



## TUALATIN CITY COUNCIL MEETING

MONDAY, MARCH 23, 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

### **Special Announcement Regarding March 23, 2020 City Council Meeting**

The Tualatin City Council meeting scheduled for Monday, March 23 will proceed at this time with several modifications:

- **The agenda has been shortened; and**
- **City Council will participate in the meeting remotely.**

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

For those wishing to provide comment during the meeting, there are two opportunities on the agenda:

1. **Public Comment; and**
2. **Public Hearing - Consideration of Ordinance No. 1430-20 (Annexation).**

Written statements may be sent in advance of the meeting to [Deputy City Recorder Nicole Morris](#) up until 4:30 pm on Monday, March 23. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make comment in-person, you will be able to do so at the Juanita Pohl Center. Instead of speaking to the Council Dias, you will be able to address the Council in real-time through a microphone that will be cleaned between each speaker. As always, public comment is limited to three minutes per person. Social distancing measures will be implemented to maintain distance between those attending in person. City staff will be available on-site to answer any questions.

Questions? Please contact [Assistant to the City Manager Megan George](#).

### **7:00 P.M. CITY COUNCIL MEETING**

**Call to Order**

**Pledge of Allegiance**

**Announcements**

1. [Arbor Week Proclamation](#)
2. [Community Development Week 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 Regular Meeting Minutes of March 9, 2020
- [2.](#) Consideration of Approval of Late Liquor License Renewals for 2020
- [3.](#) Consideration of **Resolution No. 5484-20** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clean Water Services for Construction of the Nyberg Sanitary Sewer Trunk Line Rehabilitation
- [4.](#) Annual Report of the Tualatin Library Advisory Committee

## Public Hearings - Quasi-Judicial

- [1.](#) Consideration of **Ordinance No. 1430-20** An Ordinance Annexing Territory Located at 23620, 23740 SW Boones Ferry Road And 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) Into the City of Tualatin; Annexing Portions of SW Lower Boones-Ferry Road; Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District; and Annexing Territory Into the Boundary Of Clean Water Services (Ann-19-0002).

## 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 **Ordinance No. 1433-20** An Ordinance Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04
- [2.](#) Consideration of **Resolution No. 5486-20** Amending Rule 2 of the Council Rules
- [3.](#) Consideration of **Resolution No. 5487-20** Delegating Authority to the Tualatin Development Commission to Establish an Economic Stabilization Program For Businesses Impacted By COVID-19
- [4.](#) Consideration of **Resolution No. 5488-20** Declaring a Local State of Emergency as a Result of the COVID-10 Pandemic

## 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**

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

# Proclamation

*Declaring the Week of April 5-April 11, 2020 as  
Arbor Week in the City of Tualatin*

WHEREAS, Arbor Day is a celebration observed throughout the nation and the world in which individuals and groups are encouraged to plant, care for, and celebrate the many values of trees, and Arbor Day is observed in the State of Oregon during the first full week of April, which this year will be April 5-11, 2020; and

WHEREAS, healthy trees reduce the erosion of topsoil by wind and water, moderate the temperature, calm traffic, clean the air, produce oxygen, provide habitat for wildlife, and are a renewable resource giving us paper and countless other wood products; and

WHEREAS, trees beautify our community, increase property values, and enhance the economic vitality of business areas in Tualatin, and thousands of trees and shrubs are planted by volunteers in Tualatin's parklands every year; and

WHEREAS, 2020 marks the 33<sup>rd</sup> consecutive year the City of Tualatin has been certified as a Tree City USA by the National Arbor Day Foundation for following best practices in community forestry management.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that: the City of Tualatin designates the week of April 5-11, 2020 as Arbor Week in the City of Tualatin.

All citizens are urged to support efforts to protect and plant trees to gladden the hearts and promote the well being of present and future generations.

The citizens of the City of Tualatin support the Oregon Department of Forestry and the National Arbor Day Foundation in their recognition of the value of trees and forests by proclaiming April 5-11, 2020, as Arbor Week in Tualatin.

INTRODUCED AND ADOPTED this 23<sup>rd</sup> day of March, 2020.

CITY OF TUALATIN, OREGON

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

ATTEST:

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



# Proclamation

*Declaring April 13-17, 2020 as Community Development Week  
in the City of Tualatin*

WHEREAS, the week of April 13-April 17, 2020 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; and

WHEREAS, the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and sanitary housing, a suitable living environment and economic opportunities to low-and moderate-income people; and

WHEREAS, the HOME Investment Partnerships (HOME) Program provides funding to local communities to create decent, safe, affordable housing opportunities for low-income persons. Nationally, over one million units of affordable housing have been completed using HOME funds; and

WHEREAS, over the programs' history, our community has received a total of \$1,810,617 in CDBG funds;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that the week of April 13-17, 2020 is National Community Development Week in support of these two valuable programs that have made tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community. The Council urges Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program and the HOME Investment Partnerships Program by supporting increased funding for both programs in FY2021.

INTRODUCED AND ADOPTED this 23<sup>rd</sup> day of March, 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:** March 23, 2020

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**SUBJECT:**  
Consideration of Approval of the Regular Meeting Minutes of March 9, 2020

**RECOMMENDATION:**  
Staff respectfully recommends the Council adopt the attached minutes.

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**ATTACHMENTS:**

-City Council Regular Meeting Minutes of March 9, 2020



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 09, 2020

Present: Council President Nancy Grimes, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Absent: Mayor Frank Bubenik, Councilor Bridget Brooks

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### **7:00 P.M. CITY COUNCIL MEETING**

#### **Call to Order**

Council President Grimes called the meeting to order at 7:00 p.m.

#### **Pledge of Allegiance**

#### **Announcements**

##### 1. Recognition to the Tualatin 2040 Community Advisory Committee Members

Senior Planner Karen Fox and Planning Manager Steve Koper expressed appreciation for the Community Advisory Committee for Housing and Economic Policy. Members of the committee were presented with certificates of appreciation.

##### 2. Tualatin Public Library Food For Fines Event

Library Director Jerianne Thompson announced the Library will be hosting Food for Fines on March 21-29, 2020. The campaign allows for Tualatin patrons to pay fines by donating food. All food donations will be donated to the Tualatin School House Pantry.

#### **Public Comment**

None.

#### **Consent Agenda**

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

#### **MOTION PASSED**

1. Consideration of Approval of the Work Session Minutes of February 10, 2020 and Work Session and Regular Minutes of February 24, 2020
2. Consideration of Approval of Late Liquor License Renewals for 2020

## Special Reports

### 1. WCCLS and Public Safety Levies Presentation

Washington County Cooperative Library Services (WCCLS) Manager Lisa Tattersal presented information on the 2020 Library Levy. Ms. Tattersal stated the levy would replace the five year levy that is expiring. The new levy would be at a rate of twenty-two cents per \$1,000 of assessed value. She stated the levy is the primary funding source for nine cities and two non-profit libraries. The levy will maintain library operations, reading programs for children, book purchases, resources for jobseekers, and provide central support and services that link libraries together.

Councilor Kellogg stated this levy supplies 27% of the city's library funding.

Motion made by Councilor Kellogg, Seconded by Councilor Pratt to have Council prepare a resolution in support of the levy.

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

#### MOTION PASSED

Washington County Sheriff Pat Garret, Juvenile Department Director Lynn Schroeder, and Senior District Attorney Jeff McLain presented information on the 2020 Public Safety Levy. Sheriff Garret stated the safety levy is a county wide systems levy that provides services to city neighborhoods, urban unincorporated communities, and rural areas. He stated it replaces a five-year levy expiring in June 2021. Sheriff Garret stated the levy will continue countywide public safety services at the current level of service (\$187.7m, 168.5 positions) and will add services to address increased domestic violence & emergency shelter caseloads (\$9.8m, 11 positions). The current levy pays for victim assistance and prosecution services, parole, probation and juvenile services, operation of the jail and work-release center, and emergency shelters for women and children who are victims of domestic violence. If the levy passes additional services would include increased funding for prosecution of child abuse and child pornography cases, four additional parole and probation officers responsible for addressing increased domestic violence-related caseload, funding for additional jail deputies to reduce early release of offenders, additional juvenile diversion services, and increased staff to help with the nonprofit network of emergency shelter providers. The proposed levy would have a five-year, fixed rate of \$0.47 per \$1,000 of assessed value. This would be an increase of \$0.05 per \$1,000 of assessed value over the current levy. In 2021, typical homeowners, based on an average assessed value of \$300,000, would pay \$141 per year, or about \$20 more than they paid in 2020.

Councilor Reyes asked what services would be reduced if the levy is not passed. Sheriff Garret stated there would be a reduction in services across all departments.

Councilor Pratt asked what process was used to determine the needs for the increase in the levy. Sheriff Garret stated the Board of County Commissioners is the decision making body on the levy. He stated the Board considered different options after consulting with staff and selected to the proposed levy.

Councilor Kellogg spoke in support of the levy.

Councilor Morrison stated he wants to ensure that Washington County Sheriff's Department has more visibility in Tualatin through increased services moving forward.

Motion made in support of the levy by Councilor Pratt, Seconded by Councilor Kellogg.  
Voting Yea: Council President Grimes, Councilor Kellogg, Councilor Morrison, Councilor Reyes,  
Councilor Pratt  
MOTION PASSED

## General Business

1. Consideration of **Resolution No. 5485-20** Awarding a Construction Manager/General Contractor Contract to Bremik Construction for the Tualatin City Services Project and Authorizing the City Manager to Execute a Contract

Maintenance Services Manager Clay Reynolds presented a resolution authorizing the Construction Manager/General Contractor (GMGP) contract. He shared the Tualatin City Services Project concept, noting it is an expansion of the Public Works Operation complex and will complete the next phase of the Operations Master Plan. Manager Reynolds stated the building will co-located like departments to one site. He shared benefits including: a one-stop-shop for permitting, easy access for the development community, increased staff efficiency, eliminates rented office spaces, and addresses current spaced needs. Manager Reynolds stated the total budget is \$8 million and is funded through existing funds and financing. He added the project is currently ready to break ground after Council considers the Guaranteed Maximum Price (GMP) contract. Manager Reynolds stated an Employee Advisory Group was created to help with two-way communication between staff and decision makers. The group provides input at strategic decision points. Manager Reynolds shared images of the site and building renderings. Manager Reynolds spoke to the GMP contract stating Bremeik Construction was selected as the project's contractor via a competitive bid process. The GMP is set at \$5,876,120 in the contract.

Councilor Reyes asked if there are any environmentally friendly options in the building. Manager Reynolds stated there is a percentage of items that are energy efficient in the buildings to meet LED standards.

Councilor Kellogg asked if there is a staging plan in place in regards to operations. Manager Reynolds stated there is a staging plan in place. He stated current employees will be moved into four trailers on site. Councilor Kellogg asked about the emergency operations center location. Manager Reynolds stated the police department and the operations warehouse will act as a temporary space.

Councilor Morrison asked what security will be in the new building. Manager Reynolds explained the security plan. Councilor Morrison asked if the entire court operation will be moving to the new building and the timeline for signage and notification for the move. Manager Reynolds stated the current focus is on design and wayfinding and communication details will happen in the next phase of the project.

Council President Grimes asked about the specifications for the public meeting space. Manager Reynolds stated it will be similar in size to the police department training room. He added the space will be able to be split into two spaces with a wall.

Council President Grimes asked if there will be bus services added to the area. City Manager Lombos stated staff has been working with Ride Connection on adding a stop to the line.

PUBLIC COMMENT

None.

Motion to approve Resolution No. 5485-20 awarding a Construction Manager/General Contractor contract to Bremik Construction for the Tualatin City Services Project and authorizing the City Manager to execute a contract made by Councilor Kellogg, Seconded by Councilor Morrison.

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

MOTION PASSED

### **Council Communications**

Councilor Morrison stated he attended the Clackamas County Coordinating Committee meeting. He noted he will be attending their upcoming retreat.

Councilor Kellogg stated he attended the Tri-Met Open House for the SW Corridor Conceptual Design report. He noted when Council has discussions about tolling on I-5/I-205 that they request the tolls be before Stafford Road as to not allow it to become a bypass.

Councilor Pratt stated she attended the West Linn State of the City. She spoke to the Corona virus and commended the city on its communications.

Councilor Reyes stated she attended the Council Committee on Advisory Appointments meeting and the Diversity Task Force meeting.

Council President Grimes spoke in support of the Library and Public Safety levies.

### **Adjournment**

Council President Grimes adjourned the meeting at 8:30 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:** Nicole Morris, Deputy City Recorder  
**DATE:** March 23, 2020

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**SUBJECT:**

Consideration of Approval of Late Liquor License Renewals for 2020

**RECOMMENDATION:**

Staff respectfully recommends the Council approve endorsement of the liquor license renewals for 2020 as listed in Attachment A.

**EXECUTIVE SUMMARY:**

Annually, the Oregon Liquor Control Commission (OLCC) requires that all liquor licenses are renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted according to standards and criteria established in the Ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of Council or the Public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

**FINANCIAL IMPLICATIONS:**

A renewal fee of \$35 has been paid by each applicant.

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**ATTACHMENTS:**

-Attachment A- Liquor License Renewals 2020

|   |
|---|
| <b>BUSHWHACKERS</b>                     |
| <b>NON LA</b>                           |
| <b>RUE CLER</b>                         |
| <b>SAINT IRENE'S</b>                    |
| <b>TUALATIN STATION BAR &amp; GRILL</b> |





City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Casey Fergeson, Project Engineer  
Kim McMillan, City Engineer  
Sean Brady, City Attorney

**DATE:** March 23, 2020

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### **SUBJECT:**

Consideration of **Resolution No. 5484-20** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clean Water Services for Construction of the Nyberg Sanitary Sewer Trunk Line Rehabilitation

### **RECOMMENDATION:**

Staff recommends Council authorize the City Manager to sign the Intergovernmental Agreement

### **EXECUTIVE SUMMARY:**

- This agreement provides funding from CWS for this improvement.
- The city intends to improve three segments of an aging and damaged sanitary sewer on the SW 65<sup>th</sup>/Nyberg trunk line.
- The project is endorsed by the Capital Improvement Program Prioritization Committee. This committee is made up of representatives from CWS and the partner agencies.
- An Intergovernmental Agreement will allow this project partnership.

### **OUTCOMES OF DECISION:**

Authorizing the City Manager to sign the IGA will allow the work to proceed with the city assuming the role of managing partner and Clean Water Services assuming the role of financial partner.

### **ALTERNATIVES TO RECOMMENDATION:**

Council could decide not to authorize signature of this agreement. This would result in the city not receiving any SDC funding from Clean Water Services.

### **FINANCIAL IMPLICATIONS:**

The City's share of the cost of the proposed project cost is zero dollars. Clean Water Services has agreed, through this IGA, to incur all costs associated with this sewer.

### **ATTACHMENTS:**

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- Resolution 5484-20 Authorizing City Manager to execute IGA with Clean Water Services
- Intergovernmental Agreement with Clean Water Services

RESOLUTION NO. 5484-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH CLEAN WATER SERVICES FOR CONSTRUCTION OF THE SW 65<sup>th</sup>/NYBERG SANITARY SEWER TRUNK LINE REHABILITATION PROJECT

WHEREAS, Clean Water Services is a county service district formed under Oregon Revised Statutes Chapter 451;

WHEREAS, the City of Tualatin is an Oregon municipal corporation;

WHEREAS, ORS 190 authorizes Tualatin and Clean Water Services to enter into an intergovernmental agreement and to delegate to each other authority to perform their respective functions as necessary;

WHEREAS, the SW 65<sup>th</sup>/Nyberg sanitary sewer trunk line needs repair and the project is endorsed by the Capital Improvement Program Prioritization Committee, which is made up of representatives from Clean Water Services and the partner agencies;

WHEREAS, the City intends to construct the project and Clean Water Services intends to finance the project; and

WHEREAS, the IGA is in the public interest as the IGA provides the most efficient way to construct the project.

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

**Section 1.** The City Manager is authorized to execute an Intergovernmental Agreement with Clean Water Services for the 65<sup>th</sup>/Nyberg Sewer Trunk Line Rehabilitation Project, which is attached as Exhibit 1, and incorporated by reference.

**Section 2.** The City Manager is authorized to make administrative modifications to the Intergovernmental Agreement to fully implement its intent.

**Section 3.** This resolution is effective upon 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

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN CITY OF TUALATIN AND  
CLEAN WATER SERVICES FOR CONSTRUCTION OF  
NYBERG SANITARY SEWER TRUNK LINE REHABILITATION**

This Agreement, dated \_\_\_\_\_, \_\_\_\_\_, is between Clean Water Services (District) a county service district organized under ORS Chapter 451 and the City of Tualatin (City) an Oregon Municipality.

**A. RECITALS**

ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary.

City intends to undertake the SW 65th / Nyberg Sanitary Sewer Trunk Line Rehabilitation (Project) to improve three segments of aging or damaged sanitary sewer infrastructure. This Project has been endorsed by the Capital Improvement Program Prioritization Committee.

NOW, THEREFORE, the parties agree as follows:

**B. PROJECT DESCRIPTION**

The Project consists of improvements to approximately 800 feet of 18-inch diameter concrete sanitary sewer and four manholes located west of 65th Avenue across a private parking lot and through the existing Nyberg wetlands. See Exhibit A attached hereto for the Project location.

**C. DEFINITIONS**

1. Capital Improvement Program Prioritization Committee – This Committee has been established by District and the Member Cities of Beaverton, Cornelius, Forest Grove, Hillsboro, Tigard, Tualatin, and Sherwood.
2. Financial Partner –City or District will assume this role, primarily for the purpose of funding a portion of the Project.
3. Managing Partner –City or District will assume this role, primarily for the purpose of administering the Project.

## D. DISTRICT OBLIGATIONS

District is the Financial Partner and shall perform all Tasks identified on Exhibit B for the Financial Partner, the List of Standard Obligations, attached hereto unless the Task is checked “Not Applicable”. District shall assign Linda Hulme as District’s Project Manager.

## E. CITY OBLIGATIONS

City is the Managing Partner and shall perform all services identified on Exhibit B for the Managing Partner unless the Task is checked “Not Applicable”. City shall assign Casey Ferguson as City’s Project Manager.

## F. GENERAL TERMS

1. Laws and Regulations. City and District agree to abide by all applicable laws and regulations.
2. Term of this Agreement. This Agreement is effective from the date the last party signs it and shall remain in effect until the Project is complete and the parties’ obligations have been fully performed or this Agreement is terminated as provided herein.
3. Amendment of Agreement. City and District may amend this Agreement from time to time, by mutual written agreement.
  - A. Proposed changes of scope during the Project implementation must be reviewed and endorsed by the Capital Improvement Program Prioritization Committee. Changes necessitated by conditions discovered during design or construction, but consistent with the original scope of the Project, may be approved by the Managing Partner without further approval.
  - B. The construction contract amount of the Project may be increased by up to 20% without re-negotiating the Agreement, provided the increase shall not exceed the not-to-exceed amount in Exhibit B.
4. Termination. This Agreement may be terminated immediately by mutual written agreement of the parties, or by either of the parties notifying the other in writing prior to award of a construction contract, with the termination being effective in 30 days.
5. Integration. This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.

