

ORDINANCE NO. 842

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 17.57 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF SW STAFFORD ROAD SOUTH OF SW FROG POND LANE INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1500 AND 1700, A PORTION OF SW FROG POND LANE RIGHT-OF-WAY, AND A PORTION OF SW STAFFORD ROAD RIGHT-OF-WAY, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. WALTER REMMERS, WILLIAM RAY MORGAN, AND JANICE ELLEN MORGAN, PETITIONERS.

WHEREAS, a petition submitted to the City requests annexation of certain real property legally described and depicted in Exhibit A; and;

WHEREAS, Walter Remmers, an authorized signer for West Hills Land Development, LLC, and William and Janice Morgan, together representing 100 percent of the property ownership within the annexation area signed the petition; and;

WHEREAS, no electors reside within the annexation area; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of all owners of land and a majority of electors within the territory and enables the City Council to dispense with submitting the questions of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Frog Pond West Neighborhood; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on August 31, 2020, unanimously recommended City Council approve the annexation; and

WHEREAS, on September 21, 2020, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, and the Development Review Board's recommendation to City Council.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. FINDINGS.

The tract of land, described and depicted in Exhibit A, is declared annexed to the City of Wilsonville.

2. DETERMINATION.

The findings and conclusions incorporated in Exhibit C are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be declared to be in full force and effect thirty (30) days for the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 21st day of September, 2020, and scheduled the second reading on October 5, 2020, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder


ENACTED by the City Council on the 5th day of October, 2020, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 5th day of October, 2020.

DocuSigned by:

C2B6698B3949461...

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

EXHIBITS:

- A. Legal Description and Sketch Depicting Land/Territory to be Annexed
- B. Petition for Annexation
- C. Annexation Findings
- D. Development Review Board Panel A Resolution No. 380 Recommending Approval of Annexation

EXHIBIT A
LEGAL DESCRIPTION
FROG POND RIDGE ANNEXATION

August 7, 2020 (Otak #19489)

Those properties described in Bargain and Sale Deed to the Trustees of the William Ray Morgan and Janice Ellen Morgan Revocable Living Trust U/D/T October 20, 2009, recorded April 24, 2013 as Document No. 2013-027934, and in Statutory Warranty Deed to West Hills Land Development, LLC recorded as Document No. 2018-062022, both of Clackamas County Records, together with the abutting rights of way of S.W. Stafford Road and S.W. Frog Pond Lane, in the southeast quarter of Section 12, Township 3 South, Range 1 West, and the southwest quarter of Section 7, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with no cap found at the southeast corner of said Document No. 2013-027934 property, said POINT OF BEGINNING being on the west right of way line of said S.W. Stafford Road North 01°40'13" East a distance of 1287.07 feet and North 88°35'30" West a distance of 30.00 feet from the southeast corner of said southeast quarter of Section 12;

thence along the north line of that property described in Special Warranty Deed to West Hills Land Development LLC recorded August 20, 2019 as Document No. 2019-049723, Clackamas County Records, North 88°35'30" West a distance of 1015.93 feet;

thence along the west line of said Document No. 2019-049723 property South 01°40'13" West a distance of 429.07 feet to the north line of Partition Plat No. 2019-047, Clackamas County Records;

thence along said north line and the westerly extension thereof, North 88°35'30" West a distance of 507.30 feet to the southeast corner of that property conveyed in Document No. 91-036369, Clackamas County Records;

thence along the east line of said Document No. 91-036369 property North 01°37'43" East a distance of 15.64 feet to the southwest corner of that property described in Quitclaim Deed to Amy Thurmond recorded as Document No. 99-022102, Clackamas County Records;

thence along the south line of said Document No. 99-022102 property South 88°31'31" East a distance of 209.95 feet;

thence along the east line of said Document No. 99-022102 property and the northerly extension thereof, North 01°39'15" East a distance of 875.56 feet to a point on the north right of way line of S.W. Frog Pond Lane (County Road No. 2362) being parallel with and 33.00 feet northerly of, when measured at right angles to, the north lines of said Document No. 2018-062022 and 2013-027934 properties;

thence along said north right of way line and the easterly extension thereof, South 88°35'30" East a distance of 1373.54 feet to a point on the east right of way line of said S.W. Stafford Road being parallel with and 30.00 feet easterly of, when measured at right angles to, the section line common to said Sections 7 and 12 also being the centerline of said S.W. Stafford Road;

thence along said east right of way line, South 01°40'13" West a distance of 461.89 feet;

thence North 88°35'30" West a distance of 30.00 feet to a point on said section line common to said Sections 7 and 12 and the centerline of S.W. Stafford Road;

thence continuing North 88°35'30" West a distance of 30.00 feet to the POINT OF BEGINNING.

