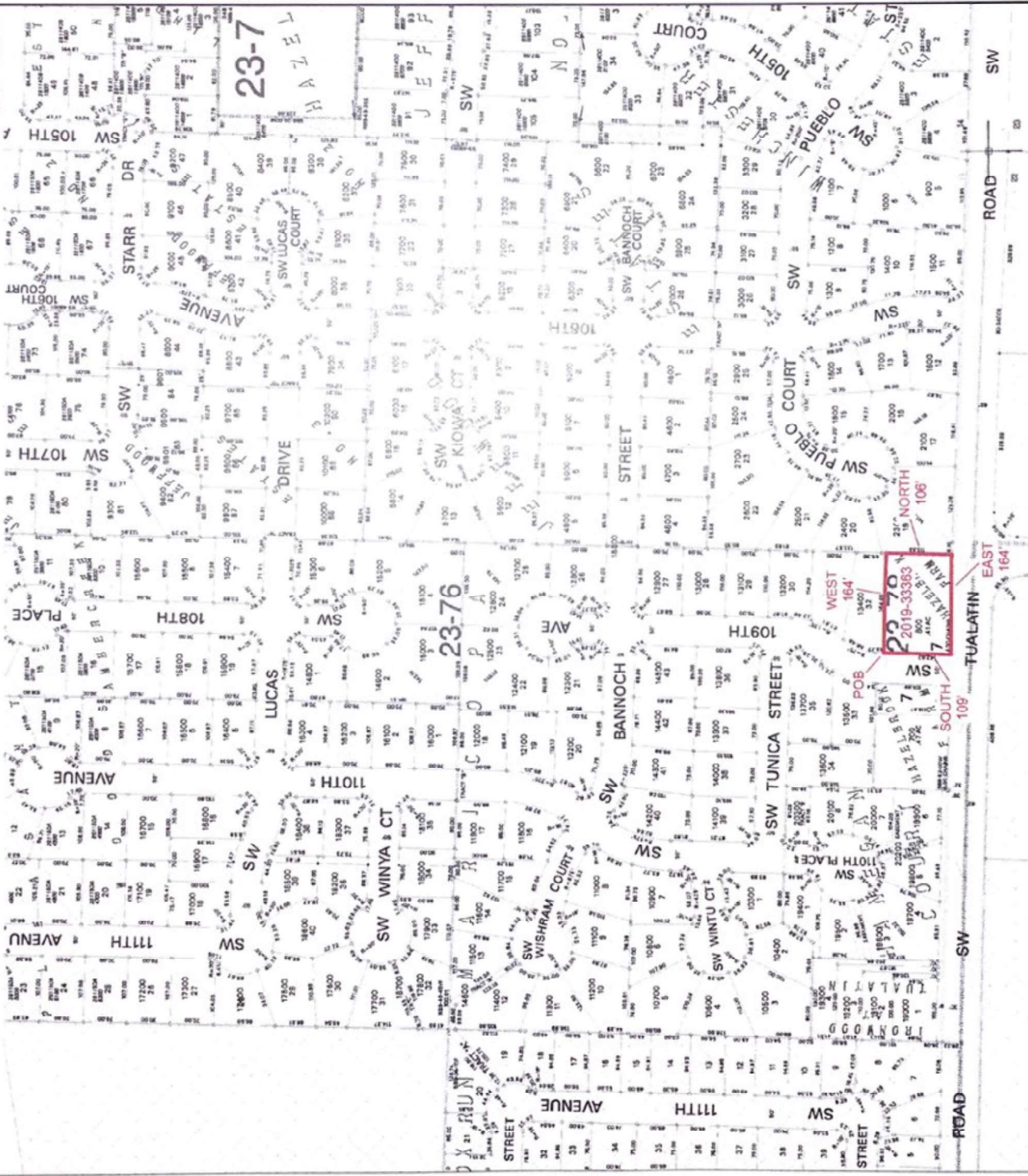


PLOT DATE June 22, 2006  
 FOR ASSESSMENT PURPOSES  
 ONE FOR OFFICE USE  
 ONE FOR OWNER USE

Map areas indicated by blue lines are not included in this  
 county property boundaries. Please consult the appropriate Plat  
 for the correct information.

TUALATIN  
 2S 1 15DD

2S 1 15DD



2S 1 15DD

**AFFIDAVIT OF MAILING NOTICE**

STATE OF OREGON )  
 ) SS  
COUNTY OF WASHINGTON )

I, Anna K. Park being first duly sworn, depose and say:

That on the 26 day of February, 2020, 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.

Anna K. Park  
Signature

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of February, 2020.