## Exhibit 1 to Resolution No. 5484-20

6. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the other and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.
7. Attorney Fees. If any dispute arises concerning the interpretation or enforcement of this Agreement or any issues related to the U.S. Bankruptcy Code (whether or not such issues relate to the terms of this Agreement), the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the non prevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
8. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the City Manager and District's Chief Executive Officer will attempt to resolve the issue. If the City Manager and Chief Executive Officer are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
9. Interpretation of Agreement.
  - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
  - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.
10. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
11. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) District's Chief Executive Officer or the Chief Executive Officer's designee and when required by applicable District rules, District's Board of Directors and 2) City. Proposed changes of scope must also be approved by the Capital Improvement Program Prioritization Committee.
12. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation

# Exhibit 1 to Resolution No. 5484-20

arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

## CLEAN WATER SERVICES

## CITY OF TUALATIN, OREGON

By: \_\_\_\_\_  
Chief Executive Officer or Designee

By: \_\_\_\_\_  
City Manager or Designee

Date: \_\_\_\_\_

Date: \_\_\_\_\_

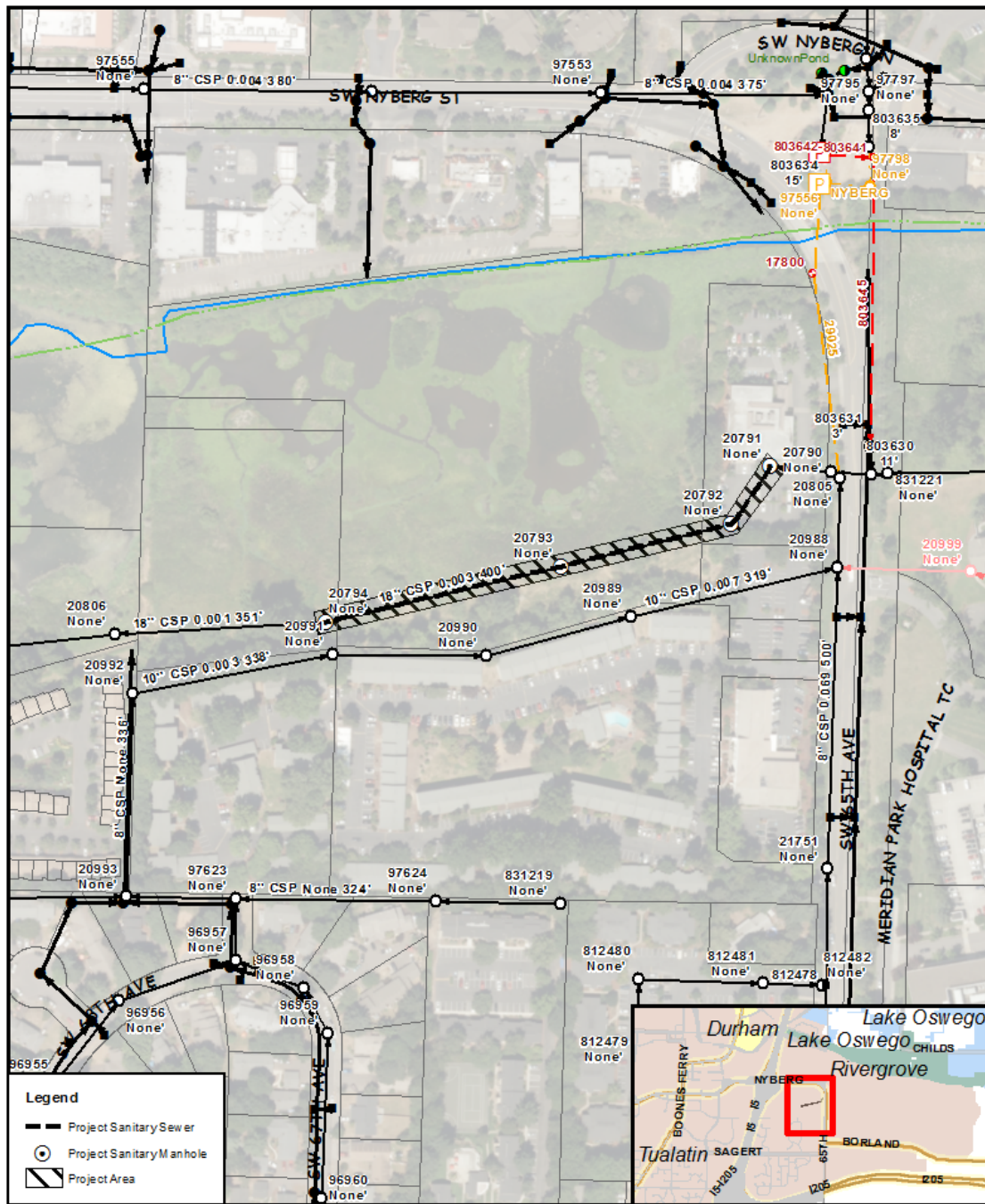
APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
District Counsel


\_\_\_\_\_  
City Counsel

### Exhibit A Project Location Map



**Exhibit A-65th/Nyberg Sanitary Sewer Trunk Line Rehabilitation  
City of Tualatin**

Washington County, Oregon

 1 inch = 200 feet



**LIST OF STANDARD OBLIGATIONS**

| <b>Task</b>   | <b>Not Applicable</b>               |
|---|-------------------------------------|
| <b><u>Managing Partner shall:</u></b>   |                                     |
| Provide Financial Partner at least ten days to review the plans and specifications for the Project and incorporate Financial Partner’s comments into the plans.   | <input type="checkbox"/>            |
| Provide any required notice and communicate with the neighborhood and property owners within the Project limits. Respond to public calls arising from work being completed under this Agreement.  | <input type="checkbox"/>            |
| Prepare and submit invoices of the Project costs to Financial Partner annually at the end of each Fiscal Year and upon completion of the Project.   | <input type="checkbox"/>            |
| Make all required payments to the construction contractor.  | <input type="checkbox"/>            |
| Prepare and submit a Project summary of completed tasks to Financial Partner with each invoice.   | <input type="checkbox"/>            |
| Prepare all contracts and bid documents, advertise for bids, and select a construction contractor for the Project.  | <input type="checkbox"/>            |
| Construct the Project and provide construction inspection and management services for the Project.  | <input type="checkbox"/>            |
| If requested, hold progress meetings with Financial Partner during the field investigation and design phases of the Project. Financial Partner may review options and provide input on the Project.   | <input type="checkbox"/>            |
| Pay 0 percent of the following costs for the Project: administration, easements, field inspection, design, construction and construction administration (Project Costs).  | <input type="checkbox"/>            |
| Require all contractors to include Financial Partner as an additional insured on insurance coverage required for construction work performed in completing the Project.   | <input type="checkbox"/>            |
| Take the lead in coordinating public involvement related to the Project.  | <input type="checkbox"/>            |
| Waive any land use or permit fees (except plumbing inspection fees) for work related to the Project.  | <input type="checkbox"/>            |
| City currently has sewer fund balances, including a sewer development charge (SDC) balance. City has been allowed to retain these balances to “spend down” on sewer-related projects within the City, regardless of funding responsibilities. Funding for the Project shall include \$_____ from City’s existing sewer fund balances. | <input checked="" type="checkbox"/> |

**LIST OF STANDARD OBLIGATIONS**

| <b>Task</b>  | <b>Not Applicable</b>               |
|--|-------------------------------------|
| <b><u>Infiltration and Inflow Abatement projects</u></b>   |                                     |
| Obtain written permission from each property owner to inspect their sanitary sewer lateral and to line or replace it if deficient.   | <input checked="" type="checkbox"/> |
| Establish whether each property has a cleanout at the structure. If no cleanout exists, Managing Partner will install one.   | <input checked="" type="checkbox"/> |
| Inspect and evaluate each sanitary sewer lateral and main with a television camera. Managing Partner will line or replace all deficient sewer laterals and mains.  | <input checked="" type="checkbox"/> |
| Other: (please describe)<br>_____  | <input checked="" type="checkbox"/> |
| <b><u>Financial Partner shall:</u></b>   |                                     |
| Review the plans and specifications for the Project and provide Managing Partner with written comments and/or approval within 10 days of receiving them.   | <input type="checkbox"/>            |
| Have the right to approve the final acceptance of the Project after construction.  | <input type="checkbox"/>            |
| Pay Managing Partner 100 percent of the Project Costs.   | <input type="checkbox"/>            |
| Pay invoices submitted by Managing Partner for actual costs incurred within 30 days of approving the invoice. The invoice shall include full progress payment amounts, including typical construction retainage. | <input type="checkbox"/>            |
| Pay a total not to exceed of \$700,000 toward the cost of the Project.   | <input type="checkbox"/>            |
| Assist Managing Partner in communicating with the property owners and Project stakeholders.  | <input checked="" type="checkbox"/> |
| Other: (please describe)<br>_____  | <input checked="" type="checkbox"/> |



# 2019 ANNUAL REPORT

## Tualatin Library Advisory Committee

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### 1. BACKGROUND

The Tualatin Library Advisory Committee (TLAC) was established by Ordinance 758-88, adopted by Council on October 10, 1988, and incorporated into the Tualatin Municipal Code as Chapter 11-4. The enabling ordinance requires the TLAC to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.

Members of the TLAC during 2019 include Alan Feinstein, Nicholas Schiller (Vice Chair), Laura Stewart, Thea Wood (Chair), and Marcus Young. Former members included David Jaimes and Jack Milne (teen representative), who resigned in October 2019. Dana Paulino and Kaia Gill (teen representative) joined the committee in November 2019.

### 2. ROLES OF THE COMMITTEE

- A. Consult with and advise the Library Manager on all matters affecting operational policies of the City Library.
- B. Make recommendations to the City Council with respect to services, facilities, and all other matters pertaining to the maintenance and improvement of the City Library.
- C. Hear and consider complaints about City Library policies or materials.

### 3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES IN 2019

#### A. CONSULT WITH AND ADVISE THE LIBRARY MANAGER ON ALL MATTERS AFFECTING OPERATIONAL POLICIES OF THE CITY LIBRARY

- 1. Committee members considered & provided recommendations on several operational policies, including Community Room Use, Confidentiality of Library Records, Gifts, and Use of Library by Tutors.
- 2. TLAC discussed and provided comments to Library management regarding the makerspace design, internet filtering, library user survey, Summer Reading, library facilities, library budget, library utilization trends, volunteerism, and services for youth, school-age children, teens, and adults. Committee members shared their perspective as citizens and library users, providing input representing our diverse community.

**B. MAKE RECOMMENDATIONS TO THE CITY COUNCIL WITH RESPECT TO SERVICES, FACILITIES, AND ALL OTHER MATTERS PERTAINING TO THE MAINTENANCE AND IMPROVEMENT OF THE CITY LIBRARY.**

1. TLAC members provided recommendations for the Library's updated strategic plan and strategies for 2020. Highlighted accomplishments included:
  - a. 88% of surveyed parents said storytime helped them feel more confident about helping their child learn and 100% learned something they could share with their child.
  - b. 97% of survey participants ranked library service as good to excellent. 95% said the Library is a welcoming place.
  - c. 944 children (about 65% of the eligible population) are participating in 1000 Books Before Kindergarten.
  - d. Outreach to schools and organizations serving youth increased. Hosted multiple 4th grade field trips, registering approximately 250 new library cards.
  - e. Participation in Summer Reading Program expanded. 65% of surveyed parents said their child read for fun more often last summer because of Summer Reading.
  - f. Makerspace equipment was expanded.
  - g. Support of planning and implementation of ¡Viva Tualatin!

Committee members discussed and made suggestions to support programs and services that align with the following City Council 2030 Vision initiatives: a connected, informed, and civically engaged community that embraces our city's diversity; an inclusive community that promotes access, diversity, and equity in creating a high quality of life for everyone; and vibrant and accessible gathering places throughout the city that build and celebrate our whole community.

2. TLAC recommended the Library pursue facility improvements to create a glass classroom / makerspace within the Library.
3. TLAC received presentations from a number of library partners and recommended activities to strengthen these partnerships. Presentations included:
  - a. Teen Library Committee
  - b. City Manager's Office
  - c. Community Development
  - d. Tualatin Library Foundation
  - e. Friends of Tualatin Library

**C. HEAR AND CONSIDER COMPLAINTS ABOUT CITY LIBRARY POLICIES OR MATERIALS.**

1. TLAC holds open meetings and members of the public are invited to attend. No formal complaints were brought before the committee in 2019.
2. TLAC members review comment cards received by the City regarding the Library each month and provide feedback on the topics raised.

#### **4. ACTION PLAN FOR 2020**

##### **A. LONG-RANGE PLANNING**

TLAC will continue to be actively involved and provide citizen feedback for the Library strategic plan and review Library services in light of priorities identified in the Library strategic plan.

##### **B. REVIEW OPERATIONAL POLICIES**

TLAC will continue to be actively involved and educated in the operations and roles of the Library. TLAC will provide citizen feedback as Library management reviews and updates operational policies.

##### **C. ADVANCE COUNCIL VISION**

TLAC will support social equity and inclusion within Library programs and services, providing opportunity to thrive for all community members.

cc: Tualatin Library Advisory Committee (TLAC)



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:** March 23, 2020

---

### **SUBJECT:**

Consideration of **Ordinance No. 1430-20** An Ordinance Annexing Territory Located at 23620, 23740 SW Boones Ferry Road And 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) Into the City of Tualatin; Annexing Portions of SW Lower Boones-Ferry Road; Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District; and Annexing Territory Into the Boundary Of Clean Water Services (Ann-19-0002).

### **RECOMMENDATION:**

Staff recommends that Council adopt Ordinance No. 1430-20.

### **EXECUTIVE SUMMARY:**

This matter is a quasi-judicial public hearing, continued from the January 27, 2020 hearing.

The applicant, Stafford Development Company on behalf of the property owner, Autumn Sunrise LLC, requests approval to annex approximately 38 acres of land to the City of Tualatin. The properties are located north of SW Greenhill Lane, east of SW Boones Ferry Road, west of Interstate-5, and south of the Horizon School property. The properties are presently developed with three existing single-family homes and associated accessory structures. The overall site can be described as generally flat farmland. No development or other modifications to the property are proposed as part of this request.

The land includes seven tax lots comprised of approximately 36.62 acres of private property and approximately 1.38 acres of adjacent SW Boones Ferry Road rights-of-way, as shown in Exhibit 2. The land is contiguous to the existing Tualatin city limits, 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, consistent with zoning designations adopted as part of the Basalt Creek Comprehensive Plan amendments, the properties would be designated Medium-Low Density Residential (RML) and Neighborhood Commercial (CN) planning districts in the Community Plan Map that is part of Tualatin's Comprehensive Plan, as shown in Exhibit 3.

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. 1430-20 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) and Neighborhood Commercial (CN) planning districts.
- Concurrent annexation of the property into the Clean Water Services District boundary.
- 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.

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**ATTACHMENTS:**

Ord 1430-20 Autumn Sunrise  
Exhibit 1. Legal Description  
Exhibit 2. Map  
Exhibit 3. Analysis, Findings, and Exhibits  
Attachment A. Council Presentation  
Attachment B. Public Comment

ORDINANCE NO. 1430-20

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 23620, 23740 SW BOONES FERRY ROAD AND 9185, 9335, 9415 SW GREENHILL LANE (TAX MAP: 2S135D LOTS: 400, 401, 500, 501, 600, 800, AND 900) INTO THE CITY OF TUALATIN; ANNEXING PORTIONS OF SW LOWER BOONES-FERRY ROAD; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT; AND ANNEXING TERRITORY INTO THE BOUNDARY OF CLEAN WATER SERVICES (ANN-19-0002)

WHEREAS, Stafford Development Company, LLC, representing Autumn Sunrise, LLC, submitted a petition for annexation of approximately 38 acres of property located at 23620, 23740 SW Boones Ferry Road and 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2S135D Lots: 400, 401, 500, 501, 600, 800, and 900), as well as annexing portions of SW Lower Boones-Ferry Road, hereafter called the "Property," into the City of Tualatin;

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

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

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

WHEREAS, Metro does not oppose the annexation;

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

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

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

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

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

WHEREAS, the Council conducted a public hearing relating to the annexation on March 23, 2020, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and



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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

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

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

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

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

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

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

**Section 7.** 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

**Exhibit 1**  
**Ordinance No. 1430-20**

**EXHIBIT A**

**CITY OF TUALATIN ANNEXATION**  
**PROPERTY DESCRIPTION**

**Page 1**

A tract of land in the South one-half of Section 35, Township 2 South, Range 1 West of the Willamette Meridian; being those properties conveyed by Document Number 2007-105096, Washington County Deed Records; and S.W. Boones Ferry Road; Washington County, Oregon; being more particularly described as follows:

Beginning at a northwesterly corner of said properties conveyed by Document Number 2007-105096, being a point which bears South 89°41'31" West a distance of 1333.30 feet and then South 00°09'07" East a distance of 1334.31 feet, from the East one-quarter corner of Section 35;

thence along the north line, North 89°38'49" East a distance of 16.50 feet to an angle point;

thence, North 00°09'07" West a distance of 16.50 feet to an angle point, also being the most northerly northwest corner of said properties;

thence along the most northerly line, North 89°35'49" East a distance of 674.70 feet, more or less, to the west right-of-way line of Interstate Highway No. 5 (Baldock Freeway, West Portland Hubbard Highway);

thence along said west right-of-way line, South 15°44'54" West a distance of 1,126.97 feet, more or less, to the southeast corner of that tract of land conveyed to Autumn Sunrise, LLC as recorded in Document Number 2007-105096, Washington County Deed Records, also being on the north- right-of-way line of S.W. Greenhill Lane, as per "Tualatin Orchard Tract" subdivision plat;

thence along said north right-of-way line and a westerly extension thereof, South 89°40'38" West a distance of 1,801.59 feet, more or less, to the centerline of SW Boones Ferry Road (Market RD 24);

thence along said centerline, North 03°23'20" West a distance of 409.46 feet, more or less, to a point of curvature;

thence along said curve to the right, having a radius of 918.87 feet, through a central angle of 20°29'37" (Chord bears North 06°51'29" East, 326.91 feet), an arc length of 328.66 feet,

thence along said Tualatin City Limits line, South 72°53'43" East a distance of 30.00 feet to an angle point therein at the (old) easterly right-of-way line of S.W. Boones Ferry Road being on a line laying 30.00 feet east of the (old) centerline when measured at right angles thereto;

thence along said Tualatin City Limits line, North 89°36'05" East a distance of 1365.65 feet;

thence along said Tualatin City Limits line, North 00°09'07" West a distance of 313.47 feet to the Point of Beginning.

Bearings are based upon Survey Number 29,037 Washington County Surveys.

Area equals 38.00 acres, more or less, (R/W = 1.38 acres and property = 36.62 acres).

**ANNEXATION CERTIFIED**

BY VF

**MAR 02 2020**

**WASHINGTON COUNTY A & T**  
**CARTOGRAPHY**

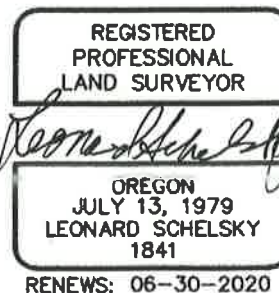


Exhibit 1

Ordinance No. 1430-20

Washington County, Oregon 2007-105096

09/28/2007 03:29:27 PM

D-DW Cnt=1 Stn=16 D HOFFMAN

\$25.00 \$5.00 \$11.00 \$7,143.00 - Total = \$7,184.00



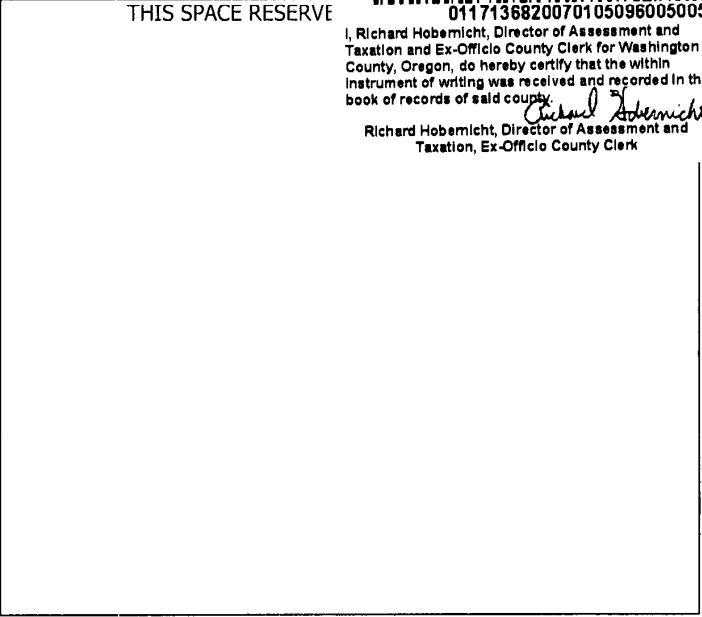
01171368200701050960050056

I, Richard Hobermicht, 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 Hobermicht, Director of Assessment and Taxation, Ex-Officio County Clerk



THIS SPACE RESERVE



After recording return to:  
Autumn Sunrise LLC  
1400 SW Schaeffer Road  
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:  
Autumn Sunrise LLC  
1400 SW Schaeffer Road  
West Linn, OR 97068

File No.: 7073-1087491 (LSH)  
Date: September 14, 2007

2007-105096  
41



1087491-LLC

FATCO. NO.

STATUTORY SPECIAL WARRANTY DEED

Kimball Hill Homes Oregon, Inc., an Oregon Corporation, Grantor, conveys and specially warrants to Autumn Sunrise LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. The 2007/08 Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$7,143,000.00.



|                            |         |
|----------------------------|---------|
| WASHINGTON COUNTY          |         |
| REAL PROPERTY TRANSFER TAX |         |
| \$ 7143.00                 | 9-28-07 |
| FEE PAID                   | DATE    |

Exhibit 1  
Ordinance No. 1430-20


APN: R560253

Statutory Special Warranty Deed  
- continued

File No.: 7073-1087491 (LSH)  
Date: 09/14/2007

Dated this 26<sup>TH</sup> day of SEPTEMBER, 2007.


Kimball Hill Homes Oregon, Inc., an Oregon  
corporation

  
By: Dudley McGee, Vice President

STATE OF California )  
 )ss.  
County of SACRAMENTO )

This instrument was acknowledged before me on this 26<sup>TH</sup> day of SEPTEMBER, 2007  
by Dudley McGee as Vice President of Kimball Hill Homes Oregon, Inc., on behalf of the corporation.



