

ORDINANCE NO. 661

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING A TRACT OF LAND ALONG WILSONVILLE ROAD AND WITHIN GRAHAM OAKS NATURE PARK INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; MORE PARTICULARLY DESCRIBED AS TAX LOT 2201 OF SECTION 22 T3S-R1W, CLACKAMAS COUNTY. CITY OF WILSONVILLE ACTING AS AGENT FOR THE APPLICANT, ROD WOJTANIK, METRO.

WHEREAS, the City received written consent from all owners of land in the territory proposed to be annexed; and

WHEREAS, the tract of land is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on landowner consent where there are no resident electors and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, the annexation was considered by the Panel A of the Development Review Board and after a duly advertised public hearing held on February 9, 2009, the Development Review Board has recommended to the City Council that the annexation be approved; and

WHEREAS, on March 16, 2009, 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 conditions attached hereto by reference as Exhibit A1-a and Attachment 3, Development Review Board's recommendation to City Council; and

WHEREAS, the annexation is not contested by any necessary party;

NOW, THEREFORE, THE CITY OF WILSONVILLE DOES ORDAIN AS FOLLOWS:

Section 1. The tract of land, described in Attachment 1 and depicted on the attached map (Attachment 2), is declared annexed to the City of Wilsonville.

Section 2. The findings, conclusions and conditions incorporated in Exhibit A1-a and Attachment 3 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.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 16th day of March 2009, and scheduled the second reading on April 6, 2009 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.


Sandra C. King, MMC, City Recorder


ENACTED by the City Council on the 6th day of April, 2009 by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7th day of April 2009.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp - Yes
Councilor Kirk - Yes
Councilor Ripple - Yes
Councilor Núñez - Excused
Councilor Hurst - Yes

Attachment 1. Legal description
Attachment 2: Map depicting annexation
Attachment 3: Conditions of Approval
Exhibit A1-a: Adopted Staff Report to Development Review Board, February 9, 2009



Legal Description

Urban Growth Boundary Expansion Graham Oaks Nature Park

A tract of land situate in the northwest quarter of Section 22, Township 3 South, range 1 West, Willamette Meridian, being a portion of that certain tract of land described in Bargain and Sale Deed to Metropolitan Service District (Metro), recorded May 8, 2001 as Fee No. 2001-033484, Clackamas County Deed Records, more particularly described as follows:

Beginning at a point on the easterly line of said Metro property bearing South 33°05'31" East 706.64 feet from the northwest corner of that certain tract of land described in Statutory Warranty Deed to West Linn-Wilsonville School District, recorded November 29, 1999 as Fee No. 99-110481, Clackamas County Deed Records, thence continuing along said easterly line South 33°05'31" East 523.99 feet to a point on the centerline of re-aligned Wilsonville Road (County No. 1244) as shown on Survey No. SN2006-435, Clackamas County Survey Records; thence along said re-aligned centerline South 64°19'31" West 969.33 feet; thence leaving said centerline North 25°48'14" West 520.56 feet; thence North 64°23'08" East 902.86 feet to the **Point of Beginning**.

Containing 486,826 square feet (11.176 acres), more or less.

All as shown on Exhibit "B", attached hereto and by this reference made a part hereof.

Subject to covenants, conditions, reservations, restrictions, rights of way and easements of record, if any.

Prepared by me or under my direction on October 24, 2008.

