



TUALATIN CITY COUNCIL MEETING

MONDAY, NOVEMBER 09, 2020

JUANITA POHL CENTER
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Nancy Grimes
Councilor Paul Morrison Councilor Robert Kellogg
Councilor Bridget Brooks Councilor Maria Reyes
Councilor Valerie Pratt

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, November 9. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Work Session

- 1. 6:00 p.m. (30 min) – Metro Update.** Metro Councilor Craig Dirksen will present information from the Metro Regional Government.
- 2. 6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the November 9th City Council meeting and brief the Council on issues of mutual interest.

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Moment of silence for those who have lost their lives to COVID-19

Announcements

1. Small Business Saturday Proclamation

Public Comment

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Consent Agenda

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.

1. Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of October 26, 2020
2. Consideration of **Resolution No. 5526-20** Adopting the City of Tualatin Investment Policy

Public Hearings - Legislative or Other

1. Consideration of Plan Text Amendment PTA 20-0006 Amending Tualatin Development Code Chapter 80- Cannabis Regulations

Public Hearings - Quasi-Judicial

1. Consideration of **Ordinance No. 1442-20** Requesting the Annexation of Approximately 25.18 acres of Property Located South of SW Norwood Road, Tax Map 2S135D Lot 100; Annexing the Territory into the Boundary of Clean Water Services, and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0003)

General Business

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Resolution No. 5525-20** Authorizing the City Manager to Approve and Sign the Furnishings Package for the Tualatin City Services Project
2. Consideration of **Ordinance No. 1445-20** an Ordinance Relating to Cannabis Regulations; Amending Tualatin Development Code Chapter 80; and Making Minor Amendments to Other Tualatin Development Code Chapters

Items Removed from Consent Agenda

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

Council Communications

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/council.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

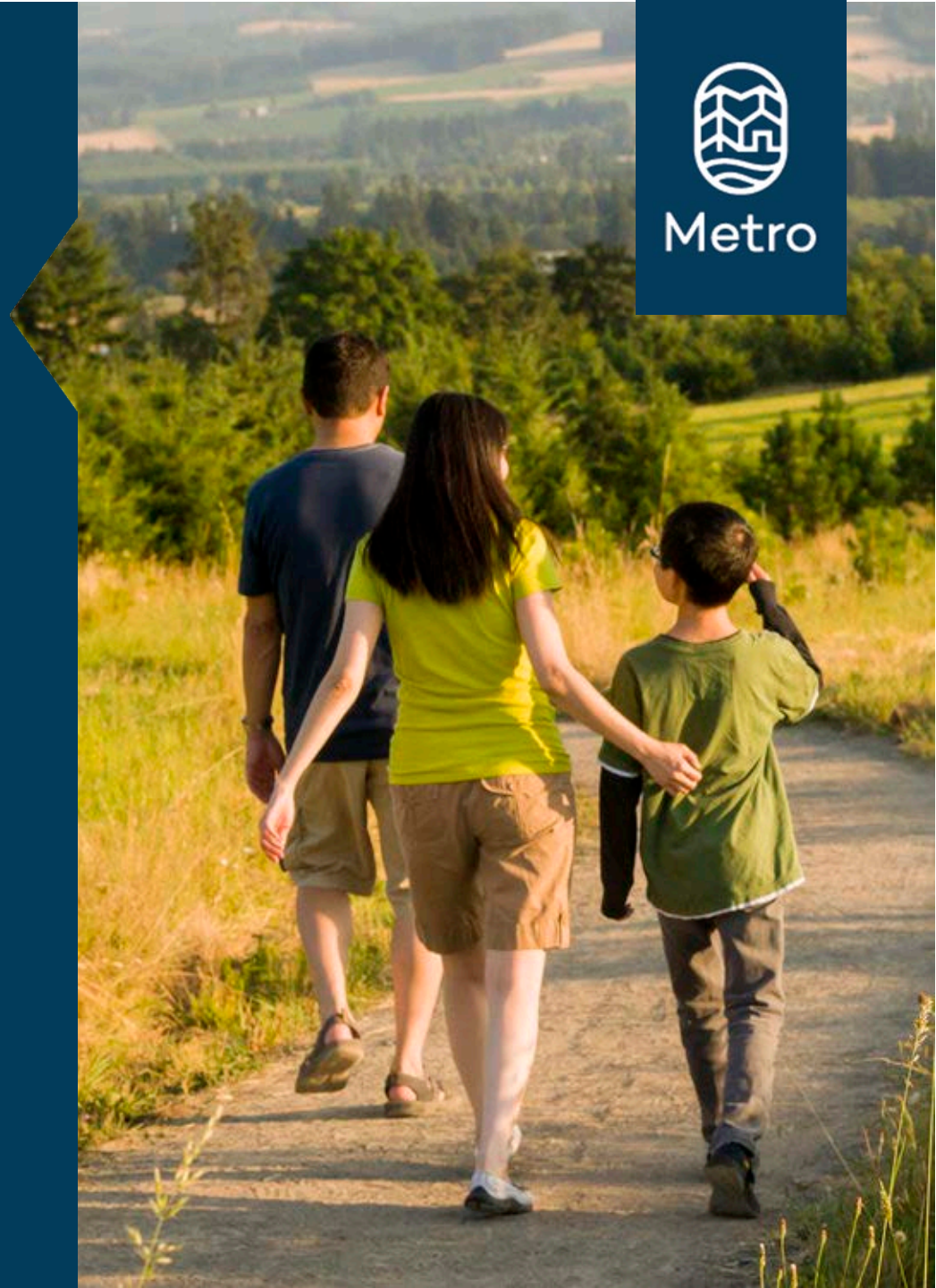
In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



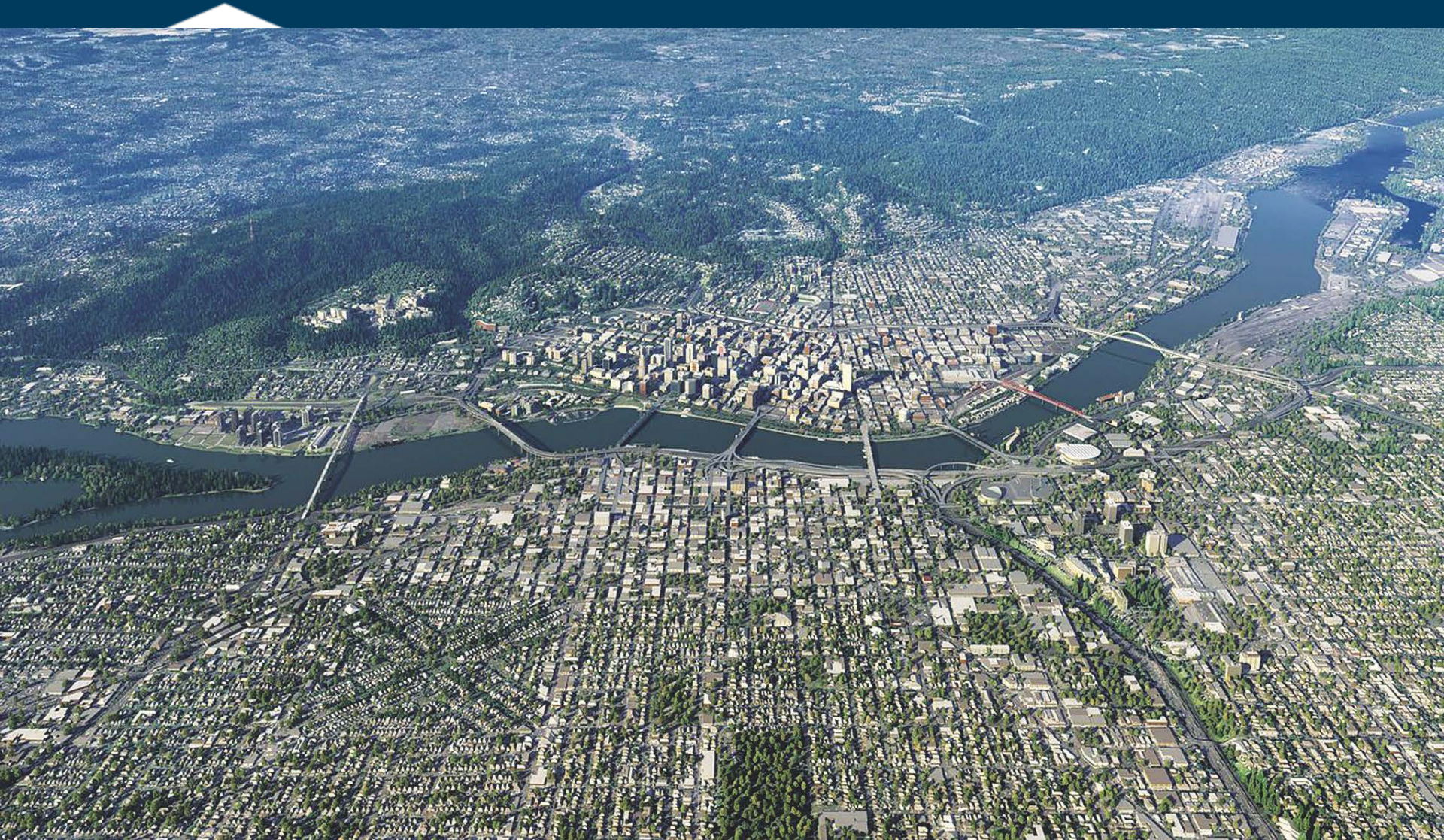
Metro

Investing in a growing region

Tualatin City Council
November 9th, 2020



Amidst A Difficult Time...





Parks and Nature Bond *Thank you to voters.*

Refinement of the \$475 million bond renewal underway.

Target bond investments to benefit communities most impacted by the pandemic.

Formation of the bond oversight committee.
Application deadline is **Nov. 16th**.

www.oregonmetro.gov/public-projects/parks-and-nature-investments/oversight

Metro Affordable Housing Bond

- First of its kind regional housing measure.
- Projects of note like the Mary Ann in Beaverton and Viewfinder in Tigard are near completion.
- Washington Co. selected seven projects for concept endorsement by the council.
- In total, 13 affordable housing projects are underway throughout the region.



1,539 new affordable homes



The region says Yes to Supportive Housing Services

Oversight committee appointments made in late October.

5,000 supportive housing units needed. Seeking landlords and developers to partner.

Program implementation is expected to begin summer of 2021.



Regional Waste and Recycling

The regional waste plan is a blueprint for addressing challenges with our current system.

2021 Legislative session – Extended producer responsibility.

Survey is available for feedback on a proposed recycling and transfer facility in Cornelius.

Take a survey about a proposed transfer center in Washington County



Measure 26-218: “Get Moving 2020”

Developed with input from community and leaders from around the region.

Transit, traffic and other transportation projects & programs in Multnomah, Washington & Clackamas counties.

Proposed tax on certain employers, starting 2022 (up to .75% of payroll).



Thank you to our community and partners.





Metro

oregonmetro.gov





City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Jonathan Taylor, Economic Development Manager
DATE: November 9, 2020

SUBJECT:
Small Business Saturday Proclamation

RECOMMENDATION:
Review and accept proclamation designating November 28, 2020 as Small Business Saturday in the City of Tualatin.

EXECUTIVE SUMMARY:
Proclaiming November 28, 2020 as Small Businesses Saturday is an annual tradition in the City of Tualatin that provides a platform to show support for our small business community, the entrepreneurial efforts of our residents, and honor the large workforce they employ. It also further demonstrates to our community that the City of Tualatin strongly supports our small businesses as they continue to navigate the economic challenges of the COVID-19 Pandemic.

ATTACHMENTS:
- Proclamation

Proclamation

Declaring November 28, 2020 Small Business Saturday in the City of Tualatin

WHEREAS, the City of Tualatin, Oregon, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there were 31.7 million small businesses in the United States, representing 99.9 percent of all firms with paid employees, and are responsible for 65.1 percent of net new jobs created from 2000 to 2019; and

WHEREAS, small businesses employ 47.1% of the employees in the private sector in the United States, 62% of U.S. small businesses reported that they need to see consumer spending return to pre-COVID levels by the end of 2020 in order to stay in business, 65% of U.S. small business owners said it would be most helpful to their business to have their “regulars” return and start making purchases again, and three-quarters of U.S. consumers are currently looking for ways to Shop Small® and support their community; and

WHEREAS, 96% of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact and 97% of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

WHEREAS, the City of Tualatin also recognizes the impacts the COVID-19 Pandemic has had on our small businesses and those they employ, and has dedicated \$1.2 million to our local economic recovery efforts, and

WHEREAS, consumers have continued to support locally owned businesses during lockdowns; with 86% of Americans spending almost \$100 a week at local businesses – a 16% increase before the crisis, and

WHEREAS, Tualatin, Oregon strongly supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim November 28, 2020 as Small Business Saturday and urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

INTRODUCED AND ADOPTED this 9th day of November, 2020.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: November 9, 2020

SUBJECT:

Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of October 26, 2020

RECOMMENDATION:

Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of October 26, 2020
- City Council Regular Meeting Minutes of October 26, 2020



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR OCTOBER 26, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Mayor Bubenik called the meeting to order at 5:03 p.m.

1. *Our Home, Our Health Event Recap.*

Senior Planner Karen Perl Fox and Policy Analyst Garet Prior presented a recap from the Our Home, Our Health event. Analyst Prior stated the goal of the meeting was to further relationships with the Diversity Task Force and provide an inclusive space for discussions about severe rent burden. Planner Fox stated this meeting also helped to meet state requirements about rent burden discussions in Tualatin. Analyst Prior stated the presenters at the event consisted of a diverse group of panelists. He stated feedback on barriers included citizens falling into the gap where they make too much for assistance but not enough to survive, citizens having to make a choice between food and rent, and fear of government or not being invited into conversations. Feedback on solutions included rent assistance or control, new affordable housing, and a solution for housing instability. Planner Fox stated questions presented to the group were about opinions on homeownership and the city's analysis of new development.

Councilor Pratt stated she attended the meeting and was really impressed with everyone who spoke and attended.

Councilor Brooks stated she attended and appreciated the presentation. She stated the health and home overlap is important. Councilor Brooks stated she looks forward to continuing these conversations.

Mayor Bubenik stated Community Action is a great local organization to provide assistance in this area. He would like to see this advertised more. Mayor Bubenik stated housing stability is important for citizens and looks forward to the continued work on this topic.

2. *Tualatin 2040 Implementation.*

Planning Manager Steve Koper presented an update on the Tualatin 2040 implementation. He provided a brief recap on the project to date and reviewed why we have a comprehensive plan. Manager Koper shared some examples of the reorganized comprehensive plan. He stated community input opportunities have been made available at Planning Commission meetings. Manager Koper stated the final review will happen at a public hearing on December 7, 2020 at the City Council meeting.

Councilor Brooks stated she is happy to see this simplified and easy to understand. She thanked members of the Planning Commission for their work on this project.

Mayor Bubenik stated the way the new Comprehensive Plan is laid out is valuable in helping the community understand the Council's vision.

3. Parks Condition Assessment and Funding Discussion.

Parks and Recreation Director Ross Hoover and Park Development Manager Rich Mueller presented an update on parks funding. Director Hoover recapped the condition of the park system and shared examples of conditions and replacement costs at various parks. He stated funding options could include a utility fee, a levy, or a bond. Director Hoover provided examples of what a utility fee could cover and a breakdown of rates at \$2.00, \$5.00, and \$10.00 a month and what they would produce on a yearly basis. Director Hoover shared examples of what a potential bond or levy could cover including replacement of the field at the high school, Brown's Ferry Bridge replacement, and a boat launch at Community Park. He stated a general obligation bond at \$0.25 per \$1,000 of assessed value could result in a \$20,000,000 bond over 20 years. He added a local option levy at \$0.10 per \$1,000 assessed value would produce \$465,000 of revenue. Director Hoover noted a bond is collected upfront and a levy is collected over time.

Councilor Pratt asked how long it will take category one to three projects to reach a level four or five. Director Hoover stated a category one project can last up to 30 years and you go down from there. Councilor Pratt asked if the levy revenue is an annual amount. Director Hoover stated it is. Councilor Pratt stated the community assets need to be cared for and the council needs to figure out how to get ahead on maintenance.

Councilor Kellogg asked if previously unknown costs have now been built in. Manager Muller stated a percent has been added for design to projects rating four or five. He noted facility renovations, natural resource restoration or maintenance, some ADA costs, and irrigation projects where not included in the projections. Councilor Kellogg asked if there were any additional unallocated costs. Director Hoover stated there are some estimates from the Parks Master Plan that have been included.

Councilor Kellogg asked if there are restrictions on the use of funds in a bond or levy. Director Hoover stated a bond could not fund staff costs but a levy could. He stated a levy is more flexible in how it is used.

Councilor Kellogg stated he is uneasy about a blanket utility fee and would rather look at a levy.

Councilor Morrison asked what was spent last year on parks maintenance. City Manager Lombos stated some of it is nested into the capital improvement plan and the operating budget so it would be hard to give an exact number.

Councilor Morrison expressed concerns with utility bills increasing any further and how little funding it produces. He would like to see the city move forward with a bond or levy as it would produce the actual revenue the city needs.

Councilor Pratt agreed a bond or levy is necessary. She added she would like to see a small utility fee so there are multiple sources of revenue.

Councilor Brooks stated she would like to see a bond and utility fee. She doesn't want to keep pushing these maintenance issues further down the road.

Council President Grimes asked if a bond or levy would create a tax compression issue and if a levy could be borrowed against to have projects immediately done. Finance Director Don Hudson stated a bond is the only way to get money up front to receive capital. He stated a local option levy could potentially create compression but noted we currently have room in the rate.

Council President Grimes stated there needs to be a multi-layer approach to funding. She stated there needs to be a small utility fee and either a bond or levy.

Councilor Reyes does not want to do both a bond and utility fee as it would be a big hit to the wallets of citizens.

Mayor Bubenik reminded the Council polling was done earlier this year and citizens where opposed to a levy. He noted the message needs to be refined and further research needs to be done on short and long term funding strategies.

Councilor Brooks stated she would like to see more information on a \$2.00-5.00 utility fee. Councilor Reyes and Pratt agreed.

Councilor Kellogg stated he would rather see funding through a public vote.

Mayor Bubenik showed support for a utility fee from \$2.00-5.00.

Council President Grimes asked if there is a way to make the fee apply to different income categories of people. Director Hudson stated they would have to further research that option.

Council consensus was reached to have staff bring back further information on a utility fee ranging from \$2.00-5.00.

Mayor Bubenik adjourned the meeting at 6:55 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 26, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Call to Order

Mayor Bubenik called the meeting to order at 7:03 p.m.

Announcements

1. Proclamation Declaring November 8-14, 2020 as Veteran's Appreciation Week

Mayor Bubenik read the proclamation declaring November 8-13, 2020 as Veteran's Appreciation Week in the City of Tualatin.

2. Proclamation Declaring October 23-31, 2020 Red Ribbon Week in the City of Tualatin

Tualatin High School Stand Up Tualatin members presented information on the club and some Red Ribbon Week facts.

Councilor Morrison read the proclamation declaring October 23-31, 2020 as Red Ribbon Week in the City of Tualatin.

Public Comment

Beth Dittman's comment from the chat was read. She stated she would like to see a levy and bond move forward. She encouraged the Council to not let the maintenance of the parks take the back burner.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Kellogg, Seconded by Councilor Brooks. Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt
MOTION PASSED

1. Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of October 12, 2020
2. Consideration of Approval of a New Liquor License Application for Sushi Train

Special Reports

1. Annual Report of the Juanita Pohl Center Advisory Committee

Juanita Pohl Center Supervisor Sara Shepard introduced the Juanita Pohl Center Advisory Committee Chair Susan Noack to present the annual report. Chair Noack stated the committee's

role is dedicated to programs and services. She stated they listen to ideas and suggestions and then provides input to staff. Chair Noack stated until March this year the center had 50,026 visits until COVID hit and the center pivoted to online support. She stated the center has many partnerships that are vital to the success of programs at the center, she thanked the partners. Chair Noack spoke to the transition from in person to virtual due. She stated the center has served over 980 citizens virtually through online programs. Chair Noack stated the action plan for 2020-21 includes continued support to active aging programs and an increased virtual programming portfolio. She added they will continue to increase diversity, visibility, and awareness.

Councilor Brooks thanked the committee for the work they have accomplished this year.

Councilor Pratt asked how Meals on Wheels is handling deliveries during COVID. Chair Noack stated services have been moved to Tigard where they now operate the program. She stated the need is still high.

Councilor Morrison thanked Chair Noack and the committee for their great work and enthusiasm for the center.

Mayor Bubenik thanked the committee for all they have done this past year, especially during COVID.

2. Quarterly Financial Report

Finance Director Don Hudson presented the first quarter financial report. He presented the budget actuals for the general fund revenue and expenditures, building revenues, road operating revenues, core area parking fund revenues, and water operating fund revenues and expenditures. Director Hudson stated a copy of the quarter end investment report is in the packet noting the overall yield is 1.255% with over \$80 million invested in the states local pool. He noted the city's investment portfolio is down over the last quarter. He stated property taxes this year are at a 4.55% value percent growth, which will mean a higher revenue then estimated. He stated the city will need to watch the collection rate this year due to COVID. Director Hudson stated PERS contribution rates this year are flat for Tier 1 and 2 and 2% for OPSRP General and Police. He spoke to the four CARES Act funding sources the city is utilizing including the Cities and Special District Assistance program, the Small Business Support fund, Utility Assistance Program, and the Stable House Assistance program.

Councilor Brooks asked how the Utility Assistance Program is being advertised. Director Hudson stated the city reaches out to every person with a delinquent bill and connects them with Community Action so they can access the Utility Assistance program.

Councilor Pratt asked if payment plans are available for past due bills. Director Hudson stated the city offers payment plans.

Councilor Morrison stated the Stable Housing Assistance is a Washington County fund and asked if Clackamas County citizens are receiving any assistance in that category. Director Hudson stated he doesn't have any details on how Clackamas County citizens are being served in this capacity. He stated he would reach out to Community Action to find out how they can be served.

General Business

1. Tualatin Moving Forward 2021 Neighborhood Safety Projects and Upcoming Projects Update

Public Works Director Jeff Fuchs presented on the 2021 Neighborhood Traffic Safety Projects. He stated the program is bond funded and looks at projects that can be quickly implemented throughout the city. Director Fuchs explained the selection criteria of projects which include: geographic diversity, solution oriented, and budget approved. He stated the city received 230 project suggestions that resulted in 55 locations being identified. From those projects six were selected: 50th Ave and Wilke Road, Nyberg Lane and 57th Avenue, Sagert Street and 72nd, Boones Ferry at Tualatin Commons, Hazelbrook Road at Jurgens Park, and Boones Ferry Road at Arapaho Road. Director Fuchs stated the next big projects for the bond program include Myslony Street- 124th to 112th Avenue, 118th Avenue and Herman Road, Tualatin Road and Teton Avenue, and the Boones Ferry Corridor sidewalk and bike lane projects.

Councilor Morrison stated he is happy to see a crosswalk going in at Jurgen's Park. He requested the sidewalk be extended and additions made along Grahams Ferry Road where the new development is located.

Councilor Brooks asked about the Boones Ferry bike lane and if it can get bikes down to Community Park. Director Fuchs stated the Tualatin Sherwood Road project includes bike stripping that will get citizens to Community Park. Councilor Brooks asked for a right hand turn lane on Teton and Tualatin-Sherwood Road. Director Fuchs stated staff can take a look at it.

Councilor Pratt asked for a south crossing for bikes at Community Park. Director Fuchs stated there is a current project at Sweek Park that is being worked on that will help with that crossing.

Councilor Kellogg stated street lighting at the Boones Ferry Road and Arapaho Road crosswalk needs to be addressed. He asked about a RFB at the midblock crossing by the Police Department. Director Fuchs stated community outreach is currently being conducted on that location.

2. Consideration of Recommendations from the Council Committee on Advisory Appointments

Councilor Brooks stated all appointments tonight are for the Library Advisory Committee. She thanked everyone who applied for the positions.

Motion to approve the Council Committee on Advisory Appointment recommendations made by Councilor Brooks, Seconded by Councilor Pratt.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Council Communications

Councilor Brooks stated she attended the following meetings and events: Willamette River Water Coalition meeting, the Community Conversation on Police Use of Force, the Tualatin Arts Advisory Committee, an update meeting on Tualatin city water from staff, and the Building Bridges event. Councilor Brooks requested the Council take a moment of silence at the beginning of each meeting for those who have lost their lives from COVID-19.

Councilor Kellogg stated at the last League of Oregon City Policy Committee meeting they discussed how ODOT is suffering financially and how LOC has been working with ODOT on how to trim revenue. LOC is currently suggesting a reduction in the STP Funds Exchange to cities from 94% to 90%. He stated he will work with staff on city feedback.

Councilor Kellogg stated in 2015 the Council passed an ordinance to reduce the frequency of citizen sponsored initiatives to only general elections. He would like to see an amendment made to allow citizen sponsored initiatives at primary and general elections to meet state law defaults. Council consensus was reached to have staff draft a proposed ordinance for further discussion.

Councilor Pratt stated she attended the community conversation on police use of force policies. She stated the Police Community Foundation held their annual duck raffle and the prescription take back event last Saturday.

Councilor Morrison stated he attended the C4 subcommittee meeting and the prescription drug take back event. He stated he has attended the School Resource Officer meetings with TTSD and will continue to participate in the conversations.

Councilor Reyes thanked the police department for being available to the community and doing an excellent job.

Council President Grimes encouraged citizens to vote.

Mayor Bubenik stated he attended the following meetings and events: a multi-city meeting regarding the Stafford Area, the Conversation on Police Use of Force, the Washington County Advisory Committee forum on housing in a pandemic, the Metro Mayors Consortium discussion on legislative priorities, the Chambers virtual Key Leaders Breakfast, and the Metro Mayors Consortium presentation from Greater Portland Inc.

Adjournment

Mayor Bubenik adjourned the meeting at 9:30 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Don Hudson, Assistant City Manager/Finance Director
DATE: November 9, 2020

SUBJECT:

Adoption of the City of Tualatin Investment Policy

RECOMMENDATION:

Staff Recommends that the City Council adopt the attached Investment Policy, with changes described below

EXECUTIVE SUMMARY:

Oregon Revised Statutes (ORS) 294.135(a) requires local governments investing in securities with maturities longer than 18 months to annually adopt their investment policies. The City Council adopted the current policy on October 12, 2020. The policy is being presented for re-adoption to the City Council increasing the percentage of the City's portfolio that can be invested in Municipal Bonds and extending the maximum issuer maturity. Due to changes that limit municipal tax exempt refundings, our investment advisors are seeing more value in the municipal taxable sector, which pays higher interest rates to compensate investors for the taxes they would pay on the investment income. Being a tax-exempt entity, we are able to benefit from the higher interest rate without having to pay taxes on the earnings. The extension is related to investments that are sold as 5 year issues, with the final maturity being 5 years and one month after the closing date, effectively making it an issue over 5 years. By purchasing this type of issue, we would technically violate our policy.

These changes are being recommended by Government Portfolio Advisors (GPA), the City's investment advisor. With the current investment environment, GPA has continued to look for investments that would help maximize our earnings. Since we updated our policy in early October, they have seen more attractive taxable municipal issues and feel it is best to make the suggested changes in our policy. We were presented with the choice to wait until next Fall, when we would do our annual Council policy approval, or bring it back to the City Council sooner. With the investment environment we are in, as well as the need to be in the market when property tax receipts start coming in later this month, we feel it is important to have this flexibility at that time to take advantage of more favorable investment options.

Attached is the page of the policy that is being changed, with changes highlighted in red. No other changes are being proposed.

OUTCOMES OF DECISION:

Adoption of the City's investment portfolio under State Statute.

ALTERNATIVES TO RECOMMENDATION:

Reject changes and re-adopt current investment policy language.

ATTACHMENTS:

- Resolution No. 5526-20
- Exhibit A, Investment Policy
- Proposed changes

RESOLUTION NO. 5526-20

A RESOLUTION ADOPTING THE CITY OF TUALATIN INVESTMENT POLICY

WHEREAS, Oregon Revised Statutes (ORS) 294.135(a) requires local governments investing in securities with maturities longer than 18 months to annually adopt their investment policies;

WHEREAS, the City Council adopted the City of Tualatin investment policy on October 12, 2020;

WHEREAS, the City invests in securities with maturities longer than 18 months.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council wishes to comply with ORS 294.135(a) and adopt the City of Tualatin Investment Policy.

Section 2. The City of Tualatin Investment Policy in Exhibit A to this Resolution, is attached and incorporated by reference.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 9th day of November, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM:

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

CITY OF TUALATIN



INVESTMENT POLICY 2020

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1. INTRODUCTION

The purpose of this Investment Policy is to establish the investment objectives, delegation of authority, standards of prudence, eligible investments and transactions, internal controls, reporting requirements, and safekeeping and custodial procedures necessary for the prudent management and investment of the funds of the City of Tualatin.

2. GOVERNING AUTHORITY

The investment program shall be operated in conformance with federal, state, and other legal requirements. Specifically, this investment policy is written in conformance with ORS 294.035; 294.040; 294.052; 294.135; 294.145 and 294.810. All funds within the scope of this policy are subject to regulations established by the state of Oregon. Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

This Policy has been adopted by Resolution #5475 by the City Council of Tualatin, Oregon on October 14, 2019.

3. SCOPE

This policy applies to activities of the City with regards to investing the financial assets of all funds except for funds held in trust for the Pension Portfolio and deferred compensation funds for the employees of the City which have separate rules. Other than bond proceeds or other unusual situations, the total of all funds ranges from \$40,000,000 to \$50,000,000. This policy provides direction for the following fund types:

1. General Fund
2. Special Revenue Funds
3. Capital Projects Funds
4. Debt Service Funds
5. Enterprise Funds
6. Internal Service Funds
7. Trust and Agency Funds
8. Other Funds

4. OBJECTIVES

The City's principal investment objectives in order of priority are:

4.1 Safety:

- Preservation of capital and protection of investment principal.
- Diversification to avoid incurring unreasonable risks regarding specific security types or individual financial institutions.

4.2 Liquidity:

- Maintenance of sufficient liquidity to meet operating requirements that are reasonably anticipated.

4.3 Yield – Return:

- Attainment of a market value rate of return throughout budgetary and economic cycles.

5. STANDARDS OF CARE

5.1 Delegation of Authority

- a. **Governing Body:** The ultimate fiduciary responsibility and authority for the investment of City funds resides with the City Council. The City hereby designates the Finance Director as the Investment Officer for the City's funds. The Finance Director shall invest City funds in accordance with ORS Chapter 294, Public Financial Administration, and with this Investment Policy. This Policy shall constitute a "written order" from City Council per ORS 294.035.
- b. **Investment Advisor:** Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated that these services produce a net financial advantage or necessary financial protection of the City's resources. External investment advisors shall be subject to Oregon Revised Statutes and the provisions of this Investment Policy. The Advisor shall provide non-discretionary advisory services, which require prior approval from the Finance Director on all transactions.

In order to optimize total return through active portfolio management, resources shall be allocated to the cash management program. This commitment of resources shall include financial and staffing considerations.

5.2 Prudence:

The standard of prudence to be used, by the Finance Director, in the context of managing the overall portfolio is the prudent person rule which states:

"Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The City's Finance Director (ORS 294.004 (2)) and staff acting in accordance with this Investment Policy, written procedures, and Oregon Revised Statutes 294.035 and 294.040 and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price change or other loss, provided deviations from expectations are reported and appropriate action is taken to control adverse developments within a timely fashion as defined in this policy.

5.3 Ethics:

Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the governing body. They shall further disclose any personal investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. Officers and employees shall, at all times, comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS Chapter 244.

6. AUTHORIZED FINANCIAL INSTITUTIONS

The City shall maintain a list of all authorized financial institutions and dealers that are approved for investment purposes. Any firm is eligible to make an application to the Finance Director and upon due consideration and approval, will be added to the list. Additions and deletions to the list will be made at the City's discretion. There should be in place, proof as to all the necessary credentials and licenses held by employees of the brokers/dealers who will have contact with the City of Tualatin as specified by but not necessarily limited to the Financial Industry Regulatory Authority (FINRA), Securities and Exchange Commission (SEC), etc.

6.1 Broker/Dealers:

The Investment Officer shall determine which broker/dealer firms and registered representatives are authorized for the purposes of investing funds within the scope of this investment policy. A list will be maintained of approved broker/dealer firms and affiliated registered representatives. The following minimum criteria must be met prior to authorizing investment transactions. The Investment Officer may impose more stringent criteria.

- a. Broker/Dealer firms must meet the following minimum criteria:
 - i. Be registered with the Securities and Exchange Commission (SEC);
 - ii. Be registered with the Financial Industry Regulatory Authority (FINRA).
 - iii. Provide most recent audited financials.
 - iv. Provide FINRA Focus Report filings.
- b. Approved broker/dealer employees who execute transactions with the City must meet the following minimum criteria:
 - i. Be a registered representative with the Financial Industry Regulatory Authority (FINRA);
 - ii. Be licensed by the state of Oregon;
 - iii. Provide certification (in writing) of having read; understood; and agreed to comply with the most current version of this investment policy.
- c. If the City's investment advisor is contracted to provide securities transactions on behalf of the City, the advisor's broker/dealer list must be provided to the Investment Officer for approval. The Investment Officer can assign the responsibility of

broker/dealer due diligence process to the Advisor, and all licensing information on the counterparties will be maintained by the Advisor and available upon request.

The advisor broker/dealer review should include:

- i. FINRA Certification check
- ii. Firm Profile
- iii. Firm History
- iv. Firm Operations
- v. Disclosures of Arbitration Awards, Disciplinary and Regulatory Events
- vi. State Registration Verification
- vii. Financial review of acceptable FINRA capital requirements or letter of credit for clearing settlements.

The advisors must provide the City with any changes to the list prior to transacting on behalf of the City.

6.2 Financial Bank Institutions:

All financial banks that provide bank deposits, certificates of deposits or any other deposit of the bank to the City must either be fully covered by the FDIC or the bank must be a participant of the Public Funds Collateralization Program (PFCP) program. ORS Chapter 295 governs the collateralization of Oregon public funds and provides the statutory requirements for the Public Funds Collateralization Program. Bank depositories are required to pledge collateral against any public funds deposits in excess of deposit insurance amounts. This provides additional protection for public funds in the event of a bank loss. ORS Chapter 295 sets the specific value of the collateral, as well as the types of collateral that are acceptable. ORS Chapter 295 creates a shared liability structure for participating bank depositories, better protecting public funds though still not guaranteeing that all funds are 100% protected.

6.3 Investment Advisors:

An Investment Advisor may be utilized to manage funds and will be selected through a competitive RFP process. The Advisor must meet the following criteria:

- a. The investment advisor firm must be registered with the Securities and Exchange Commission (SEC) or licensed by the state of Oregon; (Note: Investment advisor firms with assets under management > \$100 million must be registered with the SEC, otherwise the firm must be licensed by the state of Oregon);
- b. All investment advisor firm representatives conducting investment transactions on behalf of City must be registered representatives with FINRA;
- c. All investment advisor firm representatives conducting investment transactions on behalf of City must be licensed by the state of Oregon;
- d. Contract terms will include that the Investment advisor will comply with the City's Investment Policy.

A periodic (at least annual) review of all authorized investment advisors under contract will be conducted by the Finance director to determine their continued eligibility within the portfolio guidelines. The Investment Advisor must notify the City immediately if any of the following issues arise while serving under a City Contract:

- a. Pending investigations by securities regulators.
- b. Significant changes in net capital.
- c. Pending customer arbitration cases.
- d. Regulatory enforcement actions.

6.4 Competitive Transactions:

The Finance Director will obtain telephone, faxed or emailed quotes before purchasing or selling an investment. The Finance Director will select the quote which best satisfies the investment objectives of the investment portfolio within the parameters of this policy. The Finance Director and/or the Investment Advisor will maintain a written record of each bidding process including the name and prices offered by each participating financial institution.

In the instance of a security for which there is no readily available competitive bid or offering on the same specific issue, the Investment Officer shall document quotations for comparable or alternative securities.

The City's investment advisor that is providing investment management services must provide documentation of competitive pricing execution on each transaction. The investment advisor will retain documentation and provide upon request.

7. SAFEKEEPING AND CUSTODY

7.1 Safekeeping of Securities and Funds:

Securities will be held by an independent third-party safekeeping institution selected by the City in the City's segregated account. Upon request, the safekeeping institution shall make available a copy of its Statement on Standards for Attestation Engagements (SSAE) No. 16.

All trades of marketable securities will be executed on a delivery vs payment (DVP) basis to ensure that securities are deposited in the City of Tualatin's safekeeping institution prior to the release of funds. The City will have online access through the safekeeping bank for verification of the account holdings and transactions.

7.2 Bank Deposits and Certificates of Deposit:

The City may hold bank deposits or certificates of deposits at banks qualified under ORS 295.

7.3 Accounting Method:

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the Governmental Accounting

Standards Board (GASB); the American Institute of Certified Public Accountants (AICPA); and the Financial Accounting Standards Board (FASB).

7.4 Internal Controls:

The Finance Director shall maintain a system of written internal controls which shall address the following areas of concern:

- Compliance with investment policy constraints and requirements
- Clear delegation of authority
- Segregation of duties and separation of responsibilities for trade execution, accounting, and record keeping
- Written confirmation of transactions and funds transfers
- Timely reconciliation of custodial reports
- Appropriate security for online transactions and access to bank accounts and bank data
- Custodial safekeeping
- Control of collusion
- Review, maintenance and monitoring of security procedures both manual and automated
- Dual authorizations of wire and automated clearing house (ACH) transfers
- Avoidance of physical delivery of securities wherever possible and address control requirements for physical delivery where necessary

An external auditor shall provide an annual independent audit to assure compliance with Oregon state law and City of Tualatin policies and procedures.

8. AUTHORIZED AND SUITABLE INVESTMENTS

8.1 Authorized Investments:

All investments of the City shall be made in accordance with Oregon Revised Statutes: ORS 294.035 (Investment of surplus funds of political subdivisions; approved investments), ORS 294.040 (Restriction on investments under ORS 294.035), ORS 294.135 (Investment maturity dates), ORS 294.145 (Prohibited conduct for Finance Director including not committing to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement), ORS 294.805 to 294.895 (Local Government Investment Pool). Any revisions or extensions of these sections of the ORS must be amended to this policy in order to be allowable.

If additional types of securities are considered for investment, per Oregon state statute they will not be eligible for investment until this Policy has been amended and the amended version adopted by City Council.

8.2 Suitable Investments:

The City is empowered to invest in the following types of securities:

US Treasury Obligations: U.S. Treasury and other government obligations that carry the full faith and credit guarantee of the United States for the timely payment of principal and interest [ORS Section 294.035(3)(a)].

US Agency Obligations - Primary: Senior debenture obligations of US federal agencies and instrumentalities or U.S. government sponsored enterprises (GSE) that have actively traded markets and provide a higher level of liquidity. These include: Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), Federal Home Loan Banks (FHLB), and the Federal Farm Credit Bureau (FFCB).