  
Notary Public for California  
My commission expires: APRIL 20, 2008

**Exhibit 1**  
**Ordinance No. 1430-20**

APN: R560253

Statutory Special Warranty Deed  
- continued

File No.: 7073-1087491 (LSH)  
Date: 09/14/2007

**EXHIBIT A**

LEGAL DESCRIPTION:

PARCEL I:

BEGINNING AT A POINT WHICH POINT IS 5 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND RUNNING THENCE SOUTH 5 CHAINS TO A POINT; THENCE WEST 20 CHAINS, MORE OR LESS, TO THE CENTER OF THE COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID COUNTY ROAD TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY ANNIE C. VOGET IN FEE SIMPLE REMAINDER TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF WASHINGTON COUNTY; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT SO CONVEYED TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING, EXCEPT THAT PORTION DESCRIBED IN CONTRACT OF SALE IN FAVOR OF ROBERT K. COLE, AND WIFE, RECORDED MARCH 25, 1968 IN BOOK 686, PAGE 495, RECORDS OF WASHINGTON COUNTY.

PARCEL II:

A TRACT OF LAND SITUATED IN THE SOUTH ONE-HALF OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED OF RECORDS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, WITH THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED RECORDS. FROM SAID PLACE OF BEGINNING THENCE NORTH 89°53'45" EAST ALONG SAID NORTHERLY LINE OF SAID TRACT DESCRIBED IN BOOK 294, PAGE 585, 1319.70 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 0°14' WEST 330.00 FEET TO THE NORTHERLY LINE OF TUALATIN ORCHARD TRACT; THENCE SOUTH 89°53'45" WEST ALONG SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 802.80 FEET; THENCE LEAVING SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, NORTH 0°06'15" WEST 144 FEET; THENCE SOUTH 89°53'45" WEST PARALLEL WITH SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 618.35 FEET TO THE INTERSECTION OF EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 883.87 FEET THROUGH A CENTRAL ANGLE OF 10°55'20" A DISTANCE OF 169.44 FEET TO A POINT OF TANGENT; THENCE NORTH 17°16' EAST 251.58 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217, NORTH 89°53'45" EAST 60.42 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A PORTION OF PARCEL 1 OF THOSE CERTAIN TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON CONVEYED TO GRACE COMMUNITY CHURCH OF THE ASSEMBLIES OF GOD, INC., BY DEED RECORDED AS DOCUMENT NUMBER 200155727 WASHINGTON COUNTY, OREGON DEED RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**Exhibit 1**  
**Ordinance No. 1430-20**

APN: **R560253**

Statutory Special Warranty Deed  
- continued

File No.: **7073-1087491 (LSH)**  
Date: **09/14/2007**

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GRACE COMMUNITY CHURCH BY DEED RECORDED AS DOCUMENT NUMBER 2002004397 SAID DEED RECORDS AND RUNNING THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, NORTH 89°34'48" EAST 485.62 FEET, NORTH 15°44'54" EAST 690.21 FEET, SOUTH 89°35'49" WEST 674.70 FEET SOUTH 00°09'07" EAST 16.50 FEET AND SOUTH 89°38'49" WEST 16.50 FEET; THENCE SOUTH 00°09'07" EAST 313.47 FEET TO A POINT ON THE NORTH LINE OF SAID DOCUMENT NUMBER 2002004397; THENCE ALONG THE BOUNDARY THEREOF NORTH 89°36'05" EAST 16.50 FEET AND SOUTH 00°08'37" EAST 313.16 FEET TO THE POINT OF BEGINNING.

PARCEL III:

LOT 1, TUALATIN ORCHARDS TRACT, EXCEPTING THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL IV:

THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET OF LOT 1, TUALATIN ORCHARD TRACTS, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

PARCEL V:

THE WESTERLY MOST 207.5 FEET, BEING A PORTION OF THAT CERTAIN TRACT OF LAND LOCATED IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CONVEYED BY GRACE SCHUSTER TO JOHN DAY AND JESSIE DAY, UNDER DATE OF APRIL 20, 1949, AS SET FORTH IN DEED RECORDED IN BOOK 294 AT PAGE 446, DEED RECORDS, SAID TRACT SO CONVEYED, OF WHICH THE LAND HEREBY CONVEYED FORMS A PART, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN; THENCE NORTH 233 FEET; THENCE NORTH 87°15' WEST 1255.52 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREBY CONVEYED; THENCE NORTH 420 FEET ALONG THE WEST LINE OF LOT 4, TUALATIN ORCHARD TRACTS, TO THE SOUTH LINE OF TRACT CONVEYED BY DEED TO GEORGE ANDREWS, ET AL, IN BOOK 70, PAGE 374, RECORDED DECEMBER 27, 1905; THENCE NORTH 87°15' WEST 990.32 FEET ALONG THE SOUTH LINE OF SAID ANDREWS TRACT; THENCE SOUTH 420 FEET ALONG THE EAST LINE OF LOT 1, TUALATIN ORCHARDS TRACTS; THENCE SOUTH 87°15' EAST 990.32 FEET TO THE SOUTHEAST CORNER OF PROPERTY HEREBY CONVEYED.

PARCEL VI:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 1, TUALATIN ORCHARD TRACTS, A DULY RECORDED SUBDIVISION IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE SOUTH 87°15' EAST 207.5 FEET TO THE POINT OF TRUE BEGINNING OF THIS DIRECTION; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, TUALATIN ORCHARD TRACTS, AND 207.5 FEET EASTERLY THEREFROM 420.0 FEET TO A POINT; THENCE SOUTH 87°15' EAST 90 FEET TO A POINT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, 420.0 FEET; THENCE NORTH 87°15' WEST 90 FEET TO THE POINT OF TRUE BEGINNING OF THIS DESCRIPTION.

PARCEL VII:

**Exhibit 1**  
**Ordinance No. 1430-20**

APN: **R560253**

Statutory Special Warranty Deed  
- continued

File No.: **7073-1087491 (LSH)**  
Date: **09/14/2007**

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

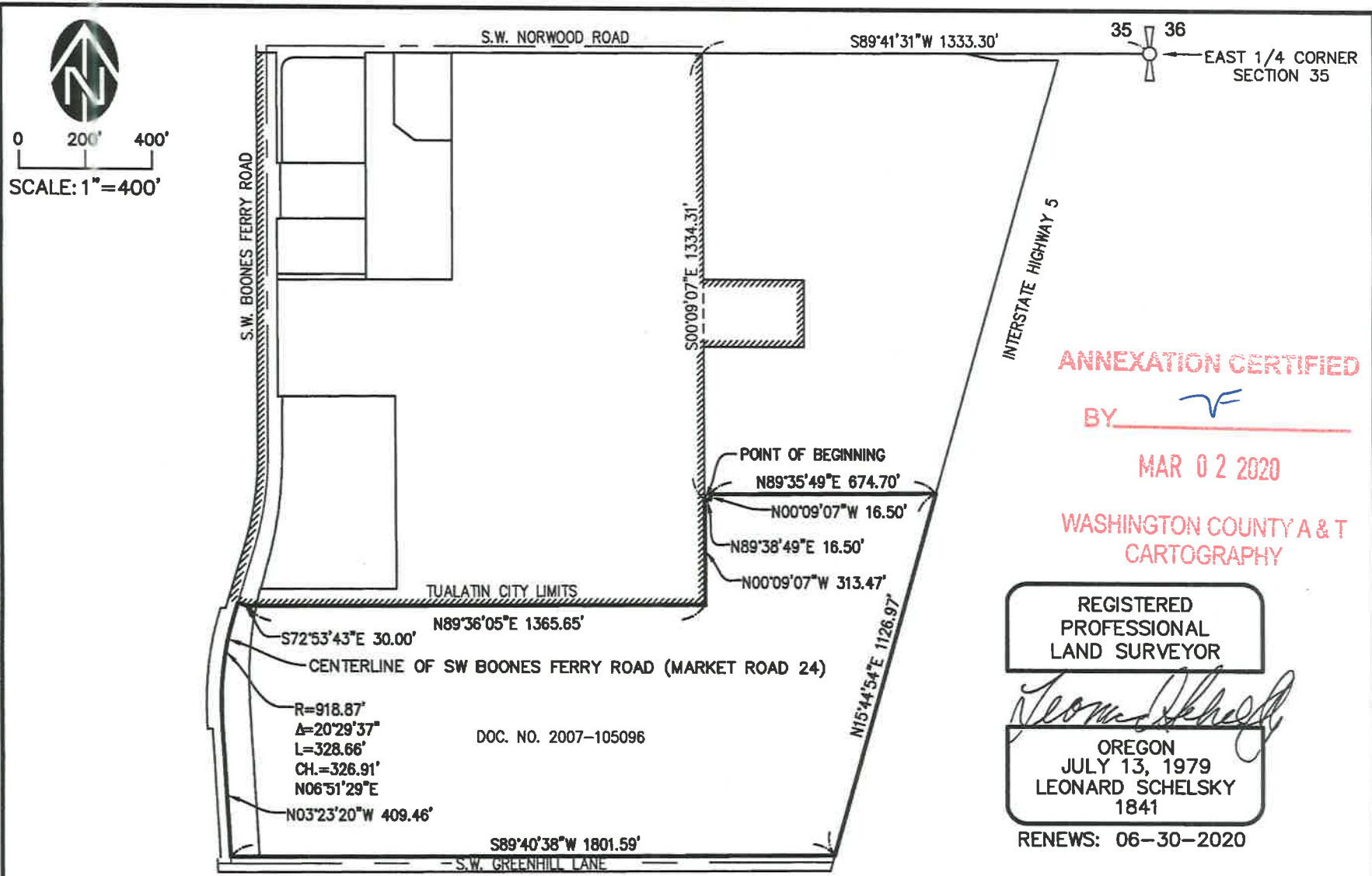
BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°00'17" EAST 420.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE SOUTH 89°44'43" WEST 389.06 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET; THENCE NORTH 89°44'43" EAST 389.06 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL VIII:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°44'43" EAST 763.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF THE BALDOCK FREEWAY; THENCE SOUTH 15°49'15" WEST 436.59 FEET ALONG SAID RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY SOUTH 89°44'43" WEST 622.75 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET TO THE TRUE POINT OF BEGINNING.

**Exhibit 2**  
**Ordinance No. 1430-20**



**ANNEXATION CERTIFIED**  
BY           
**MAR 02 2020**  
**WASHINGTON COUNTY A & T**  
**CARTOGRAPHY**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Leonard Schelsky*  
OREGON  
JULY 13, 1979  
LEONARD SCHELSKY  
1841  
RENEWS: 06-30-2020

**EXHIBIT B**  
LOCATED IN THE SOUTH 1/2 OF SECTION 35  
TOWNSHIP 2 S., RANGE 1 W., W.M.  
WASHINGTON COUNTY, OREGON

|            |           |
|------------|-----------|
| DATE       | 3/02/2020 |
| DRAWN BY   | CAJ       |
| CHECKED BY | LJS       |
| REVISION   | 1         |
| JOB NO.    | 2401-001  |

**WESTLAKE**  
CONSULTANTS inc.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652  
TIGARD, OREGON 97224 FAX (503) 624-0157

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## ANALYSIS AND FINDINGS

### Autumn Sunrise Annexation

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|                         |  |
|-------------------------|--|
| <b>Case #:</b>          | ANN 19-0002  |
| <b>Project:</b>         | Autumn Sunrise Annexation  |
| <b>Location:</b>        | 23620 and 23740 SW Boones Ferry Road;<br>9185, 9335, and 9415 SW Greenhill Lane    |
| <b>Tax Map:</b> 2S135D  | <b>Lots:</b> 400, 401, 500, 501, 600, 800, & 900                                   |
| <b>Owner/Applicant:</b> | Gordon Root, Autumn Sunrise, LLC<br>Levi Levasa, Stafford Development Company, LLC |

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### INTRODUCTION

#### A. Applicable Criteria

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

#### B. Project and Site Description

The applicant, Stafford Development Company on behalf of Autumn Sunrise, requests approval to annex seven tax lots comprising approximately 38 acres of land. The properties are currently located within unincorporated Washington County and the City of Tualatin Urban Planning Area – north of SW Greenhill Lane between Interstate-5 and SW Boones Ferry Road. Three single family homes and assorted accessory structures are located on the Greenhill Lane properties. The overall site can be described as generally flat farmland. No development or other modifications to the property is proposed at this time.

The area proposed for annexation is comprised of approximately 36.62 acres of private property and approximately 1.38 acres of adjacent rights-of-way; including the eastern portion of SW Boones Ferry Road to centerline, as described and shown in Exhibit A. If approved for annexation, the subject properties would be withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD) and designated a combination of Medium Low Density Residential (RML) and Neighborhood Commercial (CN) planning districts, as shown on the Community Plan Map (Exhibit B).

#### C. Exhibit List

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

**Exhibit 3**  
**Ordinance No. 1430-20**

**TDC CHAPTER 33, APPLICATIONS AND APPROVAL CRITERIA**

**Section 33.010 Annexations**

To grant an annexation application, the Council must find:

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

**Finding:**

*As shown in Exhibit 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:**

*Autumn Sunrise, is the sole property owner and petitioner of the subject property, as shown in Exhibit A. This standard is met.*

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

**Metro Chapter 3.09 Local Government Boundary Changes**

**Metro Chapter 3.09.045 Expedited Decisions**

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

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

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

**Finding:**

*The Basalt Creek Planning Area was added to the Portland Metropolitan Urban Growth Boundary by Metro Council adoption of Ordinance 04-1040B, which conditioned the area to undergo concept planning. The City of Tualatin has adopted the Basalt Creek Concept Plan through Resolution 5392-18 and Ordinance No. 1418-19.*

**Planning, Zoning, and Building**

*Washington County currently provides long-range planning, development review and building inspection services to the property. Once the annexation becomes effective, the city will conduct all planning and zoning functions associated with the property. A Tualatin land-use designation of Residential Medium-Low (RML) Density and Neighborhood Commercial (CN) will be applied to the subject property.*

**Sanitary Sewer**

*The City of Tualatin has adopted the 2019 Sewer Master Plan through Resolution 5457-19. An 8-inch sewer line terminates at Boones Ferry Road within 1,896 feet of the property. In support of Tualatin Community Plan Chapter 13.015, the property owner will connect to this sewer line upon development. Upon development, sanitary sewer will be provided by the City of Tualatin and Clean Water Services.*

**Water**

*The City of Tualatin has adopted the 2013 Water Master Plan through Ordinance 1359-13. No amendments to the Water Master Plan have been made in response to the Basalt Creek Concept Plan. A 12-inch water line terminates at the Boones Ferry Road and Norwood Road intersection within 1,640 feet*

**Exhibit 3**  
**Ordinance No. 1430-20**

*of the property. In support of Tualatin Community Plan Chapter 12.020, the property owner will connect to this water line upon development. Upon development, water will be provided by the City of Tualatin.*

Streets and Roads

*The City of Tualatin has amended the Tualatin Transportation System Plan through Ordinance 1367-14. No further amendments to the TSP have been made in response to the Basalt Creek Concept Plan. The Concept Plan assumed property owners will plan and build local roads as the area develops. Identified network improvements include widening of Boones Ferry Road to five lanes and extension of Basalt Creek Parkway. Boones Ferry Road is classified as a Major Arterial under Washington County's jurisdiction.*

Schools

*The subject properties are presently within the Sherwood School District and will remain so upon annexation.*

Fire

*The subject properties are presently within the Tualatin Valley Fire and Rescue District and will remain so upon annexation.*

Police

*The annexation would prompt withdrawal from the Washington County Enhanced Sheriff Patrol District. Upon annexation the City of Tualatin will provide police service. In practice, whichever law enforcement agency is able to respond first to an emergency does so in accordance with a mutual aid agreement.*

*In summary, the annexation would not create any inconsistencies with any urban service agreements. This standard is met.*

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

**Finding:**

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

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

**Finding:**

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

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

**Finding:**

*The Basalt Creek Concept Plan amended the City's Transportation System Plan and public facilities plans contained within Tualatin's Comprehensive Plan reflect the Urban Planning Area that contains this property and plans for eventual annexation as initiated by property owners. The proposed annexation is consistent with these plans. This standard is met.*

**e. Any applicable comprehensive plan;**

**Exhibit 3**  
**Ordinance No. 1430-20**

**Finding:**

*The City of Tualatin's Comprehensive Plan contains the Community Plan Map 9-1, (Exhibit B) showing this property 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. The proposed annexation has been reviewed against and has been deemed to be consistent with these requirements. 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 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. The property is contiguous to the current Tualatin city limits. The property was identified as being eligible for annexation in the Basalt Creek Concept Plan that was adopted and implemented into the Tualatin Comprehensive Plan. The boundary change itself would not affect the quality or duplication of urban services. Rather, the orderly provision of public services will be addressed at the time of future development of the property, which is not proposed at this time. Standards a.-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 property is wholly within the UGB. This standard is not applicable.*

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

**ORS Chapter 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."**

**Finding:**

*As shown on the Community Plan Map 9-1 (Exhibit B), the subject property is not within a city and is contiguous to the City of Tualatin. This standard is met.*

**Exhibit 3**  
**Ordinance No. 1430-20**

**ORS Chapter 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.**

**Finding:**

*The subject properties are in the Washington County Enhanced Sheriff Patrol District. If the proposed annexation is approved, the subject properties would be withdrawn from the Enhanced Sheriff Patrol District. Law enforcement services would be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this standard is met.*

**D. 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-19-0002.*





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

PROPOSAL NAME Autumn Sunrise Annexation

PROPOSAL SUMMARY (Brief description)

The applicant is proposing annexation of the below noted property and all or part of the adjacent rights-of-way from Unincorporated Washington County into the City of Tualatin.

PROPERTY INFORMATION

Location (address if available): North of SW Greenhill Ln. and between 1-5 and SW Boones Ferry Rd.

Tax Map & Lot #(s): 2S135D & 400,401,500,501,600,800,900 Planning District: RML & CN

Total site size: Property=36.617 Ac. & ROW=2.883 Ac. [ ] Developed [X] Undeveloped
Property=36.62 Ac. & ROW=1.38 Ac.

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Stafford Development Company, LLC - Levi Levasa

Mailing Address: 8840 SW Holly Ln.

City/State: Wilsonville, Oregon Zip: 97070

Phone: 503-250-3651 Email: levi@staffordlandcompany.com

Applicant's Signature: [Signature] Date: 10/16/2019

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: Autumn Sunrise, LLC - Gordon Root

Mailing Address: 8840 SW Holly Ln.

City/State: Wilsonville, Oregon Zip: 97070

Phone: 503-720-0914 Email: gordonroot@aol.com

Property Owner Signature: [Signature] Date: 10/16/2019

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

LAND USE APPLICATION TYPE

- [X] 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 A. Application Materials**

**AUTUMN SUNRISE  
ANNEXATION APPLICATION**



**APPLICANT:**

Stafford Development Company, LLC  
8840 SW Holly Ln, Wilsonville, OR 97070  
Levi Levasa, Project Manager  
[levi@staffordlandcompany.com](mailto:levi@staffordlandcompany.com)  
(971) 206-4614

**OWNER:**

Autumn Sunrise, LLC  
8840 SW Holly Ln, Wilsonville, OR 97070  
Gordon Root, Manager



# Exhibit A. Application Materials

## Contents

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## Exhibit A. Application Materials

### I. Introduction

The purpose of this application is to seek approval for the annexation of approximately 38.00 acres of real property and public right-of-way that is contiguous to the Tualatin City Limits from unincorporated Washington County into the Tualatin City Limits. The subject property is within the Basalt Creek Concept Plan area. Only annexation of the subject properties and relevant abutting right-of-way is proposed. Future development of the annexation area would require a subsequent application and review.

This application will address the requirements outlined in the Tualatin Development Code (TDC).

### II. Property Information

The total annexation area of 38.00 acres is comprised of approximately 36.62 acres of real property owned by Autumn Sunrise, LLC and approximately 1.38 acres of adjacent Boones Ferry Road right-of-way. See attached **Exhibit 1** for a legal description and map of the proposed annexation territory boundaries.

The subject properties and their approximate area, per the Washington County Assessor's Map 2S1W35D (**Exhibit 2**), are listed below.

**Table 1: Subject Properties (not including R-O-W)**

| Owner               | R Number | Tax Map   | Tax Lot | ~ Acres | County Zoning | City Designation |
|---------------------|----------|-----------|---------|---------|---------------|------------------|
| Autumn Sunrise, LLC | R560253  | 2S-1W-35D | 400     | 1.88    | FD-20         | RML              |
| Autumn Sunrise, LLC | R560262  | 2S-1W-35D | 401     | 17.46   | FD-20         | RML              |
| Autumn Sunrise, LLC | R560271  | 2S-1W-35D | 500     | 3.72    | FD-20         | CN               |
| Autumn Sunrise, LLC | R560280  | 2S-1W-35D | 501     | 0.45    | FD-20         | CN               |
| Autumn Sunrise, LLC | R560299  | 2S-1W-35D | 600     | 2.87    | FD-20         | RML              |
| Autumn Sunrise, LLC | R560306  | 2S-1W-35D | 800     | 3.75    | FD-20         | RML              |
| Autumn Sunrise, LLC | R560315  | 2S-1W-35D | 900     | 6.68    | FD-20         | RML              |

The properties listed above are all in the Washington County Future Development 20-Acre Land Use District (FD-20). Upon annexation they would take on the City of Tualatin Medium Low Density Residential (RML) and Neighborhood Commercial (CN) planning district designations as determined by the adopted City maps and indicated in the table above.