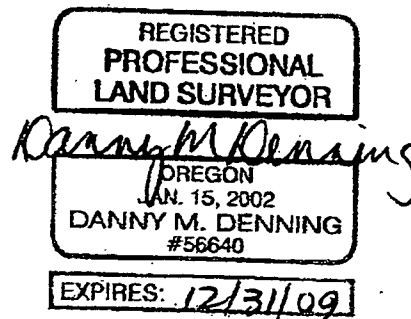
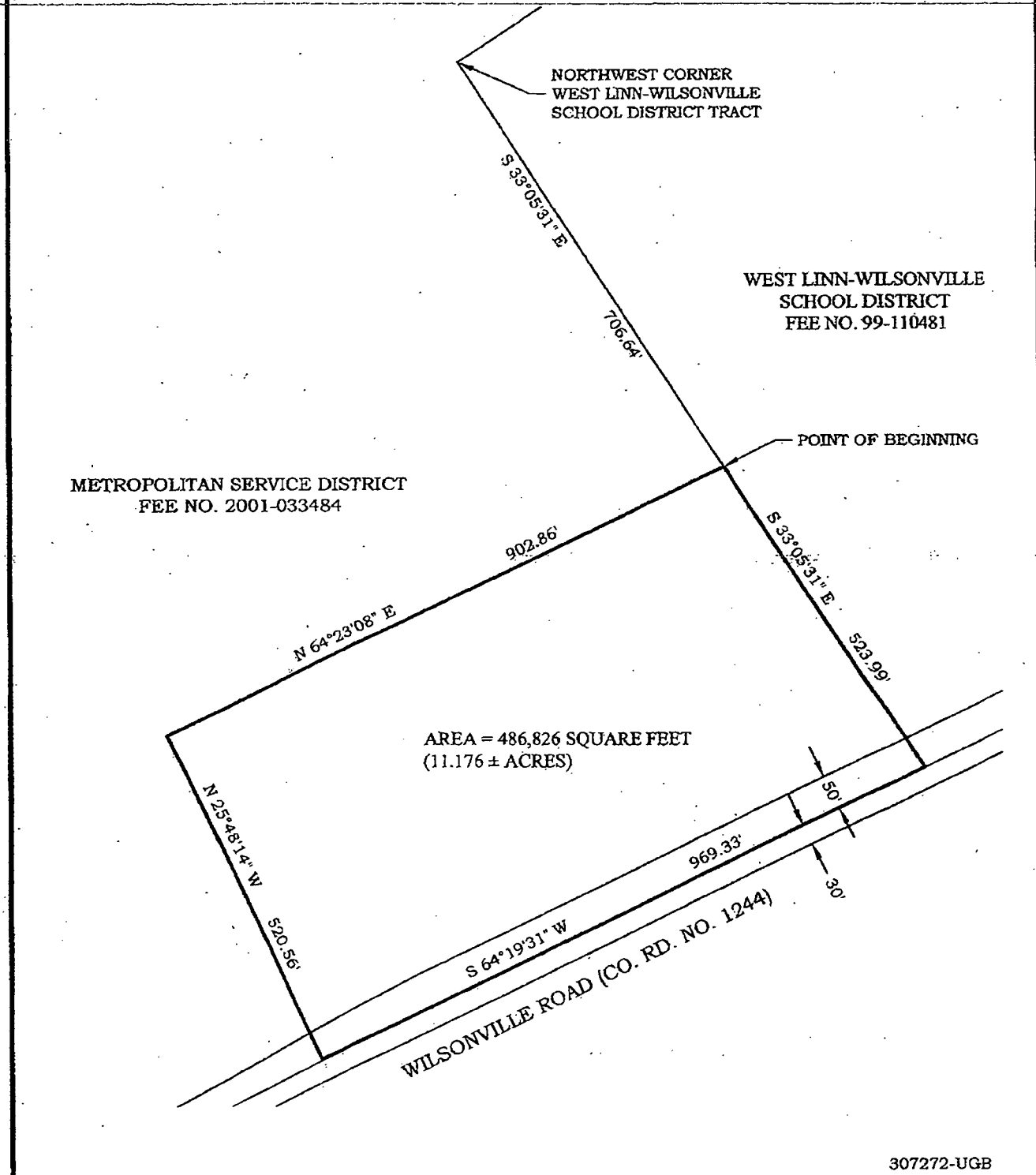




EXHIBIT 'B'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



307272-UGB



Consulting Engineers
171 S.W. Fifth Avenue
Suite 2500
Portland, Oregon 97204
503-227-3251

NW QTR SECTION 22, T. 3S., R. 1W., W.M.
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

DATE: 10/24/08
SCALE: 1" = 200'
CONTOUR INTERVAL: NA
PROJECT NO. 307272
SHEET: 1 OF 1



Proposed Conditions of Approval by application:

Finance and Division Conditions	
<i>Request A - DB08-0049: Class 3 Annexation</i>	
PFA1.	The 2003 Transportation Systems Plan indicates Wilsonville Road is planned as a minor arterial. For property frontage on Wilsonville Road, west of Willamette Way West, applicant shall provide sufficient additional right-of-way to match the existing right-of-way previously dedicated to/obtained by the City; this is approximately 20 feet.
PFA2.	Applicant shall provide a minimum 6-foot Public Utility Easement, behind and adjacent to the additional right-of-way, on property frontage on Wilsonville Road.