US Agency Obligations - Secondary: Other US government sponsored enterprises that are less marketable are considered secondary GSEs. They include, but are not limited to: Private Export Funding Corporation (PEFCO), Tennessee Valley Authority (TVA), Financing Corporation (FICO) and Federal Agricultural Mortgage Corporation, (Farmer Mac). Specific issues must be rated by S&P or Moody's or any nationally recognized statistical rating organization.

Municipal Debt: Lawfully issued debt obligations of the States of Oregon, California, Idaho and Washington and political subdivisions of those states if the obligations have a long-term rating on the settlement date of AA- or better by S&P or Aa3 or better by Moody's or equivalent rating by any nationally recognized statistical rating organization.

Corporate Indebtedness: Corporate indebtedness subject to a valid registration statement on file with the Securities and Exchange Commission or issued under the authority of section 3(a)(2) or 3(a)(3) of the Securities Act of 1933, as amended. Corporate indebtedness must be rated on the settlement date AA- or better by S&P or Aa3 or better by Moody's or equivalent rating by any nationally recognized statistical rating organization.

Commercial Paper: Corporate indebtedness subject to a valid registration statement on file with the Securities and Exchange Commission or issued under the authority of section 3(a)(2) or 3(a)(3) of the Securities Act of 1933, as amended. Commercial Paper must be rated A1 by Standard and Poor's or P1 by Moody's or equivalent rating by any nationally recognized statistical rating organization. Issuer constraints for commercial paper combined with corporate notes will be limited by statute to 5% of market value per issuer.

Local Government Investment Pool: State Treasurer's local short-term investment fund up to the statutory limit per ORS Section 294.810.

Certificates of Deposit: Certificates of deposit in insured institutions as defined in ORS 706.008, in credit unions as defined in ORS Section 723.006 or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state [ORS Section 294.035(3)(d)].

Bank Time Deposit/Savings Accounts: Time deposit open accounts or savings accounts in insured institutions as defined in ORS Section 706.008, in credit unions as defined in ORS Section 723.006 or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state [ORS Section 294.035(3)(d)].

Bankers' Acceptance: Banker's acceptances, if the banker's acceptances are: (i) Guaranteed by, and carried on the books of, a qualified financial institution*; (ii) Eligible for discount by the Federal Reserve System; and (iii) Issued by a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.

*For the purposes of this paragraph, "qualified financial institution" means: (i) A financial institution that is located and licensed to do banking business in the State of Oregon; or (ii) A financial institution that is wholly owned by a financial holding company or a bank holding company that owns a financial institution that is located and licensed to do banking business in the State of Oregon [ORS Section 294.035(3)(h)].

8.3 Collateralization:

Time deposit open accounts, Certificates of Deposit and savings accounts shall be collateralized through the collateral pool for any excess over the amount insured by an agency of the United States government in accordance with ORS 295.015 and ORS 295.018.

9. INVESTMENT PARAMETERS

9.1 Diversification:

The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in over investing in specific instruments, individual financial institutions or maturities.

Credit risk: is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt.

Liquidity risk: is the risk that an investment may not be easily marketable or redeemable.

Interest rate risk: longer term investments have the potential to achieve higher returns but are also likely to exhibit higher market value price volatility due to the changes in the general level of interest rates.

Diversification Constraints on Total Holdings – Liquidity and Core Funds

Issue Type	Maximum % Holdings	Maximum % per Issuer	Ratings S&P	Ratings Moody's
US Treasury Obligations	100%	None	N/A	N/A
US Agency Primary Securities FHLB, FNMA, FHLMC, FFCB	100%	35%	N/A	N/A
US Agency Secondary Securities FICO, FARMER MAC etc.	10%	5%	Security must be rated	Security must be rated
Municipal Bonds (OR, CA, ID, WA)	25%	5%	AA-	Aa3
Corporate Bonds			AA-	Aa3
Commercial Paper	35%*	5%**	A1	P1
Bank Time Deposits/Savings Accounts	25%	10%	Oregon Public Depository	Oregon Public Depository
Certificates of Deposit	10%	5%	Oregon Public Depository	Oregon Public Depository
Banker's Acceptance	25%	5%	A1+	P1
Oregon Short Term Fund	Maximum allowed per ORS 294.810	None	N/A	N/A

*35% maximum combined corporate and commercial paper per ORS.

**Issuer constraints apply to the combined issues in corporate and commercial paper holdings.

9.2 Investment Maturity:

The City will not directly invest in securities with a stated maturity of more than 5.25 years from the date of purchase.

- The maximum weighted maturity of the total portfolio shall not exceed two (2) years. This maximum is established to limit the portfolio to excessive price change exposure.
- Liquidity funds will be held in the State Pool, Bank Deposits or in money market instruments maturing six months and shorter. The liquidity portfolio shall, at a minimum, represent six month budgeted outflows.
- Core funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5.25 years and will be only invested based on the diversification parameters listed in 9.1 of this policy.

- Total Portfolio Maturity Constraints:

Maturity Constraints	Minimum % of Total Portfolio
Under 30 days	10%
Under 1 year	25%
Under 5.25 years	100%

Maturity Constraints	Maximum of Total Portfolio in Years
Weighted Average Maturity	2.00

Security Structure Constraint	Maximum % of Total Portfolio
Callable Agency Securities	25%

9.3 Prohibited Investments:

- The City shall not invest in “144A” private placement securities, this includes commercial paper privately placed under section 4(a)(2) of the Securities Act of 1933
- The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.
- The City shall not purchase mortgage backed securities.
- The City will not purchase, per ORS 294.040, any bonds of issuers listed in ORS 294.035(3)(a) to (c) that have a prior default history.
- No commitments to buy or sell securities may be made more than 14 days prior to the anticipated settlement date, or receive a fee other than interest for future deliveries.

10. INVESTMENT OF PROCEEDS FROM DEBT ISSUANCE

Investments of bond proceeds are restricted further and will not include corporate bonds in the dedicated bond proceed portfolio. All other allowable investments including: US Treasury, US Agency and Commercial Paper may be utilized. The investments will be made in a manner to match cash flow expectations based on managed disbursement schedules.

Liquidity for bond proceeds will be managed through the OSTF Pool or Bank deposit balances.

Funds from bond proceeds and amounts held in a bond payment reserve or proceeds fund may be invested pursuant to ORS 294.052. Investments of bond proceeds are typically not invested for resale and maturity matched with expected outflows.

Information will be maintained for arbitrage rebate calculations.

11. INVESTMENT OF RESERVE OR CAPITAL IMPROVEMENTS

Pursuant to ORS 294.135(1)(b), reserve or capital Improvement project monies may be invested in securities exceeding 5.25 years when the funds in question are being accumulated for an

anticipated use that will occur more than 18 months after the funds are invested, then, upon the approval of the governing body of the county, municipality, school district or other political subdivision, the maturity of the investment or investments made with the funds may occur when the funds are expected to be used.

12. POLICY COMPLIANCE AND PERFORMANCE STANDARDS

12.1 Compliance Measurement and Procedures:

- a. Compliance Report: A compliance report documenting the portfolio versus the investment policy shall be maintained quarterly.
- b. Compliance Measurement: Guideline measurements will use market value of investments.
- c. Compliance Procedures:
 - i. If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, the Investment Officer shall bring the portfolio back into compliance in a prudent manner and as soon as prudently feasible.
 - ii. Violations of portfolio guidelines as a result of transactions; actions to bring the portfolio back into compliance and; reasoning for actions taken to bring the portfolio back into compliance shall be documented and reported to the City Council.
 - iii. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.
 - iv. As determined on any date that the security is held within the portfolio. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Finance Director shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Finance Director will apply the general objectives of Safety, Liquidity, Yield and Legality to make the decision. *If the City has hired the services of an Investor Advisor, the Finance Director will act on the recommendation of the Advisor.*

12.2 Performance Measurement:

- a. The City yields will be compared to the OST Pool rates.
- b. The portfolio will be invested into a predetermined structure that will be measured against a selected benchmark portfolio. The structure will be based upon a chosen minimum and maximum effective duration and will have the objective to achieve market rates of returns over long investment horizons. The purpose of the benchmark is to appropriately manage the risk in the portfolio given interest rate cycles. The core portfolio is expected to provide similar returns to the benchmark over interest rate cycles, but may underperform or out perform in certain periods. The portfolio will be positioned to first protect principal and then achieve market rates of return. The

benchmark used will be a 0-3 year or 0-5 year standard market index and comparisons will be calculated monthly and reported quarterly.

- c. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return.
- d. The mark to market pricing will be calculated monthly and be provided in a monthly report.

13. REPORTING REQUIREMENTS

The Finance Director will retain and provide quarterly investment reports to the City Council in a similar manner as outlined in ORS 208.090. The reports also will be available upon request. Securities holdings and cash balances held in the investment portfolio will be provided on the reports.

The minimum quarterly reporting requirements for total portfolio are as follows:

- Earnings Yield
- Holdings Report (including mark to market)
- Transactions Report
- Weighted Average Maturity or Duration
- Compliance Report

14. INVESTMENT POLICY ADOPTION

This Investment Policy shall be adopted by City Council annually in accordance with ORS 294.135(a). Any significant changes to the policy must be reviewed by the Oregon Short Term-Fund Board prior to submitting to City Council for adoption.

15. GLOSSARY

Accrued Interest: The interest accumulated on a security since the issue date or since the last coupon payment. The buyer of the security pays the market price plus accrued interest.

Agency Securities: See “Federal Agency Securities.”

Bankers’ Acceptance (BA’s): A draft or bill of exchange drawn upon and accepted by a bank. Frequently used to finance shipping of international goods. Used as a short-term credit instrument, bankers’ acceptances are traded at a discount from face value as a month market instrument in the secondary market on the basis of the credit quality of the guaranteeing bank.

Basis Point: A basis point is a unit of measure used in finance to describe the percentage change in the value or rate of a financial instrument. One basis point is equivalent to 0.01% (1/100th of a percent) or 0.0001 in decimal form. In most cases, it refers to changes in interest rates and bond yields.

Benchmark: A market index used as a comparative basis for measuring the performance of an investment portfolio. A performance benchmark should represent a close correlation to investment guidelines, risk tolerance and duration of the actual portfolio’s investments.

Bond: An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and it is usually secured by specific assets. Most bonds have a maturity of greater than one year and in general, pay interest semiannually.

Broker/Dealer: A person or firm transacting securities business with customers. A “broker” acts as an agent between buyers and sellers, and receives a commission for these services. A “dealer” buys and sells financial assets from its own portfolio. A dealer takes risk by owning an inventory of securities, whereas a broker merely matches up buyers and sellers.

Call: An option to buy a specific asset at a certain price within a certain period of time.

Callable: A bond or preferred stock that may be redeemed by the issuer before maturity for a call price specified at the time of issuance.

Call Date: The date before maturity on which a bond may be redeemed at the option of the issuer.

Certificate of Deposit (CD): Bank obligation issued by a financial institution generally offering a fixed rate of return (coupon) for a specified period of time (maturity).

Collateral: Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper: Short-term, unsecured, negotiable promissory notes issued by a company or financial institution. Issued at a discount and matures at par or face value. Usually a maximum maturity of 270 days, and given a short-term debt rating by one or more NRSROs.

Core Fund: Core funds are defined as operating fund balance which exceeds the City's daily liquidity needs. Core funds are invested out the yield curve to diversify maturity structure in the overall portfolio. Having longer term investments in a portfolio will stabilize the overall portfolio interest earnings over interest rate cycles.

Corporate Note: A debt instrument issued by a corporation with a maturity of greater than one year and less than ten years.

Coupon Rate: The annual rate of interest that the issuer of a bond promises to pay to the holder of the bond.

Current Maturity: The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

Current Yield: The coupon payments on a security as a percentage of the security's market price. In many instances the price should be gross of accrued interest, particularly on instruments where no coupon is left to be paid until maturity.

CUSIP: A CUSIP number identifies securities. CUSIP stands for Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

Delivery Versus Payment (DVP): Settlement procedure in which securities are delivered versus payment of cash, but only after cash has been received. Most security transactions, including those through the Fed Securities Wire system and DTC, are done DVP as a protection for both the buyer and seller of securities.

Depository Trust Company (DTC): A firm through which members can use a computer to arrange for securities to be delivered to other members without physical delivery of certificates. A member of the Federal Reserve System and owned mostly by the New York Stock Exchange, the Depository Trust Company uses computerized debit and credit entries. Most corporate securities, commercial paper, CDs and BAs clear through DTC.

Discount Notes: Short term debt obligations issued by Federal Agencies at a discount. Discount notes mature at par and can range in maturity from overnight to one year. Discount Notes typically have very large primary (new issue) and secondary markets.

Federal Agency Security: A debt instrument issued by one of the federal agencies. Federal agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

Federal Agency: Government sponsored/owned entity created by the U.S. Congress, generally for the purpose of acting as a financial intermediary by borrowing in the marketplace and directing proceeds to specific areas of the economy considered to otherwise have restricted access to credit markets.

Federal Farm Credit Bank (FFCB): A Government Sponsored Enterprise (GSE) system that is a network of cooperatively owned lending institutions that provide credit services to farmers, agricultural cooperatives and rural utilities. The FFCBs act as financial intermediaries that borrow money in the capital markets and use the proceeds to make loans and provide other assistance to farmers and farm-affiliated businesses. FFCB debt is not an obligation of, nor is it guaranteed

by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. Financial system and agricultural industry. Also issues notes under its “designated note” program.

Federal Home Loan Bank System (FHLB). A Government Sponsored Enterprise (GSE) system, consisting of wholesale banks (currently twelve district banks) owned by their member banks, which provides correspondent banking services and credit to various financial institutions, financed by the issuance of securities. The principal purpose of the FHLB is to add liquidity to the mortgage markets. Although FHLB does not directly fund mortgages, it provides a stable supply of credit to thrift institutions that make new mortgage loans. FHLB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes and callable agency securities. Also issues notes under its “global note” and “TAP” programs.

Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides stability and assistance to the secondary market for home mortgages by purchasing first mortgages and participation interests financed by the sale of debt and guaranteed mortgage backed securities. FHLMC debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its “reference note” program.

Federal National Mortgage Association (FNMA or "Fannie Mae"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides liquidity to the residential mortgage market by purchasing mortgage loans from lenders, financed by the issuance of debt securities and MBS (pools of mortgages packaged together as a security). FNMA debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its “benchmark note” program.

Federal Reserve Bank. One of the 12 distinct banks of the Federal Reserve System.

Federal Reserve System (the Fed). The independent central bank system of the United States that establishes and conducts the nation's monetary policy. This is accomplished in three major ways: (1) raising or lowering bank reserve requirements, (2) raising or lowering the target Fed Funds Rate and Discount Rate, and (3) in open market operations by buying and selling government securities. The Federal Reserve System is made up of twelve Federal Reserve District Banks, their branches, and many national and state banks throughout the nation. It is headed by the seven member Board of Governors known as the “Federal Reserve Board” and headed by its Chairman.

General Obligation Bonds (GOs): Bonds secured by the pledge of the municipal issuer's full faith and credit, which usually includes unlimited taxing power.

Government Bonds: Securities issued by the federal government; they are obligations of the U.S. Treasury. Also known as “government securities.”

Government Sponsored Enterprise (GSE): Privately owned entity subject to federal regulation and supervision, created by the U.S. Congress to reduce the cost of capital for certain borrowing sectors of the economy such as students, farmers, and homeowners. GSEs carry the implicit backing of the U.S. Government, but they are not direct obligations of the U.S. Government. For this reason, these securities will offer a yield premium over Treasuries. Some consider GSEs to be stealth recipients of corporate welfare. Examples of GSEs include: FHLB, FHLMC, FNMA and FFCB.

Interest: Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

Interest Rate: The interest payable each year on borrowed funds, expressed as a percentage of the principal.

Investment Advisor: A company that provides professional advice managing portfolios, investment recommendations and/or research in exchange for a management fee.

Investment Portfolio: A collection of securities held by a bank, individual, institution, or government agency for investment purposes.

Investment Securities: Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

Liquidity: The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

Liquidity Component: A percentage of the total portfolio that is dedicated to providing liquidity needs for the City.

Mark to Market: Adjustment of an account or portfolio to reflect actual market price rather than book price, purchase price or some other valuation.

Municipals: Securities, usually bonds, issued by a state or its agencies. The interest on “munis” is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency’s taxation powers.

NRSRO: A “Nationally Recognized Statistical Rating Organization.” A designated rating organization that the SEC has deemed a strong national presence in the U.S. NRSROs provide credit ratings on corporate and bank debt issues. Only ratings of a NRSRO may be used for the regulatory purposes of rating such as Moody’s, S&P, Fitch and Duff & Phelps.

Par Value: The value of a security expressed as a specific dollar amount marked on the face of the security, or the amount of money due at maturity. Par value should not be confused with market value.

Prudent Person Standard: Standard that requires that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee will act with care, skill, prudence, and diligence under the circumstances the prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a

like character and with like aims, to safeguard the principal and maintain the liquidity needs of the entity.

Rate of Return: Amount of income received from an investment, expressed as a percentage of the amount invested.

State of Oregon Local Government Investment Pool (OSTF – Oregon Short Term Fund): The OSTF is organized pursuant to ORS 294.805 through 294.895. Participation in the Pool will not exceed the maximum limit annually set by ORS 294.810.

Total Return: Investment performance measured over a period of time that includes coupon interest, interest on interest, and both realized and unrealized gains or losses. Total return includes, therefore, any market value appreciation/depreciation on investments held at period end.

Treasury Bill (T-Bill): An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

Treasury Bonds and Notes: Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

Yield: The annual rate of return on an investment, expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Yield to Maturity: The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be discounted to produce a present value equal to the purchase price of the bond.

Diversification Constraints on Total Holdings – Liquidity and Core Funds

Issue Type	Maximum % Holdings	Maximum % per Issuer	Ratings S&P	Ratings Moody's
US Treasury Obligations	100%	None	N/A	N/A
US Agency Primary Securities FHLB, FNMA, FHLMC, FFCB	100%	40% 35%	N/A	N/A
US Agency Secondary Securities FICO, FARMER MAC etc.	10%	5%	Security must be rated	Security must be rated
Municipal Bonds (OR, CA, ID, WA)	25%	5%	AA-	Aa3
Corporate Bonds	35%*	5%**	AA-	Aa3
Commercial Paper			A1	P1
Bank Time Deposits/Savings Accounts	25%	10%	Oregon Public Depository	Oregon Public Depository
Certificates of Deposit	10%	5%	Oregon Public Depository	Oregon Public Depository
Banker's Acceptance	25%	5%	A1+	P1
Oregon Short Term Fund	Maximum allowed per ORS 294.810	None	N/A	N/A

*35% maximum combined corporate and commercial paper per ORS.

**Issuer constraints apply to the combined issues in corporate and commercial paper holdings.

**Issuer constraints apply to the combined issues in corporate and commercial paper holdings.

9.2 Investment Maturity:

The City will not directly invest in securities with a stated maturity of more than ~~five (5)~~ 2.25 years from the date of purchase.

- The maximum weighted maturity of the total portfolio shall not exceed two (2) years. This maximum is established to limit the portfolio to excessive price change exposure.
- Liquidity funds will be held in the State Pool, Bank Deposits or in money market instruments maturing six months and shorter. The liquidity portfolio shall, at a minimum, represent six month budgeted outflows.

- Core funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5.25 years and will be only invested based on the diversification parameters listed in 9.1 of this policy.

- Total Portfolio Maturity Constraints:

Maturity Constraints	Minimum % of Total Portfolio
Under 30 days	10%
Under 1 year	25%
Under 5.25 years	100%

Maturity Constraints	Maximum of Total Portfolio in Years
Weighted Average Maturity	2.00

Security Structure Constraint	Maximum % of Total Portfolio
Callable Agency Securities	25%

9.3 Prohibited Investments:

- The City shall not invest in “144A” private placement securities, this includes commercial paper privately placed under section 4(a)(2) of the Securities Act of 1933
- The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.
- The City shall not purchase mortgage backed securities.
- The City will not purchase, per ORS 294.040, any bonds of issuers listed in ORS 294.035(3)(a) to (c) that have a prior default history.
- No commitments to buy or sell securities may be made more than 14 days prior to the anticipated settlement date, or receive a fee other than interest for future deliveries.

10. INVESTMENT OF PROCEEDS FROM DEBT ISSUANCE

Investments of bond proceeds are restricted further and will not include corporate bonds in the dedicated bond proceed portfolio. All other allowable investments including: US Treasury, US Agency and Commercial Paper may be utilized. The investments will be made in a manner to match cash flow expectations based on managed disbursement schedules.

Liquidity for bond proceeds will be managed through the OSTF Pool or Bank deposit balances.

Funds from bond proceeds and amounts held in a bond payment reserve or proceeds fund may be invested pursuant to ORS 294.052. Investments of bond proceeds are typically not invested for resale and maturity matched with expected outflows.

Information will be maintained for arbitrage rebate calculations.

11. INVESTMENT OF RESERVE OR CAPITAL IMPROVEMENTS

Pursuant to ORS 294.135(1)(b), reserve or capital Improvement project monies may be invested in securities exceeding ~~three~~ 5.25 years when the funds in question are being accumulated for an anticipated use that will occur more than 18 months after the funds are invested, then, upon the approval of the governing body of the county, municipality, school district or other political subdivision, the maturity of the investment or investments made with the funds may occur when the funds are expected to be used.

12. POLICY COMPLIANCE AND PERFORMANCE STANDARDS

12.1 Compliance Measurement and Procedures:

- a. Compliance Report: A compliance report documenting the portfolio versus the investment policy shall be maintained quarterly.
- b. Compliance Measurement: Guideline measurements will use market value of investments.
- c. Compliance Procedures:
 - i. If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, the Investment Officer shall bring the portfolio back into compliance in a prudent manner and as soon as prudently feasible.
 - ii. Violations of portfolio guidelines as a result of transactions; actions to bring the portfolio back into compliance and; reasoning for actions taken to bring the portfolio back into compliance shall be documented and reported to the City Council.
 - iii. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.
 - iv. As determined on any date that the security is held within the portfolio. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Finance Director shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Finance Director will apply the general objectives of Safety, Liquidity, Yield and



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Erin Engman, Associate Planner
Steve Koper, AICP, Planning Manager

DATE: November 9, 2020

SUBJECT:

Consideration of Plan Text Amendment PTA 20-0006 which would amend Tualatin Development Code Chapter 80-Cannabis Regulations. Proposed amendments would allow retail cannabis businesses to locate in both industrial and commercial zones. Additionally, the distance required between cannabis business to residential zones, schools, parks, libraries and each other would be reduced.

RECOMMENDATION:

The Tualatin Planning Commission recommends approval of the proposed amendments with additional recommend changes to locational standards that permit cannabis facilities. The Commission finds that permitting the retail sales of cannabis in high-visibility areas, such as the I-5 corridor or the Bridgeport area is not appropriate, and recommends a prohibition be placed on locating dispensaries within 2,000 feet of I-5 or north of Nyberg Road. The Commission also found a lack of community support to amend cannabis regulations based off public testimony received to date. They respectfully ask that Council remain mindful of land use planning efforts, as opposed to reactionary.

PROCEDURAL HISTORY:

- 2015: Ordinance 1379-15 establishes time, place, and manner regulations for cannabis facilities through Chapter 80 of the Tualatin Development Code
- September 16, 2020: City staff held a webinar to discuss potential changes to cannabis regulations at Council direction. Commentary received from the webinar found that many community members are not in support of amending Chapter 80.
- September 28, 2020: Webinar comments shared with City Council during work session. Council directed staff to proceed with subject amendment.
- October 15, 2020: Planning Commission passes recommendation to approve PTA 20-0006 (Amendments to Chapter 80) with additional changes to locational standards.

EXECUTIVE SUMMARY:

City Council directed staff to amend the cannabis regulations found in Chapter 80 of the Tualatin Development Code. These amendments are legislative in nature. A comparison of the existing code and proposed changes is found below:

Standard	Existing Code	• PTA 20-0006
<i>Reference</i>	<ul style="list-style-type: none"> • Marijuana 	<ul style="list-style-type: none"> • Cannabis
<i>Zones permitted in:*</i>	<i>All Marijuana Facilities:</i> <ul style="list-style-type: none"> • Light Manufacturing • General Manufacturing • Manufacturing Business Park 	<i>All Cannabis Facilities:</i> <ul style="list-style-type: none"> • Light Manufacturing • General Manufacturing • Manufacturing Business Park <i>Retail Sales & Medical Dispensary:</i> <ul style="list-style-type: none"> • Office Commercial • Recreation Commercial • General Commercial • Mid Rise/Office Commercial • Medical Center • Mixed Use Commercial
<i>Buffer from:</i> <ul style="list-style-type: none"> • Residential Zones • City Parks • Schools • Library 	3,000 feet	1,000 feet
<i>Buffer between Cannabis Facilities:</i>	2,000 feet	1,000 feet
<i>Limitations on Facility size</i>	Cannot exceed 3,000 square feet	None
<i>* The Planning Commission recommends that a prohibition be placed on locating cannabis facilities within 2,000 feet of I-5 or north of Nyberg Road.</i>		

If approved, the Plan Text Amendment would amend Tualatin Development Code Chapter 80. Approval criteria for a Plan Text Amendment, are found in TDC 33.070(5).

Compliance with Applicable Criteria

The Findings and Analysis, included as Exhibit 1, discuss the proposal in relationship to the criteria of: the Oregon Statewide Planning Goals; Oregon Administrative Rules; Metro Code; the Tualatin Comprehensive Plan; and the Tualatin Development Code. Based on these findings, all applicable objectives and criteria have been met.

Public Notice

- Notice of the proposed amendments was provided to the Oregon Department of Land Conservation and Development (DLCD). Notification of the upcoming City Council hearing was made consistent with Tualatin Development Code Section 32.240.

OUTCOME OF DECISION:

- Council approval of PTA 20-0006 would amend Tualatin Development Code Chapter 80 and the entirety of Code such that the word 'marijuana' is deleted and replaced with the word 'cannabis'. Council adoption of Ordinance 1445-20 would amend the Tualatin Development Code consistent with PTA 20-0006.

FINANCIAL IMPLICATIONS:

None identified at this time.

ATTACHMENTS:

- Exhibit 1 – Findings and Analysis for PTA 20-0006
- Exhibit 2 – Draft Chapter 80 Amendments for PTA 20-0006
- Exhibit 3 – Draft Siting for Cannabis Facilities
- Exhibit 4 – Planning Commission minutes from February 19, 2015

Exhibit 5 – Presentation



November 9, 2020

**Analysis and Findings for
PTA 20 -0006**

Project: Chapter 80 – Cannabis Facilities Update
Applicant: City of Tualatin

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 9 and 12 of the Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. Presently, such facilities are limited to the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) planning districts.

The scope of the proposed legislative amendments include:

- Replacing reference to the term “marijuana” with the term “cannabis”;
- Allowing retail cannabis businesses to locate in certain commercial zones;
- Reducing the required minimum separation distance from 3,000 to 1,000 feet between cannabis business and: schools, libraries, parks, and residential zoning district;
- Reducing the required maximum separation distance from 2,000 to 1,000 feet between one cannabis business and another; and
- Removing facility size limitation on cannabis business.

City staff held an informational webinar on September 16, 2020 with community members to discuss the potential changes to cannabis regulations, solicit input, and answer questions. The presentation, community input, and questions and answers are provided herein as attachments.

C. Exhibit List

1. Webinar presentation
2. Community Input Received
3. Chapter 80 questions and answers

II. FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

Legislative amendments are subject to the public notification requirements specified in TDC 32.250, which include newspaper notice of the City Council hearing. Citizen involvement efforts specific to this application include an informational webinar held on September 16, 2020, social media engagement, and a public meeting held by the Tualatin Planning Commission on October 15, 2020. Additionally, interested parties were informed that public testimony may be received during the City Council hearing scheduled for the subject text amendment PTA 20-0006 on November 9, 2020. Council member will receive community input, as well as the webinar related questions and answers in their hearing packet. Each form of engagement is described in detail below.

Informational Webinar:

City staff engaged Tualatin residents, stakeholders wishing to stay up-to-date on cannabis regulation, Community Involvement Organizations (CIOs), Western Oregon Dispensary, and Tualatin Together to solicit comments and invite participation in the informational webinar by e-blast and social media updates. Interested parties were asked to submit questions ahead of the webinar, so that responses could be addressed during the presentation. Staff also answered additional questions raised during the webinar. The presentation, community input, and questions and answers are provided as Attachments 1-3.

Social Media:

Media related to cannabis regulation and the informational webinar were posted to the City of Tualatin's Facebook, Instagram, and Twitter pages on September 3, 6, 11, 15, and 22, 2020. Public comments received as part of this effort have been shared in Attachment 2.

Planning Commission Meeting:

A virtual public meeting was held on October 15, 2020 to comply with social distance efforts mandated by Executive Order 20-12. The zoom meeting was posted to the City of Tualatin's website and open to the public. The Tualatin Planning Commission serves as the committee for citizen involvement in the Land Conservation and Development Commission planning process. They review, advise, and make recommendations to City Council on matters affecting land use planning. A recommendation for the City Council to amend the subject PTA 20-0006 to remove commercial zoning districts was made at this meeting. No public commentary was received.

Public Notice:

The Oregon Department of Land Conservation and Development (DLCD) was notified of subject amendments on October 2, 2020 in accordance with the minimum number of days required by ORS Chapter 197. A Notice of Hearing was emailed to identified stakeholders, CIOs, and the school district on

October __. The Notice of Hearing was also published in the Tualatin Times and posted on two City property locations on October 22, 2020.

The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

[...]

Finding:

The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide land use planning goals. The Development Code implements the Community Plan; with legislative amendments subject to the Type IV-B process addressed in Chapter 32.250. This process requires that DLCD receive notice of the subject amendments, in accordance with ORS Chapter 197. DLCD was noticed on October 2, 2020. The proposed amendments conform to Goal 2.

Goal 9 – Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

[...]

Finding:

The proposed amendments would expand the areas in which cannabis businesses in Tualatin can operate, thus providing additional economic opportunities. The proposed amendments conform to Goal 9.

B. Oregon Revised Statutes

ORS Chapter 475B Cannabis Regulations

[...]

475B.486 Local time, place and manner regulations.

(1) For purposes of this section, "reasonable regulations" includes:

- (a) Reasonable conditions on the manner in which a marijuana producer that holds a license issued under ORS 475B.070 may produce marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may produce marijuana or propagate immature marijuana plants;**
- (b) Reasonable conditions on the manner in which a marijuana processor that holds a license issued under ORS 475B.090 may process marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license issued under ORS 475B.100 may sell marijuana at wholesale;**
- (d) Reasonable conditions on the manner in which a marijuana retailer that holds a license issued under ORS 475B.105 may sell marijuana items;**
- (e) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475B.010 to 475B.545 may operate;**

- (f) Reasonable requirements related to the public’s access to a premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545; and
 - (g) Reasonable limitations on where a premises for which a license or certificate may be issued under ORS 475B.010 to 475B.545 may be located.
- (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not:
- (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475B.105 from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475B.105.
 - (b) Adopt an ordinance that imposes a setback requirement for an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:
 - (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
 - (B) Is located at an address where a marijuana grow site first registered with the Oregon Health Authority under ORS 475B.810 on or before January 1, 2015;
 - (C) Was used to produce marijuana pursuant to the provisions of ORS 475B.785 to 475B.949 on or before January 1, 2015; and
 - (D) Has four opaque walls and a roof. [Formerly 475B.340]

Finding:

Ordinance 1379-15, adopted in 2015, established what were deemed to be reasonable restrictions on hours of operation, allowed locations, and design and operational requirements. These restrictions are implemented through Chapter 80 of the Tualatin Development Code, which was established by Ordinance 1379-15. The proposed amendments, which, consistent with ORS 475B, would expand the existing time, place, and manner regulations of Chapter 80 in a way that continues to be reasonable, as well as align the maximum separation distance between cannabis facilities to be compliant with state law. Therefore, the proposed amendments conform to ORS 475B.

E. Tualatin Development Code

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) **Applicability.** [...] Legislative amendments may only be initiated by the City Council.

(3) **Procedure Type.**

(b) **Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.**

Finding:

The proposed text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject

amendments at its September 28, 2020 work session. A pre-adoption noticed was filed with DLCD on October 2, 2020, 38 days before the scheduled hearing. Notice was also published in *The Times* on October 22, 2020, at least 14 calendar days before the hearing. This criterion is met.

[...]

(5) Approval Criteria.

(a) Granting the amendment is in the public interest.

Finding:

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. The proposed amendments have been made at the direction of Council and are based on input from the community, and therefore, it is in the public’s interest to grant this amendment. This criterion is met.

(b) The public interest is best protected by granting the amendment at this time.

Finding:

As stated in previous findings, the proposed amendments are in the public interest. The Tualatin City Council has determined, based on input from the community, that this public interest is best protected by granting the proposed amendments at this time. This criterion is met.

(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Finding:

Below is a summary of how the proposed amendments conform to applicable objectives of the Tualatin Community Plan:

- Chapter 6 speaks to Commercial Planning Objectives: provide increased employment opportunities and provide shopping opportunities for surrounding communities. The proposed amendments would allow opportunities for cannabis businesses in additional areas of Tualatin, including retail sales in many of Tualatin’s commercial planning districts, which will in turn, support increased employment opportunities as well as shopping opportunities.
- Chapter 10 speaks to Community Design Objectives: protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties. The proposed amendments support expansion of business types offered in Tualatin’s commercial districts.

Therefore the proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan. This criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

Finding:

The proposed amendments have been made at the direction of Council and are based on input from the community. The proposed regulations limit cannabis facilities to certain industrial zones, and in the case of retail cannabis businesses, certain commercial zones additionally. Industrial and commercial zones are characteristically zones in which business uses are allowed. Allowing cannabis businesses in residential zones is not permitted by state law. The proposed amendments would require a 1000 foot buffer from residential zones, parks, libraries, and schools (as required by state law), thus acting to preserve the characteristics of these non-businesses uses in different areas of the City, while at the same time providing areas in which cannabis businesses can be sited. Together, these restrictions demonstrate conscious consideration for the various characteristics of the areas in the City. This criterion is met.

(ii) The suitability of the areas for particular land uses and improvements in the areas;

Finding:

The proposed amendments would allow cannabis retailers in the following commercial zoning districts: Office Commercial (CO), Neighborhood Commercial (CN), Recreation Commercial (CR), General Commercial (CG), Mid Rise/Office Commercial (CO/MR), Medical Center (MC), and Mixed Use Commercial (MUC). The retail sales of goods are common in commercial districts and appropriate in these areas. The proposed amendments would also allow cannabis businesses industrial zoning districts. Sales, storage, distribution, and production are common in industrial zoning districts and appropriate in these areas. Further requirements to limit the siting of cannabis facilities within 1,000 feet of schools, parks, libraries, and residential districts would further ensure that such uses are located in areas of Tualatin that are suitable. This criterion is met.

(iii) Trends in land improvement and development;

Finding:

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. This criterion is met.

(iv) Property values;

Finding:

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. The actual siting of such businesses would be left up to individual private property owners, and therefore, allowing these uses in additional locations would not impact property values. This criterion is met.

(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;

Finding:

The proposed amendments do not impact right-of-way or access requirements. This criterion is not applicable.

(vi) Natural resources of the City and the protection and conservation of said resources;

Finding:

The proposed amendments do not impact requirements for natural resource protection or conservation. This criterion is not applicable.

(vii) Prospective requirements for the development of natural resources in the City;

Finding:

The proposed amendments do not impact requirements for development of natural resources in the City. This criterion is not applicable.

(viii) The public need for healthful, safe, esthetic surroundings and conditions; and

Finding:

The proposed amendments are presented as reasonable time, place, and manner regulations on cannabis facilities, and are intended to, through the application of these regulations, balance siting of said facilities with the public need for healthful, safe, aesthetic surroundings and conditions. This criterion is met.

(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Finding:

The proposed amendments are not due to change in a specific neighborhood or area nor are they the result of a mistake in the Tualatin Community Plan or Development Code. This criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The proposed amendments do not involve residential uses. This criterion is not applicable.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Finding:

Findings addressing the applicable Oregon Statewide Planning Goals were included earlier in this document. Additionally, the proposed amendments will not impact an existing or proposed transportation facility or affect the Transportation Planning Rule. This criterion is met.

(g) Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

Finding:

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

Title 1 – Housing Capacity: *requires a city or county maintain or increase its housing capacity*
The proposed amendments will not impact housing capacity. This title does not apply.

Title 2 – Regional Parking Policy: *repealed*

Title 3 – Water Quality and Flood Management: *protects Water Quality and Flood Management Areas*
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. This title does not apply.

Title 4 – Industrial and Other Employment Areas: *promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other*
Cannabis facilities are currently permitted in the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) zones and will remain in compliance with this title.

Title 5 - Neighbor Cities and Rural Reserves: *repealed*

Title 6 – Centers, Corridors, Station Communities and Main Streets: *enhancements of these areas as principal centers of urban life via actions and investments*
The proposed amendments will not affect the Central Commercial (CC) planning district, or Tualatin’s downtown core- being the principal center of Tualatin urban life. This title does not apply.

Title 7 – Housing Choice: *implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments*
The proposed amendments will not affect housing choice. This title does not apply.

Title 8 – Compliance Procedures: *ensures all cities & counties are equitably held to the same standards*
Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on October 2, 2020- 38 days before the scheduled hearing.

Title 9 – Performance Measures: *repealed*

Title 10 – Definitions

Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB

The proposed amendments will not affect current regulation for land eligible for annexation into the City of Tualatin. Cannabis facilities are currently a permitted use for Manufacturing Business Park eligible land in Tualatin’s Planning Area Boundary (located along the southwest city boundary). This title does not apply.

Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services

The proposed amendments would continue to prohibit cannabis facilities from locating in residential zones, as well as providing a 1,000 foot buffer between such uses and residential zones.

Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application. This title does not apply.

Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB

No amendments are proposed to the UGB under this application. This title does not apply.

- (h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

Finding:

The proposed amendments will not impact an existing or proposed transportation facility, nor affect vehicle trip generation. This criterion does not apply.

- (i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

Finding:

The City of Tualatin is presently served with utilities such as potable water, sanitary sewer, and stormwater management. The proposed amendments will not impact public utility facility policies. Any development action to support cannabis facilities will require a land use application, at which time compliance with objectives and policies pertaining to these issues would be addressed in greater detail. This criterion is met.



City of Tualatin

Tualatin's Marijuana Regulations

LEARN ABOUT PROPOSED CHANGES

SEPTEMBER 16, 2020

English/ Español



Click the interpretation button on the bottom of your screen

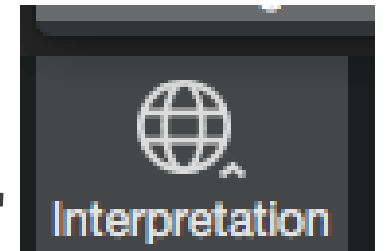
Click on "Spanish"

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Español

Hay información de interpretación en la parte inferior de su pantalla "español"

Si desea silenciar la presentación en inglés, haga clic en "Silenciar audio original"



Webinar things to know...



Your facilitators



Megan George
Assistant to the City Manager



Aquilla Hurd-Ravich
Community Development Director




Webinar things to know...