Rikki Ann Johns  
Notary Public for Oregon  
My commission expires: September 11, 2020

RE: \_\_\_\_\_

Daniel and Anna Park  
PO Box 211, Tualatin, OR 97062

February 23, 2020

Dear Neighbor/Property Owner,

You are invited to attend an informal neighborhood meeting that will be held to provide information regarding the property located at: 10835 SW Tualatin Rd, Tualatin Oregon, at the corner of SW Tualatin Rd and SW 109<sup>th</sup> Ave. This property is currently zoned FD-10 under Washington County, and we, the owners, wish to annex this lot to the city of Tualatin, after which, it will be zoned RL for Residential Low Density and suitable for a single family home. We are happy to meet our nearby neighbors and to do our best to answer questions you might have about Tualatin Development Code and this land use application.

**Meeting date and time: Thursday, March 12 at 6:00pm**

**Location: Juanita Pohl Center, Large Classroom at 8513 SW Tualatin Rd, Tualatin, OR 97062**

Regards,

Anna Park

Ph: 503-347-4498

Email: [danielandannapark@gmail.com](mailto:danielandannapark@gmail.com)

cc: [Lsanford@tualatin.gov](mailto:Lsanford@tualatin.gov); Tualatin Community Development Department



Washington County, Oregon  
05/11/2020 02:04:49 PM  
D-IPPS Cnt=1 Str=10 A DUYCK  
\$30.00 \$5.00 \$11.00 \$60.00 - Total = \$106.00

2020-040022



02595684202000400220060066

I, Margaret Garza, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio County Clerk

Return to:

**CITY OF TUALATIN**  
18880 SW MARTINAZZI AVENUE  
TUALATIN OR 97062-7092

**COVER PAGE FOR RERECORDING**

**RERECORDED AT THE REQUEST OF THE CITY OF TUALATIN TO CORRECT LEGAL DESCRIPTION, PREVIOUSLY RECORDED AS DOCUMENT NUMBER 2020-032126**

Name(s) of Transaction(s):

Waiver of Rights and Remedies

Names of Person (Grantor, Grantee, etc.):

**Grantor:** Petitioners Daniel and Anna Park

**Grantee:** City of Tualatin

**After recording, return to:**

CITY OF TUALATIN  
DEPUTY CITY RECORDER  
18880 SW MARTINAZZI AVENUE  
TUALATIN OR 97062-7092

**Consideration Statement:** none

**Until a change is requested, all tax statements shall be sent to the following address:**

n/a

**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.  
After Recording, Return To: City of Tualatin,  
Attn: City Recorder, 18880 SW Martinazzi,  
Tualatin, OR 97062



0258738620200321260040040

I, Margaret Garza, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio County Clerk

**MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES**

Whereas, Daniel and Anna Arko ("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 31<sup>st</sup> day of March, 2020

 (signature)	 (signature)
Petitioner Name: <u>Daniel Park</u>	Petitioner Name: <u>Anna K Park</u>
Date Signed: <u>3/31/2020</u>	Date Signed: <u>3/31/2020</u>

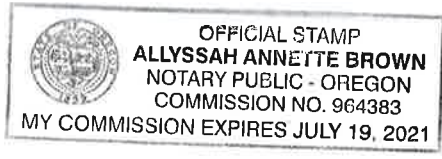
Petitioner (corporation, etc.) Name: \_\_\_\_\_  
By: \_\_\_\_\_  
Name of Signor: \_\_\_\_\_  
Office/Title of Signor: \_\_\_\_\_

State of Oregon Oregon  
County of Washington

On this 31<sup>st</sup> day of March, 2020 before me the undersigned Notary Public, personally appeared

Daniel + Anna Park  
(Name of Petitioners signing; not Notary name)

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

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature: <u>[Signature]</u> Notary name (legible): <u>Allyssah Annette Brown</u>	

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

City of Tualatin, Oregon

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

## Legal Description for Annexation

A tract of land in the Southeast quarter of Section 15, Township 2 South, Range 1 West, Willamette Meridian, described in Washington County recording number 2019-33363, more particularly described as follows:

Beginning at the Southwest corner of lot 32 "Maricopa" on the East line of SW 109<sup>th</sup> Avenue; thence along said East line, South 109 feet to the North line of SW Tualatin Road; thence along said North line, East 164 feet to the Southerly extension of said plat of "Maricopa"; thence along said Southerly extension, North 106 feet to the Southeast corner of said lot 32; thence along the South line of said lot, West 164 feet to the place of beginning.

ANNEXATION CERTIFIED

BY  \_\_\_\_\_

MAR 11 2020

WASHINGTON COUNTY A & T  
CARTOGRAPHY



### CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25 1 15 DD) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

TED FOSTER                      C-15 Trust  
Printed Name                      Title

[Signature]                      3/11/20  
Signature                      Date

CARTOGRAPHY                      WASHINGTON  
Department                      County of

**ANNEXATION CERTIFIED**

BY TF

MAR 11 2020

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

### CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC 32.150). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at:  
<https://www.tualatinoregon.gov/planning/land-use-application-sign-templates>

As the applicant for the 10835 SW Tualatin Rd. Tualatin, OR project, I hereby certify that on this day, 05-10-2020, 2 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Division.