Resolution No. 154(A)
Annexation of Property

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 154(A)
GRAHAM OAKS NATURE PARK
ANNEXATION OF PROPERTY**

A RESOLUTION OF THE DEVELOPMENT REVIEW BOARD PANEL A RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF APPROXIMATELY 11.17 ACRES OF LAND TO THE CITY OF WILSONVILLE FOR THE GRAHAM OAKS NATURE PARK AND ADOPT FINDINGS FOR APPROVAL. THE SITE IS LOCATED WEST OF BOONES FERRY PRIMARY SCHOOL ON TAX LOT 2201 OF SECTION 22, T3S-R1W, CLACKAMAS COUNTY, OREGON. METRO and CITY OF WILSONVILLE, APPLICANTS

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 has prepared a report on the above-captioned subject dated January 30, 2009, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on February 9, 2009, at which time exhibits, together with findings 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 recommend that the City Council approve the annexation request in Case File DB08-0049 and adopts the staff report attached hereto as Exhibit A, with findings and recommendations contained therein, consistent with said recommendations. A City Council hearing date is set for February 18, 2009.

ADOPTED by the Development Review Board Panel A of the City of Wilsonville at a regular meeting thereof this 9th day of February 2009 and filed with the Planning Project Coordinator on _

February 13, 2009



Eric Postma, Chair Panel A
Wilsonville Development Review Board

Attest:

Sally Hartill
Sally Hartill, Planning Project Coordinator

Exhibit A1-a
STAFF REPORT
WILSONVILLE PLANNING DIVISION
Graham Oaks Nature Park
DEVELOPMENT REVIEW BOARD PANEL ‘A’
QUASI-JUDICIAL PUBLIC HEARING

(AMENDED AND ADOPTED FEBRUARY 9, 2009)

(Note: additional language in bold, italic text; deleted language struck through)

HEARING DATE: February 9, 2009
DATE OF REPORT: January 30, 2009

APPLICATION NO.’S:

- a. DB08-0049: Class 3 Annexation
- b. DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment
- c. DB08-0051: Site Design Review
- d. DB08-0052: Type C Tree Removal Plan

APPLICANT: Rod Wojtanik, Landscape Architect – METRO

OWNER: METRO

APPLICANT’S REPRESENTATIVE: Chris Neamtzu, AICP, Long Range Planning Manager – City of Wilsonville

REQUEST: The applicant(s) (Rob Wojtanik, METRO and Chris Neamtzu, City of Wilsonville) are requesting approval of the necessary Site Development Permit applications to develop Tax Lot 2201 of Section 22, Clackamas County. This proposal seeks to annex 11.17 acres of land to develop the Graham Oaks Nature Park. Annexation is requested so urban services such as sanitary sewer service and potable water can be provided to a picnic shelter and restroom. The site will have a Comp. Plan Map designation of Public Lands and Zone Map designation of Public Facilities (PF). The proposal includes site design review of the shelter/restroom, landscape, tree removal, and signage

LOCATION: The 11.17 -acre parcel is located at 11825 SW Wilsonville Road, immediately west of the CREST Center and Boones Ferry Primary School, as depicted on the map below (See Vicinity Map on Page 2).

LEGAL DESCRIPTION: Tax Lot 2201, Township 3 South, Range 1 West, Section 22, Clackamas County, Oregon.