## Exhibit A. Application Materials

### III. Pre-Application Conference

A Pre-Application Conference was held on October 2<sup>nd</sup>, 2019 at 2pm to discuss the proposed annexation in accordance with TDC 32.110. The Pre-App Meeting Request was submitted on September 19, 2019. Materials related to the meeting, including the Pre-App Meeting Request submittal package, Fee receipt, and Agenda are attached in **Exhibit 3**. The requirements of TDC 32.110 have been satisfied.

### IV. Neighborhood/Developer Meeting

A Neighborhood/Developer Meeting was held on October 9<sup>th</sup>, 2019 at 6:30 pm at Horizon Community Church. Sign Postings provided notice of the neighborhood/developer meeting in accordance with TDC 32.150. Mailed Notice was provided, a sign-in sheet and meeting notes were kept, and the meeting was held in accordance with TDC 32.120. In addition to the October 9<sup>th</sup> meeting, the Applicant held an earlier neighborhood meeting on August 22<sup>nd</sup>, 2019. Materials for each meeting, including the notices, sign-in sheets, minutes, and mailing labels are attached in **Exhibit 4**. The requirements of TDC 32.120 have been satisfied.

### V. Approval Criteria

#### (A) Tualatin Development Code

TDC 33.010 identifies the approval criteria for an annexation application. Approval criteria identified by the TDC 33.010(5) will be quoted in *italics* and a **Response** will be provided below each criterion and/or code section.

*TDC 33.010. – Annexations*

*(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:** The territory to be annexed is within the Metro Urban Growth Boundary (UGB) and has been since 2004. 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% of the owners of the territory to be annexed and a Certification of Ownership are attached as **Exhibit 5**. This criterion is met.

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

**Response:** The applicable criteria in Metro Code 3.09 have been satisfied per the responses listed below in section V.(B) of this application. This criterion is met.

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

**Response:** This application is consistent with the applicable provisions of ORS Chapter 222 per the responses listed below in section V.(C) of this application. This criterion is met.

## Exhibit A. Application Materials

### **(B) Metro Code 3.09**

Per TDC 33.010(5)(c) above, applicable criteria in Metro Code 3.09 will be addressed below. Relevant Metro Code sections will be quoted or summarized in *italics* and a **Response** will be provided below each criterion and/or code section.

#### *Metro Code 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;*

**Response:** The City of Tualatin is identified on the signed petition attached in **Exhibit 5**. This criterion is met.

*2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;*

**Response:** A Certified legal description and Map are attached in **Exhibit 1**. This criterion is met.

*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.*

**Response:** The name and mailing address of all property owners within the affected territory are attached in **Exhibit 6**. There are no electors within the affected territory. This criterion is met.

##### *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.) and 100% 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. The Applicant must satisfy the same criteria whether it is an Expedited Decision or not, so the information submitted will be the same.

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

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

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

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

## Exhibit A. Application Materials

*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 planning agreements with other jurisdictions including Metro, Washington County, and the City of Wilsonville. Adoption of the Basalt Creek Concept Plan through Resolution 5392-18 was the result of the joint planning efforts of the previously mentioned jurisdictions. The City of Tualatin then implemented the Basalt Creek concept plan by approving the Plan Text Amendment (PTA) 19-0001 and Plan Map Amendment (PMA) 19-0001 and ultimately adopting Ordinance No. 1418-19 which also included amendments to the Transportation System Plan (TSP). The annexation of this property is only possible because the extensive planning efforts that have been made to serve this area. Additionally, The City of Tualatin has an intergovernmental agreement (IGA) with Clean Water Services (CWS) and has recently adopted an update to the Sewer Master Plan that identifies the need for additional facilities to serve this annexation area specifically and identifies how that expansion can be accomplished. These criteria have been met.

### *2. Consider whether the boundary change would:*

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

**Response:** The boundary change would promote the timely, orderly, and economic provision of public facilities and services as the annexation territory is included in the Basalt Creek Concept Plan that was adopted and implemented into the adopted Tualatin Comprehensive Plan and Sewer Master Plan. Additionally, the subject properties are contiguous to the Tualatin City Limits and expansion of urban services to this area is anticipated by the City of Tualatin's guiding documents. The provisions of this section have been satisfied.

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

**Response:** The boundary change itself would not affect the quality of urban services and would not likely affect the quantity of urban services as the use of the land would not change as a result of annexation. Future development, on the other hand, could affect the quality and would affect the quantity of urban services. The provisions of this section have been satisfied.

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

**Response:** The boundary change itself would not eliminate or avoid unnecessary duplication of facilities or services. To the extent currently known, future development would not likely eliminate or avoid unnecessary duplication of facilities or services either. The provisions of this section have been satisfied.

*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 proposed annexation territory is entirely within the UGB. This criterion is met.

## Exhibit A. Application Materials

### *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 and factors for consideration set forth in the referenced subsections have been addressed above, under section 3.09.045. Based on the responses above, the factors have been considered and the criteria have been met.

### **(C) ORS Chapter 222**

Per TDC 33.010(5)(c) above, applicable provisions of ORS Chapter 222 will be addressed below. Many sections of ORS 222 include procedural instructions only that do not require a response as they would be satisfied after an annexation is approved. The currently relevant sections of the Oregon Revised Statutes (ORS) Chapter 222 will be identified in *italics* and a **Response** will be provided below each criterion and/or code section.

#### *ORS Chapter 222 – City Boundary Changes; Mergers; Consolidations; Withdrawals*

*222.030 Assessor to furnish statement of assessed valuation of property in territory to be annexed.*

**Response:** The attached property tax statements from the Washington County Tax Assessor in **Exhibit 6** show the assessed value of each property included in the territory to be annexed. Additionally, the total assessed value of the annexation territory is included on the Annexation Property Information Sheet (**Exhibit 7**). This criterion is met.

*222.111 Authority and procedure for annexation.*

**Response:** This annexation proposal has been initiated by 100% of the owners of the real property to be annexed and if the proposed annexation is approved the boundaries of the City can be extended to include the annexation territory as it is contiguous to the Tualatin City Limits. The relevant provisions of this section have been satisfied.

## **VI. Conclusion**

This application includes all required submittal documents/forms/exhibits and provides responses demonstrating that the applicable and relevant approval criteria of the Tualatin Development Code, Metro Code, and Oregon Revised Statutes are satisfied. As such, the Applicant requests approval of the proposed annexation.

# Exhibit A. Application Materials

## EXHIBIT A

### CITY OF TUALATIN ANNEXATION PROPERTY DESCRIPTION

Page 1

A tract of land in the South one-half of Section 35, Township 2 South, Range 1 West of the Willamette Meridian; being those properties conveyed by Document Number 2007-105096, Washington County Deed Records; and S.W. Boones Ferry Road; Washington County, Oregon; being more particularly described as follows:

Beginning at a northwesterly corner of said properties conveyed by Document Number 2007-105096, being a point which bears South 89°41'31" West a distance of 1333.30 feet and then South 00°09'07" East a distance of 1334.31 feet, from the East one-quarter corner of Section 35;

thence along the north line, North 89°38'49" East a distance of 16.50 feet to an angle point;

thence, North 00°09'07" West a distance of 16.50 feet to an angle point, also being the most northerly northwest corner of said properties;

thence along the most northerly line, North 89°35'49" East a distance of 674.70 feet, more or less, to the west right-of-way line of Interstate Highway No. 5 (Baldock Freeway, West Portland Hubbard Highway);

thence along said west right-of-way line, South 15°44'54" West a distance of 1,126.97 feet, more or less, to the southeast corner of that tract of land conveyed to Autumn Sunrise, LLC as recorded in Document Number 2007-105096, Washington County Deed Records, also being on the north- right-of-way line of S.W. Greenhill Lane, as per "Tualatin Orchard Tract" subdivision plat;

thence along said north right-of-way line and a westerly extension thereof, South 89°40'38" West a distance of 1,801.59 feet, more or less, to the centerline of SW Boones Ferry Road (Market RD 24);

thence along said centerline, North 03°23'20" West a distance of 409.46 feet, more or less, to a point of curvature;

thence along said curve to the right, having a radius of 918.87 feet, through a central angle of 20°29'37" (Chord bears North 06°51'29" East, 326.91 feet), an arc length of 328.66 feet,

thence along said Tualatin City Limits line, South 72°53'43" East a distance of 30.00 feet to an angle point therein at the (old) easterly right-of-way line of S.W. Boones Ferry Road being on a line laying 30.00 feet east of the (old) centerline when measured at right angles thereto;

thence along said Tualatin City Limits line, North 89°36'05" East a distance of 1365.65 feet;

thence along said Tualatin City Limits line, North 00°09'07" West a distance of 313.47 feet to the Point of Beginning.

Bearings are based upon Survey Number 29,037 Washington County Surveys.

Area equals 38.00 acres, more or less, (R/W = 1.38 acres and property = 36.62 acres).

**ANNEXATION CERTIFIED**

BY VF

**MAR 02 2020**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

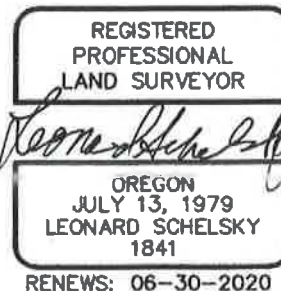
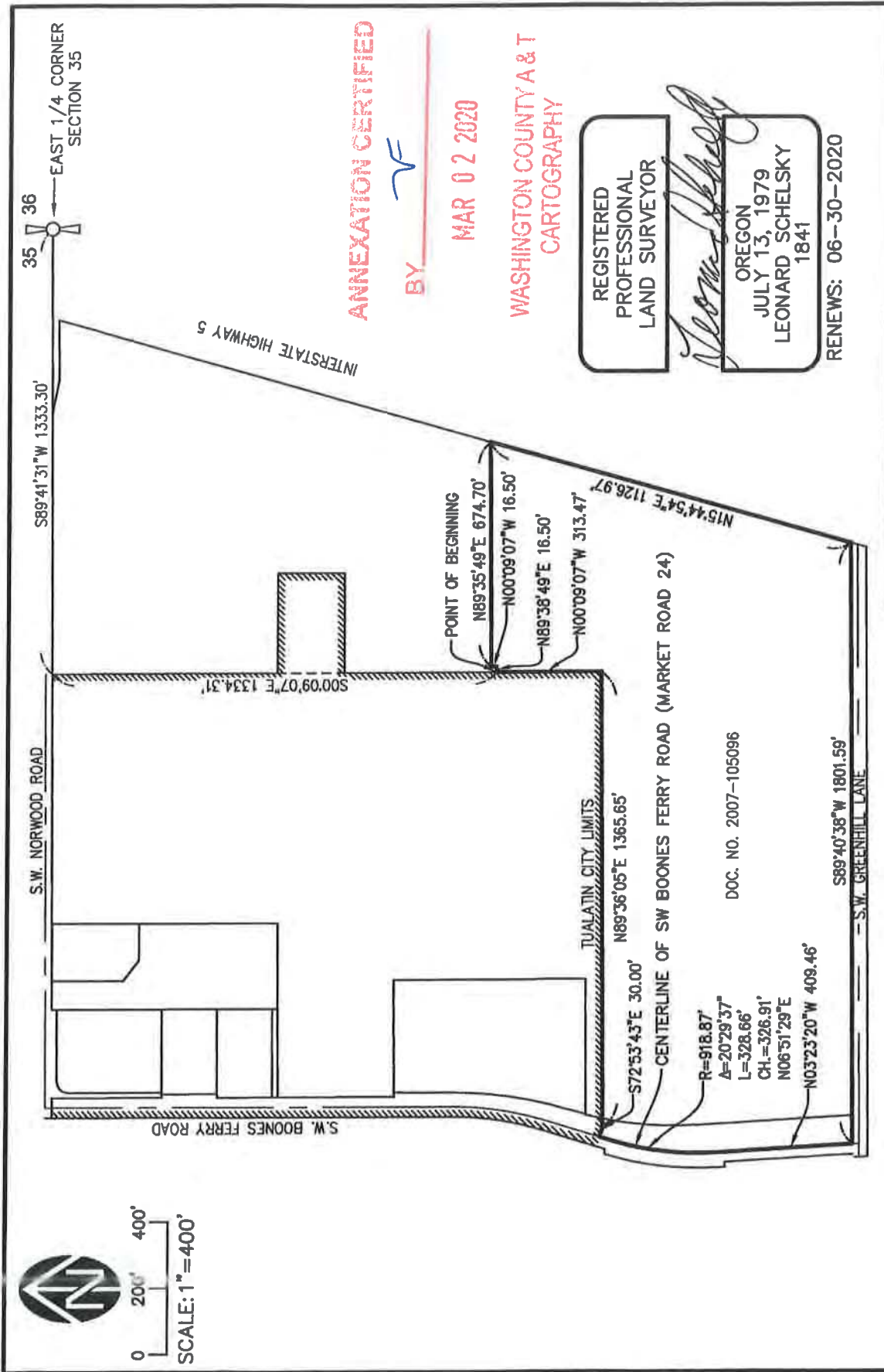




Exhibit A. Application Materials



0 200' 400'  
SCALE: 1"=400'

ANNEXATION CERTIFIED

BY *[Signature]*

MAR 02 2020

WASHINGTON COUNTY A & T  
CARTOGRAPHY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*[Signature]*  
OREGON  
JULY 13, 1979  
LEONARD SCHELISKY  
1841

RENEWS: 06-30-2020

|            |           |
|------------|-----------|
| DATE       | 3/02/2020 |
| DRAWN BY   | CAJ       |
| CHECKED BY | LJS       |
| REVISION   | 1         |
| JOB NO.    | 2401-001  |

**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING • SURVEYING • PLANNING  
PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652  
TIGARD, OREGON 97224 FAX (503) 624-0157

**EXHIBIT B**

LOCATED IN THE SOUTH 1/2 OF SECTION 35  
TOWNSHIP 2 S., RANGE 1 W., W.M.  
WASHINGTON COUNTY, OREGON

**Exhibit A. Application Materials**

Annexation Application  
Community Development Department - Planning Division

**CERTIFICATION OF LEGAL DESCRIPTION AND MAP**

I certify that the description of the property included within the attached petition (located on Assessor's Map 2S 1 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

[Signature]

Signature

3/2/20

Date

CARTOGRAPHY

Department

WASHINGTON

County of

**ANNEXATION CERTIFIED**

BY TF

**MAR 02 2020**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**



Exhibit A. Application Materials

Washington County, Oregon 2007-105096  
09/28/2007 03:29:27 PM  
D-DW Cnt=1 Stn=16 D HOFFMAN  
\$25.00 \$5.00 \$11.00 \$7,143.00 - Total = \$7,184.00

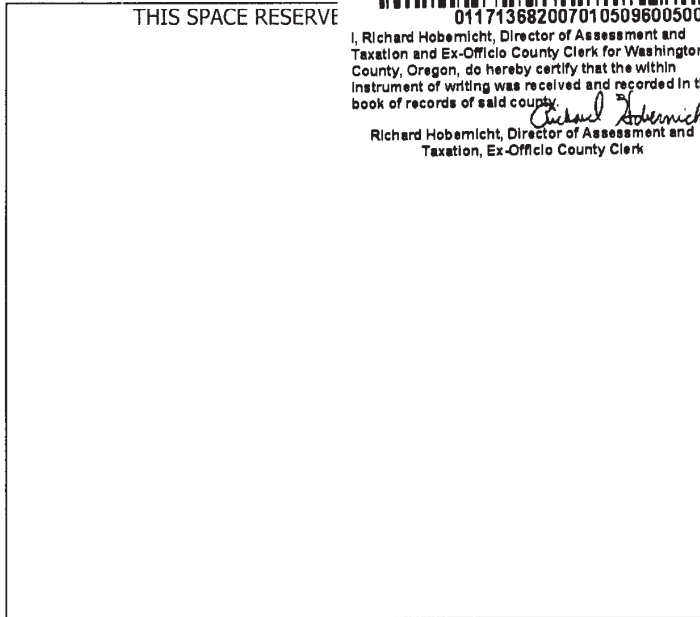


01171368200701050960050056

I, Richard Hobermicht, 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 Hobermicht, Director of Assessment and Taxation, Ex-Officio County Clerk



THIS SPACE RESERVE



After recording return to:  
Autumn Sunrise LLC  
1400 SW Schaeffer Road  
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:  
Autumn Sunrise LLC  
1400 SW Schaeffer Road  
West Linn, OR 97068

File No.: 7073-1087491 (LSH)  
Date: September 14, 2007

22  
1105  
41



1087491-LLC

FATCO. NO.

STATUTORY SPECIAL WARRANTY DEED

Kimball Hill Homes Oregon, Inc., an Oregon Corporation, Grantor, conveys and specially warrants to Autumn Sunrise LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. The 2007/08 Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$7,143,000.00.



WASHINGTON COUNTY  
REAL PROPERTY TRANSFER TAX  
\$ 7143.00 9-28-07  
FEE PAID DATE

Exhibit A. Application Materials


APN: R560253

Statutory Special Warranty Deed  
- continued

File No.: 7073-1087491 (LSH)  
Date: 09/14/2007

Dated this 26<sup>TH</sup> day of SEPTEMBER, 2007.


Kimball Hill Homes Oregon, Inc., an Oregon corporation

  
By: Dudley McGee, Vice President

STATE OF California )  
 )ss.  
County of SACRAMENTO )

This instrument was acknowledged before me on this 26<sup>TH</sup> day of SEPTEMBER, 2007 by Dudley McGee as Vice President of Kimball Hill Homes Oregon, Inc., on behalf of the corporation.



  
Notary Public for California  
My commission expires: APRIL 20, 2008

## Exhibit A. Application Materials

APN: R560253

Statutory Special Warranty Deed  
- continued

File No.: 7073-1087491 (LSH)  
Date: 09/14/2007

### EXHIBIT A

#### LEGAL DESCRIPTION:

##### PARCEL I:

BEGINNING AT A POINT WHICH POINT IS 5 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND RUNNING THENCE SOUTH 5 CHAINS TO A POINT; THENCE WEST 20 CHAINS, MORE OR LESS, TO THE CENTER OF THE COUNTY ROAD; THENCE NORTHERLY ALONG THE CENTER OF SAID COUNTY ROAD TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED BY ANNIE C. VOGET IN FEE SIMPLE REMAINDER TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF WASHINGTON COUNTY; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT SO CONVEYED TO BEN D. ANDREWS AND HARRIET K. ANDREWS AS DESCRIBED IN BOOK 294 PAGE 587, DEED RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING, EXCEPT THAT PORTION DESCRIBED IN CONTRACT OF SALE IN FAVOR OF ROBERT K. COLE, AND WIFE, RECORDED MARCH 25, 1968 IN BOOK 686, PAGE 495, RECORDS OF WASHINGTON COUNTY.

##### PARCEL II:

A TRACT OF LAND SITUATED IN THE SOUTH ONE-HALF OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED OF RECORDS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, WITH THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 294, PAGE 585, DEED RECORDS. FROM SAID PLACE OF BEGINNING THENCE NORTH 89°53'45" EAST ALONG SAID NORTHERLY LINE OF SAID TRACT DESCRIBED IN BOOK 294, PAGE 585, 1319.70 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 0°14' WEST 330.00 FEET TO THE NORTHERLY LINE OF TUALATIN ORCHARD TRACT; THENCE SOUTH 89°53'45" WEST ALONG SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 802.80 FEET; THENCE LEAVING SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, NORTH 0°06'15" WEST 144 FEET; THENCE SOUTH 89°53'45" WEST PARALLEL WITH SAID NORTHERLY LINE OF TUALATIN ORCHARD TRACT, 618.35 FEET TO THE INTERSECTION OF EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 883.87 FEET THROUGH A CENTRAL ANGLE OF 10°55'20" A DISTANCE OF 169.44 FEET TO A POINT OF TANGENT; THENCE NORTH 17°16' EAST 251.58 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 217, NORTH 89°53'45" EAST 60.42 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A PORTION OF PARCEL 1 OF THOSE CERTAIN TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON CONVEYED TO GRACE COMMUNITY CHURCH OF THE ASSEMBLIES OF GOD, INC., BY DEED RECORDED AS DOCUMENT NUMBER 200155727 WASHINGTON COUNTY, OREGON DEED RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

## Exhibit A. Application Materials

APN: **R560253**

Statutory Special Warranty Deed  
- continued

File No.: **7073-1087491 (LSH)**  
Date: **09/14/2007**

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GRACE COMMUNITY CHURCH BY DEED RECORDED AS DOCUMENT NUMBER 2002004397 SAID DEED RECORDS AND RUNNING THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, NORTH 89°34'48" EAST 485.62 FEET, NORTH 15°44'54" EAST 690.21 FEET, SOUTH 89°35'49" WEST 674.70 FEET SOUTH 00°09'07" EAST 16.50 FEET AND SOUTH 89°38'49" WEST 16.50 FEET; THENCE SOUTH 00°09'07" EAST 313.47 FEET TO A POINT ON THE NORTH LINE OF SAID DOCUMENT NUMBER 2002004397; THENCE ALONG THE BOUNDARY THEREOF NORTH 89°36'05" EAST 16.50 FEET AND SOUTH 00°08'37" EAST 313.16 FEET TO THE POINT OF BEGINNING.

**PARCEL III:**

LOT 1, TUALATIN ORCHARDS TRACT, EXCEPTING THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

**PARCEL IV:**

THE WEST 140 FEET OF THE EAST 260 FEET OF THE SOUTH 140 FEET OF LOT 1, TUALATIN ORCHARD TRACTS, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON.

**PARCEL V:**

THE WESTERLY MOST 207.5 FEET, BEING A PORTION OF THAT CERTAIN TRACT OF LAND LOCATED IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CONVEYED BY GRACE SCHUSTER TO JOHN DAY AND JESSIE DAY, UNDER DATE OF APRIL 20, 1949, AS SET FORTH IN DEED RECORDED IN BOOK 294 AT PAGE 446, DEED RECORDS, SAID TRACT SO CONVEYED, OF WHICH THE LAND HEREBY CONVEYED FORMS A PART, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN; THENCE NORTH 233 FEET; THENCE NORTH 87°15' WEST 1255.52 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREBY CONVEYED; THENCE NORTH 420 FEET ALONG THE WEST LINE OF LOT 4, TUALATIN ORCHARD TRACTS, TO THE SOUTH LINE OF TRACT CONVEYED BY DEED TO GEORGE ANDREWS, ET AL, IN BOOK 70, PAGE 374, RECORDED DECEMBER 27, 1905; THENCE NORTH 87°15' WEST 990.32 FEET ALONG THE SOUTH LINE OF SAID ANDREWS TRACT; THENCE SOUTH 420 FEET ALONG THE EAST LINE OF LOT 1, TUALATIN ORCHARDS TRACTS; THENCE SOUTH 87°15' EAST 990.32 FEET TO THE SOUTHEAST CORNER OF PROPERTY HEREBY CONVEYED.

**PARCEL VI:**

BEGINNING AT THE NORTHEAST CORNER OF TRACT 1, TUALATIN ORCHARD TRACTS, A DULY RECORDED SUBDIVISION IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON; THENCE SOUTH 87°15' EAST 207.5 FEET TO THE POINT OF TRUE BEGINNING OF THIS DIRECTION; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, TUALATIN ORCHARD TRACTS, AND 207.5 FEET EASTERLY THEREFROM 420.0 FEET TO A POINT; THENCE SOUTH 87°15' EAST 90 FEET TO A POINT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID TRACT 1, 420.0 FEET; THENCE NORTH 87°15' WEST 90 FEET TO THE POINT OF TRUE BEGINNING OF THIS DESCRIPTION.

**PARCEL VII:**

## Exhibit A. Application Materials

APN: **R560253**

Statutory Special Warranty Deed  
- continued

File No.: **7073-1087491 (LSH)**  
Date: **09/14/2007**

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

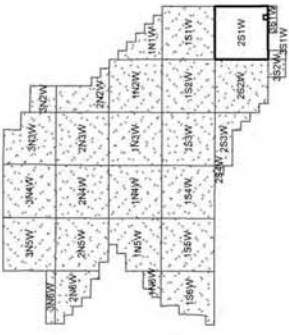
BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°00'17" EAST 420.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE SOUTH 89°44'43" WEST 389.06 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET; THENCE NORTH 89°44'43" EAST 389.06 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL VIII:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, TUALATIN ORCHARD TRACTS; THENCE NORTH 89°44'43" EAST 1159.47 FEET; THENCE NORTH 3°00'17" WEST 880.00 FEET TO A POINT ON A LINE EXTENDED FROM THE NORTHEAST CORNER OF LOT 1, TUALATIN ORCHARD TRACTS TO THE NORTHWEST CORNER OF LOT 4, TUALATIN ORCHARD TRACTS, SAID POINT FALLING NORTH 89°44'43" EAST 686.11 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°44'43" EAST 763.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF THE BALDOCK FREEWAY; THENCE SOUTH 15°49'15" WEST 436.59 FEET ALONG SAID RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF GREENHILL LANE; THENCE WESTERLY ALONG SAID RIGHT OF WAY SOUTH 89°44'43" WEST 622.75 FEET; THENCE NORTH 3°00'17" WEST 420.00 FEET TO THE TRUE POINT OF BEGINNING.

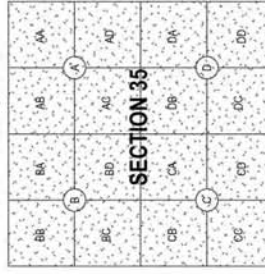




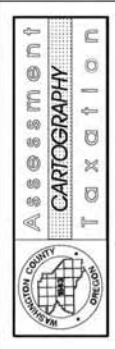
WASHINGTON COUNTY OREGON  
SE 1/4 SECTION 35 T2S R1W W.M.  
SCALE 1" = 200'

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

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

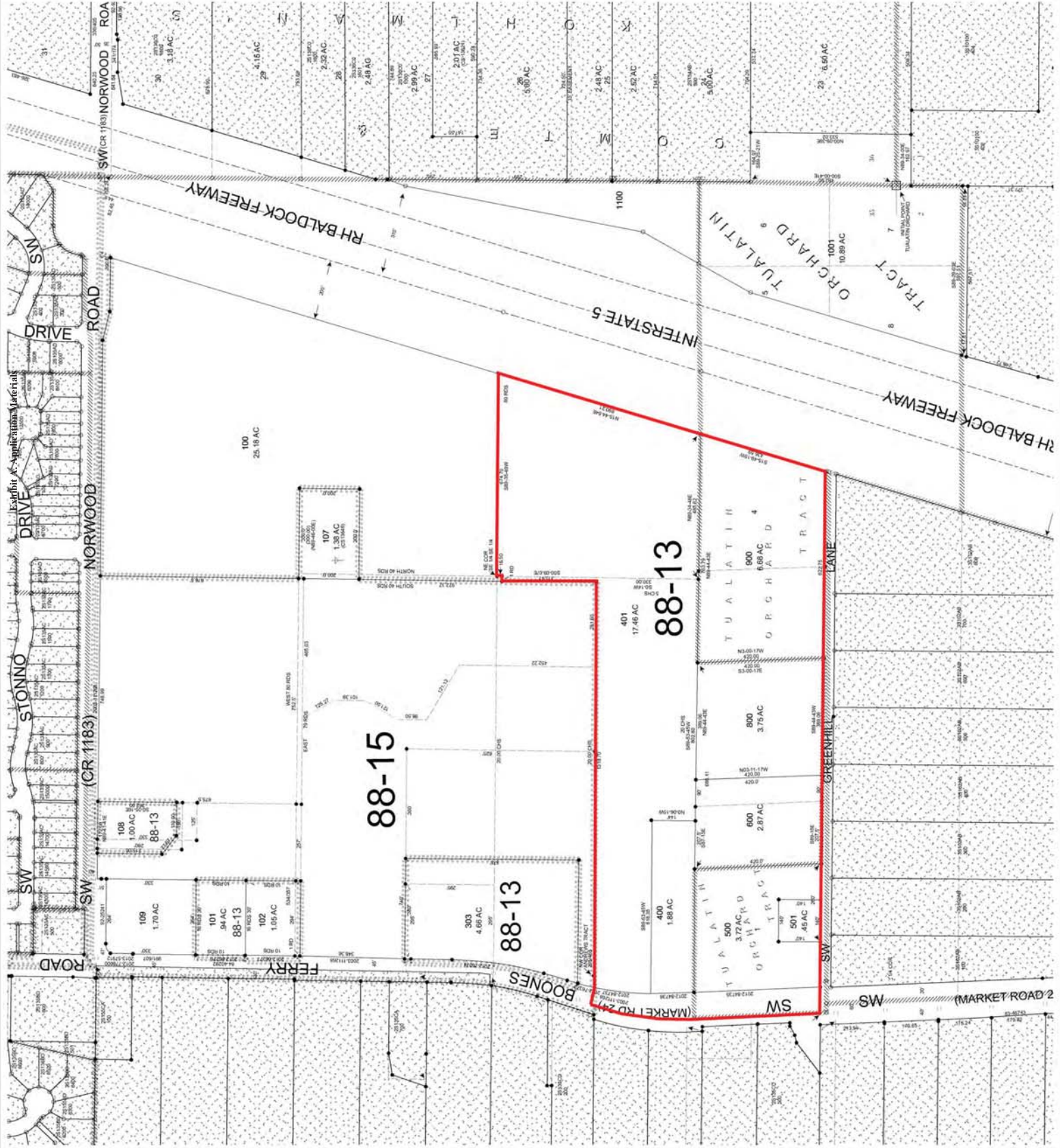


Cancelled Taxlots For: 2S135D  
104,105,200,301,700,1000T1,103,1000,1002,1003,  
110,300,302,107,C1,502,402,403.



PLOT DATE: 11/20/20  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map areas delineated by white lines showing a cross-hatched pattern are for reference only and may vary slightly from actual property boundaries. Please consult the appropriate map for the most current information.



**Exhibit A. Application Materials**

**PETITION FOR A CONSENT ANNEXATION  
TO THE CITY OF TUALATIN, OR**

To the Council and City of Tualatin:

We, the undersigned owners of the property described below, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

Autumn Sunrise, LLC, an Oregon limited liability company, is the record owner of all the property listed in the table below.

| Ref# | Address  | Quarter | Township | Range | Section | Lot |
|------|--|---------|----------|-------|---------|-----|
| 1    | 23740 SW Boones Ferry Road, Tualatin, OR 97062 | SE      | 2S       | 1W    | 35D     | 400 |
| 2    | 23620 SW Boones Ferry Road, Tualatin, OR 97062 | SE      | 2S       | 1W    | 35D     | 401 |
| 3    | No Address                                     | SE      | 2S       | 1W    | 35D     | 500 |
| 4    | 9415 SW Greenhill Lane, Tualatin, OR 97062     | SE      | 2S       | 1W    | 35D     | 501 |
| 5    | 9335 SW Greenhill Lane, Tualatin, OR 97062     | SE      | 2S       | 1W    | 35D     | 600 |
| 6    | 9185 SW Greenhill Lane, Tualatin, OR 97062     | SE      | 2S       | 1W    | 35D     | 800 |
| 7    | No Address                                     | SE      | 2S       | 1W    | 35D     | 900 |

**AUTUMN SUNRISE, LLC**

An Oregon limited liability company

By: \_\_\_\_\_



Gordon Root, Manager

Date: \_\_\_\_\_

09/10/2019



# Exhibit A. Application Materials

Annexation Application  
Community Development Department - Planning Division

## CERTIFICATION OF PROPERTY OWNERSHIP

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

|                    |                   |                                    |
|--------------------|-------------------|------------------------------------|
| <u>TED FOSTER</u>  | <u>GIS TECH</u>   | <u>ANNEXATION CERTIFIED</u>        |
| Printed Name       | Title             | <u>EV</u> <u>TF</u>                |
| <u>[Signature]</u> | <u>10/7/19</u>    | <u>OCT 07 2019</u>                 |
| Signature          | Date              | <u>WASHINGTON COUNTY A &amp; T</u> |
| <u>CARTOGRAPHY</u> | <u>WASHINGTON</u> | <u>CARTOGRAPHY</u>                 |
| Department         | County of         |                                    |

\*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 |       |



## Exhibit A. Application Materials

February 19, 2020

Sean Brady, City Attorney  
City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

Dear Mr. Brady,

Washington County staff have reviewed the materials provided for the City of Tualatin's proposed annexation of properties north of SW Greenhill Lane, between SW Boones Ferry Road and I-5 ("Autumn Sunrise Annexation") into the city of Tualatin. The proposed annexation also includes portions of the right-of-way for SW Boones Ferry Road.

The proposed annexation is entirely within the area referenced in Washington County's Urban Planning Area Agreement (UPAA) with the City of Tualatin. That agreement contains the following clause:

*G. The COUNTY shall not oppose annexations to the CITY within the CITY's Urban Planning Area.*

The County consents to this annexation but would like to note opportunities for future coordination with the city, as described in the next paragraphs of this letter.

In 2013 Washington County adopted Ordinance 761 amending the County's Transportation System Plan (TSP) to show SW Greenhill Lane as the future Basalt Creek Parkway, a 4/5-lane arterial between SW Boones Ferry Road and the Urban Growth Boundary (UGB) line (west right-of-way line of I-5). The same future alignment was also adopted in the Regional Transportation Plan (RTP project #11436) and depicted in the Basalt Creek Concept Plan adopted by the cities of Tualatin and Wilsonville in August 2018. However, when Tualatin adopted the Basalt Creek Comprehensive Plan and associated city TSP amendments in April 2019, the line for Basalt Creek Parkway ended at SW Boones Ferry Road instead of extending to the UGB line. Washington County requests that upon this annexation, Tualatin initiate a city TSP amendment to show the 4/5 lane arterial extending from Boones Ferry Road to the Urban Growth Boundary, matching the County's TSP and the RTP.

Pursuant to the County TSP designation, the County's expectation is that any future City development approvals on the subject properties will reflect adequate right-of-way dedication, measured from the existing Greenhill Lane centerline, for one half of the ultimate required width for a 4-5 lane arterial roadway per the Washington County TSP, including

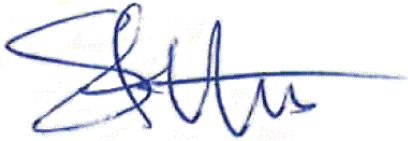
## Exhibit A. Application Materials

placement of any necessary retaining walls and/or fill material that may be needed to construct the future Basalt Creek Parkway overcrossing of I-5. No vehicular access shall be permitted from the subject properties to the future Basalt Creek Parkway.

SW Boones Ferry Road is a County road. At this time Washington County will retain road jurisdiction and maintenance authority of that portion of the right-of-way that will be annexed by Tualatin.

County staff look forward to further coordination with the City of Tualatin.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Roberts", with a long horizontal flourish extending to the right.

Stephen Roberts, Director of Land Use & Transportation

cc: Andy Back, Planning and Development Services Manager  
Erin Wardell, Principal Transportation Planner  
Theresa Cherniak, Principal Community Planner

**Exhibit A. Application Materials**

**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) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 400

(2) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 401

(3) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 500

(4) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 501

(5) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 600

(6) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 800

(7) Autumn Sunrise, LLC 8840 SW Holly Ln, Wilsonville, OR 97070

SE 1/4 Section 35, Township 2S, Range 1W, Tax Map & Lot 2S135D & 900

(8) \_\_\_\_\_

(9) \_\_\_\_\_

(10) \_\_\_\_\_

**Exhibit A. Application Materials**

**ANNEXATION PROPERTY INFORMATION SHEET**

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

Land area, in acres: Property= Approximately 36.62 Ac. & ROW= Approximately 1.38 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 farmland with minimal vegetation beyond ground cover.

3 single family residents are located on the property off SW Greenhill Ln with some small outbuildings nearby.

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

North: Institutional (Horizon) and rural residential

South: SW Greenhill Lane, then rural residential and vacant farmland

East: Interstate 5, then rural residential and vacant farmland

West: Boones Ferry Rd, then rural residential

**EXISTING LAND USE:**

Number of existing units/structures:

Single-family: 3 Multi-family: 0 Commercial: 0 Industrial: 0

Describe existing units/structures: 3 existing homes built between 1920-1952, a small shed, a shop, and an old hay barn.

What is the current use(s) of the land proposed to be annexed: residential and vacant farmland

**Exhibit A. Application Materials**

Public facilities or other uses: N/A

---

Total current year assessed valuation – \$: 2,470,550.00

Total existing population: N/A

Is the territory contiguous to the City limits: Yes

Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary: Inside

**URBAN SERVICE PROVIDERS:**

If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please indicate so by stating the name or names of the governmental units involved.

County: Washington County

Highway Lighting District: N/A

Fire District: Tualatin Valley Fire & Rescue

Sanitary District: N/A

Water District: N/A

Grade School District: Sherwood

High School District: Sherwood

Library District: N/A

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

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## Exhibit A. Application Materials

Annexation Application  
Community Development Department - Planning Division

|   |  |
|---|--|
| <b>NAME OF DOCUMENT FOR RECORDING:</b><br><b>Waiver Of Rights And Remedies</b><br>Grantor: (Petitioner(s))<br><br>Grantee: City of Tualatin<br>Consideration: None.<br>Tax Statement to be mailed to: No change.<br><br><u>After Recording, Return To:</u> City of Tualatin,<br>Attn: City Recorder, 18880 SW Martinazzi,<br>Tualatin, OR 97062 | <i>(For County Recording Use Only)</i> |
|---|--|

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

**Whereas**, Autumn Sunrise, LLC ("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



## Exhibit A. Application Materials

Annexation Application  
Community Development Department - Planning Division

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 14 day of October, 2019

|   |   |
|---|---|
| <hr/> <p style="text-align: center;"><i>(signature)</i></p> <p>Petitioner Name:</p> <hr/> <p>Date Signed:</p> <hr/> | <hr/> <p style="text-align: center;"><i>(signature)</i></p> <p>Petitioner Name:</p> <hr/> <p>Date Signed:</p> <hr/> |
|---|---|



Exhibit A. Application Materials

Annexation Application  
Community Development Department - Planning Division

Petitioner (corporation, etc.) Name: Autumn Sunrise, LLC

By: *[Signature]*

Name of Signor: Gordon C. Root

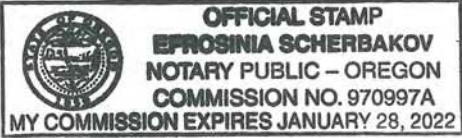
Office/Title of Signor: Manager

State of Oregon \_\_\_\_\_ )  
County of Clackamas

On this 14<sup>th</sup> day of October, 2019, before me the undersigned Notary Public, personally appeared

Gordon C. Root  
*(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 Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

|  |  |
|--|--|
| WITNESS my hand and official seal<br><i>(Do not write outside of the box)</i>  | Place Notary Seal Below  |
| Notary Signature:<br><u><i>Efrosinia Scherbakov</i></u><br><br>Notary name (legible):<br><u>Efrosinia Scherbakov</u> |  |

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

City of Tualatin, Oregon

*[Signature]*  
City Manager

## Exhibit A. Application Materials

Annexation Application  
Community Development Department - Planning Division

### CERTIFICATION OF SIGN POSTING



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

As the applicant for the Autumn Sunrise Annexation project, I hereby certify that on this day, November 9, 2019 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: Levi Levasa  
(Please Print)

Applicant's Signature: 

Date: 2/20/2020

Tax Lots 400, 401, 500, 501, 600, 800, 900 (1,000 ft Radius)

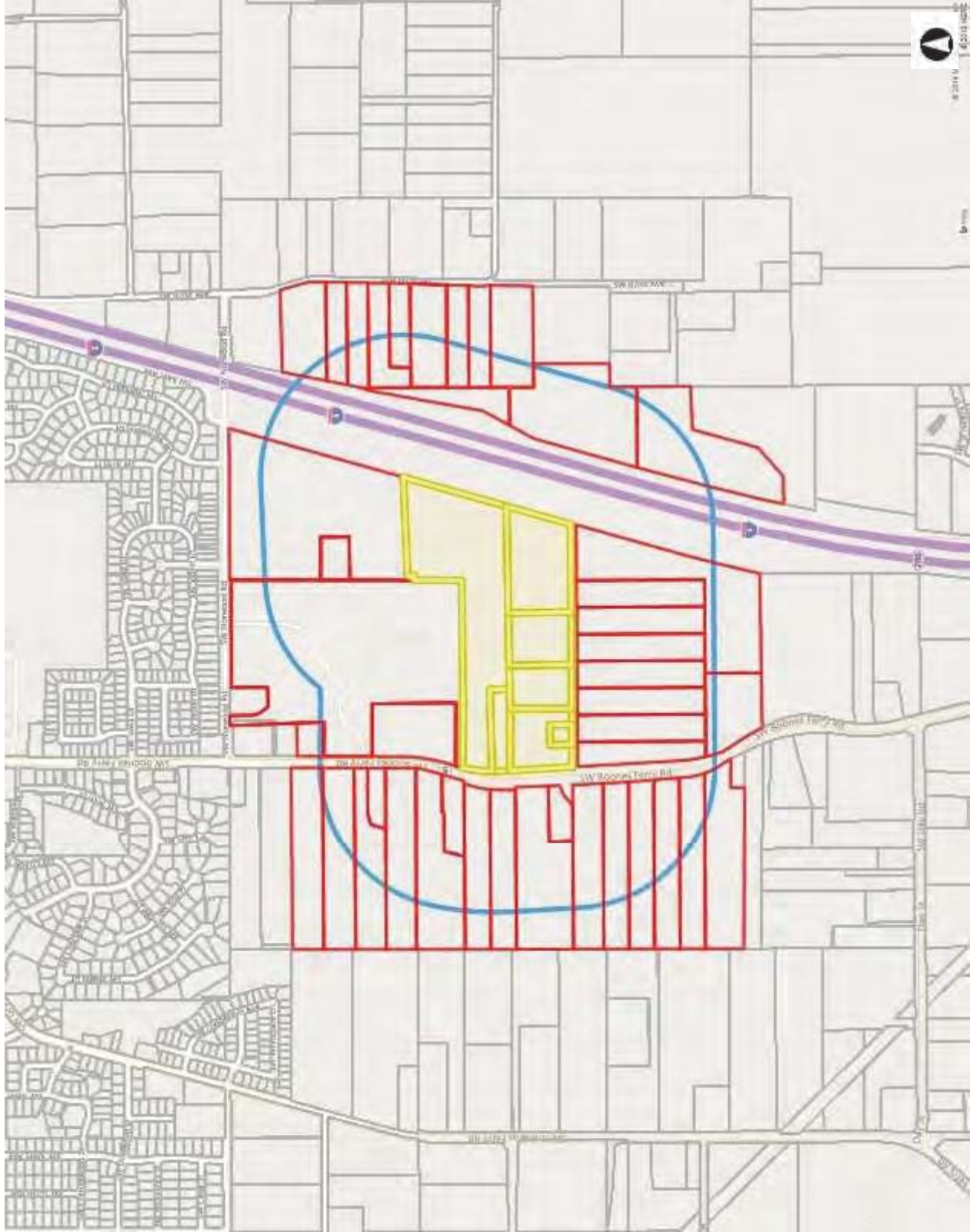


Exhibit A. Application Materials

Taxlot

7/26/2019

Notes



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## **Exhibit A. Application Materials**

*Mailing address document available for review in Case File: ANN 19-0002*

## Exhibit A. Application Materials

September 25, 2019



Tualatin – Autumn Sunrise Annexation

Dear Neighbor,

We would like to invite you to another neighborhood meeting to discuss our proposed annexation application of the property located between SW Norwood Road, Greenhill Lane, I-5 and Boones Ferry Road. A map on the back page of this letter illustrates the area we are applying to annex.