If you have a technology question-

- Use the Chat feature now or 
- During the presentation email Megan George at mgeorge@tualatin.gov

If you have a code question or comment-

- Use the **Q&A feature** 
- Some questions will be answered toward the end of the presentation
- Questions that are not answered tonight will get compiled and answered and made available on our website here: <https://tinyurl.com/yxuerp53>



To follow this process-

- please email Erin Engman eengman@tualatin.gov and you will be added to an interested parties list

Why are we here?



- The City Council is considering changing the code and wants to hear from you.



How did we get here?



- Marijuana was legalized in 2014 by a vote of the people in Oregon
- State law allows cities to put some regulations on marijuana businesses known as “time, place and manner”
- Tualatin adopted regulations in 2015



What do the regulations say?



- Location:
 - Allowed in industrial zoning districts
- Must be 3,000 feet from other uses:
 - Schools
 - Libraries
 - Parks
 - Residential
- Must be 2,000 feet from other marijuana businesses
- Other regulations can be found in the Development Code Chapter 80.



Proposed Changes



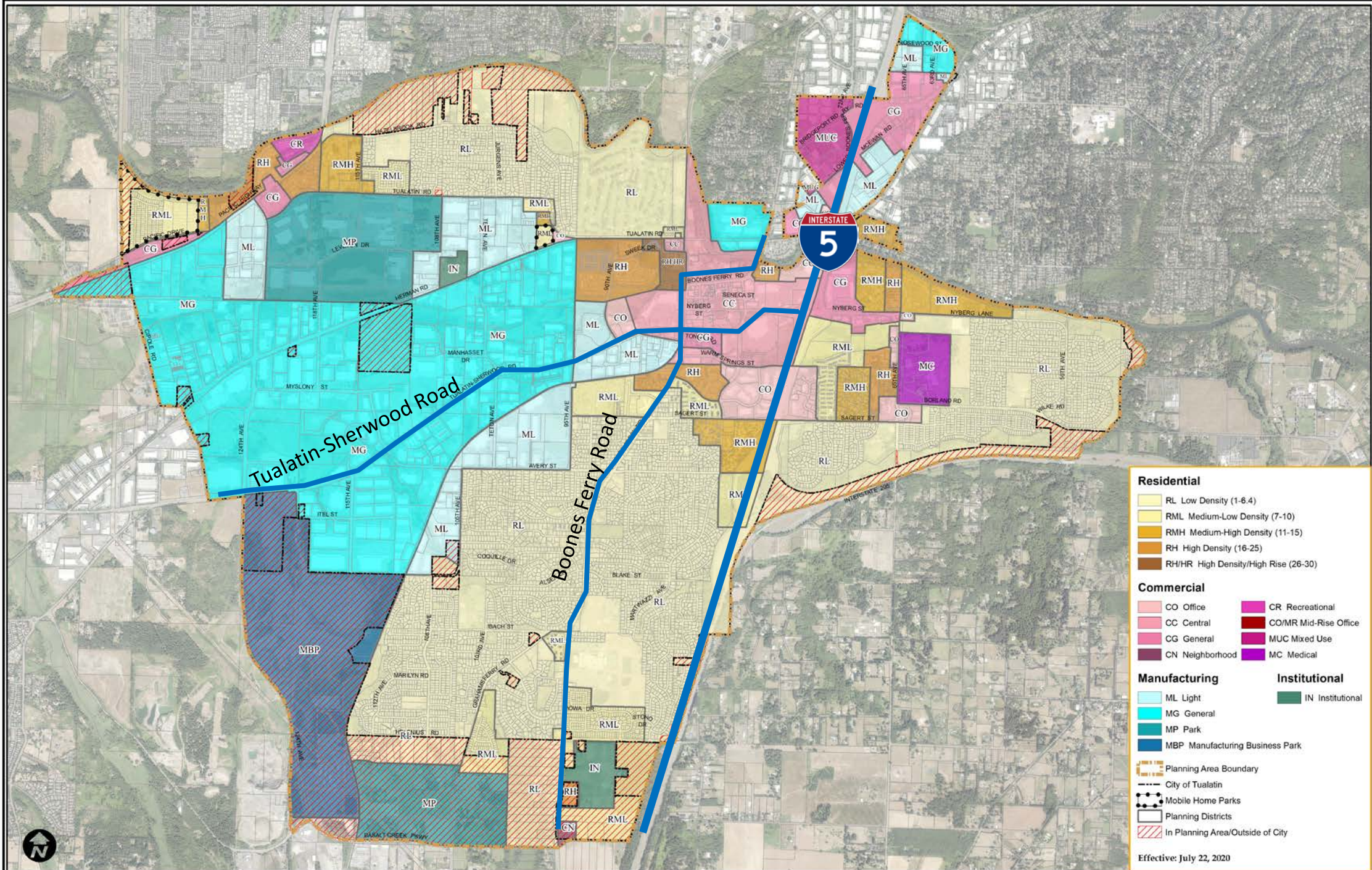
- Location:
 - Allow in industrial and commercial zones
 - **Allow retail in commercial zones**
 - **Not allowed in Central Commercial**
 - All other business types in industrial zones
 - **Reduce to buffers 1,000 feet from other uses**
 - Schools
 - Libraries
 - Parks
 - Residential
 - **Reduce to 1,000 feet between marijuana businesses to match State law**



*Hmmm....
What does that look like????*



City of Tualatin



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
- MUC Mixed Use
- MC Medical

Manufacturing

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

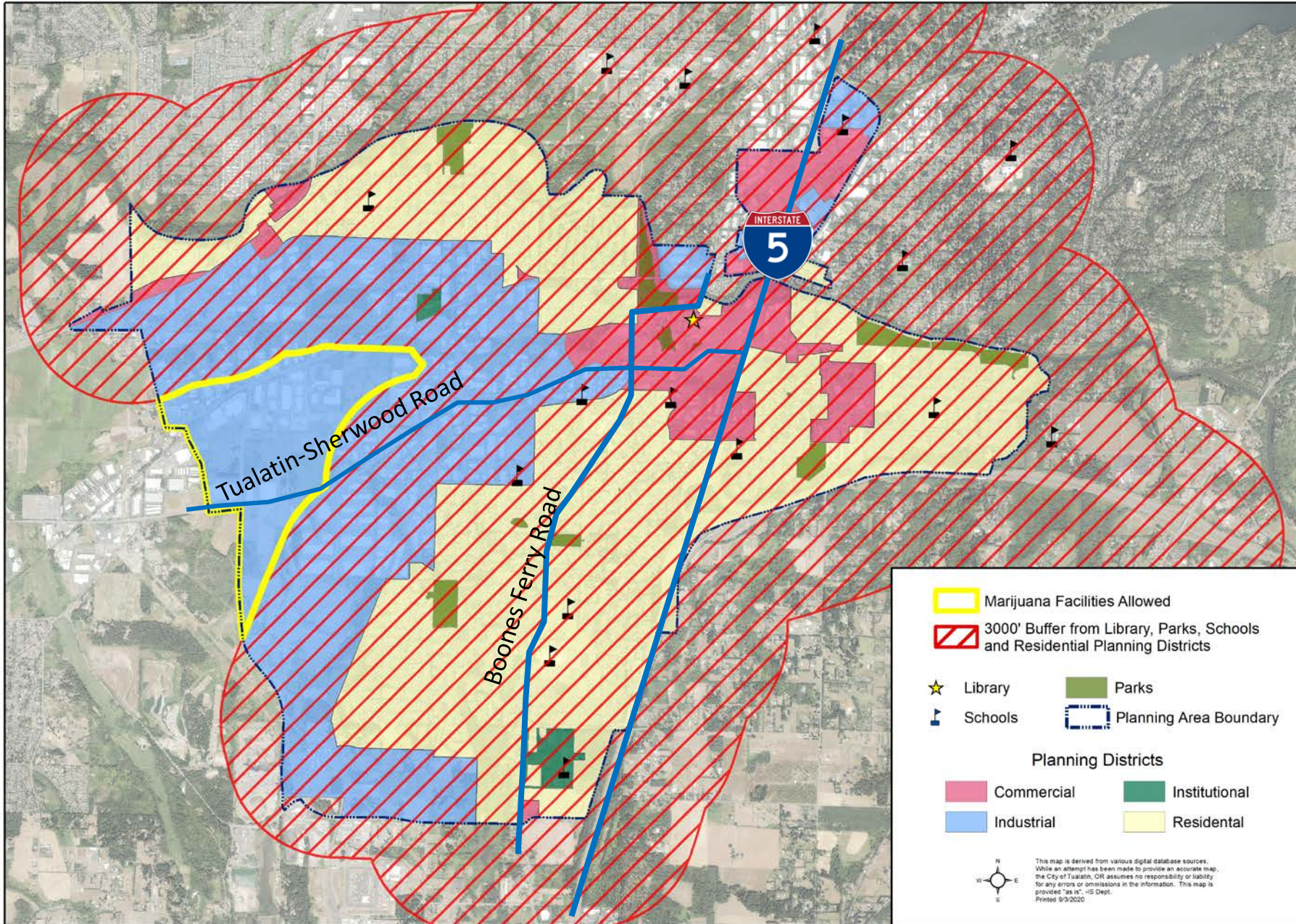
Institutional

- IN Institutional

- Planning Area Boundary
 - City of Tualatin
 - Mobile Home Parks
 - Planning Districts
 - In Planning Area/Outside of City

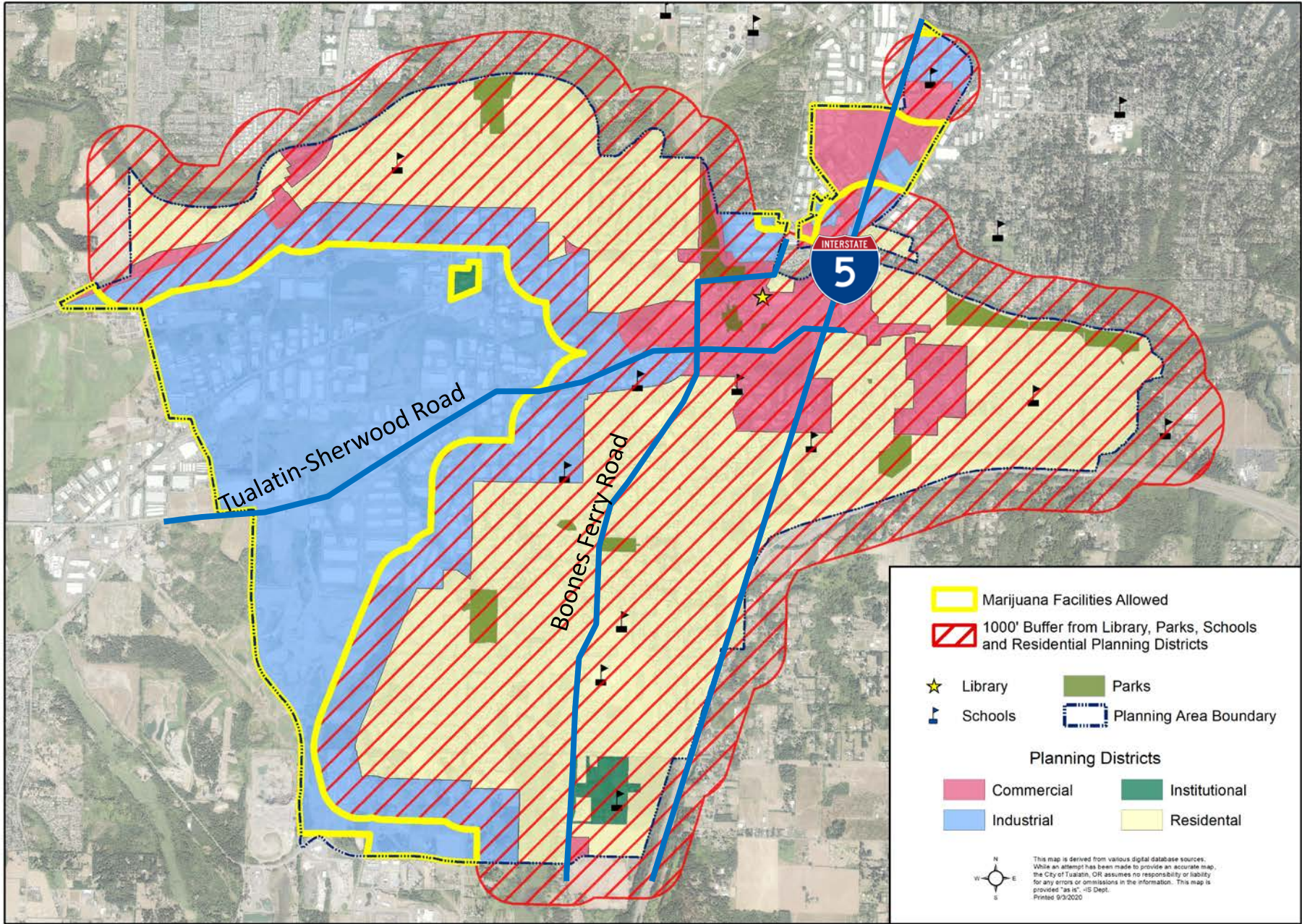
Effective: July 22, 2020





Current regulations:

- **3,000 foot buffer** from library, parks, schools, and residential zones
- **Allowed in zones** Light Manufacturing, General Manufacturing, and Manufacturing Business Park
- **Must be 2,000 feet** from any other marijuana business



Proposed Changes:

- **1,000 foot buffer** from library, schools, parks and residential zones
- Allowed in **all industrial zones and retail stores in commercial zones** except Central Commercial
- **Must have 1,000 feet of separation** between marijuana businesses

Questions we've heard from you...



For the full list of questions and answers visit the webpage at
<https://tinyurl.com/yxuerp53>

(Full Url: <https://www.tualatinoregon.gov/communitydevelopment/proposed-changes-marijuana-regulations-tualatin>)

Contact us...



Send questions and comments to

Erin Engman, Associate Planner

eengman@tualatin.gov

503-691-3024

Next steps



- September 28, 5pm City Council Work session:
 - Present public comments to City Council
- October 15, 6:30pm Planning Commission meeting
 - Planning Commission meeting to consider code changes and make a recommendation to City Council
- November 9, 7pm City Council Business meeting
 - City Council public hearing to consider and adopt proposed changes

Thank you!



MARIJUANA REGULATIONS CONVERSATION
Comments Received

SEPTEMBER 11, 2020

I don't know if there will be a public comment period or if this hearing is it. On proposals that are being considered, but I did want to reach out and just express my support for the historic ordinances that have existed, as well as significant concern over potential changes. I could understand being more liberal with regard to industrial zones, but continuing the restrictions around schools and other institutions seems very prudent. I recognize there are likely significant tax implications of maintaining the existing ordinances, however it has been point of pride for me that Tualatin doesn't look like all the towns on the coast. We are a family-centered community and maintaining existing ordinances is critical to sustaining that identity.

Thank you for the consideration,
Melissa Evers-Hood

SEPTEMBER 15, 2020

Please consider this a public comment/question ahead of tomorrow's city public meeting on this.

I don't find myself persuaded on the argument I have heard from some of the city councilors around this being a revenue booster for the city. I do not think this would be good for the city. Making it easier for people to access a federally controlled substance is not in the best interest of the community.

I would really encourage the city council to review studies by researchers from University of Denver (as published in Justice Quarterly) which found neighborhoods with one or more medical or recreational dispensaries saw increased crime rates that were between 26 and 1,452 percent higher than in neighborhoods without any commercial marijuana activity. In the same way Jiggles for years brought in revenue to the city, it was a stain on the city's reputation and not for the betterment of the community.

Given this research, how do you defend to families in the community these kinds of risky proposed changes?

Anthony Warren
Tualatin resident, father and Tualatin Parks Advisory Committee Member

My comments/plea:

Please do not reduce the distance. It is already terrible having to smell this disgusting drug in our parks and other public spaces as it is.

If people want to do this in their own home, fine, but I and the rest of the general public should not be subject to this.

Do not forfeit public health in public spaces for money from a pot shop.

Thank you,
Niklas Warren
Resident of Tualatin

SEPTEMBER 16, 2020

I want to voice that I am STRONGLY against changing the distance regulations. If these stores must be in Tualatin there are plenty of places they can be that are not close to places I go with my children.

Holly Cuperus

Please do pass this along as well -- just because you can (in accordance with state law) does not mean you should.

Local governments have the power to implement zoning controls as is beneficial to the community, and Tualatin does not need the pot business. Please do not sacrifice the well being of the community at the altar of profit.

Niklas Warren

I was not able to give feedback at the meeting today, but I'd like to voice concern about the change in regulations.

I feel that reducing the buffer from schools and distance between dispensaries to 1000 feet is not in the best interest of the city and it's residents.

1000 feet is only a few blocks. If the regulation is changed, a dispensary could be located just a few blocks from Hazelbrook Middle School.

The businesses in the NW commercial zone are, in general, not retail stores. While the General Manufacturing Planning District does allow for marijuana facilities, reducing the buffer as well as distance between facilities to 1000 feet will increase the number of retail store fronts. We've already seen areas of Portland that have a glut of dispensaries, where they seem more common than coffee shops. The increase in retail store fronts will change the business profile of an area that is mainly intended for General Manufacturing.

I would caution against changing the regulations. Once they are changed it's difficult to go back. If the city feels that the regulations need to be loosened. I would suggest a distance of 2000 feet and updating the planning zones. If you were to remove the allowance for marijuana facilities from the general manufacturing zone and create a new manufacturing zone that also allowed marijuana facilities, you could have finer control over their placement and density.

Brian Maguire

WEBINAR

In my humble opinion, Oregon has more than enough pot shops. You can throw a stone without hitting one anywhere else in the metro area. Tualatin doesn't need one.

Anonymous

October 14, 2020

SEPTEMBER 18, 2020

I read an article about the proposed changes and watched the replay of the zoom meeting from last night. I'd like to share my humble opinion to add to your collection of comments.

As a wife and mother of two young children, a homeowner, and a former CIO president and treasurer, I care deeply about my community. Something that I love about Tualatin is that I can envision my children riding their bikes to stores, the library, and friends' houses as they get older like I was able to do as a child. The city feels clean, safe, and friendly. In a lot of ways, I feel like it is one of the last sweet suburbs of Portland. Since marijuana was legalized, I've seen so many cities and towns throughout Oregon become loaded with marijuana shops and I feel that a grungy, uncomfortable vibe has come with it. I am fearful that if it becomes easier for marijuana shops to open in Tualatin, we will lose our charm and I won't feel as comfortable letting my children enjoy the wonderful accessibility of our town.

Thank you so much for listening,
Jamie Gowins

SEPTEMBER 28, 2020

I am writing to express my views regarding the lessening of the current marijuana buffer zones. I am 100% against lessening the buffer zones.

I challenge each of you to study the physical and mental effects of marijuana use, especially longterm use. I do not want to live in a community where more people are running around high or getting behind the wheel of a motor vehicle endangering other peoples lives. I think the more dispensaries there are, the more we encourage people to use it.

It is also a proven fact that marijuana use in on the rise in children as young as middle school and many middle school students and high school students admit to using it daily.

It is my opinion, and everyone I have talked to, that enlarging the area where dispensaries are allowed will diminish the quality of life in our community. I have not talked to one person who is for the idea of lessening the buffer zone.

The current zone should remain as is. It is not that far for anyone in the entire city of Tualatin to drive to the current zone. In my opinion, lessening the zone and allowing more dispensaries will encourage marijuana use. Let's keep our community safe and livable.

Sincerely,
Pam

OCTOBER 12, 2020

I am reaching out about the Cannabis issue coming up. I am opposed to reducing the distance that cannabis dispensaries have to be from schools. I am not opposed to legal marijuana, but there is no shortage of dispensaries close by, for example in Tigard or Portland. Tualatin is a small city and allowing a dispensary in our small downtown would detract from its charm and atmosphere. Our downtown atmosphere has come a long way, in no small part due to efforts by good planners and public officials in Tualatin. This would be a step backwards. Thanks!

Will and Jessica Lancaster

OCTOBER 12, 2020

I have lived in Tualatin with my family for 12 years. We have owned two homes in Tualatin, and all 3 of my children attend Tualatin schools.

I understand that the City Council has made a recommendation to the planning commission that zoning ordinances be changed to allow marijuana dispensaries within 1000 feet of schools and residential zones.

I'm writing to let you know that I oppose any change that eases restrictions on Marijuana businesses or facilitates access to Marijuana. I am particularly opposed to allowing dispensaries any closer to residential zones and schools since exposure breeds familiarity and normalization, and it's already difficult enough to keep marijuana away from children without them feeling like it's a normal part of every-day-life.

I don't know why the city council would recommend this change to the planning commission. I plan to try to find out which council members think this is a good idea and vote against them in the next election. I do not think such a change matches the vision that most residents have for the city.

Thanks for your consideration.

Aaron Beddes
22765 SW Eno Place

I am reaching out to express my concerns about the potential change in the zoning laws regarding cannabis in Tualatin. I have been a resident of Tualatin for the last two years and I have fallen in love with this community. I love living and working in this area and my husband and I are hoping to stay here for a long time.

It is hard to try and find the words to explain the disappointment I have that Tualatin would even consider this. There is no need to change the zoning laws when the laws in place are perfectly acceptable for the community. I would think that Tualatin would care about the negative image they would set if they change these laws. What logical reason is there to have the stores closer to neighborhoods and schools? (People don't need to stop off at the dispenser before walking down the street to pick up their kids from school.) There is a limit on how much people can buy at a time on any given day so why does the facility need to be bigger? (It isn't like they can stock up cannabis like we do on Snickers and Butterfingers at Halloween.)

I know substantial tax money can come from sales, but that is not good enough. We need to make sure that these changes in zoning law are beneficial to more than just one specific type of retailer and that it doesn't send the wrong message to others looking at our great community. We don't want to be labeled as the Toilet Town community who cares more about satisfying the whims of a niche retailer who isn't satisfied with the perfectly acceptable status quo. We are a community who is happy with the way things are. (I'll be brutally honest: I moved here from out of state and the first question I always get when I say I live in Oregon is if the marijuana use is out of control and if I get high driving with my windows down. This change in the zoning law would prove them right about marijuana being what Oregon cares about. Don't make them right. Oregon is awesome, and it isn't because of legalized cannabis.)

Please, take into account those of us who live here. We like it. It doesn't need to change on the whims of a retailer who can sell their product with the way things are. This change would not be in our community's best interest.

Thank you,
Emily Younker

October 14, 2020

OCTOBER 14, 2020

I learned of the proposed changes to the City of Tualatin's code on location a Marijuana business in the City of Tualatin. I have reviewed the presentation and supporting documents that were available on the City's web site. A question I have is, what criteria was used to establish the original requirements for placing a marijuana business in the City of Tualatin? Has this criteria been reviewed and found to be out of date, in accurate or completely stopped these businesses from coming into the community? It appears from the maps provided, this request to reduce the minimum distances is to get a marijuana business in the "Bridgeport" area.

Is it possible to get the original background and criteria for establishing these minimum distances, so the public, Planning Commission and City Council can see and understand why these restrictions were placed in the first place.

If this documentation is available, please email back to me.

For the record I am apposed to making these changes.

Thank you,
Dean Pickett
Tualatin Resident

FACEBOOK



Rob Spalding You'll be lowering my taxes when you bring in taxes from this right? No? Damn

Ban Rob Spalding · Unhide · Message · 1w



E.S. Lamb Tualatin does not need weed shops. Keep them regulated as they are or get them out completely. Want weed? Go to Tigard. They have plenty.

Like · Reply · Message · 1w




E.S. Lamb Keep weed out of Tualatin. More homeless scumbags are already moving in here. We don't need further incentive to attract any more of them.

Like · Reply · Message · 5d




Kristine Fagler houseless people are not who is using recreational marijuana. Maybe stop complaining on every single post and do some research

Like · Reply · Message · 5d   3




E.S. Lamb Kristine Fagler Do you work downtown among the homeless as I have? How's that for research? The streets of Portland are littered with the trash of the homeless, including empty marijuana vials (and needles) issued from any number of dispensaries. To deny the connection between the homeless and drug use and this obvious reality is absolutely absurd.

Like · Reply · Message · 5d · Edited  1



Kristine Fagler E.S. Lamb houseless people with drug addiction issue and mental health problems is a separate conversation. This is about Tualatin reviewing regulations on recreational marijuana.

Like · Reply · Message · 5d  1



E.S. Lamb Kristine Fagler You're absolutely clueless if you cannot admit the link that obviously exists between the two, vagrants and drugs. "Houseless?" Is that the new kinder and gentler term, some sort of further semantic gymnastics, issued to you by headquarters? What a joke.

Like · Reply · Message · 4d



Kristine Fagler E.S. Lamb reading comprehension is a learned skill. I recommend you take classes.

Like · Reply · Message · 4d  1



E.S. Lamb Kristine Fagler Oh, the irony. You couldn't even read and comprehend the prior posts in this thread.



Sara Evans It would be nice to have a dispensary here.

Like · Reply · Message · 6d   4

^ Hide 11 Replies



E.S. Lamb Sara Evans Go to Tigard. They have plenty.

Like · Reply · Message · 5d




Sara Evans E.S. Lamb I don't wanna

Like · Reply · Message · 5d



Sara Evans E.S. Lamb besides, what's wrong with a dispensary here in town?

Like · Reply · Message · 5d  1



E.S. Lamb Sara Evans Too lazy? Typical dope smoker.

Like · Reply · Message · 5d



Sara Evans Hahaha.... far from it

Like · Reply · Message · 5d  2



Alicia Eginton Hoyle Sara Evans this isn't about having a dispensary in Tualatin. They are currently allowed. It's about changing the zoning to allow them within 1,000 feet of schools, parks, playgrounds and libraries.

Like · Reply · Message · 5d

FACEBOOK



Sara Evans Alicia Eginton Hoyle gotcha

Like · Reply · Message · 5d



Jonathan Crane Alicia Eginton Hoyle Not within 1000 feet, at least a thousand feet, which is consistent with the State law and how most other municipalities are doing it. For all intents and purposes, we have a ban.

Like · Reply · Message · 5d



Alicia Eginton Hoyle Jonathan Crane what are Lake Oswego, Wilsonville and West Linn doing? It's my understanding that they are not allowing it at all. Was this an issue before Western Dispensaries hired an attorney to get the city to change the zoning so they could put a store at a freeway exit in Tualatin. A pot shop on one side and an In n Out on the other. If the zoning changes, that could very well become the image of Tualatin.

Like · Reply · Message · 5d



Jonathan Crane Alicia Eginton Hoyle I just think the city has bigger fish to fry. Pot is legal, can't stop it. People (yes, even Tualatin residents) are going to buy it, whether it's a few blocks away in Tigard or King City or not, so perhaps might be best to accept... See More

Like · Reply · Message · 4d



Jonathan Crane Alicia Eginton Hoyle I just think the city has bigger fish to fry. Pot is legal, can't stop it. People (yes, even Tualatin residents) are going to buy it, whether it's a few blocks away in Tigard or King City or not, so perhaps might be best to accept this reality and enjoy the sizable tax proceeds and prospering local businesses like most of our neighboring cities do. We allow alcohol, cigarettes, gambling, which all have far greater addictive powers than THC. I think it's time for society to move on, Including Tualatin.

Like · Reply · Message · 4d



Doug McClure If it brings in tax money for the city do it. I don't care for the leaf myself but it's legal in the state, so why not?

Like · Reply · Message · 4d



Reply as City of Tualatin



Jonathan Crane Why not? We have a liquor store. What's the difference?

Like · Reply · Message · 5d



Niklas Warren These proposed changes are terrible. I am so sick of smelling this garbage in public, and now we want to bring MORE of this into our community? NO THANK YOU.

Like · Reply · Message · 1d



Sarah Hall Drive 10 minutes to another city and get it. I feel like there are more pot shops than Starbucks in the area now. Stay out of Tualatin.

Like · Reply · Message · 21h



David Dunn Ban the sales of an illegal product.

Like · Reply · Message · 1d



Ethan Lamb Get rid of dope in Tualatin. We have enough homeless now as it is without supplying them weed.

Like · Reply · Message · 1d

TWITTER



tweem @NTFT8T · Sep 11
Finally



marinemajor 🤘 @marinemajor · Sep 6
Shut them down.

INSTAGRAM



jayperez23 Glad to hear there's more discussion on this topic taking place. More love and more money into the community ❤️

1w Reply



irishpdx I really hope that we do not change our regulations.

1w Reply

NEXT DOOR



Kathy M. • Riverpark CIO1
Maybe we could also talk about food carts for Tualatin
3 Sep

❤️ 😊 3



Barbara M. • CIO2 - East Tualatin
Restaurants are all struggling... food carts may hurt their business???

3 Sep

❤️ 1



Kathy M. • Riverpark CIO1
I heard that 2 years ago before Covid was around. Would be nice to see Tualatin come to the 21st century
3 Sep

❤️ 3



Toni & Len C. • Riverpark CIO1
Good info from City councilors Paul Morrison and Nancy Grimes in a recent Tualatin Life. They don't agree with the location zone changes.
5 Sep

❤️ 1



James F. • Ibach CIO
They don't even represent a majority on the council. Marijuana is legal in Oregon and yet Tualatin, by pushing dispensaries, etc. to the fringes of the city, is disingenuous in accepting state tax dollars from their sales. Alcohol, tobacco and other vaping products are allowed to operate all over Tualatin and in the downtown core. Why is marijuana being subjected to a different standard? I'm a disabled veteran with a medical marijuana card that has to travel out of town to obtain this product and I have a vehicle to do so. There are others like me who don't have this ability.

6 Sep

❤️ 4



Joey B. • Riverpark CIO1
James Folk I agree with you.
9 Sep

▼

MARIJUANA REGULATIONS CONVERSATION
Questions and Answers

ANTHONY WARREN

Studies by researchers from University of Denver (as published in Justice Quarterly) found neighborhoods with one or more medical or recreational dispensaries saw increased crime rates that were between 26 and 1,452 percent higher than in neighborhoods without any commercial marijuana activity. Given this research, how do you defend to families in the community these kinds of risky proposed changes?

Response: Marijuana businesses are not allowed in neighborhoods by State law. The changes being considered, would allow marijuana retailers in commercial areas, subject being sited at least 1,000 feet away from residential neighborhoods, in addition to schools, parks, and libraries.

NIKLAS WARREN

Knowing state law makes personal marijuana use legal on one's own private property/home, and not out in public, what practical purpose does reducing minimum distance in public serve?

Response: The Tualatin City Council has directed staff to solicit public feedback on the proposed reduction of the existing 3,000 buffers from schools, libraries, parks to 1,000 feet.

WILLIAM DI GIALLORENZO

How can I open a marijuana store in Tualatin?

Response: Marijuana businesses in Oregon are primarily regulated by the Oregon Liquor Licensing Commission. Businesses seeking a license to do business in Tualatin are required to obtain approval for their location and comply with Tualatin's locally adopted regulations (Chapter 80 of the Development Code). All businesses operating in Tualatin must also obtain a business license.

KATHLEEN SILLOWAY

My question has to do with the reduction in distance from marijuana dispensaries to places like schools and parks--as well as between each other. Is this to get more in line with state guidelines? If not, why the proposed reduction?

Response: The proposed changes include a change to reduce the maximum distance between marijuana businesses from 2,000 feet to 1,000, to comply with state law. State guidelines require marijuana businesses to be 1,000 feet from schools and outside of residential areas. Tualatin's other existing marijuana regulations and proposed changes are locally adopted.

Also, why the limitation on the central commercial district? We have a vaping store and bars there; how is this different? It seems somewhat hypocritical to me, truth be told.

Response: The proposed changes would allow marijuana retailers in commercial areas but would require them to be at least 1,000 feet from parks, schools, the library, and residential areas. In certain commercial locations, including those adjacent to the Tualatin Library and Tualatin Commons park, this 1,000 foot "buffer" would effectively prohibit marijuana retailers.

Thank you. I am hoping to be able to be on the Zoom call. Will it be recorded and accessible later for those who can't?

Response: Yes. Please visit: <https://www.tualatinoregon.gov/communitydevelopment/information-session-proposed-changes-marijuana-regulations>

SUSAN HANSON

Can you tell us the process for making changes? Will the council make the decision, or will there be a vote?

Response: *If approved, the proposed changes would be made by Ordinance adopted by the City Council, and would not be put out to a public vote. A public hearing on the proposed changes is currently scheduled for November 9, 2020.*

Are there other cities in Oregon with restrictions that exceed the minimum state restrictions specifically regarding 1000 feet from schools? And is the 1000 feet distance from schools the state restriction?

Response: *State law requires marijuana businesses to be at least 1,000 feet from schools. The City has not conducted a comparative analysis of other municipal marijuana facility regulations.*

Will you be able to provide us with a map showing where marijuana businesses can be located given the proposed changes?

Response: Yes. Please visit: <https://www.tualatinoregon.gov/communitydevelopment/information-session-proposed-changes-marijuana-regulations>

I believe there is only one liquor store in the city of Tualatin, will there be a limited number of marijuana businesses allowed in the city of Tualatin?

Response: *There is no existing or proposed limit strictly based on the number of marijuana businesses located in Tualatin.*

RIVERPARK CIO

Do you have dispensaries showing interest in opening here?

Response: *Since the adoption of regulations in 2015, several prospective facility operators have contacted the Planning Division to inquire about Tualatin's location requirements and regulations.*

PAT BUDOR

Is there a minimum distance from a residential zone? Commercial zones are right next to residential zones, so if it's right on the border it will in effect be in a residential one.

Response: *State law prohibits marijuana facilities in residential zones. The changes being considered would require marijuana facilities to be located at least 1,000 feet from a residential zone.*

ANTHONY WARREN

I am curious when will we have the opportunity to engage city councilors on this directly? I have already emailed them in the past on this topic but am hoping for more direct community QA from officials.

Response: *You may contact City Councilors on this topic at any time. However, all comments and questions received through this outreach process will be shared with the entire City Council. The City Council will consider the proposed changes at a public hearing currently scheduled for November 9, 2020, at which you may also provide written and/or verbal testimony.*

Also why is the city eager to change these rules? The attempt at possible revenue increase does not seem in line with community values and the work done in years.

Response: *The Tualatin City Council has directed staff to solicit public feedback on the proposed changes.*

ANONYMOUS

Will the many emails and public testimony against changing regulation the council received earlier this year be included in the record?

Response: *To ensure any emails and testimony are included in the public record for the recently proposed changes, please email to engman@tualatin.gov.*

CHAPTER 80 - MARIJUANA CANNABIS FACILITIES

TDC 80.010. - Purpose.

The purpose of this chapter is to:

- (1) Protect the general health, safety, property, and welfare of the public;
- (2) Balance the right of individuals to produce and access Marijuana Cannabis and Marijuana Cannabis derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of Marijuana Cannabis and derivatives;
- (3) Prevent or reduce criminal activity that may result in harm to persons or property;
- (4) Prevent or reduce diversion of state-licensed Marijuana Cannabis and Marijuana Cannabis derivatives to minors; and
- (5) Minimize impacts to the City's public safety services by reducing calls for service.

(Ord No. 1379-15, 03-23-15)

TDC 80.020. - Definitions.

The words and phrases have the following meanings:

Edible Marijuana Cannabis means edible product that contains Marijuana Cannabis.

Homegrown Marijuana Cannabis means Marijuana Cannabis grown or made by a person 21 years of age or older for noncommercial purposes.

Marijuana Cannabis means all parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational Marijuana Cannabis as defined by Oregon law.

Marijuana Cannabis extract means a product obtained by separating resins from the Marijuana Cannabis plant by solvent extraction.

Marijuana Cannabis facility means a commercial or public use or structure where Marijuana Cannabis is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

(Ord No. 1379-15, 03-23-15; Ord 1414-18, 12-10-18)

TDC 80.030. - Relationship to Other Standards.

(1) The provisions of this Chapter apply to all ~~Marijuana~~ Cannabis facilities requiring a state license or registration.

(2) The regulations in this Chapter are in addition to other development code standards, including all base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Tualatin Development Code.

(3) To the extent there is a conflict between other provisions in the Tualatin Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

(Ord No. 1379-15, 03-23-15)

TDC 80.050. - Planning Districts Where ~~Marijuana~~ Cannabis Facilities Permitted.

(1) All types of Cannabis facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) ~~(1)~~ Light Manufacturing (ML);
- (b) ~~(2)~~ General Manufacturing (MG); and
- (c) ~~(3)~~ Manufacturing Business Park (MBP)

(2) In addition to subsection (1), retail sales and medical dispensary Cannabis facilities are permitted in the following planning, districts and subject to the other provisions of this Chapter:

- (a) Office Commercial (CO);
- (b) Recreation Commercial (CR);
- (c) General Commercial (CG);
- (d) Mid Rise/Office Commercial (CO/MR);
- (e) Medical Center (MC); and
- (f) Mixed Use Commercial (MUC).

(Ord No. 1379-15, 03-23-15)

TDC 80.060. - Standards for ~~Marijuana~~ Cannabis Facilities.

(1) All ~~Marijuana~~ Cannabis facilities must comply with all applicable State requirements.

(2) A ~~Marijuana~~ Cannabis facility cannot be located within ~~3,000~~ 1,000 feet, measured from the closest property line, from any:

(a) Residential Planning District ~~or residential uses~~;

(b) City Park listed below:

(i) Atfalati Park

(ii) Brown's Ferry Park

(iii) Ibach Park

(iv) Jurgens Park

(v) Lafky Park

(vi) Little Woodrose Nature Park

(vii) Saarinen Wayside Park

(viii) Stoneridge Park

(ix) Sweek Pond Natural Area Park

(x) Tualatin Commons

(xi) Tualatin Commons Park

(xii) Tualatin Community Park

(c) School; and

(d) Library.

(3) A ~~Marijuana~~ Cannabis facility cannot be located within ~~2,000~~ 1,000 feet, measured from the closest property line, of any other ~~Marijuana~~ Cannabis facility.

~~(4) A Marijuana facility cannot exceed 3,000 square feet in size.~~

~~(5)~~ (4) A ~~Marijuana~~ Cannabis facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-permanent structure.

~~(6)~~ (5) A ~~Marijuana~~ Cannabis facility that is a retail sales or medical dispensary ~~Marijuana~~ Cannabis facility is prohibited from co-locating with any other ~~Marijuana~~ Cannabis facility.

~~(7)~~ (6) Drive-through Marijuana Cannabis facilities are prohibited.

(Ord No. 1379-15, 03-23-15)

TDC 80.070. - Marijuana Cannabis Facility Operating Restrictions.

(1) Retail sales and medical dispensary Marijuana Cannabis facilities are restricted to the following operating hours:

(a) The hours of operation that a retail sales Marijuana Cannabis facility may be open to the public is between 10:00 a.m. and 8:00 p.m. of the same day.

(b) The hours of operation that a medical dispensary Marijuana Cannabis facility may be open to registry identification cardholders is between 10:00 a.m. and 8:00 p.m. of the same day.

(2) All Marijuana Cannabis facilities must comply with the following operating restrictions:

(a) Comply with the restrictions on edible Marijuana Cannabis as provided in TDC 80.100;

(b) All Marijuana Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;

(c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and

(d) Outdoor storage of merchandise, plants, or other materials is prohibited.

(Ord No. 1379-15, 03-23-15)

TDC 80.100. - Edible Marijuana Cannabis.

Marijuana Cannabis facilities that produce, process, wholesale, distribute, transfer, or sell edible Marijuana Cannabis must comply with the following provisions:

(1) All edible Marijuana Cannabis must be individually wrapped at the original point of preparation.