LAND USE DESIGNATIONS: Existing: Clackamas County – Agricultural
Proposed: *Wilsonville – Public Lands*

ZONING DESIGNATIONS: Existing: Clackamas County – Exclusive Farm Use (EFU)
Proposed: *Wilsonville – Public Facilities (PF)*

STAFF REVIEWERS: Kristy Lacy, Blaise Edmonds, Steve Adams, Don Walters and Kerry Rappold

REQUESTED ACTION:

The Development Review Board is being asked to review concurrent applications proposing annexation and development of a portion of Tax Lot 31W22_02201 (approximately 11.17 acres) to develop park amenities such as: parking, restrooms/storage and picnic facilities for the 250-acre Graham Oaks Nature Park. The applicant is submitting requests for:

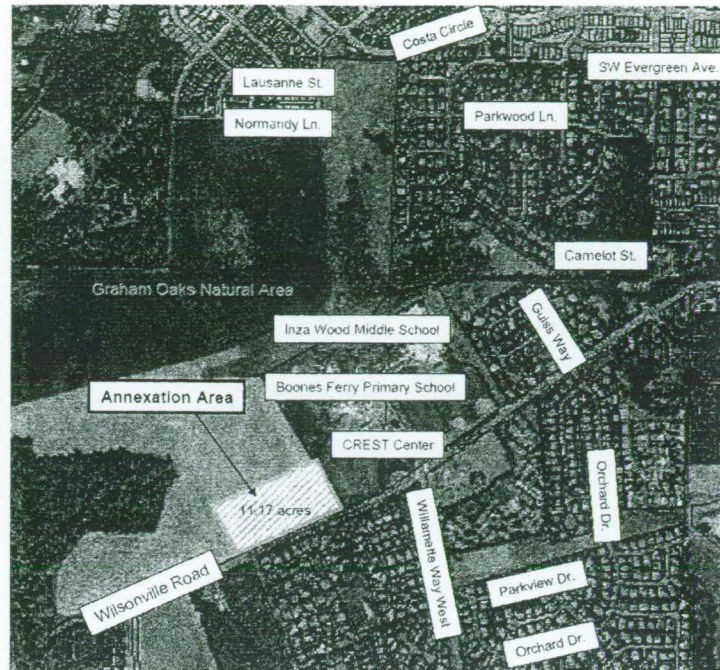
- A. DB08-0049: Class 3 Annexation
- B. DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment
- C. DB08-0051: Site Design Review
- D. DB08-0052: Type C Tree Removal Plan

APPLICABLE CRITERIA:

Planning and Land Development Ordinance: Sections 4.008-4.035; 4.136; 4.155; 4.156; 4.167; 4.171; 4.175-4.179; 4.197; 4.198; 4.300; 4.400- 4.450; 4.600-4.640; 4.700; 4.800. **Other Planning Documents:** Oregon Statewide Planning Goals (as applicable); Oregon Revised Statutes; Comprehensive Plan; Transportation Systems Plan; Storm Water Master Plan; Bicycle and Pedestrian Master Plan; Parks and Recreation Master Plan.

STAFF RECOMMENDATION: Approve the request for the 11.17-acre annexation and park amenities including parking, restrooms/storage and picnic facilities for the 250-acre Graham Oaks Nature Park.

VICINITY MAP:



SUMMARY / BACKGROUND (AS SUPPLIED BY THE APPLICANT):

“Metro acquired the site with proceeds from the 1995 Greenspaces Bond Measure from the State of Oregon in 2001. The Bond Measure program was adopted by the voters of the Portland Metropolitan area to acquire and protect natural areas and improve water quality and habitat throughout the region. The original acquisition area was 230 acres and was formerly known as the Wilsonville Tract. An additional 20 acres was obtained in July 2008 from the State of Oregon through the 2006 Natural Areas Bond program to increase the size of the park to 250 contiguous acres.