Contains 17.57 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED
2020.08.07 07:35:32-07'00'

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWS: JUNE 30, 2022



SCALE: 1" = 300'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED
2020.08.07 07:35:09-07'00'

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWES: JUNE 30, 2022

DOC. NO.
01-002679

DOC. NO.
88-038319

DOC. NO.
2017-036685

S.W. FROG POND LANE (C.R. NO. 2362) S88°35'30"E 1373.54'

S.W. STAFFORD ROAD (MARKET ROAD NO. 12)

S01°40'13"W 899.95'

DOC. NO. 91-036369

DOC. NO. 99-022102

N01°39'15"E 875.56'

DOC. NO. 2018-062022

S01°40'13"W 429.07'

DOC. NO. 2013-027934

N88°35'30"W 1075.93'
1015.93'

P.O.B.

DOC. NO. 2019-049723

N01°37'43"E
15.64'

209.95'
S88°31'31"E

N88°35'30"W 507.30'

S.W. BRISBAND STREET

PARCEL 1
P.P. 2019-047

PARCEL 2

STAFFORD
MEADOWS

S.W. BOECKMAN ROAD C.R. 80



Otak

808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 19489

EXHIBIT A

PAGE 3 OF 3

FROG POND RIDGE ANNEXATION AREA
IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, &
THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

AUGUST 7, 2020

**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

NAME JOSHUA BOLL
TITLE GIS CARTOGRAPHER II
DEPARTMENT CARTOGRAPHY
COUNTY OF CLACKAMAS
DATE 1/16/20



¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

Search Voters

Reports Export

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Run Search

Precincts	Party / Audits	Extract	Mailing Address	Comment	Custom Fields	Save
Name	Status	Activity	Output	Absentee Address	Residence Address	Districts

Address Type: Standard

Standard Address

House #	Suffix	Pre Dir	Street Name	Type	Post Dir
6720		SW	FROG POND	LN	
Unit Type	Unit #				
City	Zip				
WILSONVILLE					

Scope: State County

CLACKAMAS Show Signatures [Search](#) [Clear](#) [Reset](#)

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No active registered voters at 6720 SW Frog Pond Ln,
Wilsonville, OR.



[Handwritten Signature]
ELECTIONS MANAGER

Date: 01/08/2020

Re: 6720 SW Frog Pond Ln

Wilsonville, OR 97070

To Whom It May Concern:

I, Michael D. Geiger do hereby acknowledge that I currently live at the above referenced address and the previous tenants no longer live at this location.



A handwritten signature in blue ink, appearing to read "Michael D. Geiger", is written over a horizontal line. The signature is stylized and extends below the line.

Signature of Tenant



Ordinance No. 842 Exhibit C
Annexation Findings

Frog Pond Ridge 71-Lot Single-Family Subdivision

City Council
Quasi-Judicial Public Hearing

Hearing Date: September 10, 2020

Date of Report: August 18, 2020

Application No.: DB20-0007 Annexation

Request/Summary: City Council approval of quasi-judicial annexation of approximately 17.6 acres concurrently with proposed development as a single-family subdivision consistent with the Frog Pond West Master Plan.

Location: West side of SW Stafford Road, south of SW Frog Pond Lane. The property is specifically known as TLID 1500, 1700, a portion of SW Frog Pond Lane right-of-way, and a portion of SW Stafford Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

Owners/Petitioners: West Hills Land Development LLC (Walter Remmers), William Ray Morgan and Janice Ellen Morgan Revocable Living Trust (William and Janice Morgan)

Applicant: West Hills Land Development LLC (Contact: Dan Grimberg)

Applicant's Rep.: OTAK, Inc. (Contact: Li Alligood AICP)

Comprehensive Plan Designation: Residential Neighborhood

Zone Map Classification (Current): RRFF 5 (Rural Residential Farm Forest 5-Acre)

Zone Map Classification (Proposed Concurrent with Annexation): RN (Residential Neighborhood)

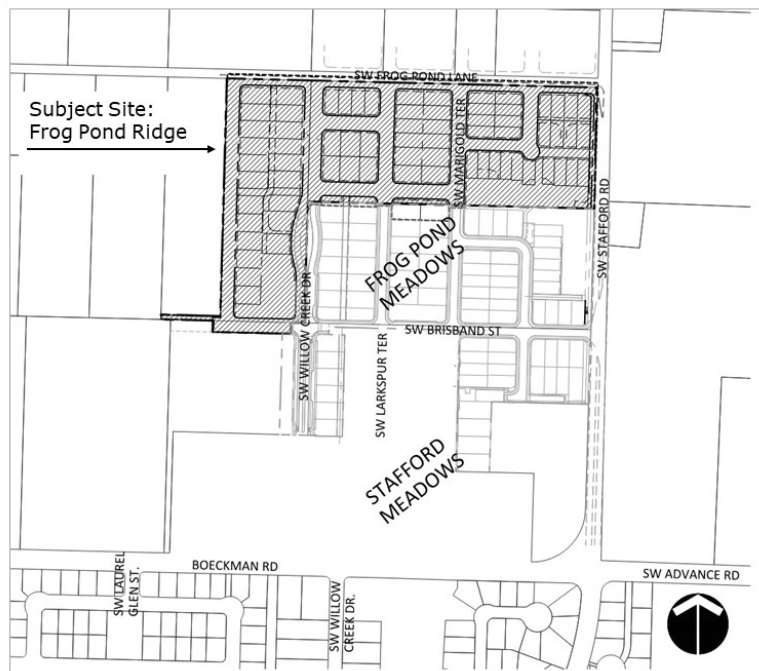
Staff Reviewer: Cindy Luxhoj AICP, Associate Planner

Staff/DRB Recommendation: Approve the requested annexation.