(2) Labeling must be distinctly and clearly legible on the front of the package and must include:

(a) A warning that the contents contain Marijuana Cannabis;

(b) A statement that the contents are not a food product; and

(c) A statement emphasizing that the product is to be kept away from children.

- (3) Packaging of edibles must be in child-resistant packaging.
- (4) Packaging that makes the product attractive to children or imitates candy is prohibited.
- (5) Retail sale of edible ~~Marijuana~~ Cannabis products must be behind a commercial counter or in an enclosed display case.

(Ord No. 1379-15, 03-23-15)

TDC 80.200. - Butane Extraction.

The production of ~~Marijuana~~ Cannabis extracts through the use of butane is prohibited.

(Ord No. 1379-15, 03-23-15)

TDC 80.300. - Homegrown ~~Marijuana~~ Cannabis.

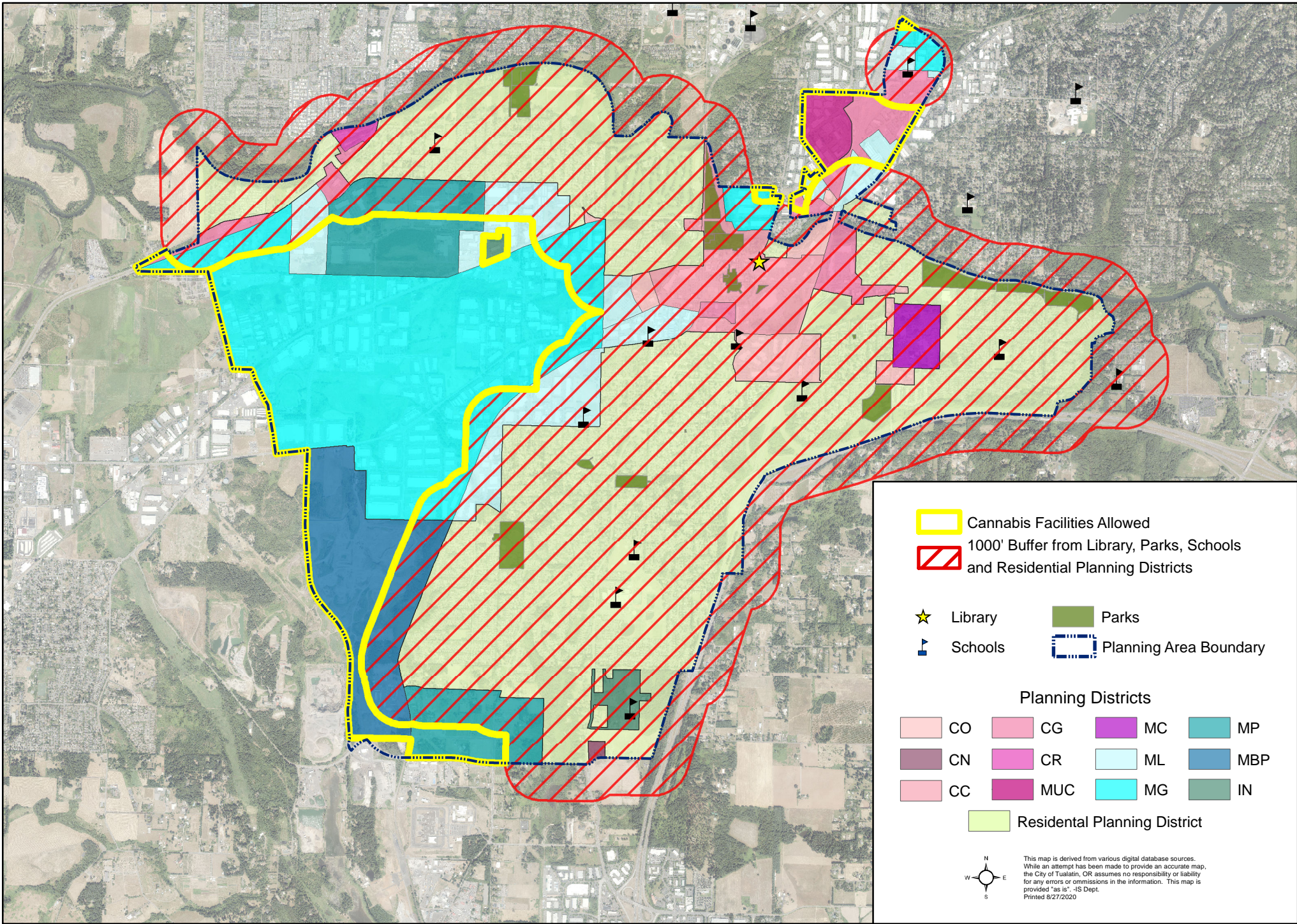
- (1) Persons growing homegrown ~~Marijuana~~ Cannabis must comply with all applicable state law requirements.
- (2) Homegrown ~~Marijuana~~ Cannabis cannot be grown in the front yard of any property in a residential planning district and must comply with the following:
 - (a) Be fully screened from view on all sides; and
 - (b) Be located at least ten feet away from all property lines and 25 feet away from all adjacent residences on neighboring properties.
- (3) No person may produce, process, keep, or store homemade ~~Marijuana~~ Cannabis extracts.

(Ord No. 1379-15, 03-23-15)

TDC 80.400. - Violations.

- (1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000.00. Each violation, and each day that a violation continues, is a separate civil infraction.
- (2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.

(Ord No. 1379-15, 03-23-15)



Legend

- Cannabis Facilities Allowed
- 1000' Buffer from Library, Parks, Schools and Residential Planning Districts
- Library
- Schools
- Parks
- Planning Area Boundary

Planning Districts

CO	CG	MC	MP
CN	CR	ML	MBP
CC	MUC	MG	IN

Residential Planning District

N
W E
S

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept. Printed 9/27/2020



City of Tualatin

www.tualatinoregon.gov

OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF February 19, 2015

TPC MEMBERS PRESENT:

Alan Aplin
Bill Beers
Adam Butts
Jeff DeHaan
Cameron Grile
Jan Guinta

STAFF PRESENT:

Aquilla Hurd-Ravich
Cindy Hahn

TPC MEMBER(S) ABSENT:

GUESTS: Cathy Holland, Linda Moholt, Jonathan Crane

1. CALL TO ORDER AND ROLL CALL

Alan Aplin, Chair, called the meeting to order at 6:31 pm; roll call was taken.

2. APPROVAL OF MINUTES

Mr. Aplin asked for review and approval of the January 15, 2015 TPC minutes.

MOTION by Mr. Griles, SECONDED by Mr. Beers to approve the January 15, 2015 TPC meeting minutes as written. MOTION PASSED (5-1 with Beers dissenting).

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)

None.

4. ACTION ITEMS

A. 2014 Annual Report of the Tualatin Planning Commission

Aquilla Hurd-Ravich, Planning Manager, stated that the Report is required yearly, per the Tualatin Municipal Code (TMC). It refers to activities of the Planning Commission regarding land use actions. 2014 was the first year for TPC to make decisions on quasi-judicial matters. Items that came before TPC for review included: two quasi-judicial (height of a cell tower and a sign variance), implementing Linking Tualatin, and a Plan Map amendment that changed two properties to High Density Residential. These items involved varying levels of public involvement.

The Annual Report also talks about Urban Renewal Blocks 28 & 29 and the

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

announcement of a City Task Force on Aging. Ms. Hurd-Ravich noted that the report also includes topics of discussion that came before TPC, which included: Basalt Creek, Southwest Corridor, Metro, TriMet, and the Capital Improvement Plan (this may become an annual agenda item for TPC).

Ms. Hurd-Ravich said the action for TPC tonight is to make a recommendation on the Annual Report; then Mr. Aplin will be requested to present the report to Council.

Mr. Aplin asked the Commissioners if they thought anything else needed to be included in the report. Commissioner Guinta said she had spoken with Ms. Hurd-Ravich and thought maybe if Mr. Aplin could mention some of the Commission's activities during 2014, in addition to other committees; use it as sort of an opportunity to "brag" before Council.

MOTION by Mr. Grile; SECONDED by Mr. DeHaan, to recommend acceptance of the Annual Report and present it to Council. MOTION PASSED (6-0).

B. Consideration to Amend the Tualatin Development Code (TDC) Chapters 31, 60, 61, 64, and a new Chapter 80 to Establish Reasonable Time, Place, and Manner Regulations for Marijuana Facilities. Plan Text Amendment 15-01 is a legislative matter.

Cindy Hahn, Associate Planner, presented the staff report for TPC's consideration of a Plan Text Amendment. Ms. Hahn's presentation included a PowerPoint presentation. She gave a brief background, noting that 1) Council provided direction to staff at the January 26, 2015 Work Session, 2) Staff sent DLCD notice of the proposed code changes January 30, 2015; and 3) TPC recommendation will go to Council on February 23, 2015.

Ms. Hahn stated that the proposed PTA will make changes to several TDC chapters, including proposed new language in Chapter 31 to include definitions for: marijuana, marijuana-edible, marijuana extract, marijuana facilities, marijuana-homegrown. Adding marijuana facilities as a permitted use in ML, MG, and MBP (Chapter 60, Chapter 61, and Chapter 64). The new Chapter 80 Marijuana Facility Regulations will address marijuana facilities, edible marijuana, butane extraction, and homegrown marijuana.

Ms. Hahn then reviewed the draft code - Development standards, which include language regarding hours of operation, location, outdoor storage, odors, where facilities would be allowed, buffers, co-location restrictions, and size of facilities. Also included are standards regarding edible marijuana, butane extraction prohibition, and homegrown marijuana standards.

Ms. Hahn noted a correction to the title on the map depicting the buffer distances from residential and schools; it should read: Potential Marijuana Facilities Zoning (not Potential Medical Marijuana Zoning).

The next steps are: February – draft code language, March – public hearing and ordinance adoption, and May – ordinance to take effect. Tonight the hope is to get a recommendation from TPC to take to the February 23 Council meeting.

Audience Comments

Cathy Holland, resident of Tualatin and volunteer with the Commercial CIO. This is not a position of the Commercial CIO. We do contact businesses in the Tualatin area and ask for feedback. Two current businesses do business with marijuana entities. She said they wanted amendments made. Ms. Hurd-Ravich noted that staff needs a recommendation from TPC tonight to move forward, but can take amendment information. In their view, this proposed TDC amendment will result in a ban.

She said the yellow area consists of: wetlands, buildings that have FDIC financing (FDIC won't loan if space to be used by marijuana facilities), owner/occupied buildings, and vacant buildings (which are large square footage). Owners of the large buildings aren't going to rent to tenants that only need small square footage. In their opinion, the City's proposed language is too prohibitive.

Ms. Holland went on to question what this means – it means it is a ban. If it is a ban, anyone with standing can go to LUBA. She said they suggest that the City revisit the 3000-ft setbacks. If the City makes it difficult to buy marijuana, then people will grow at home and businesses that sell grow lights, fertilizer, etc. will benefit.

They suggested a 1,000 ft buffer from residential. Also, lower the 3,000 feet between facilities to 1,000 feet between. Typically you can't rent from the large national property management companies because they are seeking firms that desire that large square footage. Locally owned buildings would most likely be a better possibility for space rental. You could have the buffer 1,000 feet from parks, 1,000 feet between dispensaries, and 1,000 feet from residential. This would still keep them within industrial, but provide more opportunity to find locations where they can rent.

Ms. Holland said they went through the code and gave her suggested amendments. Besides the restriction on closest property, they have an issue with hours of operation. Dispensaries and grow operations have been combined. Grow operations (legal in Oregon) can operate 24 hrs a day/7 days a week. They cannot be subject to this language or it would be a ban. Grow operations are not open to the public.

Mr. DeHaan asked who "they" were. Ms. Holland clarified that "they" are two business people who are currently working with marijuana businesses (a commercial real estate broker and an attorney). They each have clients that are involved in the

marijuana business. These two people are in the Tualatin Commercial CIO. They put her in touch with a Medford person currently in the marijuana business.

Ms. Guinta asked how they felt about the 3,000 square foot space size limit, as she imagined that grow operations would typically be much larger than that. Ms. Holland said that the attorney said he had two clients that have 10,000 square foot operations. It was noted that Oregon Health Authority (OHA) doesn't tie licensing to facility square footage; it is tied to patient numbers. Ms. Guinta asked if growers need more than 3,000 square ft; Ms. Holland noted that the 10,000 square ft facility she just referred to was actually shared by four growers.

Ms. Holland said the attorney she spoke with had brought up the issue of equal protection under the 14th Amendment. He said that because the City of Tualatin doesn't treat liquor stores the same as marijuana facilities, there could be cause for action against the City. Also, the area the City is proposing for use doesn't have bus service and many users need bus service; that could also be considered in an action against the City.

Linda Moholt, President, Tualatin Chamber of Commerce, said the Chamber is just monitoring the situation at this point, they haven't yet taken a position. Several people questioned putting retail space in industrial space. Does that fit in the overlay district? What about the new area on SW 112th (Hedges Development) - can sandwich or coffee shops locate there; would retail dispensaries fit in that area?

Ms. Moholt asked if liquor stores are considered retail; Ms. Hurd-Ravich replied that Central Commercial Planning District called out for that type of store. She asked why they shouldn't be considered as retail. Ms. Guinta said she felt Ms. Moholt had a valid question – do you want the retail outlet of medical marijuana to be allowed in commercial areas in industrial zones. Ms. Moholt said no, but several people have expressed concerns regarding where it feels incongruent. Maybe they would fit in the new overlay area. Could that new overlay take some angst off of both sides. Ms. Guinta stated she supports the overlay in industrial area; is that viable? Mr. Aplin said industrial lands would prefer not to have their lands crossed over into retail; they may be adverse to that. Ms. Hurd-Ravich noted there are different ways to have retail uses in industrial, Industrial Overlay specific to Franklin Business Park has very specific uses that can go in there: food, convenience stores, office. It is a very limited group of uses.

The Plan Text Amendment adopted within the past year (in association with Linking Tualatin) allows commercial to have small (5,000 square ft or less) retail, the rest has to be industrial. The point of both of these code pieces was to allow employees/employers a way to access services without having to go into downtown Tualatin. If TPC would like the lists of acceptable uses expanded, you can request the allowed retail in these industrial area be expanded. Ms. Hurd-Ravich said there is some

language that allows certain retail to occur with a square footage cap of 5,000 square feet. Brief discussion followed.

Mr. Aplin asked if anyone else wished to comment. Jonathan Crane, *Tualatin Life*, inquired as to what the math was in terms of minimum distance between facilities. It seems like a very confined space where allowable. How many facilities could possibly locate in that area? Mr. Beers said if optimal, maybe two. Ms. Hahn said staff had tested measurements and potentially three could fit in the allowable area. Mr. Crane asked if anyone looked at revenues, would it be a tax benefit; would it be more feasible to figure out a way to have three or four. If there is a tax base we aren't missing, if we are going to have an area; this almost seems it is set up to fail – so few options. If you made it a larger area and could fit four or five facilities, would that benefit the community tax-wise (tax base/revenue).

Mr. Aplin said it looked like the map was developed with offsets taken into consideration; Ms. Hahn replied that was true. Mr. Beers stated that he recommends 1,000 ft.; Ms. Guinta said she supports 3,000 ft. Mr. Grile asked how the 3,000 ft. buffer came about; Ms. Hurd-Ravich replied that came from discussion with Council. Ms. Guinta noted they had done 1,000 ft, 2,000 ft, and 3,000 ft to see the affects. The decision was made for the 3000 ft buffer.

Mr. Aplin stated there is good information to support it is a very restricted area in the City; that is by design. He understands there may not be buildings that meet needs due to size and that there are financial institutions that won't deal with them if it is a marijuana business. He went on to say that he is not in favor of making it more accessible by compromising offsets from schools and parks. He shares concerns about how it may set up a business to fail; no idea of tax revenue and cost of managing, and if ever a surplus of funds from that. Mr. Grile noted how Ms. Holland felt the result could be a ban; due to restrictions – could it be considered as such. Ms. Hurd-Ravich said she can do more checking on that; but if we set it up, an owner has a right to chose if they wish to rent to that type of business. If able to say legally a ban it will be tossed back at us. Ms. Hurd-Ravich stated they worked closely with the City Attorney, they will go back to him for further consultation.

Mr. Crane said if all "perfect", you could squeeze three facilities in the area. Couldn't someone then figure if they located in the middle that could preclude anyone else from locating in the allowable zone; strategic locations would make it impossible for any competitors. Language could be changed to say no more than three facilities allowed in the designated area.

Mr. Aplin expressed concerns about Ms. Holland's comment regarding folks turning to home grown and hours of operations. Ms. Guinta said that according to OHA, they allow medical marijuana card holders to have four plants in their home. She noted Mr. Grile had previously expressed his concern for common wall dwellings in relation to home grown marijuana.

A question was asked about whether or not the proposed regulations were consistent with the Oregon Health Authority and regulations regarding home grow operations. Ms. Hurd-Ravich said she doesn't think this code will affect people who are growing with OHA card. Ms. Guinta thought definitions included OHA requirements; Ms. Hurd-Ravich said she would double-check this.

Mr. Beers asked for language to clarify that proposed standards only apply to home grow operations that are outside of a home. Ms. Hurd-Ravich stated she had asked about common wall dwellings and was told it is very difficult to regulate between lease/owner line. A question to follow up on would be any conflicts of our language. She said the City can put in a clarifying statement if growing in your home these stipulations are to be followed; if growing outside, then these are the rules to follow.

Mr. Beers asked about the presentation slides—co-location of grow facility and dispensaries not allowed; is it possible to co-locate a medical dispensary and a recreational facility? Our code language doesn't seem to differentiate. If selling to both medical customers and recreational customers, can you have just the one store and sell both out of the same facility? Can one proprietor serve both OHA and OLCC recreational and have both in one.

Mr. Beers asked if it were Council's intent to have set hours for all facilities or just retail; Ms. Hurd-Ravich replied for all facilities. Mr. Beers then asked about butane extraction. Ms. Hahn said she knows the machine for extraction is very expensive. You have to be a commercial operation to want to do it. Prime beneficiary would be children with epilepsy. Ms. Guinta asked about butane and wondered if we might want to use a more general term as techniques may change in the future; and six months from now there may be something equally as explosive and dangerous.,

Mr. Grile said he doesn't know how the City can regulate that. Ms. Hurd-Ravich said 80.200, Definitions, specifically mentions butane extraction. Mr. Grile asked if it is the act that is not allowed or the extract; Ms. Hurd-Ravich clarified the act is not allowed. She said that is what is stated in the code, it applies to planning districts where allowed.

Mr. Butts said when Measure 91 came out – by definition the City will prohibit people from growing fig trees and mulberry plants as marijuana is included in the same family – clarification/correction needs to be made. Cannabis is now in its own family – *Cannabaceae*.

Mr. Butts asked how we can regulate packaging that is attractive to children. How would that be possible to regulate as it can be very subjective. One option might be to take out the wording "packaging that is made attractive to children"; and say "can't have candy-type packaging".

Ms. Hurd-Ravich gave some background on the packaging issue. She said there had been much discussion at a Council work session at which the Police Chief had expressed great concern. Mr. Butts suggested using language that says “packaging that imitates candy is prohibited”.

Mr. Beers asked what “other objectionable odors” would be. Ms. Hurd-Ravich said her information is that during production of extract there can be odors that are very “chemical-like” and offensive to most.

Mr. Aplin said we now have a draft that is somewhat the distillation of Council’s recommendations for distances, we have a couple of issues brought up regarding homegrown and how to handle the effective situation of location of facilities. He then asked if there were any other things if going to make a recommendation with any caveats.

Ms. Guinta said she has four items:

1. Allow 24/7 hours of operation for grow facilities.
2. Allow medical dispensary in Industrial Business Park Overlay District and small scale mixed uses.
3. Reduce separation between facilities from 2,000 ft to 1,000 ft.
4. Clarify inconsistencies in analysis & findings of PTA and Chapter 80.

Other items noted include:

- Look at family names and make definitions accurate (compare to Federal Government taxonomy).
- Making some changes in 80.100(4) to packaging that imitates candy – needs to be prohibited.
- Add clarifying language to homegrown section 80.300 – clarifying if marijuana grown outside, following these regulations (what is already listed).

Mr. Aplin had other considerations including asking the Council to evaluate the spatial limitations in the area and consider only allowing 3 facilities. An additional consideration was to apply hours of operation differently for retail facilities versus growing operations.

Ms. Guinta added that the butain extraction definition should be considered for expansion. .

Mr. Aplin responded to Ms. Guinta’s comment about the overlay districts. He was concerned how many other places would that open it up to if additional language were added. Ms. Guinta responded that specific uses would have to be added to the overlay. If adopting this language in Hedges area, marijuana would go on the list and could be allowed. Mr. Aplin asked if it falls in the yellow area; Ms. Hurd-Ravich said no.

Mr. Beers stated he feels 3,000 ft buffer is too restrictive; would like to discuss reducing to 1,000 ft.

Mr. DeHaan said he has four comments:

1. Has this language gone over in great detail by the City Attorney?
2. Not in favor of allowing operation ours 24 hours a day seven days a week, and unless it is clarified that grow operations only are not restricted but retail and operating hours are restricted to 10am-8pm.
3. If the code language turns out to be a hindrance to business it can be amended at that time.
4. Supports the restrictive nature at this point in time and not in favor of reducing buffers.

Mr. Grile asked if the City adopts this PTA and the State sets regulations that are in conflict; will this come back to TPC. Ms. Hurd-Ravich said yes, we would have to then revise our code. If this is the policy direction, have to weigh the risks.

Mr. Aplin said he feels there are definitely emotions associated with these recommendations. Mr. DeHaan indicated because of the legal nature; won't come to vast consensus at tonight's meeting. Discussion followed regarding limitations of how many locations in the yellow area.

Mr. Grile asked how to move forward with what is here regarding packaging – use what is written with these potential options. Possibly just put forth the list of concerns to Council.

Mr. DeHaan asked if the City would have the option to do a Conditional Use to allow more facilities in the permitted area. Ms. Hurd-Ravich replied no, not unless it is written in the code we are adopting. He then asked if a Conditional Use could be added as a possibility; Ms. Hurd-Ravich said the code could be amended in the future. Mr. Aplin noted he felt it would be wise to have one of each type of facility: medical, grow, and recreational.

Ms. Moholt asked about timing/hours of operation – could the City specify hours that growers could deal with their wholesale customers. Mr. Beers noted all are just referred to as marijuana facilities; need to spell out difference for grow facilities.

Brief discussion followed regarding taking the suggestions to Council. Ms. Guinta said she would be willing to vote on a staff recommendation that includes the list of items offered to Council for their consideration.

MOTION by Mr. DeHaan to accept this draft of the PTA as written and offer to Council the list of items for their review and final decision; SECONDED by Ms. Guinta. Passed (6 – 0)

5. COMMUNICATION FROM CITY STAFF

None at this time.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that in March they may have update on Blocks 28 & 29 PTA. If ready, there may be a preview on March 19, actual recommendation to Council May 26th. Also, there is another sign variance for Nyberg Rivers – Cabela's banner signs.

7. ANNOUNCEMENTS / PLANNING COMMISSION COMMUNICATION

None.

8. ADJOURNMENT

Mr. Aplin adjourned the meeting at 8:35pm.

Ginny Kirby
Office Coordinator

PTA 20-0006 Amendments to Cannabis Regulations

City Council
November 9, 2020



OUR DISCUSSION TODAY

*Amendments to Tualatin Development Code
Chapter 80: Cannabis Facilities*

- Background
- Proposed text amendments
- Planning Commission recommendation



BACKGROUND

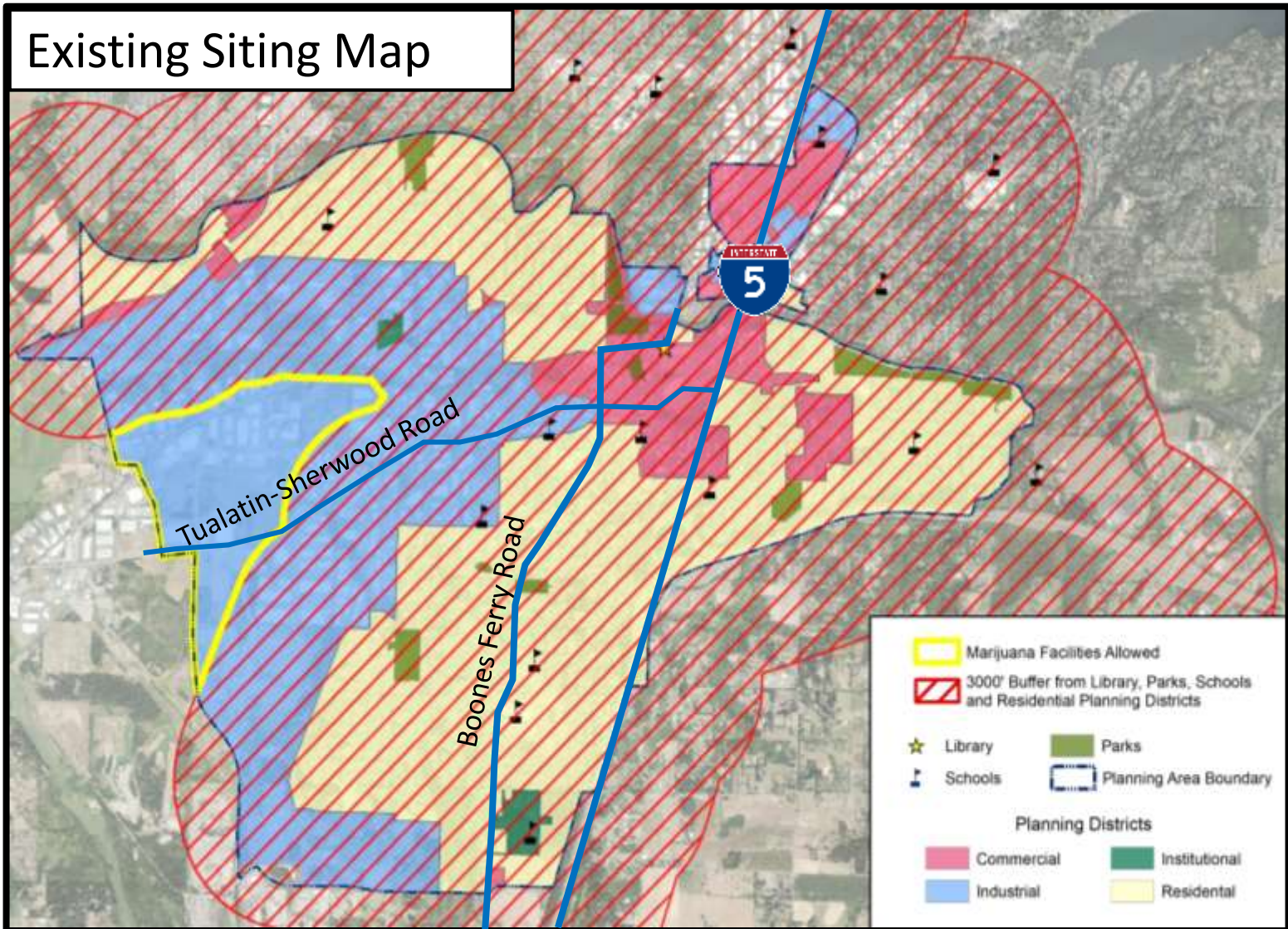
State law allows cities to put regulations on cannabis businesses.

In 2015, Tualatin adopted regulations that:

- Limited cannabis facilities to industrial zoning districts
- Imposed buffer restrictions to other uses



Existing Siting Map



PTA 20-0006 HISTORY

- September 16, 2020: Webinar held to discuss changes to cannabis regulations.
- September 28, 2020: Webinar comments shared with Council. Staff directed to proceed with amendment.
- October 15, 2020: Planning Commission recommends approval of PTA 20-0006 with changes to locational standards.



CITY OF

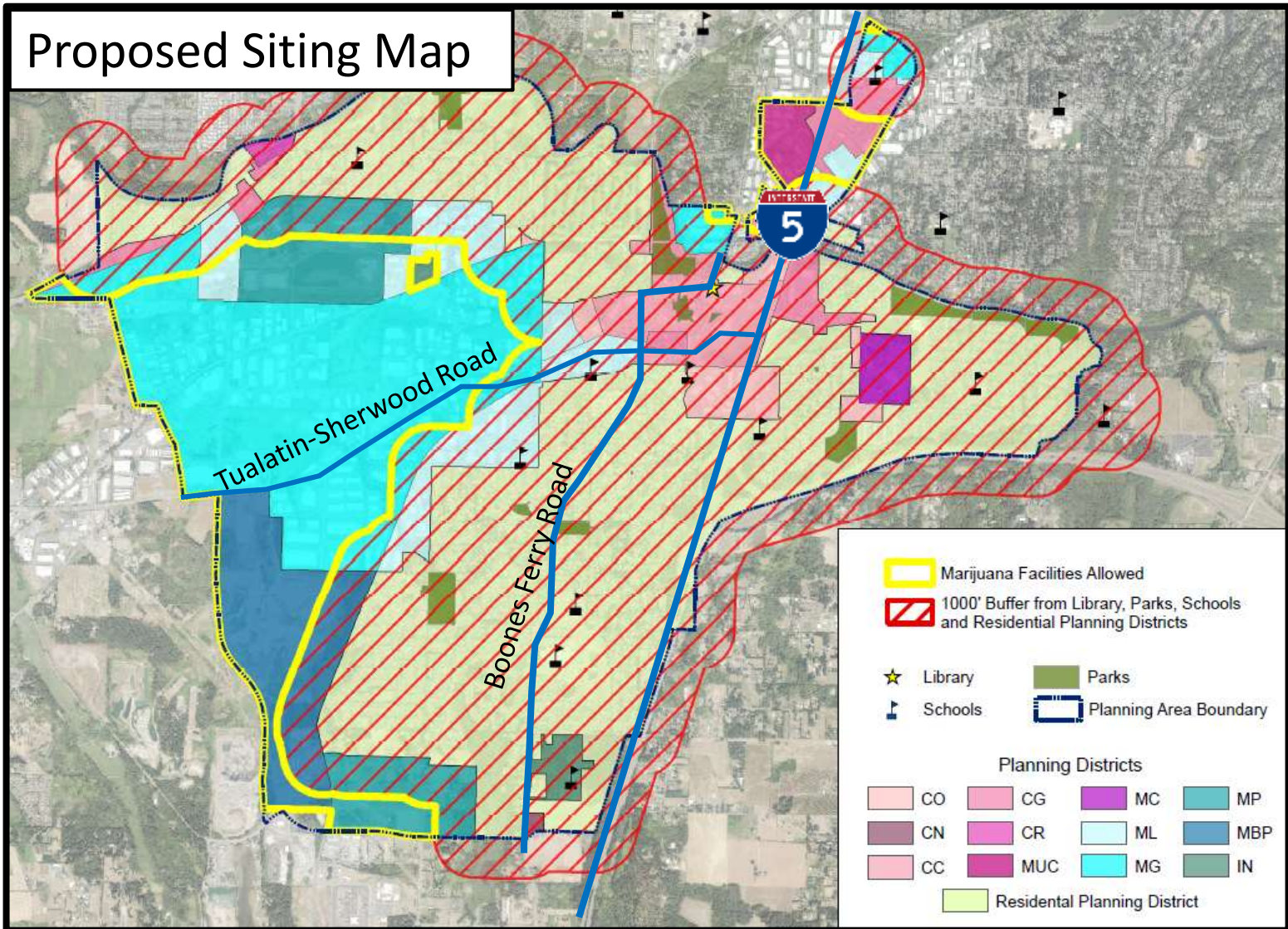
TUALATIN OREGON

SUMMARY OF PROPOSED TEXT AMENDMENTS

STANDARD	EXISTING CODE	PTA 20-0006
<i>Reference</i>	<ul style="list-style-type: none"> • Marijuana 	<ul style="list-style-type: none"> • Cannabis
<i>Zones permitted in:</i>	<p><i>All Marijuana Facilities:</i></p> <ul style="list-style-type: none"> • Light Manufacturing • General Manufacturing • Manufacturing Business Park 	<p><i>All Cannabis Facilities:</i></p> <ul style="list-style-type: none"> • Light Manufacturing • General Manufacturing • Manufacturing Business Park <p><i>Retail Sales & Medical Dispensary:</i></p> <ul style="list-style-type: none"> • Office Commercial • Recreation Commercial • General Commercial • Mid Rise/Office Commercial • Medical Center • Mixed Use Commercial
<p><i>Buffer from:</i></p> <ul style="list-style-type: none"> • Residential Zones • City Parks • Schools • Library 	3,000 feet	1,000 feet
<i>Buffer between Cannabis Facilities:</i>	2,000 feet	1,000 feet
<i>Limitations on Facility size</i>	Cannot exceed 3,000 square feet	None



Proposed Siting Map



APPROVAL CRITERIA

The Findings and Analysis discuss how the proposal meets the applicable criteria of:

- Oregon Statewide Planning Goals;
- Oregon Administrative Rules;
- Metro Code;
- Tualatin Comprehensive Plan;
- Tualatin Development Code 33.070(5)



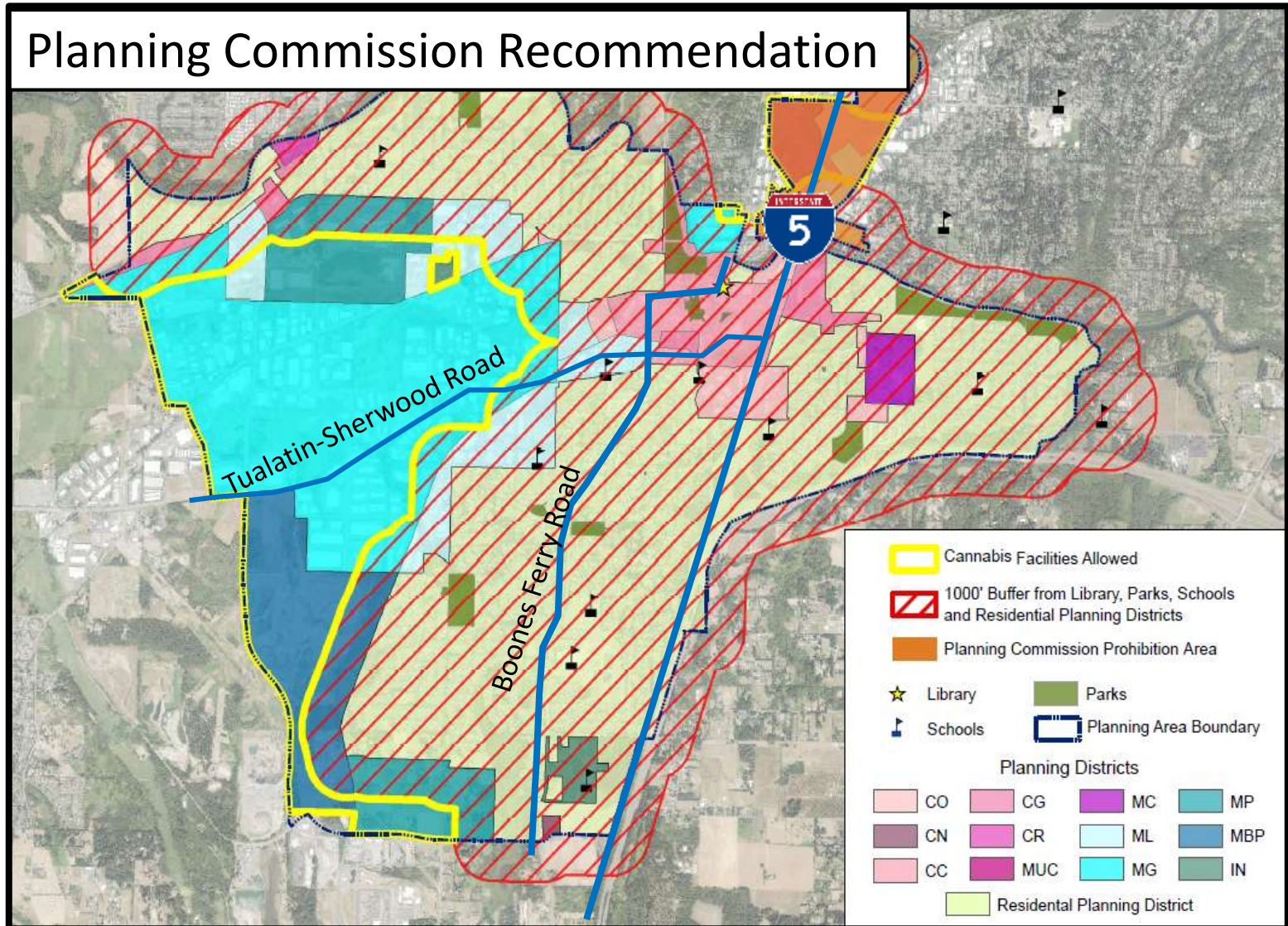
P.C. RECOMMENDATION

The Planning Commission recommends approval of PTA 20-0006 with additional changes to locational standards:

- Recommend prohibition on cannabis businesses in high-visibility areas, such as the I-5 corridor or the Bridgeport area (within 2,000 feet of I-5 or north of Nyberg Road).
- Recommend prohibition on cannabis businesses in Neighborhood Commercial District (CN) due to purpose of being proximate to residential areas.



Planning Commission Recommendation



QUESTIONS?





City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tabitha Boschetti, AICP, Assistant Planner
Steve Koper, AICP, Planning Manager

DATE: November 9, 2020

SUBJECT:

Consideration of Ordinance No. 1442-20, requesting the annexation of approximately 25.18 acres of property located south of SW Norwood Road, Tax Map 2S135D Lot 100; annexing the territory into the boundary of Clean Water Services, and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0003).

RECOMMENDATION:

Staff recommends that Council adopt Ordinance No. 1442-20.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing.

The applicant, property owner P3 Properties, LLC, as represented by AKS Engineering, request approval to annex approximately 25.18 acres of property located south of SW Norwood Road, Tax Map 2S135D Lot 100. The property is undeveloped and wooded. No public right-of-way is part of the subject territory to be annexed. No development or other modifications to the property are proposed as part of this request.

The land is contiguous to the existing Tualatin city limits on all sides excepting the eastern boundary which is contiguous with the Urban Growth Boundary. The property is currently located within unincorporated Washington County and the City of Tualatin Urban Planning Area.

If approved, in conjunction with approval of the proposed annexation, the subject properties would be withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD). Upon annexation, the Medium Low Density Residential (RML) zoning would be applied, consistent with the Community Plan Map, Map 9-1.

Before granting the proposed annexation, the City Council must find that the annexations conform to the applicable criteria of TDC Section 31.010, Metro Code Section 3.09, and ORS 222. The Analysis and Findings (Exhibit 3) examines the application in respect to the requirements for granting an annexation. Staff finds that the annexation meets the applicable criteria.

OUTCOMES OF RECOMMENDATION:

Approval of the annexation request and adoption of Ordinance No. 1442-20 will result in the following:

- Annexation of the property to the City of Tualatin.

- Designation of the property with the Medium Low Density Residential (RML) zone;
- Concurrent annexation into the Clean Water Services District;
- Concurrent withdrawal of the property from the Washington County Enhanced Sheriff Patrol District.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation include:

- Continuation of the hearing to a date certain in the future; or
- Denial of the annexation request.