A master plan for development of the site as a nature park was completed by the City and Metro in 2004. This plan included a substantial public involvement process and was adopted by the city’s Parks and Recreation Advisory Board, Planning Commission, City Council as well as the Metro Council. The master plan called for extensions of the Tonquin Regional Trail through the site, connections to CREST, and a spur trail system to provide public access to the Arrowhead Creek wetland complex, Legacy, Indian Plum and Pristine Creeks and development of a “gateway” to the park that provides picnic shelters, a restroom and a parking lot. The proposed section of the Tonquin Regional trail will roughly bisect the site in a north/south direction and will provide trail connections to the urbanized areas located to the north at Villebois, secondary trails east to the Park at Merryfield/Wood Middle School/Boones Ferry Primary and enhanced pedestrian crossings of Wilsonville Road at Willamette Way West for Fox Chase and Rivergreen to the south.

After completion of the master plan for the site an extensive restoration plan was developed to transition the site from agricultural use to a native pre-settlement state. The site is home to the following rare and valued species: Oregon oak, western red cedar, northern red-legged frog and the western bluebird. Over 150,000 trees, shrubs, native grasses, forbes and trees were planted in 2007. The planting scheme will recreate oak savanna, shrub/scrub, oak woodlands and native grasslands throughout the site. Existing wetland complexes are planned to be enhanced to complete restoration of the natural ecosystems. Besides the re-vegetation efforts, Metro has continued to remove invasive species from the closed canopy mixed conifer forest known as Legacy Creek and in several identified wetland complexes. The Legacy Creek

CONCLUSIONS AND RECOMMENDATIONS:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. Although not comprehensive in nature, in most cases, Staff finds that the analysis satisfactorily demonstrates compliance with the City’s Comprehensive Plan and the Planning & Land Development Ordinance. The Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings and modified by proposed Conditions of Approval. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed applications (DB08-0049 through DB08-0052) and with the following conditions:

CONDITIONS OF APPROVAL FOR REQUEST ‘A’:

The application and supporting documents are hereby adopted for approval with the following conditions:

PD = Planning Division Conditions	A. DB08-0049: Class 3 Annexation
BD = Building Division Conditions	B. DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment
PF = Engineering Conditions	C. DB08-0051: Site Design Review
NR = Natural Resources Conditions	D. DB08-0052: Type C Tree Removal Plan
TR = SMART/Transit Conditions	
FD = Tualatin Valley Fire and Rescue Conditions	

Planning Division Conditions:
<i>Request A – DB08-0049: Class 3 Annexation</i>
No Conditions.

Building Division Conditions:
<i>Request A – DB08-0049: Class 3 Annexation</i>
No Conditions.

Engineering Division Conditions:
<i>Request A - DB08-0049: Class 3 Annexation</i>
PFA1. The 2003 Transportation Systems Plan indicates Wilsonville Road is planned as a minor arterial. For property frontage on Wilsonville Road, west of Willamette Way West, applicant shall provide sufficient additional right-of-way to match the existing right-of-way previously dedicated to/obtained by the City; this is approximately 20 feet.
PFA2. Applicant shall provide a minimum 6-foot Public Utility Easement, behind and adjacent to the additional right-of-way, on property frontage on Wilsonville Road.

Natural Resources Division Conditions:
<i>Request A - DB08-0049: Class 3 Annexation</i>
No Conditions.

SMART/Transit Division Conditions:
<i>Request A - DB08-0049: Class 3 Annexation</i>
No Conditions.

Tualatin Valley Fire and Rescue Conditions:
<i>Request A - DB08-0049: Class 3 Annexation</i>
No Conditions.

portion of the site is a mixed species forest that contains Oregon white oak, Oregon ash, Douglas fir, big-leaf maple and beaked hazelnut.

The site is currently being designed and engineered for construction of a nature park beginning in the summer of 2009. Preliminary design has been completed to define the location of the gateway for the site that includes a small parking area, restroom, picnic area and interpretive signage. The driveway entrance will be located off of SW Wilsonville Road and is aligned with SW Willamette Way West.”

ISSUES:

1. CREST Center and Tonquin Regional Spur Trails:

It should be noted that approval of the proposed project is limited to the 11.17 acres subject to annexation as well as a small portion of the Merryfield Trail. The West Linn – Wilsonville School District, or current property owner, will be responsible for applying for changes to the CREST Center while METRO, or the current property owner, will be responsible for applying to Clackamas County for those areas outside of the city limits.

MASTER EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the master exhibits list that includes exhibits for Planning Case Files DB08-0049 through DB08-0052.