While this meeting is a requirement by the City of Tualatin, we also believe this to be an excellent opportunity to receive input from the local community. The meeting also allows us to elaborate on our future plans for the property and provide clarity for any questions community members may have.

We hope you will be able to join us for this meeting.

**Meeting Location:**                      **Horizon Christian High School Room #211**  
**23370 SW Boones Ferry Rd**  
**Tualatin, OR 97062**

**Meeting Date & Time:**                **9 October 2019**  
**6:30 PM – 7:30 PM**

Please feel free to call or email me with any questions or comments if you are unable to attend this meeting.

Sincerely,

Levi Levasa - Project Manager  
Email: [Levi@staffordlandcompany.com](mailto:Levi@staffordlandcompany.com)  
Phone: 971.206.8614





# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

| <b>Project Name:</b> Autumn Sunrise Annexation <b>Subject Properties:</b> Tax Lots - 400,401,500,501,600,800,900 on Tax Map 2S 1 35D   |   |                |              |
|--|---|----------------|--------------|
| <b>Proposal:</b> Annexation of the Subject Properties and adjacent rights-of-way from Unincorporated Washington County to the City of Tualatin                                       |   |                |              |
| <b>Meeting Location:</b> Horizon Community Church, Room 211, 23370 SW Boones Ferry Rd, Tualatin, OR 97062  | <b>Meeting Date &amp; Time:</b> 10/09/2109 @ 6:30PM |                |              |
| <b>PUBLIC RECORDS LAW DISCLOSURE:</b> This sign-in sheet will become a public record of the City of Tualatin and become subject to public disclosure under Oregon Public Records Law |   |                |              |
| NAME   | MAILING ADDRESS                                     | E-MAIL ADDRESS | PHONE NUMBER |
| PATSY APRIN  | [REDACTED]  |                |              |
| APRIL ANAN   |   |                |              |
| STU PETERSON   |   |                |              |
| RANDY McLEOD   |   |                |              |
| ANDREW HANSON  |   |                |              |
| ROSE TOLK  |   |                |              |
| GRACE LUCINI   |   |                |              |
| SARA LUCINI  |   |                |              |
| ALISA BEAR   |   |                |              |
| JIM ODAMS  |   |                |              |
| CHRISTINA BEZANT   | [REDACTED]  |                |              |
| KENDRA AUST  |   |                |              |
|  |   |                |              |
|  | [REDACTED]  |                |              |
|  |   |                |              |
|  |   |                |              |

B  
03

## **Exhibit A. Application Materials**

### **Neighborhood Meeting Minutes**

#### **Autumn Sunrise Annexation**

**October 9, 2019**

**6:30 PM at Horizon High School**

**Presentation By: Levi Levasa (L)**

Introduction:

- Brief description of Stafford. We build homes and develop large projects for single family homes, townhouses, and occasionally multi-family.
- Brief description of the Autumn Sunrise property. It's 39 ½ acres. It's bounded by Boones Ferry Road to the west, I-5 to the East, and Greenhill lane to the south.
- The purpose of the meeting is to discuss annexation of the property in to the City of Tualatin.
- Brief explanation of 2004 UGB expansion, Basalt Creek Concept Plan (BCCP) process and adoption, and City of Tualatin implementation of the BCCP.
- Annexation does not change the use of the property, it only moves the boundary of the City and adopts their land use designation. That is what we are proposing to do.
- We will go over what can happen in the future a bit later.

Q: What is the timeline for annexation completion?

L: I will be turning in a final application by the end of the month. I anticipate the property to be annexed by the end of the year or the beginning of 2020.

Q: Will there be any change to neighboring non-annexed property?

L: There would be no change in use to this property or to any neighboring properties as a result of this annexation.

Q: What does annexation mean?

L: Annexation means that the Tualatin city limits line will be redrawn on a map to include our property. It also means that the tax district maps will change.

Q: What are the next steps after annexation?

L: The next step after annexation is to subdivide the property. This process will require a whole new round of applications, permits, and planning. I anticipate the subdividing process to take between 6-24 months depending on the jurisdiction.

Q: Will school district boundaries change with annexation like tax boundaries?

L: School district boundaries are different than tax boundaries. It's in the best interest of a school district to cast a wide net and collect the construction excise taxes that will benefit the school district. The school district lines are difficult to change and annexation will not affect them. As much as we'd like to change them, we anticipate that they will stay in place as is.

Q: How many homes will be built on your property?



## Exhibit A. Application Materials

L: Before I answer that I want to make sure that there are no more Annexation questions. Remember that we are only proposing annexation.

[No Response]

Now I will open the conversation to include what can happen with future subdivision applications and eventual construction.

L: Our preliminary plan has 236 dwelling units. The lots will vary in size and type. The number of dwelling units was determined by the net density set forth in the Basalt Creek Comprehensive Plan. They want 10 dwelling units per net buildable acre. We subtracted the land that we will be dedicating to the city, primarily roads and multiply the remaining acreage by 10. The remaining area on our most recent concept plan came to 23.6 acres, so there are 236 dwelling units shown.

Q: Will there be any other road outlets for the development other than Greenhill lane?

L: Yes. This plan shows that there would be another road constructed in the northwest corner of the property.

Q: I live on Boones Ferry Road and this will further affect traffic in the area.

L: Tualatin has a comprehensive transportation system plan. In addition to Tualatin's traffic plan there is also a traffic plan in the Basalt Creek Comprehensive Plan. Our job is to abide by the rules set by those plans. I will admit that these plans can be reactive to development. What will eventually help the area is the expansion of Boone Bridge and the Abernathy Bridge by ODOT.

Q: What is ODOT doing?

L: I'm not fully aware of the status of ODOT projects in the area. My understanding is that they are expanding lanes and working south towards the Boone Bridge.

Q: Your development will affect the traffic capacity of the area.

L: Future development must satisfy the requirements of the jurisdictional authority regarding traffic. We would likely conduct traffic studies. A traffic engineer will make recommendations. If they say our development triggers a need elsewhere, we will be burdened with paying for it. If we don't trigger a need we will not be building or paying for it.

Q: Will Stafford be doing any frontage improvements on Boones Ferry Road?

L: Boones Ferry Road is already improved, so probably not, but that is determined during the subdivision review process.

Q: If you add 236 homes then you are adding some 400 new cars on to Boones Ferry making it worse.

L: We pay our proportionate share in development. There are system development charges we pay to any city we build in and generate income for the city and county who's burden it is to improve public infrastructure.

Q: I live off of Boones Ferry Road and I already fear for the safety of myself and property when entering in to the road.

## Exhibit A. Application Materials

L: We can't fix all the problems of Boones Ferry Road. We will pay for and build what is proportionately required of us.

Q: You're causing a problem.

Gordon Root: [Introduces himself as an owner and principle of Stafford] If we widen Boones Ferry along our frontage, the choke point will just move a couple hundred feet down the road. This project has taken more time and more planning than any other I've been involved in. There have been meetings coinciding with the Basalt Creek Comprehensive plan for nearly fifteen years. The Basalt Creek Parkway will eventually be built and will offset some of the traffic concerns. It will also setup queuing which will help those who live on Boones Ferry safely enter the road. Furthermore, the amount of money the city and county will be gaining through permits and system development fees is tremendous. I will echo what Levi said and say that the area is more reactive than proactive. Good examples of infrastructure showing up before development are Washington state. That is not the case here, but it will not stop our property from being developed.

Q: Will there be a bridge and light for the Basalt Creek Parkway intersection?

L: There will be a bridge over Basalt Creek and a light at the intersection of Basalt Creek Pkwy and Boones Ferry Rd.

Q: I have a few questions. The comprehensive plan doesn't address stormwater runoff. How will your development address stormwater? Will all overhead utilities be moved below ground?

L: Stormwater has become a big issue in developments. The project will be monitored by Clean Water Services which has high standards that we will comply with. The overhead utilities on the frontage of our property will likely be buried.

Q: If we don't annex will the burying of power line affect us?

L: Burying the power line should not affect anyone's services.

Q: Where are utilities being brought from?

L: Utilities are currently in place on Norwood and Boones Ferry Rd. It is uphill from our property so a sewer pump station will also be built on our development.

Q: What's going to be done with the property south of Greenhill?

L: That property will eventually need annexed into Wilsonville if it is going to developed. The Basalt Creek Concept Plan has it zoned as a high-tech employment district.

Q: Will there be regional parks dedicated in your development?

L: I don't think there will be a regional park but there is land shown for a neighborhood park in this concept plan.

Any other questions?

Conclusion: If you received notice for this meeting then you would receive notice for any future meetings or hearings as well. We will also have signs posted for any future meetings or hearings.

## Exhibit A. Application Materials

August 8, 2019



Tualatin – Autumn Sunrise Annexation

Dear Neighbor,

This letter is a second notice to correct the map that was sent out in the first letter. The meeting will still be happening on the same day, time, and location. We apologize for the error and hope you can make it.

**Meeting Location:** Horizon Christian High School Room #211  
23370 SW Boones Ferry Rd  
Tualatin, OR 97062

**Meeting Date & Time:** 22 August 2019  
6:30 PM – 7:30 PM

Please feel free to call or email me with any questions or comments if you are unable to attend this meeting.

Sincerely,

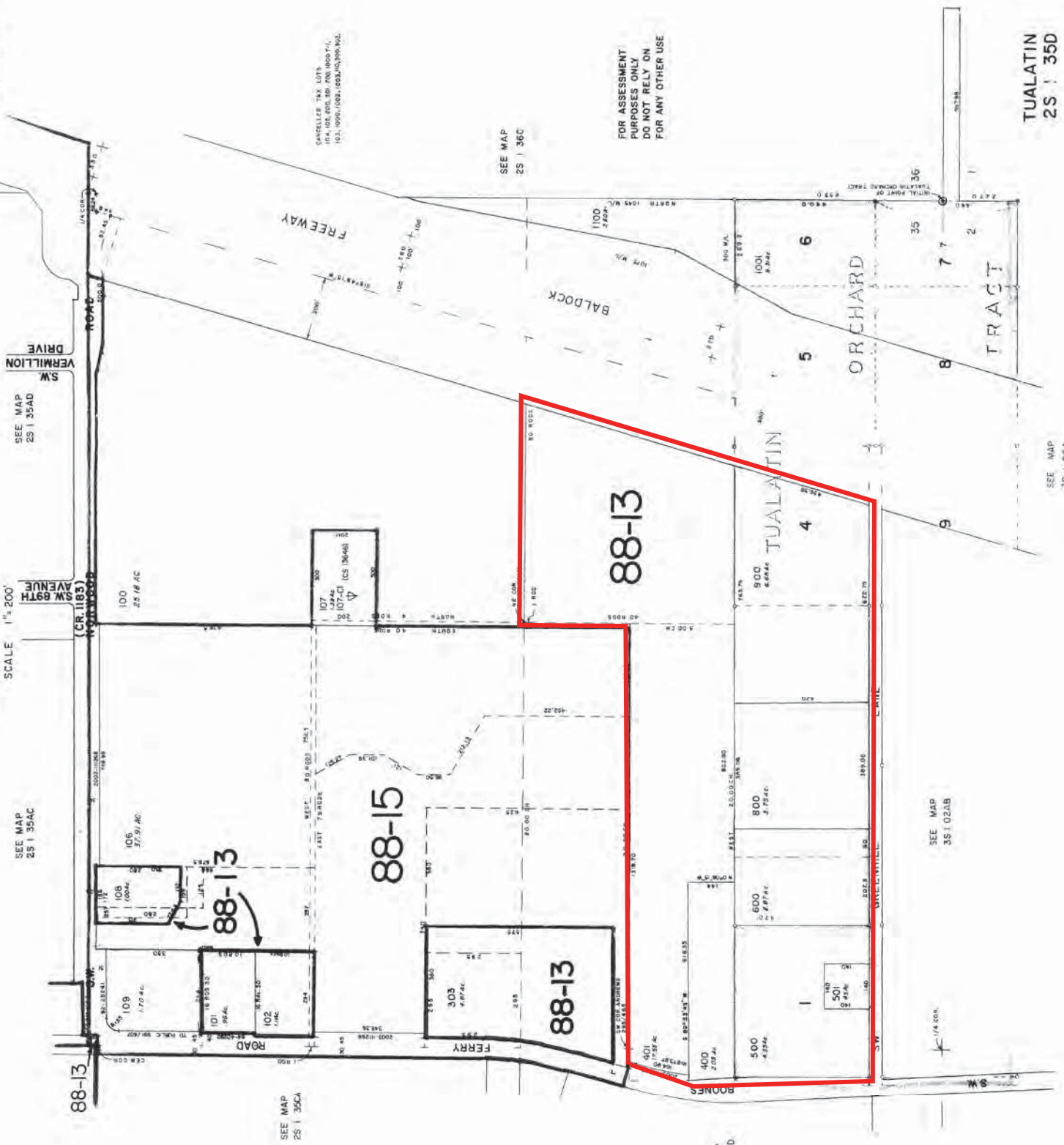
Levi Levasa - Project Manager  
Email: [Levi@staffordlandcompany.com](mailto:Levi@staffordlandcompany.com)  
Phone: 971.206.8614

Exhibit A. Application Materials

2S | 35D  
TUALATIN

SE 1/4 SECTION 35 T2S R1W W.M.  
WASHINGTON COUNTY OREGON

TUALATIN  
2S | 35D



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

| Project Name: Autumn Sunrise Annexation  | Subject Properties: Tax Lots - 400,401,500,501,600,800,900 on Tax Map 2S 1 35D |  | PHONE NUMBER |
|--|--|--|--------------|
| <b>Proposal:</b> Annexation of the Subject Properties and adjacent rights-of-way from Unincorporated Washington County to the City of Tualatin                                       |  |  |              |
| <b>Meeting Location:</b> Horizon Community Church, Room 211, 23370 SW Boones Ferry Rd, Tualatin, OR 97062  |  | <b>Meeting Date &amp; Time:</b> 8/22/2109 @ 6:30PM |              |
| <b>PUBLIC RECORDS LAW DISCLOSURE:</b> This sign-in sheet will become a public record of the City of Tualatin and become subject to public disclosure under Oregon Public Records Law |  |  |              |
| NAME   | MAILING ADDRESS  | E-MAIL ADDRESS                                     | PHONE NUMBER |
| Tom & Kathryn Re   |  |  |              |
| David Force  |  |  |              |
| Christine & John Gazant  |  |  |              |
| Jillian Saurage Felton   |  |  |              |
| RANDY ALVSTAD  |  |  |              |
| Athine Rdy   |  |  |              |
| Kim Charvach   |  |  |              |
| John Cattan Pearlman   |  |  |              |
| George LeDoux  |  |  |              |
| Bob Burchfield   |  |  |              |
| Dylan Potter   |  |  |              |
| Dan Hood   |  |  |              |
| JULIE HEIRONIMUS   |  |  |              |
| Allisa Bear  |  |  |              |
| Jim & Margie Peterson  |  |  |              |



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

| Project Name: Autumn Sunrise Annexation   |                 | Subject Properties: Tax Lots - 400,401,500,501,600,800,900 on Tax Map 2S 1 35D |              |
|---|-----------------|--|--------------|
| Proposal: Annexation of the Subject Properties and adjacent rights-of-way from Unincorporated Washington County to the City of Tualatin                                       |                 |  |              |
| Meeting Location: Horizon Community Church, Room 211, 23370 SW Boones Ferry Rd, Tualatin, OR 97062  |                 | Meeting Date & Time: 8/22/2109 @ 6:30PM  |              |
| PUBLIC RECORDS LAW DISCLOSURE: This sign-in sheet will become a public record of the City of Tualatin and become subject to public disclosure under Oregon Public Records Law |                 |  |              |
| NAME  | MAILING ADDRESS | E-MAIL ADDRESS   | PHONE NUMBER |
| Sueby/Karen/Dave Wilson   |                 |  |              |
| Danny F. O'Neal   |                 |  |              |
| Melki Sampedro  |                 |  |              |
| Mick Hergert  |                 |  |              |
| Peter Dow   |                 |  |              |
| Holly Winick  |                 |  |              |
| Caroly Anderson   |                 |  |              |
| Suzanne Lynde   |                 |  |              |
| Amelia Adams  |                 |  |              |
| Julie Welborn   |                 |  |              |
| Rose Toler  |                 |  |              |
| JOAN LUCINI   |                 |  |              |
| GRAE LUCINI   |                 |  |              |
| Heather Yuhus-Have  |                 |  |              |
| MARK ENNIS  |                 |  |              |
| BRAD PITTS  |                 |  |              |
| Tom Stimson   |                 |  |              |

## **Exhibit A. Application Materials**

### **Neighborhood Meeting Minutes**

#### **Autumn Sunrise Annexation**

**August 22, 2019**

**6:30 PM at Horizon High School**

**Presentation By: Gordon Root (G) and Levi Levasa (L)**

G: Introduction:

- I've spent 14 years with the property. I bought in 2004, sold it, and bought it back in 2007.
- I've been a part of the Basalt Creek Concept Plan (BCCP) since its infancy.
- Annexation meeting is emphasized. Development meetings will be in the future.

L: Introduction

- Explanation of comprehensive plan for the area.
- The property is zoned Medium Low Density Residential (RML) and Neighborhood Commercial (CN) on the Tualatin Maps and would be designated as such upon annexation.

Q: What could go into the CN zone?

A: Gordon: The city wants neighborhood convenience stores. I can't say specifically what may or may not go in them

G: Quick Description of Urban Growth Boundary (UGB)

- Describes how the UGB came about
- Metro, the tri county government, oversees it
- They have minimum density standards rather than max standards
- The purpose is for the preservation of wetlands, farms, and other natural areas
- These decisions for density requirements have been repeatedly voted on and passed

L:

- The density for the RML zone is 10 units per net acre.
- Stressing that the concept plan for development is preliminary and is not part of this application
- There will likely be a variety of housing types proposed for future development.
- Future development applications will give more details about the types of houses.

Q: Can this be stopped?

L: We're making sure that it can't by meeting the criteria.

G:

- Background about Basalt Creek Concept Plan (BCCP)
- It's taken 14 years with numerous community meetings to get to this point
- The BCC has been adopted into a comprehensive plan which we are following

## Exhibit A. Application Materials

Q: When will the annexation be completed?

L: Probably by the end of the year.

Q: When will the property be developed?

L: Development depends on market forces, so I can't say for certain. The City can't accept development applications until the property is annexed. Once development is approved, then the Civil engineering design and review process must be completed for permits to be issued for construction. These things can take a long time depending on the project and jurisdiction.

Q: Traffic is a concern. What is Stafford going to do to improve Boones Ferry Road?

G: Improvements have already been made. The future Developer responsibilities for Boones Ferry Rd are dependent on the comprehensive plan and conditions of approval.