FINANCIAL IMPLICATIONS:

The City will receive an increased share in property tax revenue.

ATTACHMENTS:

Attachment 1.

Ord 1442-20 Norwood Road Property Annexation

Exhibit 1. Legal Description

Exhibit 2. Map

Exhibit 3. Analysis, Findings, and Exhibits

A. Application

B. Community Plan Map 9-1

C. Community Plan Figure 11-3

D. Community Plan Map 12-1

E. Community Plan Map 13-1

Attachment 2. Council Presentation

Attachment 3. Public Testimony

ORDINANCE NO. 1442-20

AN ORDINANCE ANNEXING TERRITORY AT SW NORWOOD ROAD, TAX MAP 2S135D LOT 100, INTO THE CITY OF TUALATIN; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT; AND ANNEXING TERRITORY INTO THE BOUNDARY OF CLEAN WATER SERVICES (ANN 20-0003)

WHEREAS, P3 Properties, LLC (owner), and represented by AKS Engineering, submitted a petition for annexation of approximately 25.18 acres of property located south of SW Norwood Road, Tax Map 2S135D Lot 100, 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 where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing;

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. On the effective date of the annexation, under ORS 199.510(2)(c), the property is also being annexed into the boundaries of Clean Water Services for the provision of sanitary sewer, storm, and surface water management.

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

Adopted by the City Council this ____ day of _____, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

City of Tualatin Annexation Legal Description

A tract of land located in the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020



Michael S. Kalina



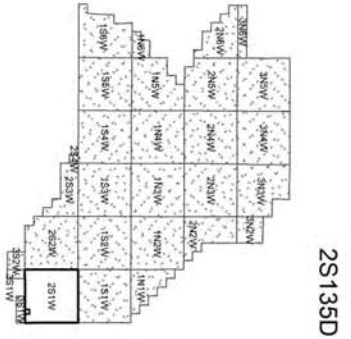
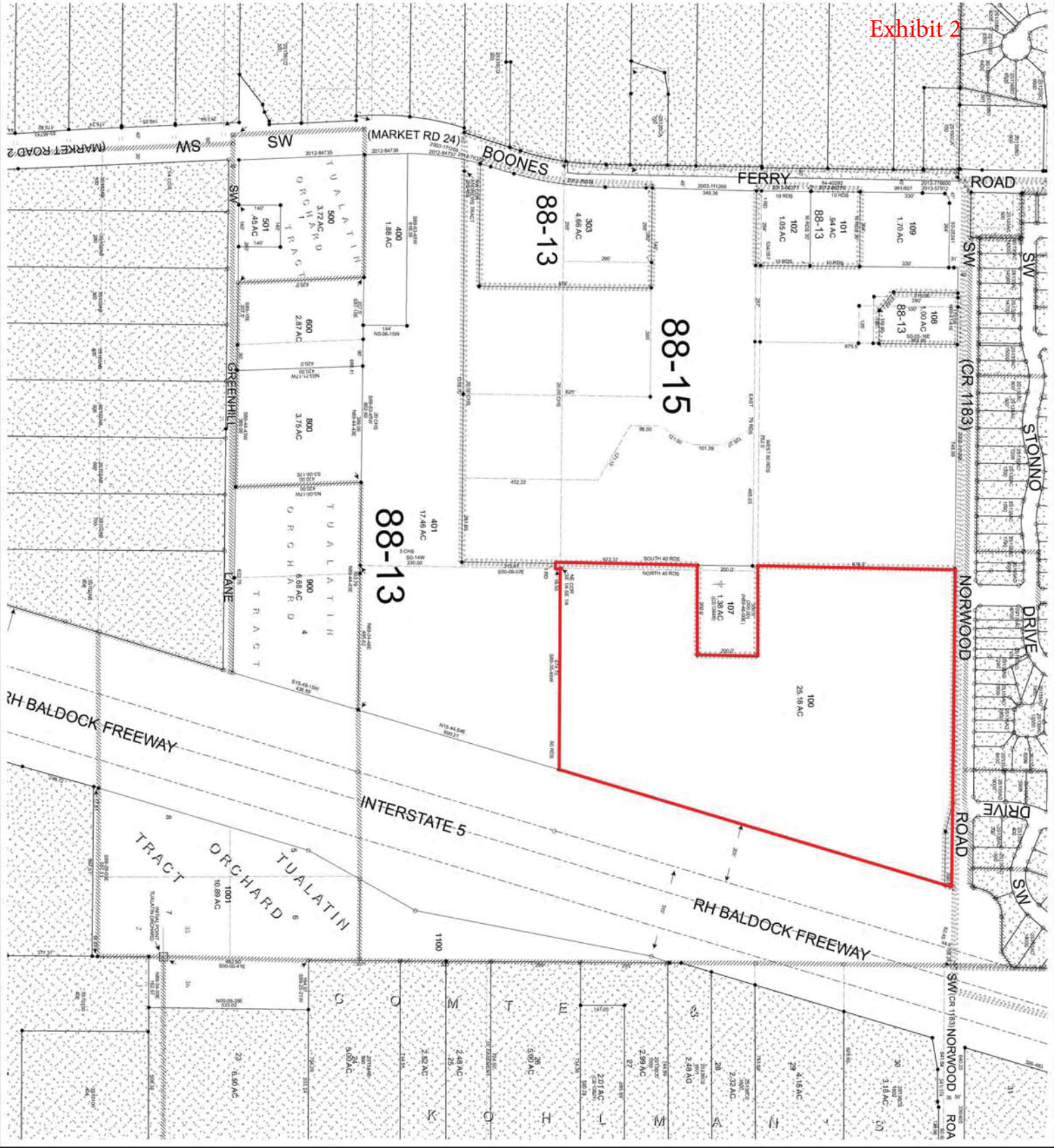
RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY TF

MAY 07 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY



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

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

Cancelled Taxlots For: 28135D
164,105,200,201,202,1000711,103,10001,1002,1003,
110,200,202,107,C1,502,402,403.

SECTION 35

BA	BB	BC	BD	BE	BF
CA	CB	CC	CD	CE	CF
DA	DB	DC	DD	DE	DF

Washington County
Assessment
Cartography
Taxation

Plot Date: 11/28/20
For Assessment Purposes
Only - Do Not Rely On
For Other Use

TUALATIN
2S135D

Scale: 0, 100, 200, 400, 600 Feet



August 10, 2020

Analysis and Findings

Case #:	ANN 20-0003
Project:	Norwood Road Property Annexation
Location:	Tax Map 2S135D Lot 100 (South of SW Norwood Road; west of I-5)
Owner:	P3 Properties, LLC
Applicant:	AKS Engineering
Other Party:	Venture Properties

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 25.18-acre parcel located south of SW Norwood Road and immediately west of the Interstate 5 right of way, Tax Map 2S135D Lot 100. The subject property is within unincorporated Washington County, adjacent to the existing City of Tualatin boundary on the north, west, and south property lines. 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 parcel into the City of Tualatin and Clean Water Services. No development is being reviewed as part of this application.

In conjunction with approval of the proposed annexation, the subject property would be withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD).

C. Site Description

The subject property is largely wooded and includes a downward slope from west to east, lowering from an elevation over 360 feet at the southwest corner, to the lowest point near 320 feet in elevation near the northeast. Mapping resources from Clean Water Services show an unnamed stream in this lower part of the site.

The east end of the property entirely borders the Urban Growth Boundary and Interstate 5 right of way, which includes about 250 feet of vegetated area prior to reaching the developed freeway. The west end of the property borders a City-owned property containing two water towers, and the campus of Horizon Community Church. To the south is a recently annexed property that is dominated by land that appears to have been used for agriculture and whose owners are anticipated to pursue future subdivision development. To the north, the property borders SW Norwood Road; on the other side of the road is a

residential neighborhood primarily developed in the 1990's with a mix of attached and detached dwellings.

D. Attachments

- A. Application
- B. Community Plan Map 9-1
- C. Community Plan Figure 11-3
- D. Community Plan Map 12-1
- E. Community Plan Map 13-1

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:

Water and Sewer:

The City of Tualatin Sewer Master Plan (2019) plans for new sewer connections in the vicinity of the subject territory; upon development, the developer would be required to provide these connections. The nearest sanitary sewer mains are an 8" main located near the intersection of SW 89th Ave and SW Norwood Rd, and an 8" main located near the intersection of SW Vermillion Drive and SW Norwood Rd. Both locations are adjacent to the north property line of the subject territory. The Sewer Master Plan shows a new force main in SW Boones Ferry Road and new pump station in the vicinity of the subject territory; the City of Tualatin is working with Clean Water Services on the funding and planning details to realize these improvements. As a result, the property is able to connect to sanitary sewer service consistent with the City's Sewer Master Plan. Upon annexation, the territory would be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin.

Clean Water Services also evaluates stormwater management needs at the time of development. The Basalt Creek Concept Plan notes the existence of roadside drainage ditches and culverts, which may need to be evaluated with new development. As noted by the Concept Plan, on-site stormwater detention and treatment at local facilities will be prioritized during the development review process and funded by private development. Public stormwater systems for road networks will be developed concurrent with road development. To this extent, the annexation is consistent with the Basalt Creek Concept Plan as it applies to the 1975 Tualatin Drainage Plan and Tualatin Community Plan Chapter 14.

The City of Tualatin Water System Master Plan (TDC Map 12-1) shows future system improvements serving the subject territory. A 12" water main is located in SW Norwood Road, adjacent to the property over the full extent of the northern property line, and adjacent to the western property line south from SW Norwood Road to the adjacent City of Tualatin water towers located west of the subject territory. Upon development, the applicant would be required to provide these new service lines. As a result, the property is able to connect to water service consistent with the City's Water Master Plan.

Transportation:

The subject territory is accessed via SW Norwood Road, which is classified as a Major Collector under Washington County jurisdiction. SW Norwood Road is developed as a two-lane roadway within an approximately 80-foot wide right-of-way; a pedestrian path exists on the north side of the right-of-way in the vicinity of the subject territory's northern property line. The City of Tualatin Transportation System Plan (TSP) has planned for conceptual local streets to serve the subject territory (TDC Figure 11-3, Attachment C), connecting to SW Norwood Road, and creating a through connection to SW Boones Ferry Road through future development. At the time of development on the subject territory, the applicant would be required to construct local streets and connections, and provide additional analysis illustrating their adequacy. As a result, the property is able to connect to the transportation network consistent with the City's TSP. Additional local streets to the south and connecting to SW Lower Boones Ferry would be provided when that territory, also within the City of Tualatin, is developed.

The territory is currently with the TriMet transit district, and would be continue to be so upon annexation.

Services:

The territory is currently served by the Washington County Enhanced Sheriff Patrol District; upon annexation, the property would be directly served by the City of Tualatin Police Department. 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, transportation planning; jurisdiction would transfer to the City of Tualatin along with other city services upon annexation. The subject property is not currently within an independent parks district, and would be served by the City of Tualatin.

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. City of Tualatin police services will be provided. City of Tualatin would provide future services to future roads created by private development within the subject territory. 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.

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. 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:

Transportation System Plan: *The City of Tualatin Transportation System Plan (TSP) includes conceptual local streets to serve the subject territory (TDC Figure 11-3, Attachment C), connecting to SW Norwood Road, and creating a through connection to SW Boones Ferry Road through future development. At the time of development on the*

subject territory, the applicant would be required to construct local streets and connections, and provide additional analysis illustrating their adequacy. Additional connections to SW Boones Ferry would be provided with development on those separate properties. As a result, 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 (2019) plans for new sewer connections in the vicinity of the subject territory; upon development, the developer would be required to provide these connections. The nearest sanitary sewer mains are an 8" main located near the intersection of SW 89th Ave and SW Norwood Rd, and an 8" main located near the intersection of SW Vermillion Drive and SW Norwood Rd. Both locations are adjacent to the north property line of the subject territory. The Sewer Master Plan shows a new force main in SW Boones Ferry Road and new pump station in the vicinity of the subject territory; the City of Tualatin is working with Clean Water Services on the funding and planning details to realize these improvements. As a result, the property is able to connect to sanitary sewer service consistent with the City's Sewer Master Plan. Upon annexation, the territory would be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin.*

Water Master Plan: *The City of Tualatin Water System Master Plan (TDC Map 12-1, Attachment D) shows future system improvements serving the subject territory. A 12" water main is located in SW Norwood Road, adjacent to the property over the full extent of the northern property line, and adjacent to the western property line south from SW Norwood Road to the adjacent City of Tualatin water towers located west of the subject territory. Upon development, the applicant would be required to provide these new service lines. 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 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.

Chapter 11—Transportation, Chapter 12—Water Services, Chapter 13—Sewer Service, and Chapter 14—Drainage Plan and Surface Water Management respectively provide additional details about service provision in this vicinity. As described above, TDC Figure

11-3 plans for conceptual streets to serve this property from SW Norwood Road, and in the future, SW Boones Ferry Road. Map 12-1 (Attachment D) outlines the future provision of water service over the subject territory with connections to SW Norwood Road. Map 13-1 (Attachment E) shows connections and future provision for sewer service to the subject territory. Chapter 14 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 City of Tualatin has adopted the Basalt Creek Concept Plan through Resolution 5392-18 and Ordinance No. 1418-19. The subject property is with the Basalt Creek Concept Plan area. The land use designation of Medium Low Density Residential, identified in the plan, would be applied upon annexation. The proposed annexation is consistent with this plan. 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:

The boundary change would promote the timely, orderly, and economic provision of public facilities and services. As detailed under discussion of 3.09.050 (B)(1), there is adequate provision of connecting services, and additional infrastructure can be provided primarily through future development. The proposed annexation follows an approved annexation of property to the south connecting to SW Boones Ferry Road; approval of this annexation is therefore especially timely since it would be supportive of the planned transportation connection between SW Norwood Road and SW Boones Ferry Road as depicted in Figure 11-3 (Attachment C), said connection requiring development on both properties to transpire. Enabling development of those properties at a similar time is likely to improve the efficiency of new services and facilities.

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 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 property is in the Washington County Enhanced Sheriff Patrol District. As part of this annexation, the subject properties will be withdrawn from the Enhanced Sheriff Patrol 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 20-0003 and adoption of corresponding Ord. No. 1442-20.

SW Norwood Road Application for Annexation

Date: May 2020
Revised June 2020

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

Applicants: Venture Properties, Inc.
4230 SW Galewood Street, Suite 100
Lake Oswego, OR 97035

AKS Job Number: 7598



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

- Exhibit A:** City of Tualatin Annexation Application
 - Exhibit B:** Petition for Annexation
 - Exhibit C:** Legal Description & Map
 - Exhibit D:** Property/Property Owner Information
 - Exhibit E:** County Assessors Certifications
 - Exhibit F:** Quarter Section Map
 - Exhibit G:** Measure 37 & 49 Waiver Form
 - Exhibit H:** Mailing Labels for Public Notice
 - Exhibit I:** Neighborhood/Developer Meeting Information
-

Land Use Application for a Annexation

Submitted to:	City of Tualatin Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
Applicants:	Venture Properties, Inc. 4230 SW Galewood Street, Suite 100 Lake Oswego, OR 97035
Property Owner:	P3 Properties, LLC 1707 3 rd Street SE Puyallup, WA, 98372
Owner's Contact:	Paul Pennington PO Box 691 White Salmon, WA 98372
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
Site Location:	Unaddressed property south of SW Norwood Road, west of Interstate 5, east of SW Boones Ferry Road, and north of SW Greenhill Lane, Tualatin, OR
Assessor's Map:	Washington County Assessor's Map 2S 1 35D Lot 100.
Site Size:	An annexation request affecting: ±23.93 acres (Lot 100).
Land Use District:	Washington County zoning: Future Development 20-acre District (FD-20) After annexation: Medium-Low Density Residential (RML)



I. Executive Summary

Venture Properties, Inc. (Applicant) is seeking approval for the annexation of 23.93 acres of real property (Tax Lot 100, Washington County Assessor's Map 2S 1 35D) to the City of Tualatin. Tax Lot 100 is currently located within unincorporated Washington County but also within the City of Tualatin Urban Growth Boundary (UGB). The site is contiguous to the city limits to the north and west. The property is zoned Future Development 20-Acre District (FD-20). Upon its annexation, the property would be zoned Medium-Low Density Residential (RML) by the City. The subject property is within the Basalt Creek Concept Plan (April 2019) area.

The applicant intends to sequentially submit residential subdivision applications for the properties listed which would provide needed housing for the City of Tualatin.

The proposal satisfies the applicable approval criteria for annexations outlined within the Tualatin Development Code (TDC).

This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The annexation area is comprised of real property approximately 23.93 acres in size. The property is located within the UGB and will be designated RML upon its annexation. The lot lies east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the Basalt Creek Planning Area.

The property is currently vacant and undeveloped. See attached Exhibit C for legal description and map of the proposed annexation territory boundaries.

III. Applicable Review Criteria

TUALATIN DEVELOPMENT CODE

Chapter 32 – Procedures

TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
 - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

Application/ Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
Annexations						
Quasi-Judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010

Response: The applicant has submitted an application for annexation to the City of Tualatin. The application involves one parcel within the Basalt Creek Planning Area south of SW Norwood Road. The requested decision affects a limited number of properties and will require a neighborhood meeting, public notice, and a public hearing.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

-
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
 - (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

Response: The applicant and their representatives have attended a pre-application conference with the City of Tualatin to discuss the overall project and this specific application. The required pre-application conference was held with City of Tualatin Staff on February 12, 2020, prior to the application submittal date. These criteria are met.

- (4) *Application Requirements for Pre-Application Conference.*
 - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
- (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: The required pre-application conference was held on February 12, 2020, less than six months prior to the application's submittal. These criteria are met.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

-
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
 - (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

Response: For this type of application, a Neighborhood/Developer Meeting is required, and was therefore held on June 25, 2020. The application was submitted prior to holding the Neighborhood/Developer Meeting due to the complications of arranging a public meeting during the current public health crisis. With the City of Tualatin’s Temporary Guidance for Neighborhood/Developer Meetings, a meeting was held and these criteria are satisfied.

- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

Response: Per the City of Tualatin’s “COVID-19 Public Health Response Temporary Guidance for Neighborhood/Developer Meetings” Procedures 1 and 2, the Applicant has held a Neighborhood/Developer Meeting established on a digital platform (Zoom) that is publicly accessible and does not require a user login or subscription to join the meeting. The digital platform also allowed for a call-only option for non-internet users. The meeting was scheduled for June 25, 2020 at 6:00 p.m., meeting the above weekday scheduling requirements.

- (5) *Notice Requirements.*
 - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

Response: Notice of the Neighborhood/Developer Meeting was mailed first class with a description of the proposal and instructions on how to join the meeting on June 9, 2020. This date was 17 days prior to the virtual meeting, in keeping with TDC and the City’s Virtual Neighborhood/Developer Meeting Procedures. The notice included instructions on how to view materials to be presented during the meeting, preliminary details of the major elements of the proposal, and whether there would be future applications. The meeting materials were available more than two days prior to the meeting and will be available for at least 10 days after the meeting concludes. These requirements have been or will be satisfied.

- (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;

-
- (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
 - (c) The City will provide the applicant with labels for mailing for a fee.
 - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

Response: The applicant obtained mailing labels from the City of Tualatin. All property owners within 1,000 feet of the text amendment affected property boundaries were provided with notice, including all property owners within a platted residential subdivision located within 1,000 feet of the boundaries. Additionally, all designated representatives of Byrom CIO (CIO-6) and the City of Tualatin were provided notice electronically. These mailing lists, copies of notices, affidavits of mailing and posting, and emailed copies of notices are included within the attached exhibits. These provisions are met.

- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

Response: Signs conforming to the design and placement standards established by the City were posted on all subject properties June 9, 2020, 17 days prior to the virtual Neighborhood/Developer Meeting.

- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: The required attendee information and meeting notes are attached to this submission. The meeting notes include the required information: major points, issues, and responses concerning the application, including identifying those attending. During the meeting, all submitted questions and comments received prior to or during the meeting were read aloud. These requirements are met.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
 - (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

-
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

Response: This application has been submitted by the owner and contract purchasers of the property. This criterion is met.

TDC 32.140. - Application Submittal.

- (1) *Submittal Requirements.* Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
 - (a) *A completed application form.* The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
 - (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the

subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

Response: The application for annexation with the required information is attached as Exhibit A. The subject property information, names and addresses of the applicant and owners, the authorized representative, the size and zoning designation of the subject property, as well as a description of the proposal, type of application, and required signatures are included on the attached forms. No additional information was requested.

The site is adjacent to the Byrom Citizen Involvement Organization (CIO) to the north and west. The CIO was not contacted prior to the submittal of this application. These criteria are met.

TDC 32.240. - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

- (1) *Submittal Requirements.* Type IV-A applications must include the submittal information required by TDC [32.140\(1\)](#).

Response: The required materials, as outlined by Tualatin Development Code (TDC) 32.140 (1) and addressed above, have been provided and are attached to this application. This criterion is met.

TDC 32.260. - Annexation Procedures.

An Annexation brings property from outside the City Limits into the City Limits. At the same time, the City also removes the property from any county special districts that are no longer needed. For example, property in Washington County is withdrawn from the Washington County Enhanced Sheriff's Patrol District because police services will be provided by the Tualatin Police Department.

- (1) *Procedure Type—Annexations.*
 - (a) Quasi-Judicial Annexations will be conducted by City Council under the Type IV-A process in TDC 32.240, as modified by this Section. The 120-day rule does not apply to annexations.
- (2) *Submittal Information and Completeness.*
 - (a) *Quasi-Judicial Annexation.* For quasi-judicial annexation applications, submittal requirements must be in accordance with TDC 32.240(1) and will be reviewed for completeness in accordance with TDC 32.240(2).

Response: The application for annexation has been submitted with the required information as outlined. These criteria are met.

Chapter 33 – Applications and Approval Criteria

TDC 33.010. - Annexations.

- (1) *Purpose.* The purpose of this Section is to establish the application requirements for annexing territory to the City Limits, consistent with Metro Code 3.09 and Oregon law.
- (2) *Applicability.* The requirements of this section apply to all applications for annexation to the City of Tualatin.
- (3) *Procedure Type.* Annexations are processed in accordance with the annexation procedure in [TDC Chapter 32.260](#).

Response: The application narrative addresses each of the application requirements for the proposed annexation of territory into the city limits of the City of Tualatin. The application is also consistent with Metro Code 3.09 and Oregon law, addressed later within this document. These criteria are satisfied.

- (4) *Specific Submittal Requirements.* In addition to the general application submittal requirements in [TDC 32.140](#) (Application Submittal), an applicant(s) for a quasi-judicial annexation must submit the following:
 - (a) The Application for Annexation form;
 - (b) The Petition to Annex to the City of Tualatin form;
 - (c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;
 - (d) The Certification of Legal Description and Map form;
 - (e) The Certification of Property Ownership form;
 - (f) The Certification of Registered Voters form;
 - (g) The Property Owner Information Sheet form;
 - (h) The City application fee, and the Metro application fee in a separate check made payable to Metro;
 - (i) The three column by ten row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:
 - (i) The owner (fee title) of the subject territory, and
 - (ii) Recipients pursuant to [TDC 32.240](#) (3) and the governing jurisdiction of any public street right-of-way to be annexed;
 - (j) The Annexation Property Information Sheet form;
 - (k) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within 1,000 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed must be outlined with a wide, light colored ink marker;
 - (l) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; and
 - (m) Any information required by the City Manager in addition to the above.

Response: The applicant has submitted the required materials for annexation applications in accordance with TDC 32.140 and 33.010. No additional materials have been requested. This criterion is met.

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

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

Response: As shown within Exhibit C, the territory to be annexed is within the Metro Urban Growth Boundary (UGB) and within Tualatin’s Urban Planning Area. This criterion is met.

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

Response: A Petition to Annex to the City of Tualatin that is signed by 100 percent of the owners of the territory to be annexed is attached as part of Exhibit B. A Certification of Ownership is included with Exhibit D. This criterion is met.

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

Response: The applicable criteria of Metro Code 3.09 have been listed below, addressed, and satisfied.

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

Response: The applicable criteria of Oregon Revised Statutes (ORS) Chapter 222 have been listed below, addressed, and satisfied.

METRO CODE

Title III. Planning

3.09 Local Government Boundary Changes

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

1. The jurisdiction of the reviewing entity to act on the petition;
2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and

Response: The required information has been included within the application to the City of Tualatin.

3.09.045 Expedited Decisions

A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response: The proposed annexation is a Minor Boundary Change as identified in Metro Code 3.09.020(I.); 100 percent of the property owners have signed a consent to the change, and there are no electors. As such, the City may use the Expedited Decision process.

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;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
 - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
 - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - e. Any applicable comprehensive plan;
 - f. Any applicable concept plan; and

Response: The proposed annexation is consistent with intergovernmental planning agreements between the jurisdictions of the City of Tualatin, the City of Wilsonville, Washington County, and Metro. The area was included within the City’s adopted Basalt Creek Concept Plan and related documents. The City has also addressed future transportation needs in the area through its adopted Transportation System Plan (February 2014). Wastewater within this area is handled by Clean Water Services (CWS) which has adopted an updated Sanitary Sewer Master Plan (August 2019) to address this area’s needs. The City of Tualatin has an intergovernmental agreement with CWS for cooperation and the provision of these services. These criteria are met.

2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provision of public facilities and services;

Response: The proposed boundary change would promote the timely, orderly, and economic provision of public facilities and services. The territory to be annexed is included within the Basalt Creek Concept Plan, an adopted part of the Tualatin Comprehensive Plan, and other implemented plans such as the City’s Sanitary Sewer Master Plan. The property is contiguous to the city limits and annexation of the property is integral to providing urban services to the area. This criterion has been met.

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

Response: The annexation of property into the City of Tualatin would not in itself affect the quality or quantity of urban services. Future development of the site could and would affect the quality and quantity of urban services. This provisions of this section have been satisfied.

- c. Eliminate or avoid unnecessary duplication of facilities or services.

Response: The proposed annexation would not create or begin unnecessary duplication of facilities or services, nor would it eliminate or avoid unnecessary duplication of facilities or services. Many of the service districts which currently serve the property would continue to do so as the property was annexed and developed. Upon its annexation, this territory will be withdrawn from some districts and jurisdiction will be given to the City of Tualatin.

Washington County currently provides planning and building services for this property as well as Sheriff's protection. Following annexation, these services will be provided by the City of Tualatin. This criterion is 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.

Response: The territory proposed for annexation lies entirely within the UGB. This criterion is met.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- 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.

Response: The criteria listed have been addressed above, considered, and satisfied.

OREGON REVISED STATUTES

ORS Chapter 222 - City Boundary Changes; Mergers; Consolidations; Withdrawals

222.111 Authority and procedure for annexation.

- (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."

Response: The subject property is not within a city and is contiguous to the City of Tualatin. This criterion is met.

222.520 Annexation of less than entire district; assumption of obligations by city conditional.

- (1) Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, 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.

Response: The subject property is currently within the Washington County Enhanced Sheriff's Patrol District (ESPD). Upon annexation, the property would be withdrawn from the ESPD. Law enforcement services would be provided by the City of Tualatin. This standard is met.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan, Metro Code, and applicable Oregon Revised Statutes. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application for annexation to the City of Tualatin.

Exhibit A: City of Tualatin Annexation Application



City of Tualatin

www.tualatinoregon.gov

ANNEXATION APPLICATION INSTRUCTIONS AND REQUIREMENTS

PURPOSE

Property owners can initiate their own annexation process if the territory is contiguous to the existing city limits. Multiple parcels can be processed as a single application as long as the parcels are neighboring.

Please read all instructions before filing an application with the City.

APPLICATION REQUIREMENTS

The following information is required with all Annexation applications. If any information is missing, the application will be deemed incomplete until all required information is submitted. Once an application is deemed complete, staff review can begin.

1. Attend a required **Pre-Application meeting** with the Community Development staff to discuss the application requirements. The application to request a Pre-Application meeting and fee schedule is available on the City website.
2. Hold a **Neighborhood/Developer meeting** and provide documentation as described in [TDC 32.120](#).
3. The **Annexation Application** shall be submitted with one hardcopy original with electronic copies of the annexation packet and supporting documentation, and a nonrefundable fee. Metro also requires a fee for annexations. Provide a separate check made out to "Metro":
<http://www.oregonmetro.gov/tools-partners/data-resource-center/annexation-and-boundary-change-information>.
4. A **Narrative** addressing criteria in [33.010\(5\)](#):
 - (a) *The territory to be annexed is within the Metro Urban Growth Boundary;*
 - (b) *The owners of the territory to be annexed have petitioned to be annexed;*
 - (c) *The application conforms to the applicable criteria in Metro Code 3.09; and*
 - (d) *The application is consistent with applicable provisions of ORS Chapter 222.*
5. **Petition to Annex to the City of Tualatin.** Consent to annex is necessary to initiate the annexation proceeding. Attached is a petition form for your use. This form shall be signed by the majority of electors and land owners or, where there is a recorded land contract, the purchaser thereunder of the property to be annexed. If there are multiple ownerships, each signer is counted toward a proportion to the size of their ownership. If a corporation owns the land, the corporation is considered the individual property owner.

After completing the petition and corresponding Legal Description (7), have the appropriate County Departments certify the petition using the attached certification forms (8-10)
6. **Legal Description.** The applicant shall provide a legal description of the property to be annexed. The legal description should include any abutting public rights-of-way. See attached *Important Information on Annexation Legal Descriptions* for more information.

A lot, block and subdivision description may be substituted for the meets and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's

Office. If the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

- 7. **Certification of Legal Description and Map Form.** Have the County Assessors certify the legal description and corresponding map.
- 8. **Certification of Property Ownership Form.** Have the County Assessors Department certify the signatures of the property owners.
- 9. **Certification of Registered Voters Form.** Have the County Elections Department certify the signatures of the registered voters.
- 10. **Property Owner Information Form.** If the proposed annexation involves 10 or fewer property owners/registered voters, complete the attached form. The purpose of this form is to give the City a legible *list of names and addresses of all property owners/registered voters in the area to be annexed regardless of whether these owners/voters petitioned for annexation.*
- 11. An **Annexation Property Information Sheet.**
- 12. **Quarter Section Map.** Submit the latest quarter section map that indicates the subject territory to be annexed. Highlight the area to annexed on the map.
- 13. A completed **Measure 37 & 49 Waiver Form** is required for all annexation applications. Notarized signatures and a copy of the recorded document must be submitted.
- 14. **Mailing Labels for Public Notice.** As part of the application submittal, the applicant is required to provide mailing labels and list of property owners within 1,000 feet of the subject property. This list shall include the Assessors Map Number, Tax Lot Number, name and mailing address for all recipients listed in TDC 32.140(3).

The Community Development Department is able to provide the applicant with a complete Mailing Area list for a fee.
- 15. Include a completed and signed **Certification of Sign Posting.**

NEXT STEPS

After the application requirements are submitted and the application is deemed complete, staff will gather materials and comments for the staff report. Preparing the report will include review by a variety of service providers (water, wastewater, stormwater, parks, police, and fire) to ensure that public facilities and services can be provided. The report will also address how the application is consistent with the approval criteria in TDC 33.010(5). The annexation staff report will be available for review fifteen days prior to the public hearing.

The applicant should plan to attend their City Council hearing for annexation. The City Council decision will be made by Resolution adoption at the following City Council hearing. A Notice of Adoption will be sent within five days of the hearing. Lastly a completed annexation agreement may be required.



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

PROPOSAL NAME SW Norwood Road Annexation

PROPOSAL SUMMARY *(Brief description)*

Annexation of 25.18 AC located within the City of Tualatin UGB and assignment of RML zoning.

PROPERTY INFORMATION

Location *(address if available)*: No assigned address - south of SW Norwood Road, east of SW Boones Ferry

Tax Map & Lot #(s): 2S135D0-00100

Planning District: RML

Total site size: 25.18 AC

Developed

Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Mimi Doukas, AICP, RLA

Mailing Address: 12965 SW Herman Road, Suite 100

City/State: Tualatin, OR

Zip: 97062

Phone: 503-563-6151

Email: mimid@aks-eng.com

Applicant's Signature: 

Date: 6/18/2020

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: P3 Properties LLC by Paul Pennington

Mailing Address: PO Box 691

City/State: White Salmon, WA

Zip: 98672

Phone: Please contact Applicant's Representative

Email: Please contact Applicant's Representative

Property Owner Signature: 

Date: 04/15/2020

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:	_____

Exhibit B: Petition for Annexation

Exhibit C: Legal Description & Map



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
City of Tualatin
Annexation Legal Description

A tract of land located in the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020

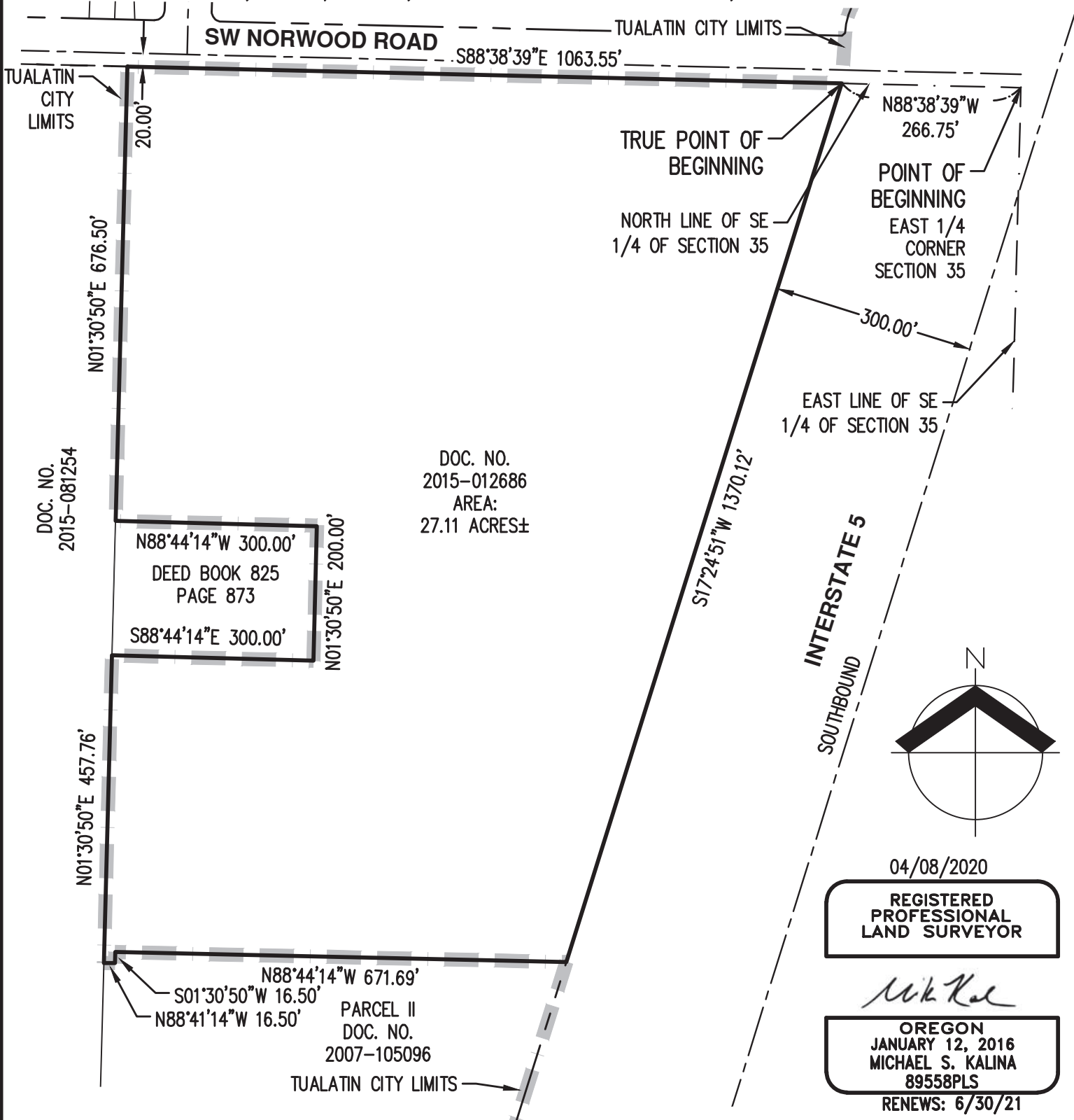
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 35,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON

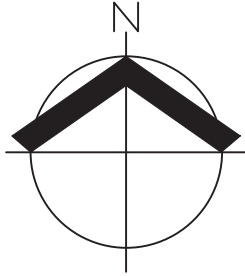


DOC. NO.
2015-081254

DOC. NO.
2015-012686
AREA:
27.11 ACRES±

N88°44'14"W 300.00'
DEED BOOK 825
PAGE 873
S88°44'14"E 300.00'

INTERSTATE 5
SOUTHBOUND

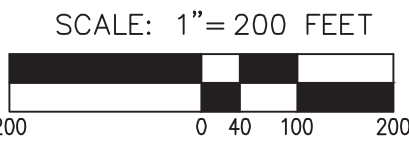


04/08/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/21



SW NORWOOD ROAD CITY OF TUALATIN ANNEXATION		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MSK CHKD: MJ AKS JOB: 7598

Exhibit D: Property/Property Owner Information

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) P3 Properties, LLC PO Box 691, White Salmon, WA 98672

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 100

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

ANNEXATION PROPERTY INFORMATION SHEET

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

Land area, in acres: Approximately 25.18 AC

General description of territory *(Include topographic features such as slopes, vegetation, drainage basins, and floodplain areas which are pertinent to this proposal)*: Generally flat vacant property. Slopes along eastern portion
of property adjacent to Interstate 5.

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

North: SW Norwood Road & RML zone - single-family residential properties.

South: RML zone - generally vacant lands with some single-family residences, SW
Greenhill Lane

East: Interstate 5, rural residential and vacant farmland

West: Institutional (Horizon - TL 106), RML zone (incorporated) and SFR zone
(unincorporated) single-family residences (TLs 101, 102, 108, 303), Public (Church - TL
109), SW Boones Ferry Road

EXISTING LAND USE:

Number of existing units/structures:

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

Describe existing units/structures: N/A - Property is undeveloped.

What is the current use(s) of the land proposed to be annexed: N/A - Property is undeveloped.

Public facilities or other uses: N/A - Property is undeveloped.

Total current year assessed valuation – Land \$: \$1,948,650 Structures \$: 0

Total existing population: 0

Is the territory contiguous to the City limits: Yes - City limits adjacent to east and north.