A. Staff's Written and Graphic Materials:**A1. STAFF REPORT:**

- a. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request A, Conclusionary Findings for Request A
- b. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request B, Conclusionary Findings for Request B
- c. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request C, Conclusionary Findings for Request C
- d. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request D, Conclusionary Findings for Request D

A2. NOTICE TO THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**A3. Memorandum to the DRB dated February 9, 2009****A4. Meeting Minutes of the November 13, 2008 Wilsonville Parks & Recreation Advisory Board Meeting****A5. Staff PowerPoint****B. Applicant's Written and Graphic Materials:****B1. APPLICATION****B2. DESIGN REVIEW APPLICATION (NARRATIVE)****B3. APPLICANT'S EXHIBITS**

- a. Exhibit 1 – Legal Description
- b. Exhibit 3 – UGB Expansion Application (Order No. 08-049)
- c. Exhibit 4 – Metro Notice of UGB Expansion
- d. Exhibit 5 – Traffic Waiver Request
- e. Exhibit 6 – Clackamas County Notice of Land Use Application
- f. Exhibit 7 – Gate Specifications
- g. Exhibit 8 – Clackamas County Notice of Decision
- h. Exhibit 9 – Type C Tree Removal Plan
- i. Exhibit 11 – Taxlots within 275' of Graham Oaks Nature Park
- j. Exhibit 12 – Metro Council Notice of Public Hearing.
- k. Exhibit 13 – 2004 Master Plan – Graham Oaks Nature Park

B4. SUPPLEMENTAL SUBMITTAL

- a. Letter of Transmittal dated 12-30-08
- b. Tabulation of Land Area
- c. Exterior Materials Sample (9 pages and 5 physical samples)
- d. Existing and Proposed Comp Plan Map
- e. Existing and Proposed Zone Map
- f. Memorandum re: Completeness Review – Lighting (including lighting cut sheets)
- g. Zoning Overview and UGB Expansion Map

B5. PLAN SET (Reduced size and full size):

Plan Sheets

- Cover Sheet (Design Review – 50% Construction Documents)
- G1.03 Plazas & Spur Trails Sheet Layout
- L1.01 City of Wilsonville Improvements Sheet Layout
- L1.02 Signage Plan
- C2.01 Gateway Plan: Overall Grading Plan
- C2.02 Gateway Plan: Utilities
- C2.03 Gateway Plan: Parking Details

- L2.01 Gateway Layout & Materials Plan
- L2.02 Gateway Planting Plan
- L2.03 Gateway Irrigation Plan
- A2.01 Restroom Building Picnic Shelter
- L3.01 Spur Trails Layout & Planting Plan
- L3.02 Gateway Spur Trail Layout & Materials Plan Planting Plan
- L3.03 Merryfield Trail Layout & Materials Plan Planting Plan
- L4.01 North Tonquin Trailhead Wetland Overlook Layout & Materials Plan
- L4.02 Lone Oak Plaza South Tonquin Trailhead Layout & Materials Plan
- L4.03 Merryfield Overlook Tonquin Trailhead Layout & Materials Plan
- L5.01 Construction Details
- L5.03 Construction Details
- L5.04 Construction Details
- L6.01 CREST Improvements

B6. Applicant's PowerPoint

C. Development Review Team Correspondence:

- C1. Memo from Community Development Director re: Graham Oaks Nature Park Traffic Study Waiver Request; dated 01/07/09.
- C2. Memo from D. Walters; Building Plans Examiner; dated 01/21/09.
- C3. Memo from Kerry Rappold, Natural Resources Program Manager; dated 01/28/09.
- C4. E-mail from Steve Adams, Deputy City Engineer; dated 01/29/09

D. General Correspondence:

- D1. Letters (neither For nor Against): None submitted
- D2. Letters (In Favor): None submitted
- D3. Letters (Opposed): None submitted

FINDINGS OF FACT**1. Statutory Timeline:**

The statutory 120-day time limit applies to this application. The application was received on November 13, 2008. On December 30, 2008 the applicant submitted additional materials. On January 16, 2009, the application was deemed complete. The City must render a final decision for the request, including any appeals, by **May 16, 2009**.