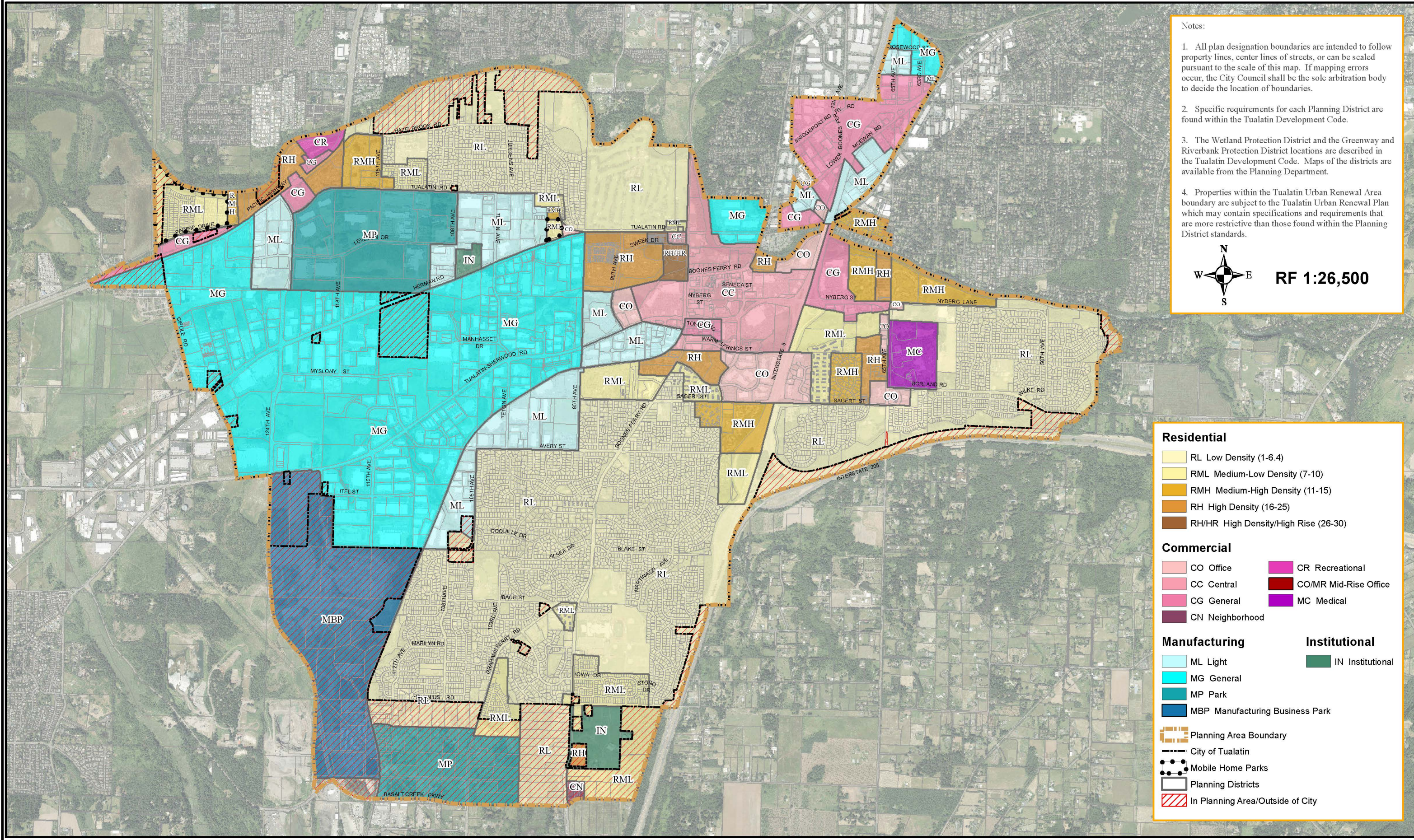
Applicant's Name: Anna K Park, Daniel Park  
(Please Print)

Applicant's Signature: [Handwritten Signature]

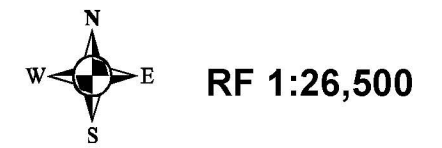
Date: 5/10/20

# Map 9-1 Community Plan Map

Exhibit B. Community Plan Map 9-1



- Notes:
1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
  2. Specific requirements for each Planning District are found within the Tualatin Development Code.
  3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
  4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.



**Residential**

- RL Low Density (1-6.4)
- RML Medium-Low Density (7-10)
- RMH Medium-High Density (11-15)
- RH High Density (16-25)
- RH/HR High Density/High Rise (26-30)

**Commercial**

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

**Manufacturing**

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

**Institutional**

- IN Institutional

**Map Symbols**

- Planning Area Boundary (dashed orange line)
- City of Tualatin (dashed black line)
- Mobile Home Parks (dotted black line)
- Planning Districts (solid colored areas)
- In Planning Area/Outside of City (hatched orange area)