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 County

Highway Lighting District: N/A

Fire District: Tualatin Valley Fire & Rescue

Sanitary District: N/A

Water District: N/A

Grade School District: Sherwood School District 88J

High School District: Sherwood School District 88J

Library District: WCCLS

Drainage District: N/A

Parks & Recreation District: N/A

Other: N/A

Is the territory served by any of the providers listed above (describe existing connections to public services): N/A



FIRST AMERICAN TITLE Property Research Report

SUBJECT PROPERTY

R560164
2S135D000100
Washington

OWNER

P3 Properties LLC
By Paul Pennington

DATE PREPARED

04/02/2020

PREPARED BY

samaya@firstam.com



First American Title

Customer Service 503.219.8746
cs.oregon@firstam.com

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First American Title™

Customer Service Department
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.oregon@firstam.com
Date: 4/2/2020

OWNERSHIP INFORMATION

Owner: P3 Properties LLC
CoOwner: By Paul Pennington
Site: OR 97062
Mail: PO Box 691 White Salmon WA 98672

Parcel #: R560164
Ref Parcel #: 2S135D000100
TRS: 02S / 01W / 35 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 715-E1
Census Tract: 032110 Block: 1004
Neighborhood: Cpo 5 Sherwood-Tualatin S1
School Dist: 88J Sherwood
Impr Type:
Subdiv/Plat:
Land Use: 6404 - Designated Forestland - Vacant - Rural Residential
Std Land Use: OTHR - Other
Zoning: Tualatin-RML - Medium-Low Density Residential
Lat/Lon: 45.35193877 / -122.76768864
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 25.18, FORESTLAND-POTENTIAL
ADDITIONAL TAX LIABILITY

ASSESSMENT AND TAXATION

Market Land: \$0.00
Market Impr: \$0.00
Market Special: \$1,948,650.00
Market Total: \$1,948,650.00 (2019)
% Improved: 0.00%
Assessed Total: \$12,050.00 (2019)
Levy Code: 88.13
Tax: \$186.50 (2019)
Millage Rate: 15.4786
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 25.18 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 1,096,841 SqFt
Total Units: 1	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls: Wood
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
P3 PROPERTIES LLC	2/25/2015	0000012686		Grant		Conv/Unk
PENNINGTON,PAUL	8/19/2013	0000075740		Quit Claim		
PENNINGTON,PAUL	7/11/2013	0000063209		Quit Claim		
PENNINGTON,DORTHEA	1/8/2013	0000001861		Trust	\$135,000.00	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



02016302201500126860030038

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 County Clerk



15
36

After recording return to:
P3 Properties, LLC
c/o Paul Pennington
P.O. Box 691
White Salmon, WA 98672

Until further notice, all tax statements should be sent to:
P3 Properties, LLC
c/o Paul Pennington
P.O. Box 691
White Salmon, WA 98672

Tax Account No. 2S135D0 00100
Ref No. R0560164

True actual consideration paid is \$ 0

BARGAIN AND SALE DEED

Paul Pennington, Janet Pennington Peterson, and Gay Pennington Paschoal, as equal tenants in common, Grantors, do hereby convey unto P3 Properties, LLC, an Oregon limited liability company, Grantee, all of their right, title, and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S 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: 2/12/2015

Paul Pennington 2/9/2015
Paul Pennington

Janet Pennington Peterson
Janet Pennington Peterson

Gay Pennington Paschoal
Gay Pennington Paschoal

STATE OF Washington)
County of Klickitat) §

This instrument was acknowledged before me on 2-9-2015, 2014, by Paul Pennington.

DIANE MURPHY
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 16, 2015

Diane Murphy
Notary Public for ~~Oregon~~ Washington

STATE OF OREGON)
County of Benton) §

This instrument was acknowledged before me on 2/12/2015, by Janet Pennington Peterson.

OFFICIAL STAMP
MIRANDA ASHLEY HOWARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 933427
MY COMMISSION EXPIRES OCTOBER 28, 2018

Miranda Ashley Howard
Notary Public for Oregon

STATE OF OREGON)
County of Washington) §

This instrument was acknowledged before me on Feb 5, 2015, 2014, by Gay Pennington Paschoal.

OFFICIAL STAMP
THERESA WEAVER
NOTARY PUBLIC - OREGON
COMMISSION NO. 934162
MY COMMISSION EXPIRES DECEMBER 10, 2018

Theresa Weaver
Notary Public for Oregon

EXHIBIT "A"

All interest in 25.18 acres of land, located at S.W. Norwood Ave., Tualatin, Oregon 97062, more particularly described as:

The North half of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 35, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon,

EXCEPTING tract conveyed to the State of Oregon, by and through its State Highway Commission, in deed book 325, page 183, as follows: A parcel of land lying in the Northeast quarter of the Southeast quarter of Section 35, T2S, R1W, W.M.; the said parcel being that portion of said Northeast quarter of the Southeast quarter lying Easterly of a line parallel to and 100 feet Westerly of the centerline of the West Portland-Hubbard Highway as said highway has been relocated, which centerline is described as follows:

Beginning at Engineer's centerline Station 349/00, said Station being 115.27 feet North and 78.52 feet East of the East quarter corner of said section 35; thence South 15°49'15" West 1600 feet to Station 365/00; said centerline crossing the East and South lines of said Northeast quarter of the Southeast quarter approximately at Section 351/83 and Station 363/91 respectively;

ALSO EXCEPTING that tract conveyed to the State of Oregon, by and through its State Highway Commission, by deed in book 341, page 233; ALSO EXCEPTING the following described premises: Beginning at an iron bar marking the center of Section 35, T2S, R1W, W.M., Washington County, Oregon; thence South along the West line of the Southeast quarter of said Section 35 to the Southwest corner of tract conveyed to Merle Pennington and Dorthea Pennington by deed of record in book 417 at page 314, Deed Records of Washington County; thence East along the South line of said tract so conveyed 16 rods and 30 feet to a point; thence North parallel to the West line of said Southeast quarter of said Section 35 to the North line of said Southeast quarter of Section 35; thence West along the North line of said Southeast quarter 16 rods and 30 feet to the point of beginning;

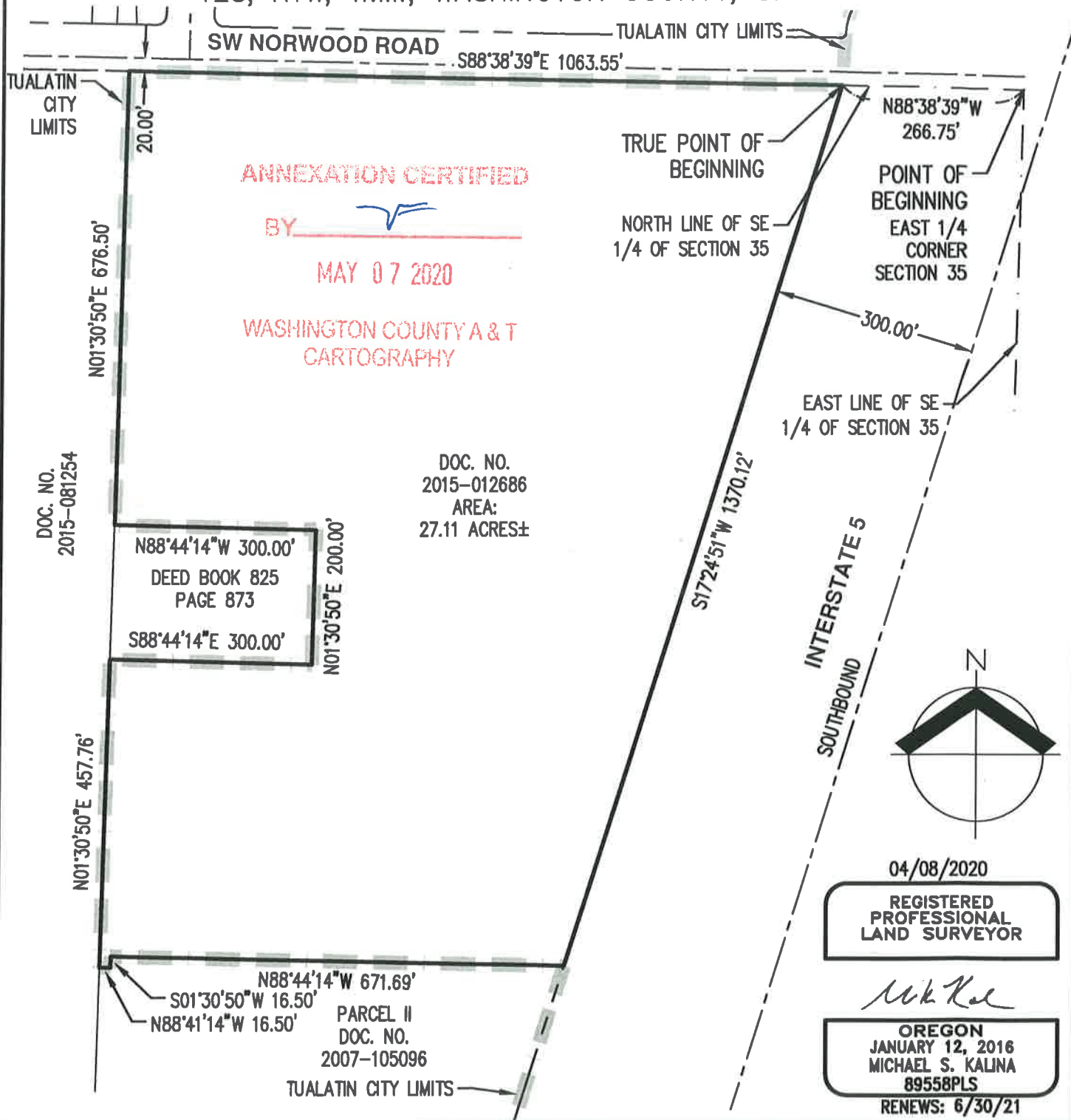
ALSO EXCEPTING the following parcels: Parcel conveyed to Shope, described in instrument of record in book 575, page 110, October 13, 1965, Washington County Records; parcel conveyed to School District 88J, described in instrument of record in Book 767, page 495, December 17, 1969, Washington County Records; and parcel conveyed to City of Tualatin described in instrument of record in Book 825, Page 873, 1971, Washington County Records.

Also identified as Washington County Tax Lot 100 on Tax Map 2S135D

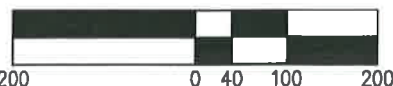
Exhibit E: County Assessors Certifications

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 35,
T2S, R1W, W.M., WASHINGTON COUNTY, OREGON



SCALE: 1" = 200 FEET



SW NORWOOD ROAD
CITY OF TUALATIN ANNEXATION

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



EXHIBIT
B

DRWN: MSK
CHKD: MJ
AKS JOB:
7598



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
 City of Tualatin
 Annexation Legal Description

A tract of land located in the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Michael S. Kalina

OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY TF

MAY 07 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 2S 1 3S D) 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

Printed Name

GIS TECH

Title

ANNEXATION CERTIFIED

BY TF

[Signature]

Signature

5/7/20

Date

MAY 07 2020

CARTOGRAPHY

Department

WASHINGTON

County of

**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.

TED FOSTER GIS TECH
Printed Name Title

[Signature] 5/7/20
Signature Date

CARTOGRAPHY WASHINGTON
Department County of

ANNEXATION CERTIFIED

BY [Signature]

MAY 07 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.

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

Tax lot number(s): 2S135D000100

DIVISION: ELECTIONS
COUNTY: WASHINGTON

DATE: June 18, 2020

NAME: Angie Muller

TITLE: Administrative Specialist II



Angie Muller
(Signature of Election Official)

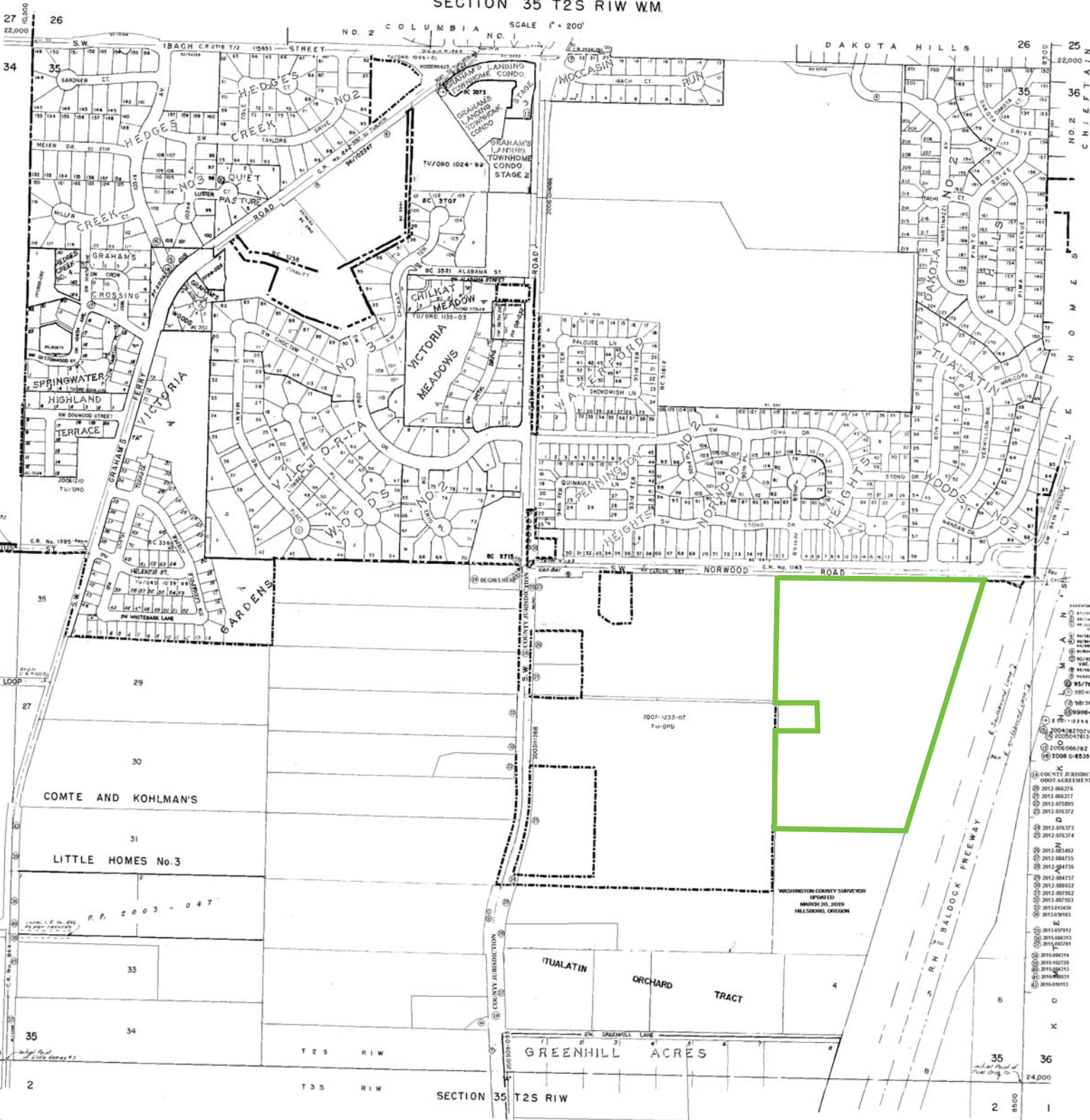
*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev2-032906

Exhibit F: Quarter Section Map

SECTION 35 T2S RIW WM.

NO. 2 COLUMBIA NO. 1 SCALE 1" = 200'



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SECTION 35 T2S RIW

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SE 1/4 SECTION 35 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 200'

2S 1 35D
TUALATIN

SEE MAP
2S 1 35AC

SEE MAP
2S 1 35AD

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88-13

CR 1183
S.W. 89TH AVENUE

ROAD

SEE MAP
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Exhibit G: Measure 37 & 49 Waiver Form

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

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

MEASURE 37 & 49 WAIVER OF RIGHTS AND REMEDIES

Whereas, Paul Pennington ("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

FIRST AMERICAN BLD RSW 2020-20

First American Title Accommodation
Recording Assumes No Liability

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 15 day of April, 2020

<u>P3 Properties, LLC by Paul Pennington</u> (signature)	<u>[Signature]</u> (signature)
Petitioner Name: <u>P3 Properties, LLC by Paul Pennington</u>	Petitioner Name: <u></u>
Date Signed: <u>April 15, 2020</u>	Date Signed: <u></u>

Petitioner (corporation, etc.) Name: <u>P3 Properties, LLC</u>
By: <u>Paul Pennington</u>
Name of Signor: <u>Paul Pennington</u>
Office/Title of Signor: <u>Member</u>

State of ~~Oregon~~ Washington
County of Clatsop

On this 14 day of May, 20, before me the undersigned Notary Public, personally appeared

Paul Pennington

(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 Member 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>Cindy Jewell</u> Notary name (legible): <u>Cindy Jewell</u>	<table border="1"><tr><td>CINDY JEWELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 15, 2020</td></tr></table>	CINDY JEWELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 15, 2020
CINDY JEWELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 15, 2020		

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

City of Tualatin, Oregon

City Manager

Annexation Application
Community Development Department • Planning Division

Petitioner (corporation, etc.) Name: P3 Properties, LLC
By: Paul Pennington
Name of Signor: Paul Pennington
Office/Title of Signor: Member

State of ~~Oregon~~ Washington
County of ~~Clatsop~~ Klickitat

On this 14 day of May, 20, before me the undersigned Notary Public, personally appeared

Paul Pennington
(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 Member 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>Cindy Jewell</u> Notary name (legible): <u>Cindy Jewell</u>	<div style="border: 1px solid black; padding: 5px; text-align: center;">CINDY JEWELL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 15, 2020</div>

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

City of Tualatin, Oregon

Sherilyn Lombos
Digitally signed by Sherilyn Lombos
DN: cn=Sherilyn Lombos, o=City of Tualatin,
ou, email=slombos@tualatin.gov, c=US
Date: 2020.06.12 11:51:20 -07'00'
City Manager

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36

EXHIBIT "A"

Washington County, Oregon 2015-012686
02/25/2015 11:18:23 AM
D-DBS Cnt=1 Stn=12 S PFEIFER
\$15.00 \$5.00 \$11.00 \$20.00 - Total = \$51.00



02016302201500126860030038

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 County Clerk

After recording return to:
P3 Properties, LLC
c/o Paul Pennington
P.O. Box 691
White Salmon, WA 98672

Until further notice, all tax statements should be sent to:
P3 Properties, LLC
c/o Paul Pennington
P.O. Box 691
White Salmon, WA 98672

Tax Account No. 2S135D0 00100
Ref No. R0560164

True actual consideration paid is \$ 0

BARGAIN AND SALE DEED

Paul Pennington, Janet Pennington Peterson, and Gay Pennington Paschoal, as equal tenants in common, Grantors, do hereby convey unto P3 Properties, LLC, an Oregon limited liability company, Grantee, all of their right, title, and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S 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: 2/12/2015

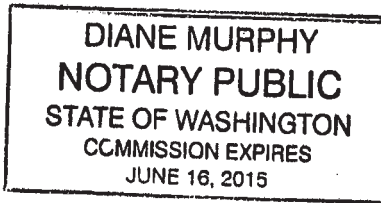
Paul Pennington 2/9/2015
Paul Pennington

Janet Pennington Peterson
Janet Pennington Peterson

Gay Pennington Paschoal
Gay Pennington Paschoal

STATE OF Washington)
County of Klickitat) §

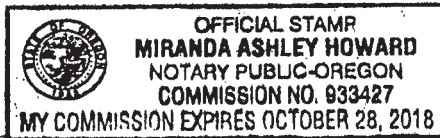
This instrument was acknowledged before me on 2-9-2015, 2014, by Paul Pennington.



Diane Murphy
Notary Public for ~~Oregon~~ Washington

STATE OF OREGON)
County of Benton) §

This instrument was acknowledged before me on 2/12/2015, by Janet Pennington Peterson.



Miranda Ashley Howard
Notary Public for Oregon

STATE OF OREGON)
County of Washington) §

This instrument was acknowledged before me on Feb 5, 2015, 2014, by Gay Pennington Paschoal.



Theresa Weaver
Notary Public for Oregon

EXHIBIT "A"

All interest ... in 25.18 acres of land, located at S.W. Norwood Ave., Tualatin, Oregon 97062, more particularly described as:

The North half of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 35, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon,

EXCEPTING tract conveyed to the State of Oregon, by and through its State Highway Commission, in deed book 325, page 183, as follows: A parcel of land lying in the Northeast quarter of the Southeast quarter of Section 35, T2S, R1W, W.M.; the said parcel being that portion of said Northeast quarter of the Southeast quarter lying Easterly of a line parallel to and 100 feet Westerly of the centerline of the West Portland-Hubbard Highway as said highway has been relocated, which centerline is described as follows:

Beginning at Engineer's centerline Station 349/00, said Station being 115.27 feet North and 78.52 feet East of the East quarter corner of said section 35; thence South 15°49'15" West 1600 feet to Station 365/00; said centerline crossing the East and South lines of said Northeast quarter of the Southeast quarter approximately at Section 351/83 and Station 363/91 respectively;

ALSO EXCEPTING that tract conveyed to the State of Oregon, by and through its State Highway Commission, by deed in book 341, page 233; ALSO EXCEPTING the following described premises: Beginning at an iron bar marking the center of Section 35, T2S, R1W, W.M., Washington County, Oregon; thence South along the West line of the Southeast quarter of said Section 35 to the Southwest corner of tract conveyed to Merle Pennington and Dorthea Pennington by deed of record in book 417 at page 314, Deed Records of Washington County; thence East along the South line of said tract so conveyed 16 rods and 30 feet to a point; thence North parallel to the West line of said Southeast quarter of said Section 35 to the North line of said Southeast quarter of Section 35; thence West along the North line of said Southeast quarter 16 rods and 30 feet to the point of beginning;

ALSO EXCEPTING the following parcels: Parcel conveyed to Shope, described in instrument of record in book 575, page 110, October 13, 1965, Washington County Records; parcel conveyed to School District 88J, described in instrument of record in Book 767, page 495, December 17, 1969, Washington County Records; and parcel conveyed to City of Tualatin described in instrument of record in Book 825, Page 873, 1971, Washington County Records.

Also identified as Washington County Tax Lot 100 on Tax Map 2S135D



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
 City of Tualatin
 Annexation Legal Description

A tract of land located in the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Michael S. Kalina

OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS

RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY TF

MAY 07 2020

WASHINGTON COUNTY A & T
 CARTOGRAPHY

Exhibit I: Neighborhood/Developer Meeting Information

AFFIDAVIT OF MAILING NOTICE

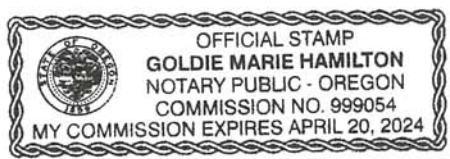
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Mitchell Godwin being first duly sworn, depose and say:

That on the 9 day of June, 20 20, 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.

Mitchell Godwin
Signature

SUBSCRIBED AND SWORN to before me this 9 day of June, 20 20.



Goldie Marie Hamilton
Notary Public for Oregon
My commission expires: April 20, 2024

RE: _____

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 Norwood Road Annexation (ANN 20-0003) project, I hereby certify that on this day, 6/9/2020 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: Mitchell Godwin

(Please Print)

Applicant's Signature: Mitchell Godwin

Date: 6/9/20

I. Executive Summary

Venture Properties, Inc. (Applicant) is seeking approval for the annexation of 23.93 acres of real property (Tax Lot 100, Washington County Assessor's Map 2S 1 35D) to the City of Tualatin. Tax Lot 100 is currently located within unincorporated Washington County but also within the City of Tualatin Urban Growth Boundary (UGB). The site is contiguous to the city limits to the north and west. The property is zoned Future Development 20-Acre District (FD-20). Upon its annexation, the property would be zoned Medium-Low Density Residential (RML) by the City. The subject property is within the Basalt Creek Concept Plan (April 2019) area.

The applicant intends to sequentially submit residential subdivision applications for the properties listed which would provide needed housing for the City of Tualatin.

The proposal satisfies the applicable approval criteria for annexations outlined within the Tualatin Development Code (TDC).

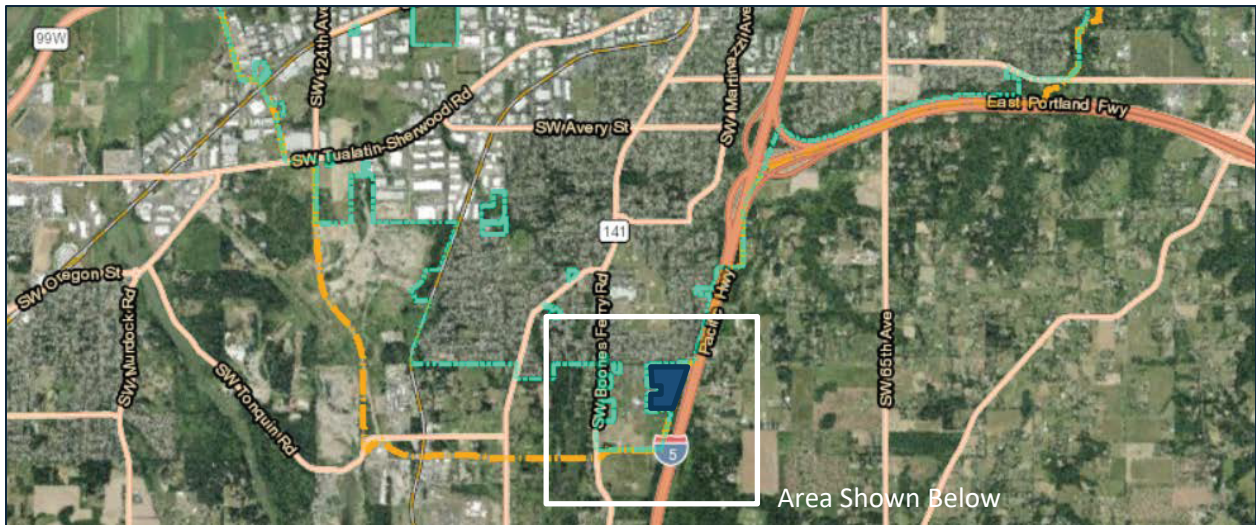
This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The annexation area is comprised of real property approximately 23.93 acres in size. The property is located within the UGB and will be designated RML upon its annexation. The lot lies east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the Basalt Creek Planning Area.

The property is currently vacant and undeveloped. See attached Exhibit C for legal description and map of the proposed annexation territory boundaries.

Proposed Property for Annexation



Area Shown Below



Instructions for Joining & Participating in the Public Neighborhood Meeting for the SW Norwood Annexation

Virtual Meeting provided via Zoom Webinar

Thursday, June 25, 2020 at 6:00 PM PST

Please Register in Advance

(a list of attendees must be submitted to the City):

- Go to www.aks-eng.com/norwood/ and follow the link to register.
- Complete the online registration form.
- You will receive a confirmation email containing a link to join the Zoom webinar at the scheduled time as well as additional instructions.
- Meeting materials will be available at www.aks-eng.com/norwood/ two days prior to the meeting and at least 10 days after the meeting concludes.

How to Join the Meeting:

Join by computer, tablet, or smartphone

- **This is the preferred method as it allows you to see the Presenter's materials on screen.**
- Click on the "Click Here to Join" link provided in your registration confirmation email.
- (If you registered at www.aks-eng.com/norwood/ but did not receive a confirmation email, please check your junk/spam folder before contacting the Meeting Administrator.)
- You may be prompted to "download and run Zoom" or to install the App (ZOOM cloud meetings). Follow the prompts or bypass this process by clicking "join from your browser".
- You should automatically be connected to the virtual neighborhood meeting.

Join by telephone

- Dial any of the toll-free Zoom numbers below to connect to the neighborhood meeting:

+1-669-900-6833	+1-346-248-7799
+1-929-205-6099	+1-253-215-8782
+1-301-715-8592	+1-312-626-6799

- If you experience trouble connecting, please pick another number and try again.
- After dialing in, enter this Zoom ID when prompted: **886 7684 6067**
- The Password if needed is: **6151**

MEETING ADMINISTRATOR:

For technical assistance or to submit a question for the meeting:

Email mimid@aks-eng.com

During the Meeting

Audio Help

- Meeting attendees will be muted throughout the presentation. This will allow everyone to hear the presentation clearly without added distractions.
- Make sure that the speakers on your device are turned on and not muted.
- If you do not have speakers on your computer, you can join by phone (using the “Join by telephone” instructions) to hear the presentation while watching the presentation on your computer monitor.

Questions & Answers

Your questions are important to us. There will be time reserved during the meeting to take questions, using one of the submission options below. Our presentation team will make their best effort to answer all question(s) during the meeting.

Prior to the Meeting:

- You can Email your question(s) in advance to the Meeting Administrator.
Email mimid@aks-eng.com

During the Meeting:

- **Preferred Method:** Use the “Q&A” button on the bottom of the presentation screen to submit a question in real time.
- Email your question to the Meeting Administrator:
Email mimid@aks-eng.com

After the Meeting:

- We will continue to take questions after the meeting has ended. Please submit your question(s) to the Meeting Administrator:
Email mimid@aks-eng.com
- All questions received after the meeting and prior to midnight on June 23, 2020 will be answered in an email to all registered meeting participants by end of business the following day.

Helpful Hints/Troubleshooting

We want to start on time! Please join the meeting 5-10 minutes prior to the 6:00 PM start time to ensure successful connection.

- You do not need a Zoom account to join the meeting.
- You will need a valid email address at the time of registration to receive the confirmation email and link to join the webinar or receive answers to any questions submitted after the meeting.
- For first-time Zoom users, we recommend downloading and installing the Zoom App well in advance, by clicking on the “Click Here to Join” link in your confirmation email.
- For technical assistance, please contact the Meeting Administrator (contact above).
- If you have difficulties connecting by computer, tablet, or smartphone, we suggest disconnecting and instead use the “Join by telephone” instructions to listen in.

The meeting
will start
shortly...

Visit

If you haven't already, please visit
<https://www.aks-eng.com/norwood/>
to register for this event.

Call

If you are having audio difficulties, please call
+1-253-215-8782
Zoom ID **886 7684 6067**, Password **6151**
OR one of the telephone numbers listed on the Virtual Meeting
Instructions sheet at the above website.

Submit

You can submit questions by typing them into the **Group Chat
Box** – they will go directly to the Meeting Moderator. Questions
will be answered after the presentation.
During the Question/Answer period, you can also **“Raise Your
Hand”** to be called on to provide your questions and comments.

SW Norwood Annexation Neighborhood Meeting

Thursday, June 25, 2020



**12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151**

Introductions

Applicant

Venture Properties, Inc.

Kelly Ritz, President

Al Jeck, Project Manager

Property Owner

P3 Properties, LLC

Land Use and Civil

Engineering

AKS Engineering & Forestry

Mimi Doukas, AICP, RLA

Glen Southerland, AICP



VentureProperties
INCORPORATED



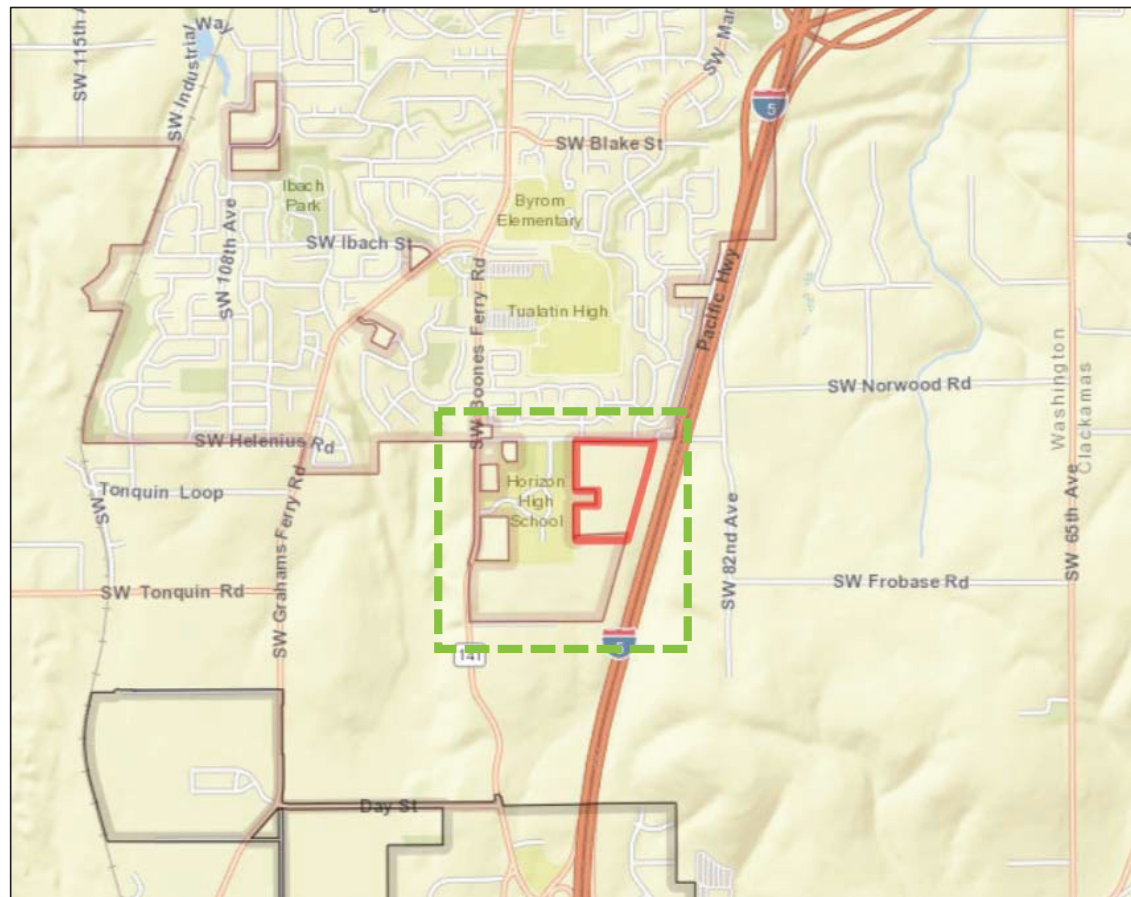
What is being proposed?

The Applicant is proposing an annexation of property to the City of Tualatin.

- Addition of ±23.93 acres to City of Tualatin
- Zoning:
 - Current County Zoning: Future Development, 20-acre (FD-20)
 - City of Tualatin Zoning: Residential Medium-Low Density (RML)
- Services:
 - City of Tualatin
 - Clean Water Services
 - Sherwood School District



Area Proposed for Annexation



6/27/2020



Area Proposed for Annexation

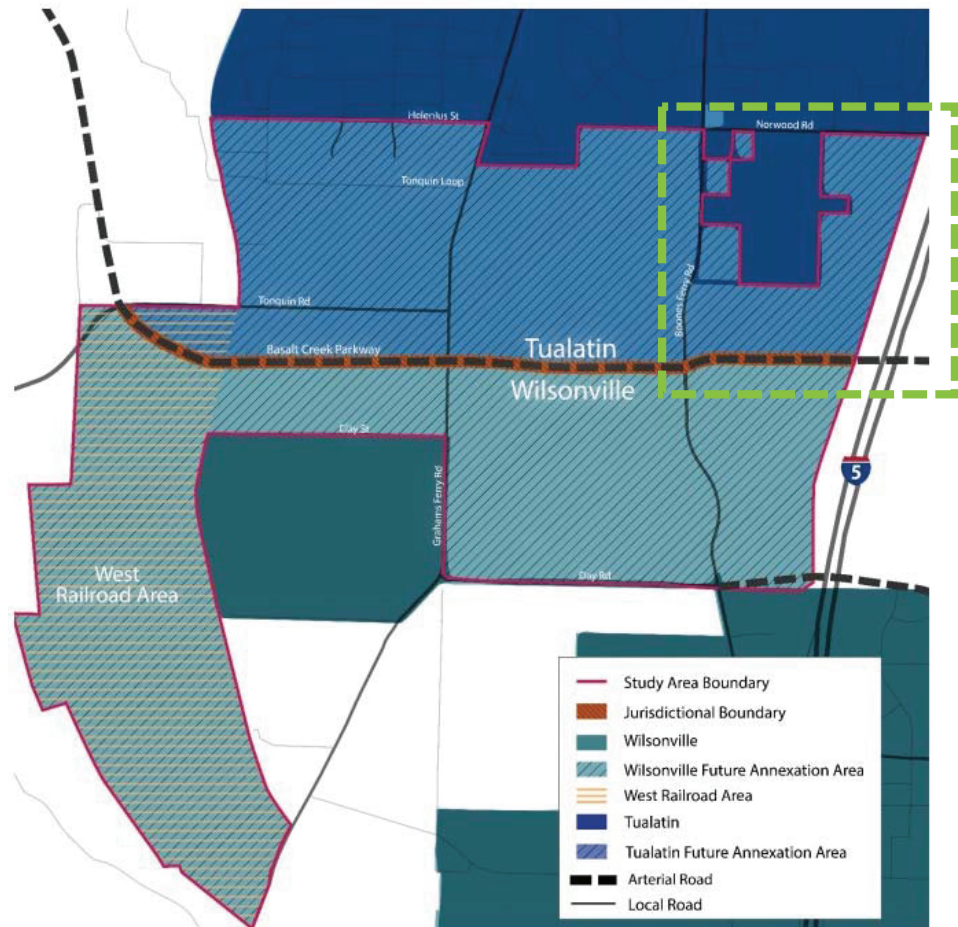


6/27/2020



Basalt Creek Planning Area

Figure 1 Basalt Creek Planning Area and jurisdictional boundaries.



6/27/2020

What's in store for this site?

After the Annexation decision, the Applicant will submit a land use application for subdivision.



The Process



Questions Received So Far

Q:

A:



Questions?

Mimi Doukas, AICP, RLA

AKS Engineering & Forestry
12965 SW Herman Road, Suite 100
Tualatin, OR 97068

MimiD@aks-eng.com

(503) 563-6151

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator.

Press **“Raise Your Hand”** to be called on to provide your questions and comments.

June 26, 2020



Neighborhood Meeting Summary: SW Norwood Annexation

Meeting Date: June 25, 2020
Time: 6:00 PM
Location: Virtual Meeting via Zoom Webinar

The following serves as a summary of the Neighborhood Meeting process. On June 9, 2020, property owners within 1,000 feet of the proposed annexation were sent notification of the application. This notification included the project location, project details, and the neighborhood meeting date and time. Information on how to join the meeting remotely was provided in the notification letter. A sign was posted on the subject property to notify the public of the proposed project and upcoming meeting.

On June 25, 2020, Mimi Doukas and Glen Southerland from AKS Engineering & Forestry, LLC and Kelly Ritz and Al Jeck from Venture Properties, LLC were the meeting presenters. Mimi provided an overview of the property to be annexed and the specific area applicable to the application. Information about the City's review process and opportunities for public input were provided.

Attendees were given the opportunity to ask questions live or write questions in the Q&A dialog box. Following these questions, emails that had been sent prior to the meeting were read aloud and answered. The following topics were discussed:

- The public participation process for annexations
- Access and traffic impacts on surrounding streets, particularly SW Norwood Road
- Tree and greenbelt removal – noise buffering visual value, and habitat
- Density requirements of the RML district
- The number of dwellings that could be built on the property
- Allowed uses for the RML zone – includes apartments and attached housing
- The possibility of school overcrowding and the possibility of redistricting

The meeting concluded at approximately 7:11 pm.

Materials presented during the meeting and other informational items were uploaded to www.aks-eng.com/norwood greater than two days prior to the Neighborhood/Developer Meeting. These materials will be available on the project website for at least 10 days following the Neighborhood/Developer Meeting.

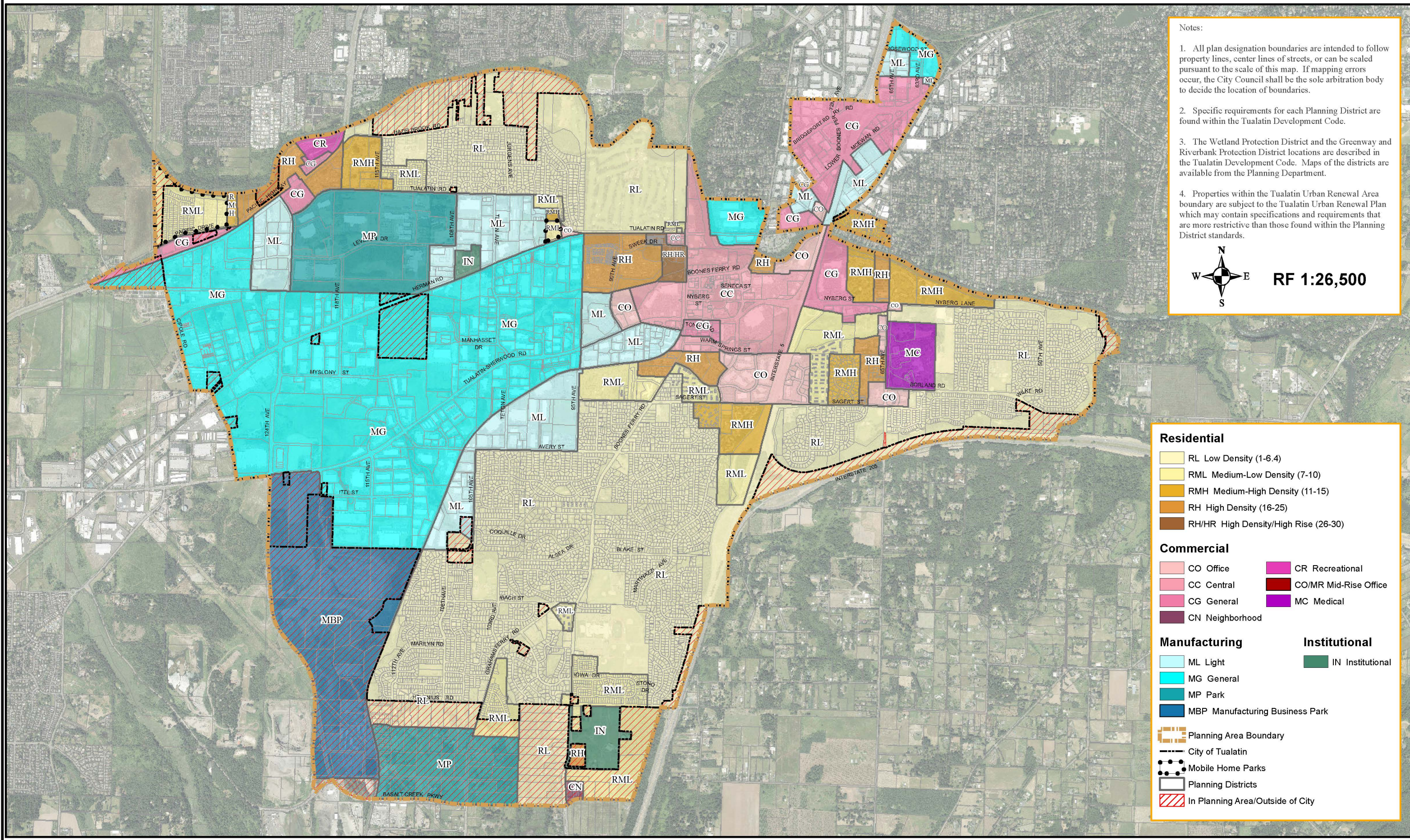
Sincerely,
AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink that reads 'M Doukas'.

Mimi Doukas, AICP, RLA – Associate
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
P: 503.563.6151 | www.aks-eng.com | MimiD@aks-eng.com

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
	CR Recreational
	CO/MR Mid-Rise Office
	MC Medical
	CN Neighborhood
Manufacturing	
	ML Light
	MG General
	MP Park
	MBP Manufacturing Business Park
Institutional	
	IN Institutional
Planning Area Boundary City of Tualatin Mobile Home Parks Planning Districts In Planning Area/Outside of City	

Figure 11-3: Local Street Plan

-  Local Street Connection
-  Planning Area Boundary

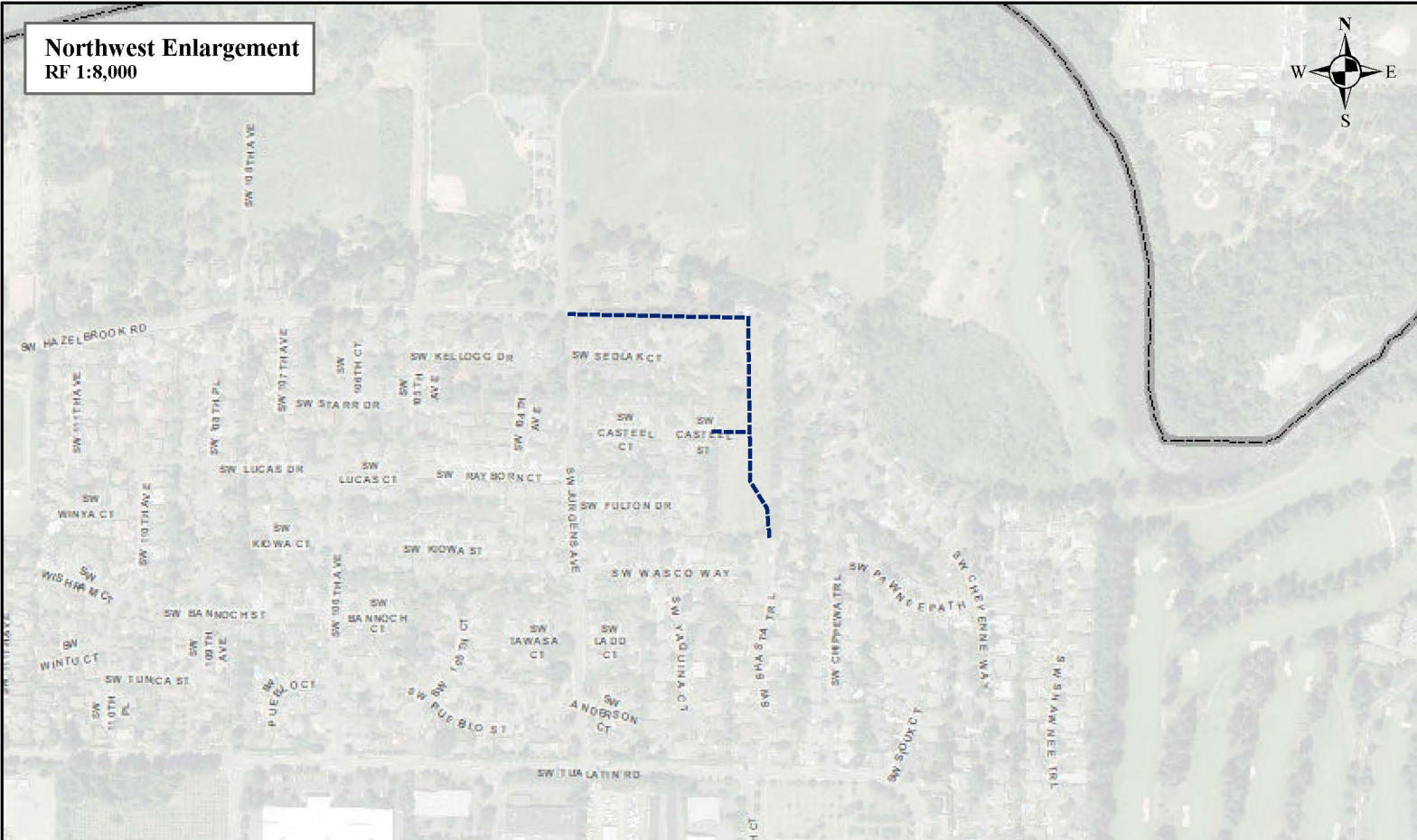
Air Photo: Summer 2017

Note:
Future roadway alignments are approximate and subject to additional engineering and design.

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



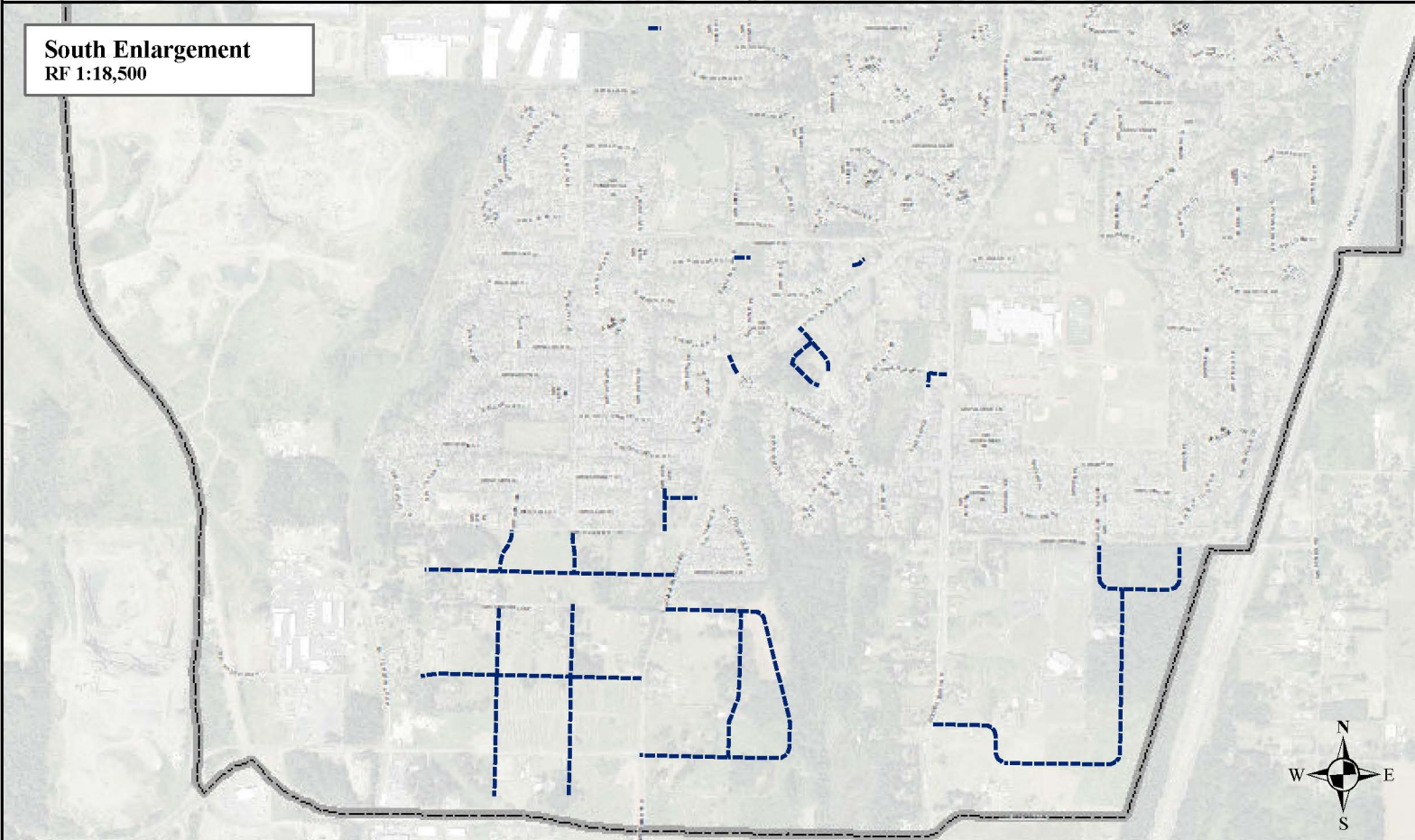
Northwest Enlargement
RF 1:8,000



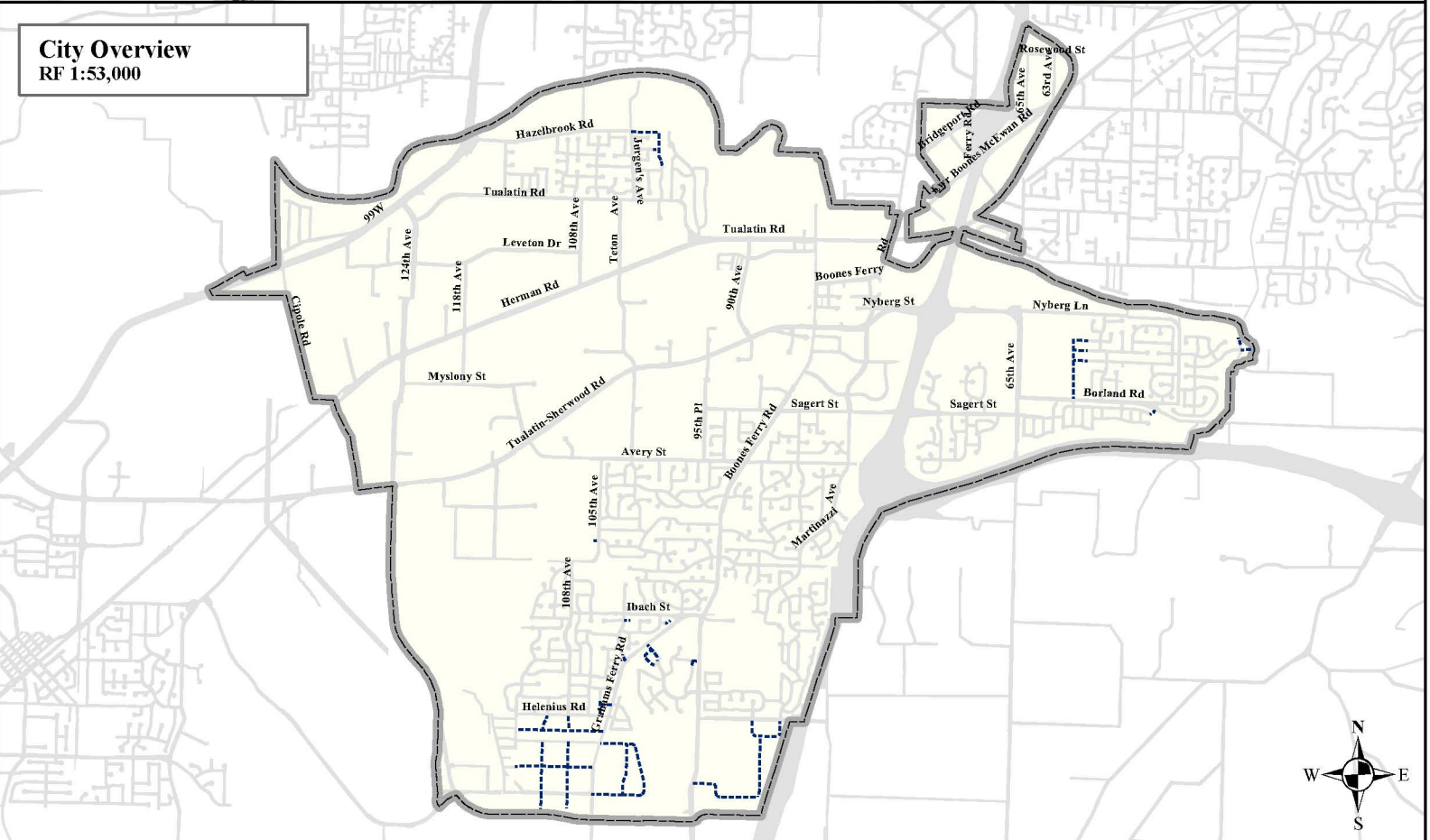
East Enlargement
RF 1:9,000

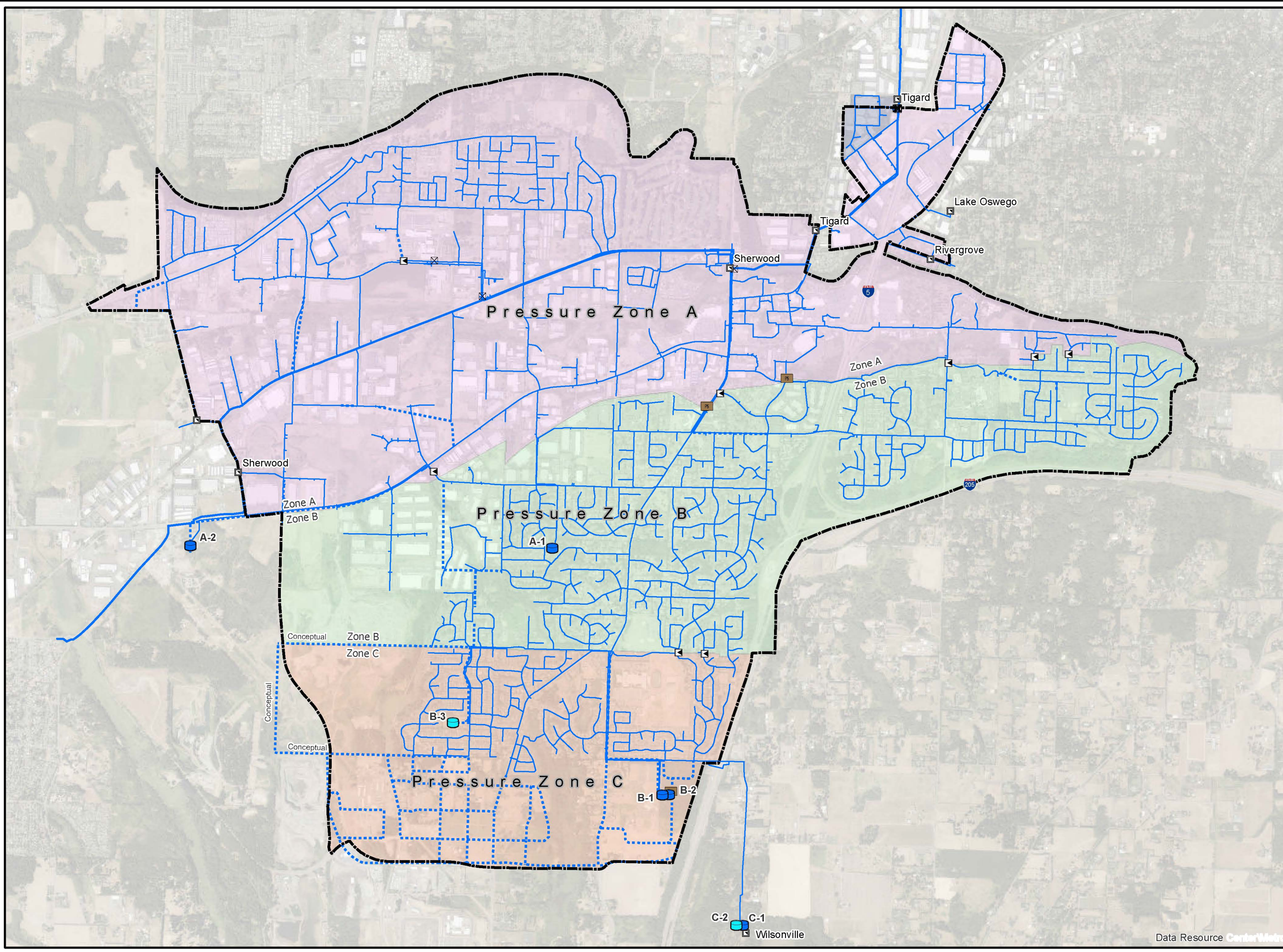
















South Enlargement
RF 1:18,500



City Overview
RF 1:53,000



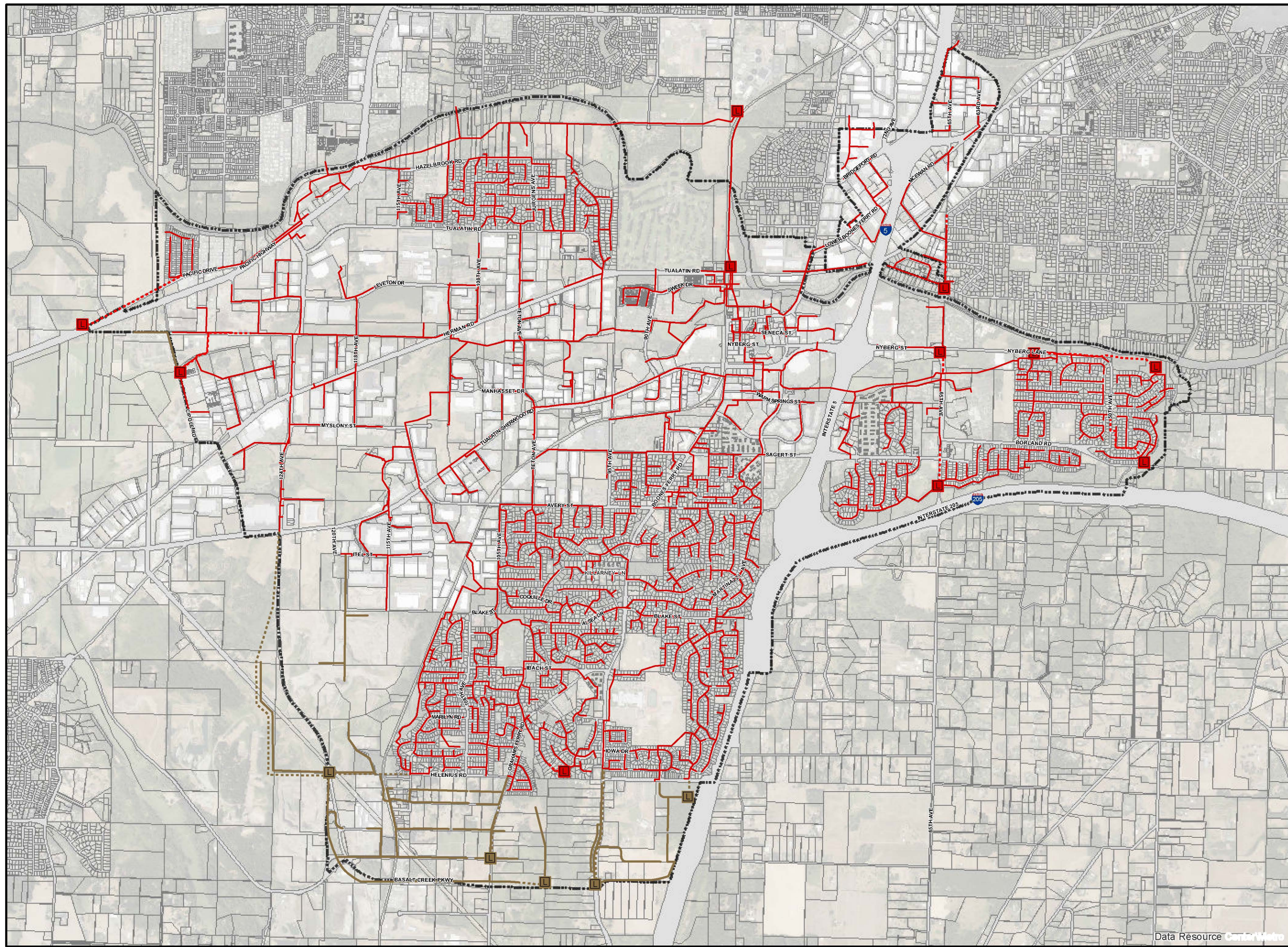









-  Pump Stations
-  Pressure Reducing Valve
-  Pressure Reducing-Sustaining Valve
-  Existing Reservoirs
-  Future Reservoirs
-  Water System Interties
-  Transmission Lines
-  Distribution System
-  Future System Improvements
-  A-Level
-  B-Level
-  C-Level
-  Bridgeport
-  Planning Area Boundary



RF 1:26,500

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



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



RF 1:26,500

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

ANN 20-0003

Norwood Road Property Annexation

November 9, 2020



CITY OF
TUALATIN OREGON

PURPOSE

Public hearing to review a request for annexation to the City for property at SW Norwood Road, Tax Map 2S135D Lot 100.



CITY OF

TUALATIN OREGON

SUBJECT PROPERTY



REQUEST

- Annexation of 25.18 acres of private property
- Located at SW Norwood Rd near Interstate 5
- Designated Medium Low Density Residential (RML)
- Withdrawal from the Washington County Sheriff Extended Law Enforcement boundary
- Annexation into Clean Water Services District
- No development is proposed with this application



CITY OF

TUALATIN OREGON

FUTURE ZONING



APPLICABLE CRITERIA

- TDC 33.010 Annexations
 - Within Urban Growth Boundary
 - Owner has petitioned to be annexed
 - Meets Metro Code 3.09
 - Meets ORS Chapter 222
- No development proposed



CONCLUSION & RECOMMENDATION

The proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC.

Staff recommends City Council approve File No. ANN 20-0003 and adoption of Ordinance 1442-20.



COUNCIL OPTIONS

- Approve ANN 20-0002 and adopt Ordinance 14XX-20 as drafted;
- Deny ANN 20-0002;
- Continue discussion of ANN 20-0002.



QUESTIONS & DISCUSSION



From: Meg Boden Alvey <doc.meg.2009@gmail.com>
Sent: Saturday, August 1, 2020 2:19 PM
To: Tabitha Boschetti
Subject: Norwood development

Hello,

Thank you for your work collaborating with developers on the Norwood road new housing development. I have significant concerns about the plan for the project.

I would ask that the development keep a significant number more of the trees to preserve green spaces for air quality, normalize temperatures, preserve wildlife, and improve the residents quality of life.

I would ask that the development include multiple green space plots that preserve at least five of the evergreen trees within each plot.

It is irresponsible of Tualatin to approve a plan that involves demolishing 25 acres of forest. It is also not considerate of traffic planning to have 160+ residences with only four access points in and out of the neighborhood. This plan also neglects the well being and mental health if the residents.

With the decline in mental health in general, it is only wise to keep green spaces, which are proven to benefit mental health. Most compelling is research that indicates children and teens who have access to green spaces have lower rates of clinical mental health issues. Green spaces are also shown to improve residents attachment to their neighborhood and community, both things that Tualatin values. Lastly, research is very clear that denser cities with minimal trees and green spaces average several degrees warmer. Increasing these temps will increase home owners utilities and further burden our utility services.

See below for multiple article references

Thank you for holding developers accountable to these matters of great importance for our community.

Thank you,

Dr. Meg Boden Alvey, Psy.D.

<https://www.sciencedirect.com/science/article/abs/pii/S1618866711000963>

<https://www.nrpa.org/our-work/Three-Pillars/health-wellness/ParksandHealth/fact-sheets/parks-improved-mental-health-quality-life/>

<https://bmcp psychiatry.biomedcentral.com/articles/10.1186/s12888-018-1926-1>

<https://www.pnas.org/content/116/11/5188>

From: Gary Dominick <gldominick@hotmail.com>
Sent: Tuesday, August 4, 2020 12:25 PM
To: Tabitha Boschetti
Subject: Norwood Project, Ann-20-0003

Hi Ms. Boschetti,

My name is Gary Dominick and I live with my wife, Mary Schu, at 22467 SW Pinto Drive, Tualatin. I am writing to voice my serious concern about the Norwood annexation. This will dramatically ruin the nature of our neighborhood. This "project" should actually be moved from the "planning department" to the "how to destroy the neighborhood" department.

Many in the neighborhood will discuss the environmental damage to the loss of the 60,000 trees with thousands of logging trucks clogging the two lane Norwood road and onto Boones Ferry Road to remove the beautiful trees. For a city with a designation as a "Tree City" this debacle sure seems like an oxymoron. Moreover, it is already difficult to turn onto Boones Ferry from Norwood especially in the morning and evenings. While the traffic is slightly less during the COVID times, normally it is almost impossible to turn southbound during rush hour times. If these trucks turn north they go past the busy Tualatin High School that also becomes overcrowded during the mornings and afternoons backing up traffic for several blocks in each direction. It is already extremely dangerous for pedestrians, bikers, walking dogs as well as vehicles at these times.

After the log trucks have completed their damage, the resulting "development" will add hundreds of new people, houses and, of course, vehicles. These new additions will overwhelm the already congested Boones Ferry road and Norwood Road. But of course this is already known by the city of Tualatin.

Moreover, I have an additional concern. I live at the corner where Martinazzi Avenue dead ends onto Pinto Drive. Even on slow traffic days, which are becoming more rare, it is an extremely dangerous intersection. Our neighborhood is used as a short cut to bypass Boones Ferry Road to go downtown or Interstate 5. Many vehicles turn off of Norwood onto Vermillion and then on to Pinto Drive. When they come down Pinto Drive, they turn left onto Martinazzi. It is a very sharp turn and the vehicles usually cut the corner. It is also difficult to see if other cars are waiting on Martinazzi to turn onto Pinto. There have been several near misses between cars or trucks. Additionally, since there are very many children in the neighborhood who ride bikes it is only a matter of time until a vehicle hits a child on a bike at this intersection. Last year the city paved Pinto which seemed like a nice addition. However, with the new pavement the vehicles only seem to increase their speed which generally exceeds the 25 mph limit on this narrow street.

With the addition of hundreds of new vehicles from the "new development" using our neighborhood as a short cut since they will not be able to access Boones Ferry Road since the backup there will be monumental, our neighborhood will bear the brunt of this disaster.

If this development can not be stopped, then at a minimum the ONLY access to the area should be from Boones Ferry Road. This is the only rational and sensible avenue.

Sincerely,

Gary L Dominick

From: Dan Cobb <dancobb@live.com>
Sent: Tuesday, August 4, 2020 7:45 PM
To: Tabitha Boschetti
Subject: My written requests to the City of Tualatin Regarding Norwood Development.

Hi Tabitha.

Thanks much for your time! I appreciate your insight over the phone.

This correspondence regards the very large, high-density housing development projects currently in planning for the areas south of Norwood Road and down to the dirt road marked as Green Hill Road. My primary concern are the 24 wooded acres south of Norwood Rd. Current zoning apparently calls for 10 housing units per-acre, which most people would consider to be high-density housing. A recent meeting I attended indicated this would provide 142 homes (regardless of whether these are SFR or multi-family). My concerns are as follows, in no specific order.

Request 1 – Control density and traffic for livability and property values: 142 units, two adults = 300 cars at least. With both adults commuting to and from work, and with non-work trips after work, this development will result in at least 700 – 750 vehicle trips per-day. Norwood Rd and Boones Ferry Rd will not support such a high number of added daily trips. Many drivers will head north past Tualatin High School and Byrom and Tualatin Elementary schools, or up 65th Ave. Both roadways are already severely congested during normal “rush hours”, which together total several hours daily. Commuting for citizens living in the area will become a nightmare. (COVID-19 will pass and we will all head back to work.) The intersection at Norwood Rd and Boones Ferry Rd is hazardous already due to the partial blind spot on the hill and the fencing at that corner. Seven hundred new vehicle trips will result in numerous accidents. This development, with density as planned, will harm existing property values.

I request that the City reduce the number of Norwood development housing units, by 30% at least, and that Green Hill Road, intersecting Boones Ferry Road south of Horizon Community Church, be built to completion BEFORE this Norwood development is built, so that safe, adequate access for those new residents is provided. Attempting to remedy transportation infrastructure failures after developments are built, isn't “planning”.

Request 2 – Provide a development setback for livability : The 24 acre parcel hosts thousands, possibly up to 60,000 Evergreen trees. The loss of this area, with so many trees and the wildlife habitat provided, is a deep shame for the community. Cedar and fir trees line both sides of Norwood Road and make the area, with the walking path, a treasure for many area residents. I request (and hundreds of residents back this) that the City create an 80-foot setback from the edge of Norwood Road to any development, so that mature trees within the setback can be retained. Horizon Community Church did exactly this, for which we residents are eternally grateful. This setback will benefit all current and future area residents.

Request 3 – Retain certain trees for livability: I request that the development be designed to keep as many mature trees as possible, in small islands, and not leave all tree removal decisions to the builder, but require city review for large trees. This will contribute greatly to livability in the development and break up the heat-island effect that this and the larger residential and commercial developments to the south will otherwise create.

Request 4: Route construction traffic for safety: Thousands of trips by heavy construction vehicles and logging trucks weighing up to 40 tons will be made to-and-from this site for several months, possibly up to a year. These vehicles will present a glaring and serious safety hazard for pedestrians and drivers, especially if they are allowed to pass Horizon Community Church and the three public schools to the north – Tualatin High School, Byrom Elementary, and Tualatin Elementary. Because teenage drivers and young children are so impulsive, and 40-ton trucks cannot stop on a dime, very serious and possibly lethal accidents are highly likely. I ask that all heavy vehicle construction traffic be banned from travelling on Norwood Rd and Boones Ferry Road north of the site. As a much safer alternative, I request that Green Hill Road be built sufficiently to be used as the primary access road to the site for these vehicles.

Best Regards,
Dan Cobb

From: robi kelly kurth <robikelly@earthlink.net>
Sent: Tuesday, August 4, 2020 10:51 PM
To: Tabitha Boschetti
Cc: robikelly@earthlink.net
Subject: Re: Norwood Annexation Testimony - August 4th

Robinson & Kelly Kurth

Dear Tabitha,

Through various information sources I have your name as a contact for feedback from Tualatin residents regarding the Norwood Annexation project.

I am a resident of Tualatin in the Byrom CIO area. I have lived in Tualatin since 2011 and been a member of the Byrom community for much longer since I previously taught at Byrom Elementary since 1998. I have seen Tualatin in 1998 and witnessed the many land developments and acquisitions since then.

Here are some comments or questions for consideration:

1. Tualatin needs to maintain aesthetic standards for development:

I know some forms of growth and expansion are inevitable. However, they should be regulated with some long-term strategy. If we don't protect or provide natural areas, our communities become grid developments and sprawl, lacking much of what draws people in the first place to thoughtful and aesthetic planned community developments (e.g., Villebois).

2. Provide valuable open spaces within developments:

I would hope that all developments and housing projects provide plenty of valuable open space. Look at the important variety and benefit that areas such as Ibach Park, Cook Park, or Graham Oaks (in Wilsonville) provide.

3. Environmental Impact studies:

Has there been Environmental Impact Studies? Was there public input? Are these studies publicized now? Who is assisting with wildlife relocation?

4. Limit the number of units for numerous reasons - sound, traffic, pollution, congestion, and habitat loss. Will the city or the developer be building a tall sound wall along I-5 for this house development? Just walk along the streets closest to I-5 in Byrom and you will hear the very loud decibels of highway traffic. Sound pollution will be an issue to any homes built in this area.

5. Many Byrom citizens are raising the issue of nature corridors along Norwood to preserve the mature trees here and Islands of mature trees within this new development. We ask you to further consider the long term shade of mature trees in this area of Tualatin for climate impact. The Tree City reputation of Tualatin is not being supported without consideration of Islands of mature trees preserved within this new development and tree preservation along Norwood Road.

Thank you for working on this important, large project. Think of the long term.

Robinson & Kelly Kurth

Residents: 21828 SW Blackfoot Drive, Tualatin, OR

email: robikelly@earthlink.net

cell: 503-826-2526

From: Scott Held <srheld56@gmail.com>
Sent: Wednesday, August 5, 2020 6:15 PM
To: Tabitha Boschetti
Subject: Norwood Development

Dear City Council Members:

I am not as eloquent or kind as Dan Cobb's words are been below.

The greed, lack of empathy and concern towards the residents of the immediate and surrounding area, traffic congestion, safety concerns, environmental considerations are absolutely shameful!

Chances are the people on the City Council making these decisions probably do not even live any where near the proposed site. Most likely anyone writing you or attending the public hearings will not be heard. Their concerns will fall on deaf ears as you have already decided to move forward. Can't help but believe there is payola, grifting involved amongst the City Council. I am jaded and have zero confidence in local government to make decisions based on the public interest. It's all about what's in it for ME!

Maybe a mall will be built in your neighborhoods, and down all the trees, drive all the animals out of your area.

Do the right thing and listen to your constituents, perhaps the public wants more traffic congestion, pollution, noise and fewer trees.....Great, the people have spoken, but my guess is the council will vote to do whatever lines their pockets, and promotes their careers. Just remember the old saying "Karma is a Bitch!"

This correspondence regards the very large, high-density housing development projects currently in planning for the areas south of Norwood Road and down to the dirt road marked as Green Hill Road. My primary concern are the 24 wooded acres south of Norwood Rd. Current zoning apparently calls for 10 housing units per-acre, which most people would consider to be high-density housing. A recent meeting I attended indicated this would provide 142 homes (regardless of whether these are SFR or multi-family). My concerns are as follows, in no specific order. Request 1 – Control density and traffic for livability and property values: 142 units, two adults = 300 cars at least. With both adults commuting to and from work, and with non-work trips after work, this development will result in at least 700 – 750 vehicle trips per-day. Norwood Rd and Boones Ferry Rd will not support such a high number of added daily trips. Many drivers will head north past Tualatin High School and Byrom and Tualatin Elementary schools, or up 65th Ave. Both roadways are already severely congested during normal "rush hours", which together total several hours daily. Commuting for citizens living in the area will become a nightmare. (COVID-19 will pass and we will all head back to work.) The intersection at Norwood Rd and Boones Ferry Rd is hazardous already due to the partial blind spot on the hill and the fencing at that corner. Seven hundred new vehicle trips will result in numerous accidents. This development, with density as planned, will harm existing property values. I request that the City reduce the number of Norwood development housing units, by 30% at least, and that Green Hill Road, intersecting Boones Ferry Road south of Horizon Community Church, be built to completion BEFORE this Norwood development is built, so that safe, adequate access for those

new residents is provided. Attempting to remedy transportation infrastructure failures after developments are built, isn't "planning". Request 2 – Provide a development setback for livability : The 24 acre parcel hosts thousands, possibly up to 60,000 Evergreen trees. The clear cut of this area, with so many trees and the wildlife habitat provided, is a profound loss. Cedar and fir trees line both sides of Norwood Road and make the area, with the walking path, a treasure for many area residents. I request (and hundreds of residents back this) that the City create an 80-foot setback from the edge of Norwood Road to any development, so that mature trees within the setback can be retained. Horizon Community Church did exactly this, for which we residents are eternally grateful. This setback will benefit all current and future area residents. Request 3 – Retain certain trees for livability: I request that the development be designed to keep as many mature trees as possible, in small islands, and not leave all tree removal decisions to the builder, but require city review for large trees. This will contribute greatly to livability in the development and break up the heat-island effect that this and the larger residential and commercial developments to the south will otherwise create. Request 4: Route construction traffic for safety: Thousands of trips by heavy construction vehicles and logging trucks weighing up to 40 tons will be made to-and-from this site for several months, possibly up to a year. These vehicles will present a glaring and serious safety hazard for pedestrians and drivers, especially if they are allowed to pass Horizon Community Church and the three public schools to the north – Tualatin High School, Byrom Elementary, and Tualatin Elementary. Because teenage drivers and young children are so impulsive, and 40-ton trucks cannot stop on a dime, very serious and possibly lethal accidents are highly likely. I ask that all heavy vehicle construction traffic be banned from traveling on Norwood Rd and Boones Ferry Rd north of the site. As a much safer alternative, I request that Green Hill Road be built sufficiently to be used as the primary access road to the site for these vehicles.