L: Traffic engineering explanation

- We have to rely on professionals.
- Traffic engineers have a ton of rules and tools they use to come up with the different Cities' and Regional Transportation System Plans (TSP) which guide us in our development.

Q: What kind of use and how much space will the CN zone take up?

L: We don't have specifics for what may or may not be there.

Q: Have you done a traffic study to know what a bunch of houses are going to do to the roads around here?

L: We have not done a traffic study. That may be included in a future development plan and application. Right now, we are only applying for annexation. The only reason we are currently sharing one of the many concept plans we have come up with for this area is to encourage discussion

Q: Is public transportation considered?

L: Sometimes but not always. These details will be ironed out during the development application and review process. This location will likely take public transportation into consideration since it is on Boones Ferry Rd.

Q: How many units will be in the subdivision?

L: Again, we are not applying for a subdivision, but this concept plan shows 236 units which is still very preliminary.

Q: Will there be any affordable housing or apartments?

L: No

Q: What kind of homes do you build?

G: We build efficient, single family, Energy Star certified homes. Our current projects can be found in McMinville, Woodburn, and Dallas.



## Exhibit A. Application Materials

Q: How much will the houses in this subdivision sell for?

G:

- Prices are dictated by what the market can bare.
- We build to this density and this price because of the housing shortage and the UGB

Q: Will apartments be built in the area?

G: The area to the north of our property bordering Boones Ferry Road is zoned for high density residential. That area probably will have apartments, but we are not developing them.

Q: Are the roads dead ending to the north on the preliminary plan required?

L: As part of a subdivision application we would be required to show streets stubbing to the north to allow for future extension and connectivity..

Q: Will there be stoplights for the subdivision?

L: No plans have been made yet. Those decisions will be made during the development stage with a different application.

Q: Will there be other exits onto Boones Ferry Road than what is shown on the preliminary plan?

L: Possibly, but this concept plan does not show any.

G:

- We encourage you to look at the transportation study for the area
- The transportation plan is a long-term planning document that identifies infrastructure that will get built eventually

Q: When is stormwater addressed?

L: The process goes something like this. First annexation, then preliminary planning approval of a subdivision, then engineering and permitting. Stormwater will be addressed in great detail during the engineering phase. Generally, stormwater issues that neighboring properties experience are improved with development.

Q: Will stormwater be retained on the property?

L: Yes.

G: The CN zoned area could be consumed by stormwater management.

Q: What school district will this subdivision be in?

L: This property is currently in the Sherwood School District and annexation/future development does not change that.

Q: Do you have any plans for work or know of any work being done on Norwood Rd?

L: We don't have any plans and I am not aware of any other pending plans.

## Exhibit A. Application Materials

Q: Will Boones Ferry Road be widened further?

G: There are no further plans for improvements on Boones Ferry Road.

Q: Will there be fences or wall around the subdivision?

L: The future subdivision will likely require buffering from I-5. Other walls and fencing will be addressed during the next stage of the development or eventual homebuilding.

Q: Where will services from Tualatin be connected?

L: Boones Ferry Road.

Q: What will happen to the property south of Norwood and west of I-5?

L: We don't own it, but it will likely be developed in the future.

Q: Has the land in the High Density Residential zone sold yet?

L: Not that I'm aware of.

Q: What else is being done to meet our traffic concerns because of development?

L: Developments pay SDC fees which fund Capital Improvement Projects. Some of the infrastructure that impacts the traffic in Tualatin are under Washington County and ODOT jurisdiction and they each have projects lists and plans that identify where issues need to be addressed. Individual developments typically only make improvements when they are warranted, adjacent to the project, and proportional to the impacts of development.

Q: The school district for the property will be Sherwood even if it gets annexed into Tualatin?

L: Yes

Conclusion: Thanks for coming.

CITY OF TUALATIN  
RECEIVED  
SEP 19 2019  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION



# City of Tualatin

COMMUNITY DEVELOPMENT PLANNING DIVISION

## Pre-Application Meeting Request

The purpose of the Scoping and Pre-Application meetings is to offer early assistance in the land use and permitting process. This includes thoughtful feedback on preliminary design direction and visioning, outlining expectations, and to assist the applicant in attaining a complete application at first submittal.

### PROJECT DESCRIPTION

Project name/title: Autumn Sunrise Annexation

What is the primary purpose of this pre-application meeting (What would you like to accomplish)? (Attach additional sheets if needed.)

Annexation to the City of Tualatin from Washington County.

### PROPERTY INFORMATION

Property address/location(s): 23740 SW Boones Ferry Rd. & 23620 SW Boones Ferry Rd. & 9415 SW Greenhill Ln. & 9335 SW Greenhill Ln. & 9185 SW Greenhill Ln. & 2 other properties not yet addressed.

Tax map and tax lot no.(s): 2S135D - TL 400,401,500,501,600,800,900

Zoning: County - FD-20, City (upon annexation) - RML/Commercial

### PROPERTY OWNER/HOLDER INFORMATION

Name(s): Autumn Sunrise, LLC  
Gordon Root, Manager

Address: 8840 SW Holly Ln Phone: 503-720-0914

City/state: Wilsonville, OR Zip: 97070

### APPLICANT INFORMATION

Name: Stafford Development Company, LLC

Address: 8840 SW Holly Ln Phone: 503-305-7647

City/state: Wilsonville, OR Zip: 97070

Contact person: Levi Levasa

Phone: 503-250-3651 Email: levi@staffordlandcompany.com

### Pre-application Conference Information

All of the information identified on this form is required and must be submitted to the Planning Division with this application. Conferences are scheduled subject to availability and a minimum of two weeks after receiving this application and all materials. Pre-application conferences are one (1) hour long and are typically held on Wednesdays between 2-4 p.m.

If more than four (4) people are expected to attend the pre-application conference in your group, please inform the City in advance so that alternate room arrangements can be made to accommodate the group.

**REQUIRED SUBMITTAL ELEMENTS**

*(Note: Requests will not be accepted without the required submittal elements)*

- A complete application form and accompanying fee.
- 1 hard copy and an electronic set of the following:**
  - Preliminary site and building plans, drawn to scale, showing existing and proposed features. (Plans do not need to be professionally prepared; just accurate and reliable.)
  - A detailed narrative description of the proposal that clearly identifies the location, existing and proposed uses, and any proposed construction.
  - A list of all questions or issues the applicant would like the City to address.

**FOR STAFF USE ONLY**

Case No.: PRE 19-0021

Related Case No.(s): \_\_\_\_\_

Application fee: \$227.50

Application accepted: \_\_\_\_\_

By: [Signature] Date: 9-19-19

Date of pre-app: \_\_\_\_\_

Time of pre-app: \_\_\_\_\_

Planner assigned to pre-app: [Signature]

**Exhibit A. Application Materials**

**What type of development are you proposing? (Check all that apply)**

Industrial  Commercial  Residential  Institutional  Mixed-use

No development proposed at this time, any future development will include the above per Tualatin designations  
**Please provide a brief description of your project: (Attach additional sheets if needed.) Please include description of existing uses and structures in addition to what is proposed.**

We are not proposing any development at this time, only annexation. Eventually, however, the intent is to develop the property as allowed by the City of Tualatin Development Code. In the attached exhibits, there are several examples of what future development layouts could look like. However, none of these plans are intended to be submitted and reviewed as part of the Annexation application. Currently there are homes on 3 of the properties and the remainder are vacant or have small barns/sheds on them.

**Are you familiar with the development process in Washington or Clackamas County or Tualatin?**

Yes  No

**If yes, please identify an example project:**

Washington County - Gales Creek Terrace (Forest Grove). Clackamas County - Beck Pond (Canby).

**Are you familiar with the sections of the Tualatin Development Code (TDC) that pertain to your proposed development?**

Yes  No

However, please detail any code sections that should be addressed beyond those mentioned specifically in the annexation application instructions and requirements packet.

**Is the property under enforcement action? If yes, please attached a notice of the violation.**

No

**Please provide the names of City, TVF&R, CWS, and County staff with whom you have already discussed this proposal:**

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## Exhibit A. Application Materials

### Autumn Sunrise Proposed Annexation

#### Pre-Application Conference Narrative

##### Introduction/Proposal

This pre-application conference is requested as required by TDC 32.110(2) and TDC 32.010 Table 32-1, to discuss, in accordance with TDC 32.110, the proposed annexation of approximately 39.50 acres of property that is contiguous to the City of Tualatin city limits from unincorporated Washington County into the City of Tualatin city limits. Only annexation of the subject properties and abutting rights-of-way is proposed. Future development of the annexation area will be subject to a separate application process and review.

The current use of the properties includes vacant land on most of the parcels and three single family residences on Tax Lots 501, 600, & 800. Upon annexation, the use of the properties will not change.

The proposed annexation is considered a “Minor Boundary Change” as defined in Metro Code 3.09.020 and the petition for annexation will be accompanied by 100% of property owner signatures as the subject properties all share the same owner. As such, the Applicant would like to propose an Expedited Decision process per Metro Code 3.09.045 in review of the Complete application submittal.

##### Property Information

The total annexation area of 39.50 acres is comprised of approximately 36.617 acres of real property owned by Autumn Sunrise, LLC and approximately 2.883 acres of adjacent rights-of-way; including portions of SW Boones Ferry Road and SW Greenhill Lane. See attached **Exhibit A** for a legal description and map of the proposed annexation area boundaries.

The subject properties and their approximate area, per the Washington County Assessor’s Map (**Exhibit B**), are listed below.

| Owner               | Property Address                               | Tax Map   | Tax Lot | ~ Acres |
|---------------------|--|-----------|---------|---------|
| Autumn Sunrise, LLC | 23740 SW Boones Ferry Road, Tualatin, OR 97062 | 2S-1W-35D | 400     | 1.88    |
| Autumn Sunrise, LLC | 23620 SW Boones Ferry Road, Tualatin, OR 97062 | 2S-1W-35D | 401     | 17.46   |
| Autumn Sunrise, LLC | No Situs                                       | 2S-1W-35D | 500     | 3.72    |
| Autumn Sunrise, LLC | 9415 SW Greenhill Lane, Tualatin, OR 97062     | 2S-1W-35D | 501     | 0.45    |
| Autumn Sunrise, LLC | 9335 SW Greenhill Lane, Tualatin, OR 97062     | 2S-1W-35D | 600     | 2.87    |
| Autumn Sunrise, LLC | 9185 SW Greenhill Lane, Tualatin, OR 97062     | 2S-1W-35D | 800     | 3.75    |
| Autumn Sunrise, LLC | No Situs                                       | 2S-1W-35D | 900     | 6.68    |

The properties listed above are all in the Washington County Future Development 20-Acre Land Use District (FD-20). Upon annexation they would take on the City of Tualatin Medium Low Density Residential and Neighborhood Commercial planning district designations as determined by the adopted City maps.

##### Procedure

In accordance with TDC 32.130(1)(a), the owner of the subject property, Autumn Sunrise, LLC, is initiating this Annexation Application as a Type IV-A application per TDC 32.260(a), with Stafford Development Company, LLC representing them as the Applicant and each party understands the process and responsibilities of the City, Applicant, and Owner as described in TDC 32.240.

## Exhibit A. Application Materials

### Application Submittal Requirements

The applicant understands that submittal requirements and approval criteria are listed in TDC 33.010

### Questions

**Note:** Some of these questions will not apply in the case of an Expedited Decision.

1. Will the City use the permitted Expedited Decision process as outlined in Metro Code 3.09.045? If so, how do the procedures and submittal requirements change?
2. Does Annexation of public right-of-way require a signature on the petition from the authority having jurisdiction over that right-of-way?
3. Are there any additional items not mentioned in the annexation application instruction and requirements packet that are either required to be addressed or would be helpful to staff in reviewing the proposed annexation?
4. Are there any items listed above that we are planning to address that do not need to be addressed in the proposed annexation application?
5. Can you please confirm whether any City recognized Citizen Involvement Organizations boundaries are within, adjacent to, or within 1,000 feet of the subject properties? Reference TDC 32.140(1)(h).
6. Can you please confirm whether the reference to TDC 33.240(1) and (2) in TDC 32.260(2)(a) is an error?
7. Can you please clarify TDC 33.010(4)(i)(ii)?
8. Will the City accept an alternative format for the annexation petition? The attached Petition (**Exhibit C**) has been submitted to Clackamas County Assessment for review and certification.
9. Does the City require approval of legal descriptions from the Department of Revenue prior to approving an annexation? The attached legal description and map (**Exhibit A**) have been submitted to the Clackamas County Assessment/Cartography department for review and certification.
10. Are there any deadlines for annexation and official taxing district changes that we should be aware of?
11. Can you please clarify TDC 33.010(4)(k)? Will the attached **Exhibit D** showing the 1,000 ft. radius around the territory suffice to satisfy this requirement? Will the City review and approve the mailing list submitted by the applicant?
12. Will anything need submitted to satisfy TDC 33.010(4)(l) and (m)?
13. Can you confirm that property within the public ROW along the subject properties' frontage, including the full width of SW Boones Ferry Rd. and half width of SW Greenhill Ln., is sufficient to satisfy TDC 33.010(4)(c)?
14. I've included a graphic showing where current single-family residences and structures on the properties are located (**Exhibit E**). Is this a sufficient drawing for an existing/proposed conditions map?
15. We already held a neighborhood meeting. If we have another neighborhood meeting, do we need to submit anything about the first one we had?
16. We have many concept plans for the potential future development of this area. Do we need to include anything about future development in the annexation application?



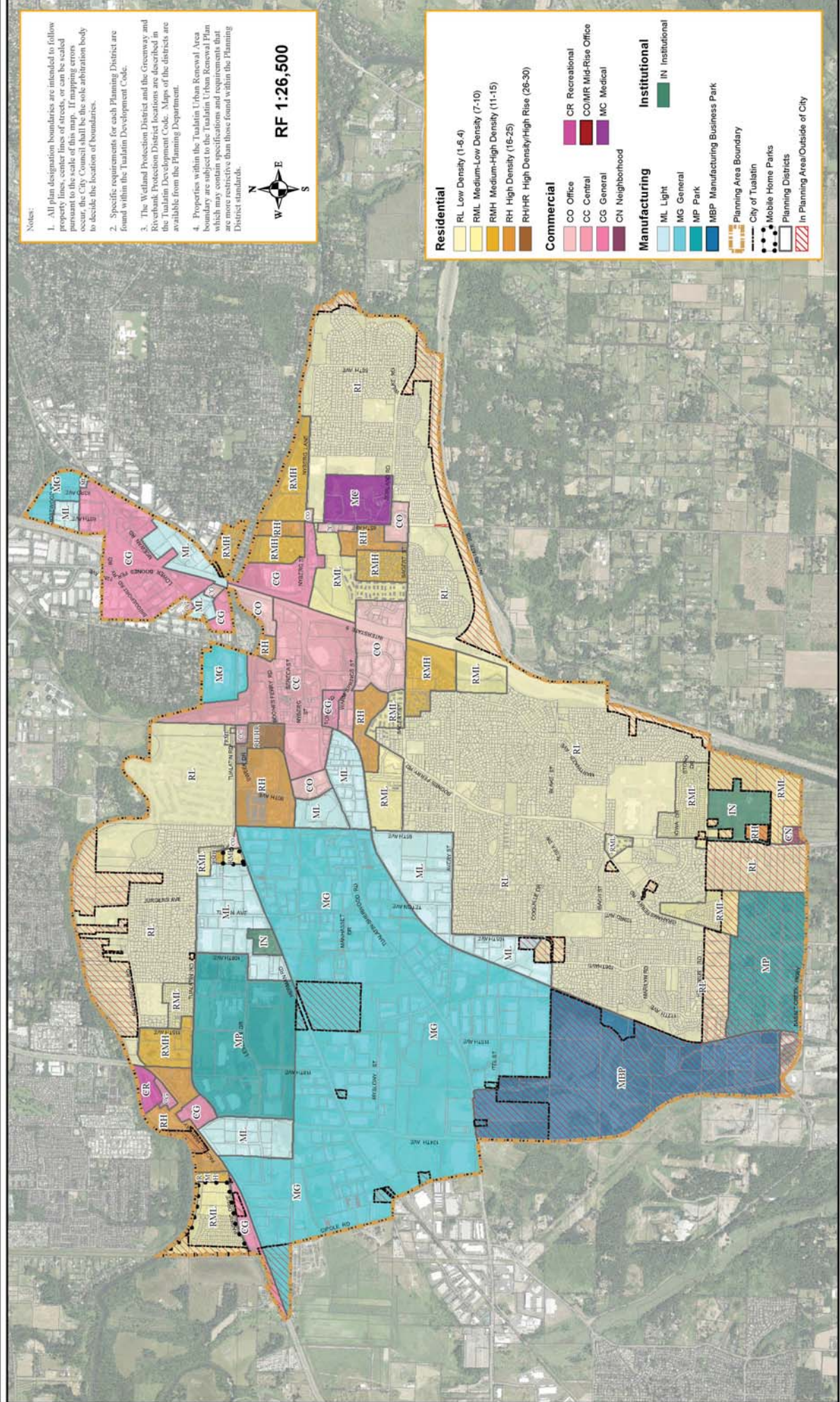
Map 9-1 Community Plan Map

Notes:

- All plan designation boundaries are intended to follow property lines, center lines of streets, or can be called 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.
- Specific requirements for each Planning District are found within the Tualatin Development Code.
- 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.
- 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.



|                      |                                      |                                  |
|----------------------|--------------------------------------|----------------------------------|
| <b>Residential</b>   | RL Low Density (1-6-4)               | CR Recreational                  |
|                      | RML Medium-Low Density (7-10)        | CC Central                       |
|                      | RMH Medium-High Density (11-15)      | CO/MR Mid-Rise Office            |
|                      | RH High Density (16-25)              | CG General                       |
|                      | RH/HR High Density/High Rise (26-30) | CN Neighborhood                  |
| <b>Commercial</b>    | CO Office                            | IN Institutional                 |
|                      | CC Central                           | MG General                       |
|                      | CG General                           | MP Park                          |
|                      | CN Neighborhood                      | MBP Manufacturing Business Park  |
| <b>Manufacturing</b> | ML Light                             | Planning Area Boundary           |
|                      | MG General                           | City of Tualatin                 |
|                      | MP Park                              | Mobile Home Parks                |
|                      | MBP Manufacturing Business Park      | Planning Districts               |
|                      |                                      | In Planning Area/Outside of City |





# ANN 19-0002 AUTUMN SUNRISE ANNEXATION

March 23, 2020



CITY OF

**TUALATIN** OREGON

# PURPOSE

Public hearing to review a request for annexation to the City in the Basalt Creek area, continued from January 27th.