2. Adjacent land uses:

Compass Direction	Zone:	Existing Use:
North:	V	Villebois Subdivision – Residential
South:	PDR-4	Fox Chase Subdivision – Residential
East:	PF	Boones Ferry Primary School & CREST Center
West:	EFU	Clackamas County – Graham Oaks Nature Area

- 3. Natural Characteristics:** The site contains approximately 250 acres of forest, wetlands and newly planted areas that are being restored. To date, over 150,000 native plants in size distinct habitat types have been planted on the site to return the vegetation to pre-European settlement patterns. There is an existing network of social trails that are located throughout the site. These trails are used by the surrounding neighborhoods and CREST for educational purposes. The site is located approximately 2,500 feet north of the Willamette River. CREST, Boones Ferry Primary School and Wood Middle School are located east of the site and are owned and operated by the West Linn-Wilsonville School District.
- 4. Streets:** The subject corner property is fronted on the south by Wilsonville Road. Wilsonville Road is constructed to current standards. Two access points from Wilsonville Road will be provided as a part of this project; one to accommodate a Public Works required vector truck access/driveway off of Wilsonville Road onto the Tonquin Trail and one on the west edge of the site that will provide access to the gateway. The proposed access on the west edge of the site will align with Willamette Way West located south across Wilsonville Road. Although the site will be provided automobile access, most park users are likely to either enter on foot or by bicycle because of the trail and the proximity of the neighborhood. No other access can be provided to the subject site.
- 5. Review Procedures:** The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

GENERAL INFORMATION

SECTION 4.008. APPLICATION PROCEDURES - IN GENERAL.

The applicant is requesting the necessary site development permit applications to develop Tax Lot 2201 of Section 22, Clackamas County. The applicant proposes to annex 11.17 acres of land to develop the Graham Oaks Nature Park. Annexation is requested so urban services such as sanitary sewer service and potable water can be provided to a picnic shelter and restroom.

SECTION 4.009. WHO MAY INITIATE APPLICATIONS.

The application has been submitted by Rod Wojtanik, Landscape Architect for METRO, with the help of his consultant, Chris Neamtzu, AICP, Long Range Planning Manager for the City of Wilsonville. The subject site is owned by METRO. The applicant has signed the development application demonstrating permission of the property owner for submission of the application. This provision is met.

SECTION 4.034. APPLICATION REQUIREMENTS.

Following is documentation, by request, of the standards and procedures appropriate to each application.

**REQUEST A
DB08-0049: ANNEXATION
CONCLUSIONARY FINDINGS**

METRO CODE:*Section 3.09.040 Requirements for Petitions:*

(a) A petition for a boundary change must include the following information:

- 1. The jurisdiction of the reviewing entity to act on the petition;*
- 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;*
- 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk;*
- 4. For boundary changes under ORS 198.855(3), 198.857, 222.125, or 222.170 statements of consent to the annexation signed by the required number of owners or electors.*

The above information will be provided to Metro as part of the final Ordinance adopting the annexation request. The legal description and map of the affected territory can be found in Exhibit B3.1. Metro is the sole property owner in the area and has authorized the action to annex the subject land to the City of Wilsonville, Clackamas County is the local jurisdictional authority currently in the area, no service districts are involved in the request, and the City of Wilsonville will be the service provider after annexation. This provision is therefore satisfied.

DEVELOPMENT CODE

Section 4.700. Procedures Relating To The Processing Of Requests For Annexation And Urban Growth Boundary Amendments.

(.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities. [Amended by Ordinance No. 538, 2/21/02.]

A1. Metro Parks and Greenspaces Department (now the Metro Sustainability Center) has initiated a minor amendment to the Metropolitan Urban Growth Boundary consistent with Metro Code 3.01.033 (d) that was approved by Metro Chief Operating Officer Michael Jordan on October 6, 2008 (See Exhibit B3.b., Exhibit 3 – UGB Expansion Application (Order No. 08-049)). No appeals were received by Metro as part of this administrative process.