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Scott Held
Wilsonville

From: Beth Z <mightymadge1@gmail.com>
Sent: Friday, August 7, 2020 11:52 AM
To: Tabitha Boschetti
Subject: Norwood development

Follow Up Flag: Follow up
Flag Status: Completed

I wholeheartedly agree with the many concerns of the traffic, environment, and livability that are obvious to local Tualatin citizens with the proposed high density development under planning. Higher density does not make for better safety, livability, or value either now or in the future.

Mr. Cobb has made some very good points and suggestions, among other neighbors, via email and Nextdoor posts.

Please start and support a healthy trend of good stewardship of the land and community we live in. High density housing may be the current trend, but it is not a good solution. Farmland and forests are being lost which can never be regained, and living on top of each other has never worked well long term.

Let's create and support a healthy and happy community for the longterm. The time to establish that is now.

Beth Zbinden

From: Cindy Michael <clmichael@gmail.com>
Sent: Monday, August 10, 2020 9:57 AM
To: Tabitha Boschetti
Subject: Norwood Housing Development

Dear Ms. Boschetti,

I first want to thank you for your service to our community. My husband and I appreciate all that give of their time and energy into helping Tualatin to be a most wonderful place to live.

I just want to express our opinion about the new development and especially the beautiful stand of trees involved. When the proposed development was first discussed, I understood that it was to be where the clearing off Boones Ferry is located. We were not happy considering the amount of traffic that would be added to this already busy street. But as my husband expressed, people need a place to live and land had to be cleared for our development (we live on Blackfoot Drive off Martinazzi). But we had no knowledge of the second phase with plans to remove the trees that give a barrier to the freeway. We are a tree city and as such, put a high value on the quality of life that trees provide. Especially along a major freeway, trees do much to counter pollution. They provide a visual calm and beauty that we love most about Oregon. I would ask that you would protect this area by either enforcing a limit to the amount of trees removed or by denying part 2 of the development altogether.

Thank you for your kind attention,
Cindy and Virgil Michael

From: Kendra Nell <kendranell11@gmail.com>
Sent: Sunday, August 9, 2020 12:24 PM
To: Tabitha Boschetti
Subject: Norwood Housing Development

Hello,

I am writing to express my concern with the new housing development that is in discussion to occur off of Norwood Rd. Our house is located on 8842 SW Stono Dr. which means our backyard is directly across from where it will be put in. We have MANY concerns, but I will focus my letter on trees and traffic.

From our backyard, we enjoy the trees and the wildlife it brings. We have seen bald eagles, deer, coyotes, etc. who live amongst these trees, on numerous occasions, and I worry about their habitat being obliterated when thousands of trees are cut down... Aside from the obvious negative impact on wildlife, these mature trees block I5 noise and pollution to our neighborhood. I am BEGGING for the trees along Norwood road to be preserved, as they bring so much physical beauty and numerous other benefits to this area. Horizon Church was able to save them, and this development/city should also be willing to accommodate. Removing all of the trees behind our house would negatively impact us directly, so much so that we have considered moving if this happens. Especially considering the impact of road traffic on Norwood road, which will literally ruin our small street.

It is no secret that Tualatin has a SEVERE traffic problem. Adding hundreds of houses BEFORE there are any improvements/additions to the roads is absolutely insane. Turning off of Norwood Rd onto Boones Ferry Road is already completely gridlocked in both directions during the 5:00-7:00 rush hours, and mornings (especially when school is in session). Adding a significant amount of homes BEFORE any of the current traffic issues are resolved just does not make any sense.

I understand that there is a housing shortage and that Tualatin and surrounding cities will benefit financially from adding so many houses... so this development is getting done whether current residents like it or not. We have lived in Tualatin since 2011, and planned on staying here to raise our young children for at least another 15 years. All we are asking for is for common sense to prevail when it comes to traffic, and to PLEASE leave the trees alone that border Norwood Road.

Thank you,

Kendra, Zack, Carson & Lexi Nell

From: ghiefield@aol.com
Sent: Monday, August 10, 2020 4:03 PM
To: Tabitha Boschetti
Subject: Re: SW Norwood annexation and overall land use review context

Hi Tabitha,

I have just copied and pasted the text of one of my letters here and hope that you can figure out how to reach Nicole Morris or figure out how to get it in the public comment:

Here's Number One:

Please no new subdivision

Tue, Jun 23, 2020 1:15 pm

Dear Mr. Mayor and City Council Members,

I am writing on behalf of my friends and neighbors in the Norwood Heights neighborhood. We are deeply troubled by the proposal to build a new subdivision on Norwood next to Horizon School. Many of us were opposed to the annexation of that area and lost that battle but felt that our concerns were heard when the school was built rather than new houses. We felt heard and affirmed when the woods next to the school were kept natural as well. Now it seems the City has changed and the new people don't know what we had understood: We need that grove of trees for many reasons, the most important one being for the health of our children and citizens.

The grove of trees lining I5 not only acts as a sound barrier, but, it is a filter of toxins released by trucks and cars speeding up and down I5 24 hours per day, 7 days a week. We discussed the amazing noise pollution created by I5, as well as the air pollution and the city and metro representatives seemed to agree with us that there should always be a certain amount of acreage between a freeway and homes. As you know developers found out the hard way after they built and sold homes on Mandan Dr. with NO buffer. Children, adults, even animals and plants have not flourished on that street and in fact they have suffered. Of course the poor and most elderly live in those homes and it is a blight on the character of our city that the development was ever allowed. 5 years ago during the talks regarding the Basalt Creek map, we all agreed that the health of our citizens was our priority. The mayor at the time was even interested in making Tualatin a Blue Zone. Now it appears that the new city leaders are willing to take money in exchange for the health of its citizens! Please say it isn't so.

Please, use the positions we elected you for to resist the siren call of development money and stand up for the health of your constituents, and for people not informed enough to stand up for themselves. Please, limit the removal of our natural noise and air pollution filter. Once upon a time Beaverton and Tigard had deer, green spaces, clean air, and quiet neighborhoods. Now you can't tell where one ends and the other starts and it is all traffic and no wildlife. PLEASE protect our town and protect us and do not develop the woods on our borders. If you cannot stop the development, please, require the developer to maintain acreage of large stands of trees next to I5.

Thanks,

Gillian Stratton and Neighbors
Here's Number Two:

On Tue, Jun 23, 2020 at 12:47 PM <ghiefield@aol.com> wrote:

Dear Mr. Kellogg,

I am a resident of the Norwood Heights neighborhood asking you to please consider us when making your decision about the development next to Horizon Christian. I know that this was part of the Basalt Creek deal, but, on behalf of my neighbors we are asking you to limit the development for a simple and important reason: It changes the good faith agreement we made during those discussions.

The most important reason we are asking you to use your position on our behalf is because 5-10 years ago when we all participated in the discussions about the Basalt Creek/metro deal, we understood that there would be green space and/or natural space between us and our neighboring cities. We all agreed that we did not want to lose the small city feel of Tualatin and that clear borders created by green spaces would be the best way to keep from turning into a bay area or Beaverton where you can't tell where Portland, Tigard, and Beaverton start and stop. Once the green spaces that created the borders were gone, so was the small city feel. Now it is urban sprawl.

Please, please, uphold the agreement the people before you made. I know you haven't been mayor long, but I voted for you. I don't know if you've been a resident long, but, we had an understanding with Lou who was very pro development that the beautiful borders would be maintained. We all discussed wanting to be more like Lake Oswego than Tigard and it was the natural areas on the borders that we identified as important to keep. Please be our champion and do everything you can to maintain the green space at our border. We know that some times you can't stop development but, you can influence how the space is used and for example how many acres of tress or farmland must remain. Please do your best for keeping Tualatin "Tree City" USA, a beautiful and discreet little city.

Thank you so much for all that you do for our city. I know you're a volunteer and was so proud to see you at the LO summit on race. I get the feeling that you care more about your residents than money, and I appreciate that.

Sincerely,
Gillian Stratton

-----Original Message-----

From: Tabitha Boschetti <tboschetti@tualatin.gov>

To: ghiefield@aol.com <ghiefield@aol.com>

Sent: Mon, Aug 10, 2020 11:12 am

Subject: RE: SW Norwood annexation and overall land use review context

Gillian,

I'll be glad to see you online. I'm pasting the link below; you can also check out the full Council agenda here:

<https://meetings.municode.com/adaHtmlDocument/index?cc=TUALTNOR&me=f9420f055c41476c989f0a0f23e15a23&ip=True>.

Link:

<https://us02web.zoom.us/j/82343960600?pwd=K2lVbFhGUjJnaEZDbW1wMndkemFqUT09>

Phone: +1 669 900 6833

Meeting ID: 823 4396 0600

Password: 18880

Take care,

Tabitha Boschetti, AICP

From: randyjw@juno.com
Sent: Tuesday, August 25, 2020 9:30 PM
To: Tabitha Boschetti
Subject: Public hearing comment

Hi Tabitha,
Thank you for taking the time to speak with me a couple of weeks ago about the Norwood Road annexation.

We live on Vermillion Dr just a few houses away from Norwood Road and the proposed annexation. At one of the previous meetings we were told that the proposal includes two roads that will serve as outlets for the new neighborhood, one of the streets will end right across from Vermillion Dr. Some major concerns is that Vermillion connects with other streets onto Martinazzi which cuts through Tualatin and becomes very busy especially when school begins and when there are traffic backups on Boones Ferry which is often.

Many of our neighbors have asked the city about putting in speed bumps but they have denied the request.

New families have recently moved in and we have more younger children which is also a concern with increased traffic and cars speeding through, exceeding the speed limit.

The other obvious concerns are increased noise from I-5 due to loss of trees, more neighbors creating more services needed and more traffic, constant construction for the next couple of years, roads closures because of construction.

My question is why does there need to be another housing development? Who profits and benefits from all of this building? Not the community of Tualatin.

Will this enhance the livability of the citizens of Tualatin?

The I-5 corridor has become a nightmare and there will be no changes to support all of the new housing.

Villebois, is almost its own city and has created massive traffic, also the Stafford area is growing adding more cars, people etc.

Along Boones Ferry road beyond the new development Autumn Sunrise, plans are being made for more future development

commercial and possibly more residential. The urban country feel we have had for years will be gone! Where is the wildlife supposed to go? as land all over this area is being constantly getting built up.

The idea to extend Basalt creek road to Greenhill and over I-5 to Frobase is a poor plan ruining beautiful farmland and more and more traffic, traffic lights and increased travel time to anywhere in this area.

High speeds on 65th have resulted in many traffic accidents.

With all the new traffic from these developments it will be almost impossible for the students of the two high schools along Boones Ferry to either enter or exit safely.

A great example of livability in Tualatin that benefits the neighborhood is the green spaces that were left in the different housing developments.

We enjoy the walking trails that run along Martinazzi.

Thank you for taking the time to hear my concerns and to consider keeping Tualatin a wonderful city to live in.

Sincerely

Julie Welborn

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From: (null) cbwieting <cbwieting@frontier.com>
Sent: Monday, October 19, 2020 3:06 PM
To: Tabitha Boschetti
Subject: Re: Hearing Scheduled Nov 9, 2020- ANN 20-0003 - Annexation of a 23-acre parcel

Follow Up Flag: Follow up
Flag Status: Completed

Thank you will let neighbors know. Do you know if OHSU gave up the property? I know that Dr. And Mrs. Pennington had donated that land in their trust to OHSU.
Carla Wieting

Sent from my iPad

On Oct 19, 2020, at 1:28 PM, Tabitha Boschetti <tboschetti@tualatin.gov> wrote:

Update to Notice of Application - ANN 20-0003

The hearing for Annexation case (ANN 20-0003) has been rescheduled for **Monday, November 9th** at the regular Tualatin City Council meeting which starts at 7pm. The City Council agenda and materials for the packet presented to City Council are posted online one week prior to the hearing at <https://www.tualatinoregon.gov/meetings> . Updated details for participating in the City Council hearing via Zoom online will also be posted with the agenda.

ANN 20-0003 concerns annexation of a 23-acre parcel located south of SW Norwood Rd, West of I-5 right-of-way, (Tax Map 2S135D Lot 100) into the City of Tualatin and the Clean Water Services Service District.

You may view the application materials on our Projects web page:
<https://www.tualatinoregon.gov/planning/ann-20-0003-norwood-annexation>

Tabitha Boschetti, AICP
503.691.3029 | tboschetti@tualatin.gov



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Clayton Reynolds, Maintenance Services Division Manager

DATE: 10/28/2020

SUBJECT: Consideration of Resolution No. 5525-20 Authorizing the City Manager to Approve and Sign the Furnishings Package for the Tualatin City Services Project

ISSUE BEFORE THE COUNCIL:

Council will consider authorizing the City Manager to approve and sign the furnishings package with Harris Work-Systems for the Tualatin City Services Project

RECOMMENDATION:

Staff recommends that the Council approve the resolution attached and authorize the City Manager to approve and sign the furnishings package for the Tualatin Service Center Project.

EXECUTIVE SUMMARY:

The Tualatin Service Center project is due to be completed in early 2021. One of the remaining key tasks on the project is the procurement and installation of the new furnishings for the new building.

The City of Tualatin along with the City's Owner's Representative, PlanB Consultancy, conducted a review of the specific project requirements of all furnishings including input and requests from the City department leads' and employees. Once this review was completed the project team engaged various vendors under the King County Director's Association (KCDA) General Furniture Global Contract (#20-130) to receive discounted pricing.

The competitive vendor selection process is in the final stages of completion. The Purchase Order and any agreement for acceptance of vendor proposal must be reviewed and approved by the City Manager and City Attorney before execution.

FINANCIAL IMPLICATIONS:

The estimated cost of the Tualatin Service Center Furnishings Package is estimated to be between \$220,000 and \$260,000.

Attachments: [Resolution 5525-20](#)

RESOLUTION NO. 5525-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR FURNISHINGS FOR THE TUALATIN SERVICES CENTER PROJECT UTILIZING AN INTERSTATE COOPERATIVE PROCUREMENT THROUGH KING COUNTY DIRECTOR'S ASSOCIATION.

WHEREAS, under TMC Chapter 1-21, the Council is the Local Contract Review Board for the City;

WHEREAS, under TMC 1-21-110 and ORS 279A.220, the City may enter into contracts through interstate cooperative procurements;

WHEREAS, the Tualatin Service Center project is due to be completed in early 2021 and the City needs to procure and install new furnishings for the project;

WHEREAS, the City has identified the interstate cooperative procurement of King County Director's Association (KCDA) General Furniture Global Contract to purchase furnishings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Council authorizes the City Manager to enter into a contract to purchase furnishings through the King County Director's Association (KCDA) General Furniture Global Contract, in the amount of up to \$260,000.

Section 2. This resolution is effective upon adoption.

ADOPTED by the City Council this 9th day of November, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



Tualatin City Services

City Council | November 9, 2020

Tonight

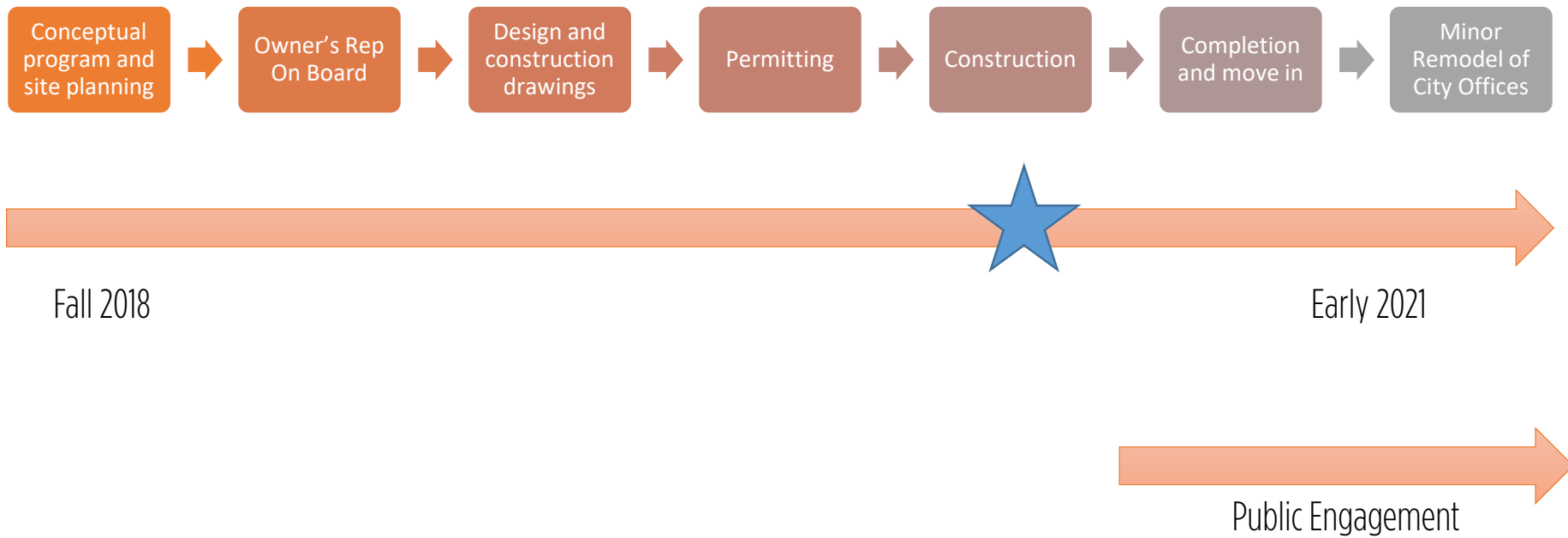
- Timeline
- Construction
- Furnishings Package



CITY OF

TUALATIN OREGON

Timeline









Today's Step: Furnishings Package

- No public bid required because purchase is through King County Directors Association General Furniture Global Contract.
- Contract is not yet finalized, but is expected to be between **\$220,000 - \$260,000** which is above the City Manager's purchasing authority.
- City Manager and City Attorney must review and approve contract before execution.
- Today, the Council is authorizing the City Manager to approve and sign the Furnishings Package with Harris Work-Systems.



FINISHES



TUALATIN CITY SERVICES

Interior Design

SCOTT EDWARDS ARCHITECTURE

TRAFFIC COURT



CITY OF

TUALATIN OREGON



CITY OF
TUALATIN OREGON

Questions & Discussion





City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Sean Brady, City Attorney
DATE: November 9, 2020

SUBJECT:

Consideration of Ordinance No. 1445-20 an Ordinance Relating to Cannabis Regulations; Amending Tualatin Development Code Chapter 80; and Making Minor Amendments to Other Tualatin Development Code Chapters.

RECOMMENDATION:

Staff recommends Council adopt the ordinance.

EXECUTIVE SUMMARY:

Ordinance No. 1445-20 amends and adds new provisions to Tualatin Development Code Chapter 80 to modify the regulations relating to where cannabis facilities may operate in Tualatin. The ordinance also amends the Tualatin Development Code to remove the term “marijuana” and replace it with the term “cannabis.”

The City initiated Plan Text Amendment (PTA) 20-0006 to amend Tualatin Development Code Chapter 80 to modify the regulations relating where cannabis facilities may operate in Tualatin. The City provided notice of the PTA to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610. The City provided notice of the public hearing, as required by TDC 32.250 and TDC 33.070.

A public hearing was held before the City Council on November 9, 2020, to consider adopting the proposed amendments to the Tualatin Development Code.

Ordinance No. 1445-20 amends the Tualatin Development Code to implement PTA 20-0006 and amend Tualatin Development Code Chapter 80 to modify the regulations relating to where cannabis facilities may operate in Tualatin.

ATTACHMENTS:

- Ordinance No. 1445-20

ORDINANCE NO. 1445-20

AN ORDINANCE RELATING TO CANNABIS REGULATIONS; AMENDING TUALATIN DEVELOPMENT CODE CHAPTER 80; AND MAKING MINOR AMENDMENTS TO OTHER TUALATIN DEVELOPMENT CODE CHAPTERS.

WHEREAS, on November 3, 1998, Oregon voters approved Ballot Measure 67, known as the "Oregon Medical Marijuana Act;"

WHEREAS, on November 4, 2014, Oregon voters approved Ballot Measure 91, known as the "Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act," and which authorized recreational cannabis production, sales, and use;

WHEREAS, pursuant to Article XI, Section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority to adopt regulations relating to cannabis, in addition to the provisions in ORS Chapter 475B;

WHEREAS, on March 23, 2015, the City adopted Ordinance No. 1379-15 to regulate cannabis, production, sale, and use within the City, including the location cannabis businesses within the City;

WHEREAS, the City initiated Plan Text Amendment PTA-20-0006 to amend Tualatin Development Code Chapter 80, to modify cannabis regulations within the City and to allow cannabis businesses to locate in certain commercial areas;

WHEREAS, the City provided notice of PTA 20-0006 to the Oregon Department of Land Conservation and Development as provided in ORS 197.610;

WHEREAS, notice of public hearing of PTA 20-0006 was given as required by Tualatin Development Code; and

WHEREAS, a public hearing was held where City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing, and a majority of City Council having approved PTA 20-0006.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC Chapter 80 is amended to read as follows:

CHAPTER 80 - MARIJUANA CANNABIS FACILITIES

TDC 80.010. - Purpose.

The purpose of this chapter is to:

- (1) Protect the general health, safety, property, and welfare of the public;

(2) Balance the right of individuals to produce and access Marijuana Cannabis and Marijuana Cannabis derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of Marijuana Cannabis and derivatives;

(3) Prevent or reduce criminal activity that may result in harm to persons or property;

(4) Prevent or reduce diversion of state-licensed Marijuana Cannabis and Marijuana Cannabis derivatives to minors; and

(5) Minimize impacts to the City's public safety services by reducing calls for service.

TDC 80.020. - Definitions.

The words and phrases have the following meanings:

Edible Marijuana Cannabis means edible product that contains Marijuana Cannabis.

Homegrown Marijuana Cannabis means Marijuana Cannabis grown or made by a person 21 years of age or older for noncommercial purposes.

Marijuana Cannabis means all parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational Marijuana Cannabis as defined by Oregon law.

Marijuana Cannabis extract means a product obtained by separating resins from the Marijuana Cannabis plant by solvent extraction.

Marijuana Cannabis facility means a commercial or public use or structure where Marijuana Cannabis is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

TDC 80.030. - Relationship to Other Standards.

(1) The provisions of this Chapter apply to all Marijuana Cannabis facilities requiring a state license or registration.

(2) The regulations in this Chapter are in addition to other development code standards, including all base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Tualatin Development Code.

(3) To the extent there is a conflict between other provisions in the Tualatin Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

TDC 80.050. - Planning Districts Where Marijuana Cannabis Facilities Permitted.

(1) All types of Cannabis facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) ~~(1)~~ Light Manufacturing (ML);
- (b) ~~(2)~~ General Manufacturing (MG); and
- (c) ~~(3)~~ Manufacturing Business Park (MBP)

(2) In addition to subsection (1), retail sales and medical dispensary Cannabis facilities are permitted in the following planning, districts and subject to the other provisions of this Chapter:

- (a) Office Commercial (CO);
- (b) Neighborhood Commercial (CN);
- (c) Recreation Commercial (CR);
- (d) General Commercial (CG);
- (e) Mid Rise/Office Commercial (CO/MR);
- (f) Medical Center (MC); and
- (g) Mixed Use Commercial (MUC).

TDC 80.060. - Standards for Marijuana Cannabis Facilities.

(1) All Marijuana Cannabis facilities must comply with all applicable State requirements.

(2) A Marijuana Cannabis facility cannot be located within ~~3,000~~ 1,000 feet, measured from the closest property line, from any:

- (a) Residential Planning District ~~or residential uses~~;
- (b) City Park listed below:
 - (i) Atfalati Park
 - (ii) Brown's Ferry Park
 - (iii) Ibach Park
 - (iv) Jurgens Park

- (v) Lafky Park
- (vi) Little Woodrose Nature Park
- (vii) Saarinen Wayside Park
- (viii) Stoneridge Park
- (ix) Sweek Pond Natural Area Park
- (x) Tualatin Commons
- (xi) Tualatin Commons Park
- (xii) Tualatin Community Park

(c) School; and

(d) Library.

(3) A ~~Marijuana~~ Cannabis facility cannot be located within ~~2,000~~ 1,000 feet, measured from the closest property line, of any other ~~Marijuana~~ Cannabis facility.

~~(4) A Marijuana facility cannot exceed 3,000 square feet in size.~~

~~(5)~~ (4) A ~~Marijuana~~ Cannabis facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-permanent structure.

~~(6)~~ (5) A ~~Marijuana~~ Cannabis facility that is a retail sales or medical dispensary ~~Marijuana~~ Cannabis facility is prohibited from co-locating with any other ~~Marijuana~~ Cannabis facility.

~~(7)~~ (6) Drive-through ~~Marijuana~~ Cannabis facilities are prohibited.

TDC 80.070. - ~~Marijuana~~ Cannabis Facility Operating Restrictions.

(1) Retail sales and medical dispensary ~~Marijuana~~ Cannabis facilities are restricted to the following operating hours:

(a) The hours of operation that a retail sales ~~Marijuana~~ Cannabis facility may be open to the public is between 10:00 a.m. and 8:00 p.m. of the same day.

(b) The hours of operation that a medical dispensary ~~Marijuana~~ Cannabis facility may be open to registry identification cardholders is between 10:00 a.m. and 8:00 p.m. of the same day.

(2) All ~~Marijuana~~ Cannabis facilities must comply with the following operating restrictions:

(a) Comply with the restrictions on edible ~~Marijuana~~ Cannabis as provided in TDC 80.100;

(b) All ~~Marijuana~~ Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;

(c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and

(d) Outdoor storage of merchandise, plants, or other materials is prohibited.

TDC 80.100. - Edible ~~Marijuana~~ Cannabis.

~~Marijuana~~ Cannabis facilities that produce, process, wholesale, distribute, transfer, or sell edible ~~Marijuana~~ Cannabis must comply with the following provisions:

(1) All edible ~~Marijuana~~ Cannabis must be individually wrapped at the original point of preparation.

(2) Labeling must be distinctly and clearly legible on the front of the package and must include:

(a) A warning that the contents contain ~~Marijuana~~ Cannabis;

(b) A statement that the contents are not a food product; and

(c) A statement emphasizing that the product is to be kept away from children.

(3) Packaging of edibles must be in child-resistant packaging.

(4) Packaging that makes the product attractive to children or imitates candy is prohibited.

(5) Retail sale of edible ~~Marijuana~~ Cannabis products must be behind a commercial counter or in an enclosed display case.

TDC 80.200. - Butane Extraction.

The production of ~~Marijuana~~ Cannabis extracts through the use of butane is prohibited.

TDC 80.300. - Homegrown ~~Marijuana~~ Cannabis.

(1) Persons growing homegrown ~~Marijuana~~ Cannabis must comply with all applicable state law requirements.

(2) Homegrown ~~Marijuana~~ Cannabis cannot be grown in the front yard of any property in a residential planning district and must comply with the following:

(a) Be fully screened from view on all sides; and

(b) Be located at least ten feet away from all property lines and 25 feet away from all adjacent residences on neighboring properties.

(3) No person may produce, process, keep, or store homemade ~~Marijuana~~ Cannabis extracts.

TDC 80.400. - Violations.

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000.00. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.

Section 2. The Tualatin Development Code is amended such that the word “Marijuana” is deleted and replaced with the word “Cannabis.”

Section 3. Findings. The Council adopts as its findings the Analysis and Findings set forth in Exhibit 1, which is attached and incorporated by reference.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Section 5. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

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

EXHIBIT 1
ORDINANCE NO. 1445-20



November 9, 2020

**Analysis and Findings for
PTA 20 -0006**

Project: Chapter 80 – Cannabis Facilities Update
Applicant: City of Tualatin

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; applicable Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. Presently, such facilities are limited to the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) planning districts.

The scope of the proposed legislative amendments include:

- Replacing reference to the term “marijuana” with the term “cannabis”;
- Allowing retail cannabis businesses to locate in certain commercial zones;
- Reducing the required minimum separation distance from 3,000 to 1,000 feet between cannabis business and: schools, libraries, parks, and residential zoning district;
- Reducing the required maximum separation distance from 2,000 to 1,000 feet between one cannabis business and another; and
- Removing facility size limitation on cannabis business.

City staff held an informational webinar on September 16, 2020 with community members to discuss the potential changes to cannabis regulations, solicit input, and answer questions. The presentation, community input, and questions and answers are provided herein as attachments.

C. Attachments

- A. Webinar presentation
- B. Community Input Received
- C. Chapter 80 questions and answers

II. FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

Legislative amendments are subject to the public notification requirements specified in TDC 32.250, which include newspaper notice of the City Council hearing. Citizen involvement efforts specific to this application include an informational webinar held on September 16, 2020, social media engagement, and a public meeting held by the Tualatin Planning Commission on October 15, 2020. Additionally, interested parties were informed that public testimony may be received during the City Council hearing scheduled for the subject text amendment PTA 20-0006 on November 9, 2020. Council member will receive community input, as well as the webinar related questions and answers in their hearing packet. Each form of engagement is described in detail below.

Informational Webinar:

City staff engaged Tualatin residents, stakeholders wishing to stay up-to-date on cannabis regulation, Community Involvement Organizations (CIOs), Western Oregon Dispensary, and Tualatin Together to solicit comments and invite participation in the informational webinar by e-blast and social media updates. Interested parties were asked to submit questions ahead of the webinar, so that responses could be addressed during the presentation. Staff also answered additional questions raised during the webinar. The presentation, community input, and questions and answers are provided as Attachments 1-3.

Social Media:

Media related to cannabis regulation and the informational webinar were posted to the City of Tualatin's Facebook, Instagram, and Twitter pages on September 3, 6, 11, 15, and 22, 2020. Public comments received as part of this effort have been shared in Attachment 2.

Planning Commission Meeting:

A virtual public meeting was held on October 15, 2020 to comply with social distance efforts mandated by Executive Order 20-12. The zoom meeting was posted to the City of Tualatin's website and open to the public. The Tualatin Planning Commission serves as the committee for citizen involvement in the Land Conservation and Development Commission planning process. They review, advise, and make recommendations to City Council on matters affecting land use planning. A recommendation for the City Council to amend the subject PTA 20-0006 to remove commercial zoning districts was made at this meeting. No public commentary was received.

Public Notice:

The Oregon Department of Land Conservation and Development (DLCD) was notified of subject amendments on October 2, 2020 in accordance with the minimum number of days required by ORS Chapter 197. A Notice of Hearing was emailed to identified stakeholders, CIOs, and the school district on

October 21, 2020. The Notice of Hearing was also published in the Tualatin Times and posted on two City property locations on October 22, 2020.

The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

[...]

Finding:

The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide land use planning goals. The Development Code implements the Community Plan; with legislative amendments subject to the Type IV-B process addressed in Chapter 32.250. This process requires that DLCD receive notice of the subject amendments, in accordance with ORS Chapter 197. DLCD was noticed on October 2, 2020. The proposed amendments conform to Goal 2.

Goal 9 – Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

[...]

Finding:

The proposed amendments would expand the areas in which cannabis businesses in Tualatin can operate, thus providing additional economic opportunities. The proposed amendments conform to Goal 9.

B. Oregon Revised Statutes

ORS Chapter 475B Cannabis Regulations

[...]

475B.486 Local time, place and manner regulations.

(1) For purposes of this section, "reasonable regulations" includes:

- (a) Reasonable conditions on the manner in which a marijuana producer that holds a license issued under ORS 475B.070 may produce marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may produce marijuana or propagate immature marijuana plants;**
- (b) Reasonable conditions on the manner in which a marijuana processor that holds a license issued under ORS 475B.090 may process marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license issued under ORS 475B.100 may sell marijuana at wholesale;**
- (d) Reasonable conditions on the manner in which a marijuana retailer that holds a license issued under ORS 475B.105 may sell marijuana items;**
- (e) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475B.010 to 475B.545 may operate;**

- (f) Reasonable requirements related to the public’s access to a premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545; and
 - (g) Reasonable limitations on where a premises for which a license or certificate may be issued under ORS 475B.010 to 475B.545 may be located.
- (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not:
- (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475B.105 from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475B.105.
 - (b) Adopt an ordinance that imposes a setback requirement for an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:
 - (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
 - (B) Is located at an address where a marijuana grow site first registered with the Oregon Health Authority under ORS 475B.810 on or before January 1, 2015;
 - (C) Was used to produce marijuana pursuant to the provisions of ORS 475B.785 to 475B.949 on or before January 1, 2015; and
 - (D) Has four opaque walls and a roof. [Formerly 475B.340]

Finding:

Ordinance 1379-15, adopted in 2015, established what were deemed to be reasonable restrictions on hours of operation, allowed locations, and design and operational requirements. These restrictions are implemented through Chapter 80 of the Tualatin Development Code, which was established by Ordinance 1379-15. The proposed amendments, which, consistent with ORS 475B, would expand the existing time, place, and manner regulations of Chapter 80 in a way that continues to be reasonable, as well as align the maximum separation distance between cannabis facilities to be compliant with state law. Therefore, the proposed amendments conform to ORS 475B.

E. Tualatin Development Code

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) **Applicability.** [...] Legislative amendments may only be initiated by the City Council.

(3) **Procedure Type.**

(b) **Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.**

Finding:

The proposed text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject

amendments at its September 28, 2020 work session. A pre-adoption noticed was filed with DLCD on October 2, 2020, 38 days before the scheduled hearing. Notice was also published in *The Times* on October 22, 2020, at least 14 calendar days before the hearing. This criterion is met.

[...]

(5) Approval Criteria.

(a) Granting the amendment is in the public interest.

Finding:

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. The proposed amendments have been made at the direction of Council and are based on input from the community, and therefore, it is in the public’s interest to grant this amendment. This criterion is met.

(b) The public interest is best protected by granting the amendment at this time.

Finding:

As stated in previous findings, the proposed amendments are in the public interest. The Tualatin City Council has determined, based on input from the community, that this public interest is best protected by granting the proposed amendments at this time. This criterion is met.

(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Finding:

Below is a summary of how the proposed amendments conform to applicable objectives of the Tualatin Community Plan:

- Chapter 6 speaks to Commercial Planning Objectives: provide increased employment opportunities and provide shopping opportunities for surrounding communities. The proposed amendments would allow opportunities for cannabis businesses in additional areas of Tualatin, including retail sales in many of Tualatin’s commercial planning districts, which will in turn, support increased employment opportunities as well as shopping opportunities.
- Chapter 10 speaks to Community Design Objectives: protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties. The proposed amendments support expansion of business types offered in Tualatin’s commercial districts.

Therefore the proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan. This criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

Finding:

The proposed amendments have been made at the direction of Council and are based on input from the community. The proposed regulations limit cannabis facilities to certain industrial zones, and in the case of retail cannabis businesses, certain commercial zones additionally. Industrial and commercial zones are characteristically zones in which business uses are allowed. Allowing cannabis businesses in residential zones is not permitted by state law. The proposed amendments would require a 1000 foot buffer from residential zones, parks, libraries, and schools (as required by state law), thus acting to preserve the characteristics of these non-businesses uses in different areas of the City, while at the same time providing areas in which cannabis businesses can be sited. Together, these restrictions demonstrate conscious consideration for the various characteristics of the areas in the City. This criterion is met.

(ii) The suitability of the areas for particular land uses and improvements in the areas;

Finding:

The proposed amendments would allow cannabis retailers in the following commercial zoning districts: Office Commercial (CO), Recreation Commercial (CR), General Commercial (CG), Mid Rise/Office Commercial (CO/MR), Medical Center (MC), and Mixed Use Commercial (MUC). The retail sales of goods are common in commercial districts and appropriate in these areas. The proposed amendments would also allow cannabis businesses in industrial zoning districts. Sales, storage, distribution, and production are common in industrial zoning districts and appropriate in these areas. Further requirements to limit the siting of cannabis facilities within 1,000 feet of schools, parks, libraries, and residential districts would further ensure that such uses are located in areas of Tualatin that are suitable. This criterion is met.

(iii) Trends in land improvement and development;

Finding:

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. This criterion is met.

(iv) Property values;

Finding:

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. The actual siting of such businesses would be left up to individual private property owners, and therefore, allowing these uses in additional locations would not impact property values. This criterion is met.

(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;

Finding:

The proposed amendments do not impact right-of-way or access requirements. This criterion is not applicable.

(vi) Natural resources of the City and the protection and conservation of said resources;

Finding:

The proposed amendments do not impact requirements for natural resource protection or conservation. This criterion is not applicable.

(vii) Prospective requirements for the development of natural resources in the City;

Finding:

The proposed amendments do not impact requirements for development of natural resources in the City. This criterion is not applicable.

(viii) The public need for healthful, safe, esthetic surroundings and conditions; and

Finding:

The proposed amendments are presented as reasonable time, place, and manner regulations on cannabis facilities, and are intended to, through the application of these regulations, balance siting of said facilities with the public need for healthful, safe, aesthetic surroundings and conditions. This criterion is met.

(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Finding:

The proposed amendments are not due to change in a specific neighborhood or area nor are they the result of a mistake in the Tualatin Community Plan or Development Code. This criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The proposed amendments do not involve residential uses. This criterion is not applicable.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Finding:

Findings addressing the applicable Oregon Statewide Planning Goals were included earlier in this document. Additionally, the proposed amendments will not impact an existing or proposed transportation facility or affect the Transportation Planning Rule. This criterion is met.

(g) Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

Finding:

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

Title 1 – Housing Capacity: *requires a city or county maintain or increase its housing capacity*
The proposed amendments will not impact housing capacity. This title does not apply.

Title 2 – Regional Parking Policy: *repealed*

Title 3 – Water Quality and Flood Management: *protects Water Quality and Flood Management Areas*
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. This title does not apply.

Title 4 – Industrial and Other Employment Areas: *promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other*
Cannabis facilities are currently permitted in the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) zones and will remain in compliance with this title.

Title 5 - Neighbor Cities and Rural Reserves: *repealed*

Title 6 – Centers, Corridors, Station Communities and Main Streets: *enhancements of these areas as principal centers of urban life via actions and investments*
The proposed amendments will not affect the Central Commercial (CC) planning district, or Tualatin’s downtown core- being the principal center of Tualatin urban life. This title does not apply.

Title 7 – Housing Choice: *implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments*
The proposed amendments will not affect housing choice. This title does not apply.

Title 8 – Compliance Procedures: *ensures all cities & counties are equitably held to the same standards*
Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on October 2, 2020- 38 days before the scheduled hearing.

Title 9 – Performance Measures: *repealed*

Title 10 – Definitions

Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB

The proposed amendments will not affect current regulation for land eligible for annexation into the City of Tualatin. Cannabis facilities are currently a permitted use for Manufacturing Business Park eligible land in Tualatin’s Planning Area Boundary (located along the southwest city boundary). This title does not apply.

Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services

The proposed amendments would continue to prohibit cannabis facilities from locating in residential zones, as well as providing a 1,000 foot buffer between such uses and residential zones.

Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application. This title does not apply.

Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB

No amendments are proposed to the UGB under this application. This title does not apply.

- (h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

Finding:

The proposed amendments will not impact an existing or proposed transportation facility, nor affect vehicle trip generation. This criterion does not apply.

- (i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

Finding:

The City of Tualatin is presently served with utilities such as potable water, sanitary sewer, and stormwater management. The proposed amendments will not impact public utility facility policies. Any development action to support cannabis facilities will require a land use application, at which time compliance with objectives and policies pertaining to these issues would be addressed in greater detail. This criterion is met.