CITY OF

**TUALATIN** OREGON

# SUBJECT PROPERTY



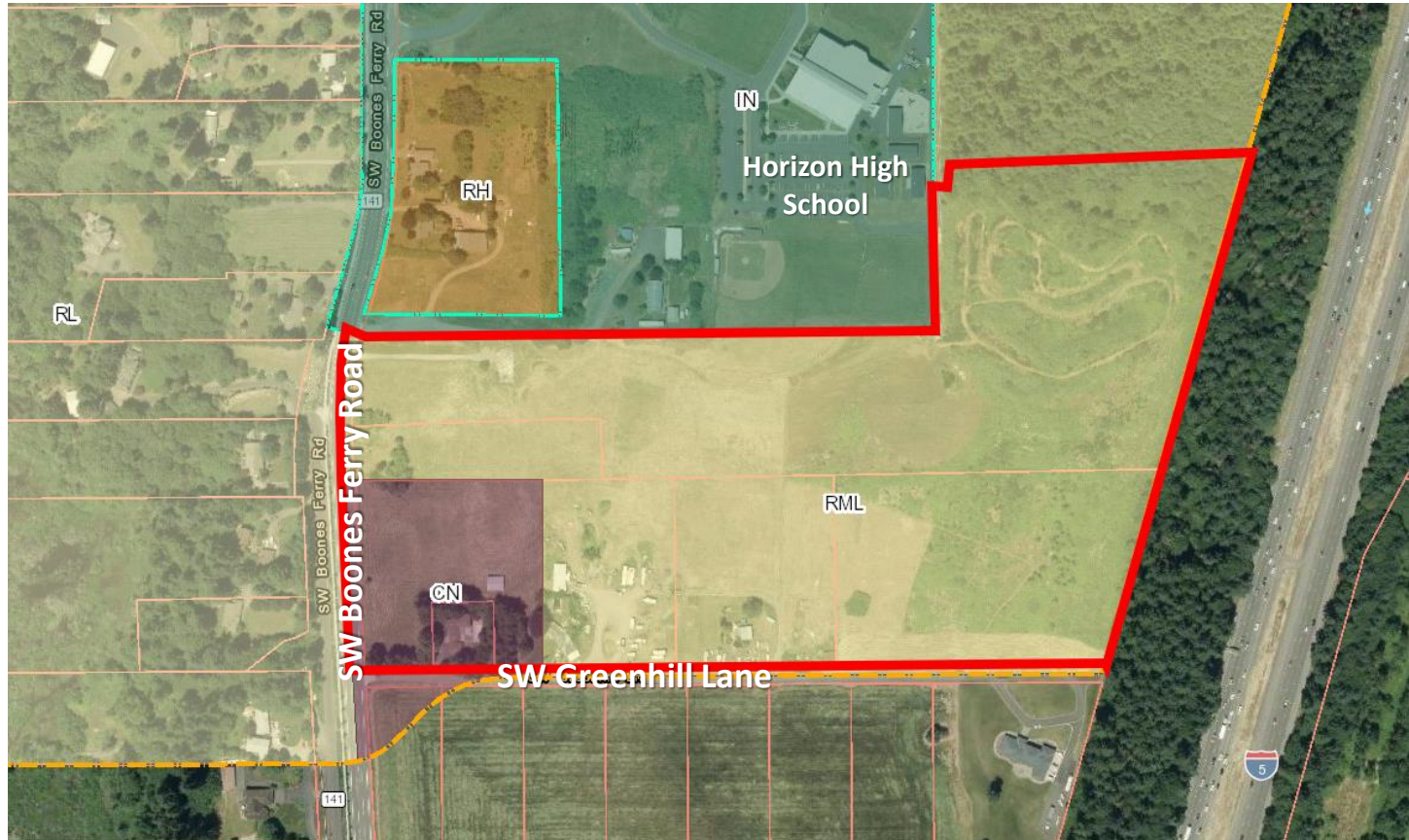
# REQUEST

- Annexation of seven tax lots and a portion of Boones Ferry Road right-of-way, comprising 38 acres
- Located north of Greenhill Lane, east of SW Boones Ferry Road centerline, west of Interstate 5, and south of the Horizon School.
- Designated Medium-Low Density Residential (RML) and Neighborhood Commercial (CN).
- Annexation into Clean Water Services District boundary
- Withdrawal from the Washington County Sheriff Extended Law Enforcement boundary
- No development is proposed





# 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-19-0002 and adoption of Ordinance 1430-20.*



CITY OF

**TUALATIN** OREGON

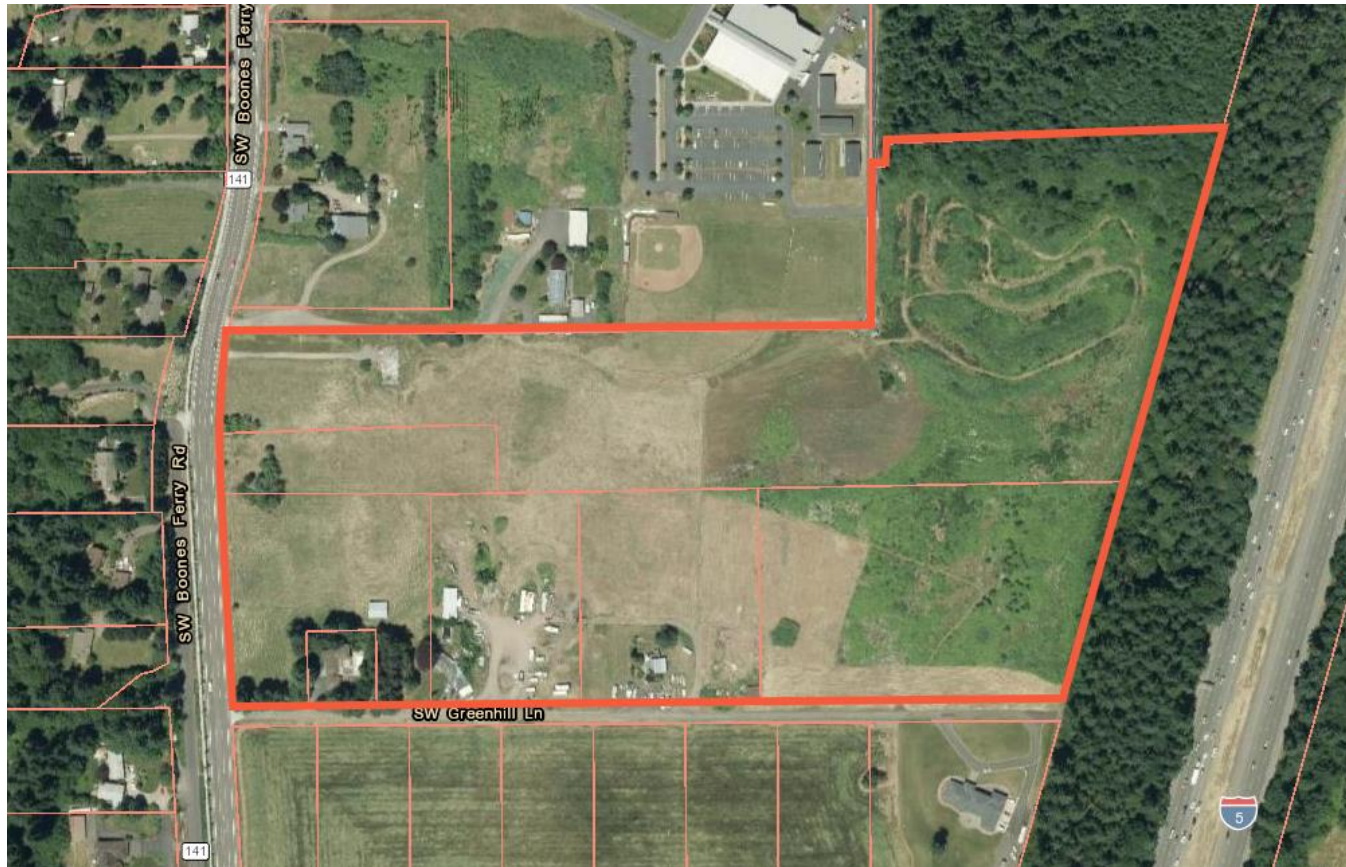


# COUNCIL OPTIONS

- Approve ANN 19-0001 and adopt Ordinance 1430-20 as drafted;
- Deny ANN 19-0001;
- Continue discussion of ANN 19-0001.



# QUESTIONS & DISCUSSION





January 13, 2019

Erin Engman  
Associate Planner  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

RE: Comments Regarding ANN-19-0002-Autumn Sunrise Annexation

Dear Ms. Engman,

The City of Wilsonville is in receipt of the above referenced annexation application, which pertains to properties within the Basalt Creek Plan Area. Annexation and development progress is an important step following the joint efforts between Tualatin, Wilsonville, Washington County, and Metro in this Area.

As the proposed annexation will one day immediately abut the City of Wilsonville, the City is taking an interest to ensure land use actions follow approved plans. The City also wants to ensure approved developments do not have unplanned-for impacts on the City's transportation and utility infrastructure or inhibit the planned industrial development to the south in the City of Wilsonville. The City looks forward to continued coordination between the two cities as the development applications are submitted for the Autumn Sunrise Annexation area.

This annexation will set the stage for neighborhood commercial and residential development reflected in the Basalt Creek Concept Plan and Tualatin's Zoning Map. The City's comments at this stage focus on future transportation improvements and utility impacts, particularly related to stormwater. The following are specific comments from City staff regarding the proposed annexation.

Annexation Boundary:

- The Exhibit B of the annexation application package shows the boundary of the annexation to the centerline along Greenhill Lane however it did not include dimensions from the centerline to the property line. The City requests this dimension be shown as it will help determine the scope of street improvements and the jurisdictional boundary.

- The legal description and map indicate the annexation to the far westerly right of way on Boones Ferry Road. Please clarify if this means Washington County will transfer jurisdiction of this segment of Boones Ferry Road to the City of Tualatin.

#### Transportation and Traffic:

- The Basalt Creek Concept Plan (page 32) requires a cooperative funding strategy **prior to land annexing into either City** to ensure build out of the transportation network as set forth in the Transportation Refinement Plan. The City seeks confirmation that funding strategies and mechanisms have been implemented through Tualatin's TSP and/or other infrastructure funding plans.
- Washington County's Transportation Development Tax project list indicates Project ID 6008, Basalt Creek East-West Arterial between Boones Ferry to I-5, under Tualatin jurisdiction with nothing noted for Wilsonville jurisdiction (adopted July 16, 2019). The annexation needs to appropriately address having sufficient land for this planned road especially if this part of the future Basalt Creek Parkway is intended to be entirely within Tualatin.
- Traffic resulting from future development within the annexation area will impact intersections under Washington County, City of Wilsonville, and ODOT jurisdiction. The City of Wilsonville wants to ensure traffic studies will be required as part of the development application process for the annexation area so all parties can understand the impacts on the local intersections and the necessary required improvements as part of the conditions of development approval. These traffic studies should consider the level of development, and the commensurate contribution to the projects listed in Table 4 on page 33 of the Basalt Creek Concept Plan, which lists several projects from the Regional Transportation Plan for the Basalt Creek Area.

#### Stormwater:

- Although the stormwater requirements for future development in this annexation area will fall under Clean Water Services jurisdiction, the natural flow directs toward Wilsonville. Development applications within the proposed annexed area should include a stormwater report to determine the potential onsite and offsite, including downstream, improvements. Of importance to the City of Wilsonville is how the run-off discharge into the downstream system, located in Wilsonville, will be addressed.

Thank you for the opportunity to comment. We are excited to see the first steps of development progress in the Basalt Creek Area. If you have any questions regarding these comments, and to provide feedback on the submitted questions, you can reach me at 503-570-1536 or [pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us).

Regards,

A handwritten signature in black ink, appearing to read "Daniel Pauly", enclosed in a simple oval outline.

Daniel Pauly, AICP  
Planning Manager

cc: Miranda Bateschell, City of Wilsonville Planning Director  
Khoi Le, PE, City of Wilsonville Development Engineering Manager  
Chris Neamtzu, AICP, City of Wilsonville Community Development Director  
Steve Koper, AICP, City of Tualatin Planning Manager



*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:** March 23, 2020

---

### **SUBJECT:**

Consideration of Ordinance No. 1433-20, an Ordinance Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04.

### **RECOMMENDATION:**

Staff recommends Council adopt Ordinance No. 1433-20.

### **EXECUTIVE SUMMARY:**

In 1973, the State of Oregon passed the Oregon Public Meetings Act, which enacted requirements related to the giving of public notice, and other provisions, for all public meetings in Oregon, including Tualatin's public meetings. That same year Tualatin adopted Ordinance No. 228-73, codified in Tualatin Municipal Code Chapter 1-4, to implement the Public Meetings Act requirements. While the State Public Meetings Act has been amended since 1973, Tualatin's ordinance has not. As a result, Tualatin's Municipal Code with respect to public meetings is not in harmony with State law.

Under Tualatin's code, Special Meetings in Tualatin require 48 hours advance notice and no emergency exception exists. In contrast, Oregon's Public Meetings Law (ORS 192.660 et seq.) requires 24 hours advance notice of Special Meetings, and it contains emergency exceptions where meetings can be called with less than 24 hours notice if an actual emergency is present.

The impact of Tualatin's current code is that the City Council cannot hold an emergency meeting with less than 48 hours notice. This makes it extremely challenging for the Council to respond to arising and ongoing emergency situations.

Ordinance No. 1433-20 proposes to delete the Special Meetings section in TMC 1-4, as well as the definitions section, to harmonize TMC 1-4 with Oregon's Public Meetings law. Adopting the Ordinance would result in Tualatin being able to call any Special Meeting with 24 hours advance notice, as well as to hold Special Emergency Meetings with less than 24 hours advance notice if an actual emergency is present. The Ordinance also contains an emergency clause making the Ordinance effective immediately upon adoption.

A corresponding resolution, Resolution No. 5486-20, is also being proposed to amend Council Rule 2(B)(3) and 2(C)(3) to delete the term "48 hours" and replace with the term "24 hours."

### **OUTCOMES OF DECISION:**

Passing the Ordinance harmonizes the City's code with Oregon's Public Meetings law.



Not passing the Ordinance maintains the current 48 hour advance notice requirement for Special Public Meetings, including Emergency Meetings.

**ALTERNATIVES TO RECOMMENDATION:**

**FINANCIAL IMPLICATIONS:**

None.

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**ATTACHMENTS:**

Ordinance No. 1433-20

ORDINANCE NO. 1433-20

AN ORDINANCE RELATING TO PUBLIC MEETINGS; AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 1-04.

WHEREAS, in 1973, the State of Oregon enacted the Oregon Public Meetings Act;

WHEREAS, in 1973, the City of Tualatin enacted a code provision related to Special Meetings;

WHEREAS, the City's code is not in harmony with the current provisions in Oregon's Public Meetings Law (ORS 192.660 et seq.), including provisions related to emergency meetings; and

WHEREAS, the Council finds it necessary to amend the City's code to harmonize the City's code with the Oregon Public Meetings laws.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TMC Chapter 1-4 (Public Meetings Notice) is amended to read as follows:

**TMC 1-4-010** - ~~Definitions.~~ **Oregon Public Meetings Law**

~~As used in this chapter:~~

~~Decision means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the City Council or Architectural Review Board is required at any meeting at which a quorum is present.~~

~~Meeting means the convening of the City Council or Architectural Review Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include an on-site inspection of a project or program.~~

All public meetings of the City of Tualatin must comply with the Oregon Public Meetings laws.

**TMC 1-4-020 - Regular Meetings.**

Regular Meetings of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December and provided; however, when a second or fourth Monday falls on a City-recognized holiday, the City Council will meet on the following business day. Notwithstanding the foregoing, the City Council may call special meetings, or cancel or reschedule any meeting, as determined and with appropriate notice. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.

~~TMC 1-4-030 - Special Meetings.~~

Ordinance No. 1433-20

~~No special meeting of the Council or Architectural Review Board shall be called without first posting notice of the special meeting in four public and conspicuous places within the City not less than 48 hours prior to said meeting, which notice shall state the time, place, date and purpose or purposes of the meeting. No matters other than those stated in the notice shall be acted upon or decided by the Council or Architectural Review Board, and in addition to posting said notice, each member of the Council or Board shall be personally served with a copy of said notice or, in the alternative, shall be notified personally by telephone by the City Recorder not less than 48 hours prior to said meeting.~~

**Section 2. Emergency Clause.** This ordinance is necessary of the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

ADOPTED by the City Council this 23<sup>rd</sup> day of March, 2020.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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

RESOLUTION NO. 5486-20

A RESOLUTION AMENDING RULE 2 OF THE COUNCIL RULES

WHEREAS, the City Charter authorizes the Council to adopt Council Rules;

WHEREAS, Council adopted Council rules by Resolution No. 5355-18;

WHEREAS, under Rule 11 of the Council Rules, the Council may amend any rule; and

WHEREAS, the Council adopted Ordinance No. 1433-20 to harmonize the City's code with the Oregon Public Meetings laws and amendment of the Council Rules is necessary to be consistent with the ordinance.

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

**Section 1.** Council Rule 2(B)(3) and 2(C)(3) are amended to delete the term "48 hours" and replace with the term "24 hours."

**Section 2.** Except to the extent modified herein, the Council Rules remain in full force and effect.

**Section 3.** This resolution is effective upon adoption.

Adopted by the City Council this 23<sup>rd</sup> day of March, 2020.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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:** Jonathan Taylor, Economic Development Manager  
**DATE:** 03/23/2020

---

**SUBJECT:**

Consideration of **Resolution No. 5487-20** Delegating Authority to the Tualatin Development Commission to Establish an Economic Stabilization Program For Businesses Impacted By COVID-19

**EXECUTIVE SUMMARY:**

The COVID-19 pandemic has created a severe and unique economic crisis that has never occurred before in the United States. To assist in mitigation efforts of the economic impacts due to COVID-19, Governor Kate Brown issued an executive order for restaurants and bars to cease *in-person* dining within their establishments. The executive order also suggested additional businesses to take further actions to slow COVID-19 resulting in additional closures and reduced hours of operations.

The economic result of COVID-19 has severely impacted the local economy of Tualatin. Nearly 20% of Tualatin's current workforce is employed in the retail and hospitality sector. This accounts for a total annual payroll of \$145 million dollars. Nearly 145 businesses (as of 3/20/2020) have reduced, altered or ceased operations and 2,807 employees have had their hours altered, reduced or were laid-off or furloughed.

The City of Tualatin believes that the most impactful and quick response to this economic crisis is to provide an Economic Stabilization grant to affected businesses. This approach will be provided by directing the Tualatin Development Commission to utilize non-tax increment funds to set up an economic stabilization program.

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**ATTACHMENTS:**

- Resolution
- Economic Stabilization Program Outline

RESOLUTION NO. 5487-20

A RESOLUTION DELEGATING AUTHORITY TO THE TUALATIN  
DEVELOPMENT COMMISSION TO ESTABLISH AN ECONOMIC  
STABILIZATION PROGRAM FOR BUSINESSES IMPACTED BY COVID-19

WHEREAS, ORS 457.180(7) authorizes an urban renewal agency to provide for the making of program loans and grants from any available source when such action is delegated to it by the City Council; and

WHEREAS, the Council authorizes and delegates to the Tualatin Development Commission the authority to make grants and loans to businesses impacted by the coronavirus/COVID-19;

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

**Section 1.** Under ORS 457.180(7), the Council authorizes and delegates to the Tualatin Development Commission the authority to make grants and loans to businesses impacted by the coronavirus/COVID-19.

**Section 2.** This resolution is effective upon adoption.

Adopted by the City Council this 23<sup>rd</sup> day of March, 2020.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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





# City of Tualatin

[www.tualatinoregon.gov](http://www.tualatinoregon.gov)

## THE TUALATIN ECONOMIC STABILIZATION PROGRAM

#wearetualatin

### Overview

The recent COVID-19 pandemic has created a state of economic emergency and urgency for Tualatin's small businesses and entrepreneurs. The City of Tualatin and the Tualatin Development Commission are committed to our local economy and believe that we should take immediate action to help affected businesses mitigate these extreme challenges.

While nearly all businesses are facing economic losses, businesses that are under mandatory change of services are experiencing additional and unique circumstances. Our focus is helping these businesses remain operational. The City/Commission believe that immediate stabilization assistance to sustain place and labor is our primary goal with the most immediate effect.

### Program Description

The Tualatin Development Commission will commit \$250,000 in non-tax increment funds to the Economic Stabilization Program that provides working grants in amounts up to \$10,000 to qualifying businesses. This grant maybe used for any operating expense deemed necessary to sustain the current workforce *as feasible* or maintain an operating physical presence.

### Business Eligibility

A business must meet ***all*** of the following:

- Designated business categories under a mandatory service change. As of 3/20/2020, this applies to restaurants and bars, but could be extended to other categories as service orders are extended.
- Businesses with 55 or less FTE (full time equivalent employees.)
- The business must have a physical store-front establishment in Tualatin
- The business must have experienced loss of income due to COVID-19
- The business must have been in operations for two years or more.

### Program Operation

- Submit online application
- If approved, notice of award will occur within 2 weeks.
- Grants will be awarded on a first come, first served basis.
- Business will submit reimbursement request with necessary documentation up to \$10,000.

For more information, please contact Jonathan Taylor, Economic Development Manager at [jtaylor@tualatin.gov](mailto:jtaylor@tualatin.gov). Application will be submitted online at [Tualatin.gov/economicdevelopment](http://Tualatin.gov/economicdevelopment)

RESOLUTION NO. 5488-20

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY AS A RESULT OF THE COVID-19 PANDEMIC

WHEREAS, COVID-19 is a novel coronavirus that can cause respiratory disease, including potential serious illness and loss of life;

WHEREAS, Governor Kate Brown declared a state of emergency due to COVID-19 on March 8, 2020, and a Stay Home Order on March 23, 2020;

WHEREAS, the World Health Organization declared COVID-19 a pandemic on March 11, 2020;

WHEREAS, the President of the United States declared COVID-19 a national emergency on March 13, 2020;

WHEREAS, COVID-19 has created a threat to public health and safety that constitutes an emergency, and the necessary public health response has caused significant economic impacts;

WHEREAS, COVID-19 requires a significant amount of resources at the local level to respond to the public health emergency and the social and economic impacts it has caused; and

WHEREAS, pursuant to ORS 401.309, the governing body of a city may declare a state of emergency by resolution.

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

**Section 1.** A Local State of Emergency is declared to exist throughout the City of Tualatin as a result of COVID-19. The Mayor and City Manager are authorized to issue additional public safety and health orders related to this emergency.

**Section 2.** The City Manager is authorized to redirect any necessary City funds for emergency use. The standard city procurement procedures shall be suspended for any contract or purchase necessary to combat the COVID-19 Pandemic.

**Section 3.** All non-essential city commissions, committees, task forces, and city events are canceled until this emergency declaration has ended.

**Section 4.** This Declaration of State of Emergency is effective immediately and will remain in effect until rescinded by the Council.

**Section 5.** The City Manager, or designee, as the Emergency Manager is authorized to

take all necessary steps authorized by law to respond to this emergency, including but not limited to requesting assistance from, and coordinating with, the federal government, the State of Oregon, Washington County, and other local governments.

**Section 6.** This resolution is effective upon adoption.

Adopted by the City Council this 23<sup>rd</sup> day of March, 2020.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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