A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.

A2. Metro has made a land use application with the City of Wilsonville to annex 11.17 acres of land including necessary maps and written information (See Exhibits B1-B5). Staff has determined that the given request is appropriate to be reviewed as a quasi-judicial matter. This provision is satisfied.

B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.

A3. The applicant has submitted written findings in support of the application including an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals (See Exhibit B2). This provision is satisfied.

C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.

D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.

A4. Metro Parks and Greenspaces Department (now the Metro Sustainability Center) has initiated a minor amendment to the Metropolitan Urban Growth Boundary consistent with Metro Code 3.01.033 (d) that was approved by Metro Chief Operating Officer Michael Jordan on October 6, 2008 (Exhibit 3). No appeals were received by Metro as part of this administrative process. Metro has made a land use application with the City of Wilsonville to annex 11.17 acres of land. Findings in support of the application are provided in this report, and the Development Review Board will review the request and will make a recommendation to the City Council, who is the final local authority on this matter.

(.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.

A5. This report is a recommendation to the Development Review Board to aid in their recommendation to the City Council for approval of the proposed annexation. The Development Review Board and the City Council are reviewing the proposed annexation through a quasi-judicial procedure. The Development Review Board is scheduled to hear the matter on February 9, 2009 and the City Council on February 18, 2009.

(.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.

A6. The Planning Director has determined that the proposed annexation is not a legislative request but is quasi-judicial, being only 119.60 acres and affecting only a small area of the northwest section of Wilsonville.

(.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. That course of action may be:

...

B. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):

1. **Take no action;**
2. **Declare the subject property, or some portion thereof, to be annexed;**
3. **Set the matter for election of the voters residing within the affected territory; or**
4. **Set the matter for election of City voters.**

A7. Metro Parks and Greenspaces Department (now the Metro Sustainability Center) has initiated a minor amendment to the Metropolitan Urban Growth Boundary consistent with Metro Code 3.01.033 (d) that was approved by Metro Chief Operating Officer Michael Jordan on October 6, 2008 (See Exhibit 3). No appeals were received by Metro as part of this administrative process. The applicant has submitted evidence that there are no residents on the property. The requirement for double majority has been met since METRO has agreed to the annexation and is the owner of the property.

(.05) The City Council may adopt a development agreement with the owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

A8. The City already has an agreement with METRO regarding development of Graham Oaks Nature Park and its utility and road services. In fact, Chris Neamtzu, Long Range Planner for the City of Wilsonville has submitted the application on behalf of METRO thereby demonstrating the participation of the City. The City does not intend to adopt a further development agreement with the owners of property that is proposed for annexation to the city at this time.

CONCLUSIONS

The applicant has provided findings, which meet the Comprehensive Plan and with the applicable standards in the Planning and Land Development Ordinance and with the goals, policies and implementation measures of the City of Wilsonville Comprehensive Plan. The applicant's report that is found in Exhibit B2 is incorporated in this staff report as findings for approval for the proposed annexation.

Primary facilities, i.e., roads and sidewalks, water and sanitary sewer are available and are of adequate size to serve the subject territory.

The proposed annexation meets Oregon Revised Statutes 222.111, ORS 222.120, ORS 222.125 and ORS 222.170 for annexation.

The location, design, size and uses are such that traffic generated by the Graham Oakes Nature Park on the subject territory can be accommodated safely and without congestion on existing City of Wilsonville or immediately planned arterial or collector streets.

All State Goals have been met as far as possible with an annexation as proposed. The Goals have been met and annexation would be consistent with the goals.

The proposed annexation is consistent with the Wilsonville Comprehensive Plan as well as the Clackamas County Comprehensive Plan. Specifically the extensive notice requirement particularly emphasizing

notice to owners and residents, is consistent with the Wilsonville Comprehensive Plan emphasis on citizen involvement.

Metro Code 3.09.050 (d)(1) requires the Council's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195, which has been demonstrated by the applicant.

Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "*Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.*" City services are adequate to serve this area. Therefore the proposed annexation promotes the timely, orderly and economic provision of services.

The public interest is best served by granting the annexation at this time.