Applicable Review Criteria:

Development Code:	
Section 4.700	Annexation
Comprehensive Plan and Sub-elements:	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
Regional and State Law and Planning Documents	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

Vicinity Map



Background/Summary:

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary (UGB) in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that "The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community's hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville."

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB.

The proposed subdivision is the fourth development proposal Frog Pond West, following the 44-lot Stafford Meadows and 74-lot Frog Pond Meadows subdivisions to the south and the 78-lot Morgan Farm subdivision to the west. The subdivision will connect to the previously approved Stafford Meadows and Frog Pond Meadows subdivisions, blending together as one cohesive neighborhood.

All property owners in the annexation area have consented in writing to the annexation. No electors reside within the area proposed for annexation.

Conclusion and Conditions of Approval:

Staff recommends the City Council annex the subject property with the following condition:

Request: DB20-0007 Annexation

<p>PDA 1. <u>Prior to issuance of any Public Works permits by the City within the annexation area:</u> The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.</p>
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Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. West Hills Land Development LLC initiated the application with their approval.

Request: DB20-0007 Annexation

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services Implementation Measure 2.2.1.a.

A1. The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills Land Development LLC and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

Demonstrated Need for Immediate Urban Growth Implementation Measure 2.2.1.a.

A2. Metro brought the subject area into the Urban Growth Boundary in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards Implementation Measures 2.2.1.e., 2.2.1.e.3., 2.2.1.e.4.

A3. This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services
Implementation Measure 2.2.1.e. 1.

A4. The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposed site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Ridge site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years
Implementation Measure 2.2.1.e. 2.

A5. The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond Area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests
Subsections 4.030 (.01) A, 11, 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

A6. The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.
Subsections 4.700 (.01). and (.04)

A7. The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, a narrative describing conformance with applicable criteria, and the City Council, upon recommendation from the Development Review Board, will declare the subject property annexed.

Adoption of Development Agreement with Annexation
Subsection 4.700 (.05)

A8. Subject to requirements in this subsection and the Frog Pond West Master Plan, Conditions of Approval require the necessary parties enter into a Development and Annexation Agreement with the City covering the annexed land.

Metro Code

Local Government Boundary Changes Chapter 3.09

A9. The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, and Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation ORS 222.111

A10. The request meets the applicable requirements in state statute including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners within the annexed area consent in writing to the annexation. No electors reside within the area proposed for annexation.

Procedure Without Election by City Electors ORS 222.120

A11. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and request meets the applicable requirements in state statute including the facts that all property owners within the annexed area consent in writing to the annexation. No electors reside within the territory proposed for annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors ORS 222.125

A12. All property owners within the annexed area have provided their consent in writing. No electors reside within the territory proposed for annexation. The City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

Statewide Planning Goals Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13

A13. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both which have been found to meet the statewide planning goals.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 380**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION OF APPROXIMATELY 17.6 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 15.9 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD SOUTH OF SW FROG POND LANE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, WAIVER TO MINIMUM FRONT SETBACK, AND ABBREVIATED SRIR REVIEW FOR A 71-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1500 AND 1700, A PORTION OF 1800, A PORTION OF SW FROG POND LANE RIGHT-OF-WAY, AND A PORTION OF SW STAFFORD ROAD RIGHT-OF-WAY, SECTION 12D, AND A PORTION OF TAX LOT 400, SECTION 12DD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff prepared the staff report on the above-captioned subject dated August 3, 2020, and

WHEREAS, on August 10, 2020, the Development Review Board honored the applicant's request and continued the public hearing to a date and time certain of August 31, 2020, and

WHEREAS, the Planning Staff has prepared the revised staff report on the above-captioned subject dated August 24, 2020, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a special meeting conducted on August 31, 2020, at which time exhibits, together with findings and public testimony were entered into the public record, and


WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated August 31, 2020, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB20-0007 through DB20-0014, and SI20-0001; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver – Front Setback, and Abbreviated SRIR Review.

ADOPTED by the Development Review Board of the City of Wilsonville at a special meeting thereof this 31st day of August, 2020, and filed with the Planning Administrative Assistant on Sept. 1, 2020. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Daniel McKay, Chair - Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant