

ORDINANCE NO. 807

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 2,206 SQUARE FEET OF TERRITORY ON THE SOUTH SIDE OF SW ADVANCE ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS A PORTION OF TAX LOT 2100 OF SECTION 18, T3S, R1W, CLACKAMAS COUNTY, OREGON, WEST LINN-WILSONVILLE SCHOOL DISTRICT, OWNER.

WHEREAS, The West Linn-Wilsonville School District is the sole owner of certain real property legally described and depicted in Attachment 1 on which no persons or electors reside; and

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the School District, as owner of all real property in the territory to be annexed; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary; and

WHEREAS, the land to be annexed is contiguous to the City and can be served by City services; 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 question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel B of the Development Review Board considered the annexation and after a duly advertised public hearing held on July 24, 2017 recommended City Council approve the annexation; and

WHEREAS, on August 7, 2017, 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, 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 and depicted in Attachment 1, is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions incorporated in 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 meeting thereof on the 7th day of August 2017, and scheduled the second reading on August 24, 2017 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.



Kimberly Veliz, City Recorder

ENACTED by the City Council on the 24 day of August, 2017 by the following votes:


Yes: 4

No: 0



Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 24 day of August, 2017.



TIM KNAPP, Mayor

SUMMARY OF VOTES:

| | |
|-------------------------|---------|
| Mayor Knapp | Yes |
| Council President Starr | Excused |
| Councilor Stevens | Yes |
| Councilor Lehan | Yes |
| Councilor Akervall | Yes |

Attachments:

Attachment 1 – Legal Description and Sketch Depicting Land/Territory to be Annexed

Attachment 2 – Petition for Annexation

Attachment 3 – Annexation Findings, July 24, 2017

Attachment 4 – Development Review Board Panel ‘B’ Resolution No. 338 Recommending Approval of the Annexation



LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
FAY GYAPONG
WEST LINN-WILSONVILLE SCHOOL DISTRICT

#6729
Exh12.dwg
7/20/16 MAR

EXHIBIT "A"

A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 13, "LANDOVER", PLAT NO. 3246, CLACKAMAS COUNTY PLAT RECORDS, ALSO BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF S.W. ADVANCE ROAD (30.00 FEET FROM CENTERLINE); THENCE S.89°39'47"E., 438.70 FEET ALONG THE SOUTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE CONTINUING S.89°39'47"E., 12.60 FEET ALONG THE SOUTH RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO FAY A. GYAPONG AS DESCRIBED BY DEED RECORDED AS DOCUMENT NO. 2014-011271, CLACKAMAS COUNTY DEED RECORDS; THENCE S.00°09'47"E., 394.16 FEET ALONG THE EAST LINE OF SAID GYAPONG TRACT; THENCE N.05°38'42"W., 62.81 FEET; THENCE N.00°09'47"W., 317.36 FEET TO A POINT OF CURVATURE; THENCE 16.33 FEET ALONG THE ARC OF A 19.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 49°14'36" (THE CHORD OF WHICH BEARS N.24°47'05"W., 15.83 FEET) TO THE POINT OF BEGINNING, CONTAINING 2,206 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

DATE OF SIGNATURE: 5-27-16

EXPIRES: 12/31/2016

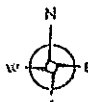


Exhibit B

POINT OF COMMENCEMENT

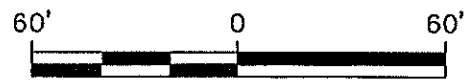
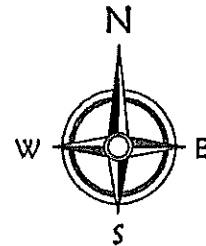
POINT OF BEGINNING

S.W. ADVANCE ROAD



LOT 13
"LANDOVER"
PLAT NO.
3246

L=16.33'
R=19.00'
D=49°14'36"
CH=S24°47'05"E
15.83'



Scale: 1" = 60'

N00°09'47"W
317.36'

S00°09'47"E
394.16'

TAX LOT 2100
MAP 3S-1E-18
GYAPONG

TAX LOT 2000
MAP 3S-1E-18

RIGHT OF WAY
DEDICATION
2206 SQUARE FEET

N05°38'42"W
62.81'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

DATE OF SIGNATURE: 5-27-16
EXPIRES: 12/31/2016

6729 Exh12.dwg

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

LOCATED IN THE NW 1/4 SEC. 18, T.3S., R.1E., W.M.
CITY OF WILSONVILLE
CLACKAMAS COUNTY, OREGON



29799 SW Town Center Loop E, Wilsonville, OR 97070
Phone: 503.682.4960 Fax: 503.682.7025
Web: www.ci.wilsonville.or.us

**Planning Division
Development Permit Application**

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Pre-Application Meeting Date: _____

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant:

Name: Tim Woodley
Company: West Linn-Wilsonville Sch. Dist.
Mailing Address: 2755 SW Borland Road
City, State, Zip: Tualatin, OR 97062
Phone: 503.673.7976 Fax: 503.638.9360
E-mail: woodleyt@wlwv.k12.or.us


Authorized Representative:

Name: Keith Liden
Company: Bainbridge
Mailing Address: 1000 SW Broadway, Su. 1700
City, State, Zip: Portland, OR 97205
Phone: 503.757.5501 Fax: NA
E-mail: keith.liden@gmail.com

Property Owner:

Name: Same
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail: _____

Property Owner's Signature:


Printed Name: _____ Date: 6-15-17
Applicant's Signature: (If different from Property Owner)
Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: _____ Suite/Unit _____
Project Location: 63rd Ave.
Tax Map #(s): 3S 1E 18 Tax Lot #(s): 2000 & 2100 County: Washington Clackamas

Request:

Annexation of 2,206 sq. ft. along the west side of SW 63rd Ave. and a Comprehensive Plan Map and Zone Map Amendment from Clackamas Co. Agriculture/EFU to City Public Lands/PF-Public Facilities.

Project Type: Class I Class II Class III

Residential Commercial Industrial Other: school

Application Type(s):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input checked="" type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Site Design Review |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Other (describe) |
| <input type="checkbox"/> Villebois SAP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois FDP | |
| <input checked="" type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Waiver(s) | <input type="checkbox"/> Conditional Use | |

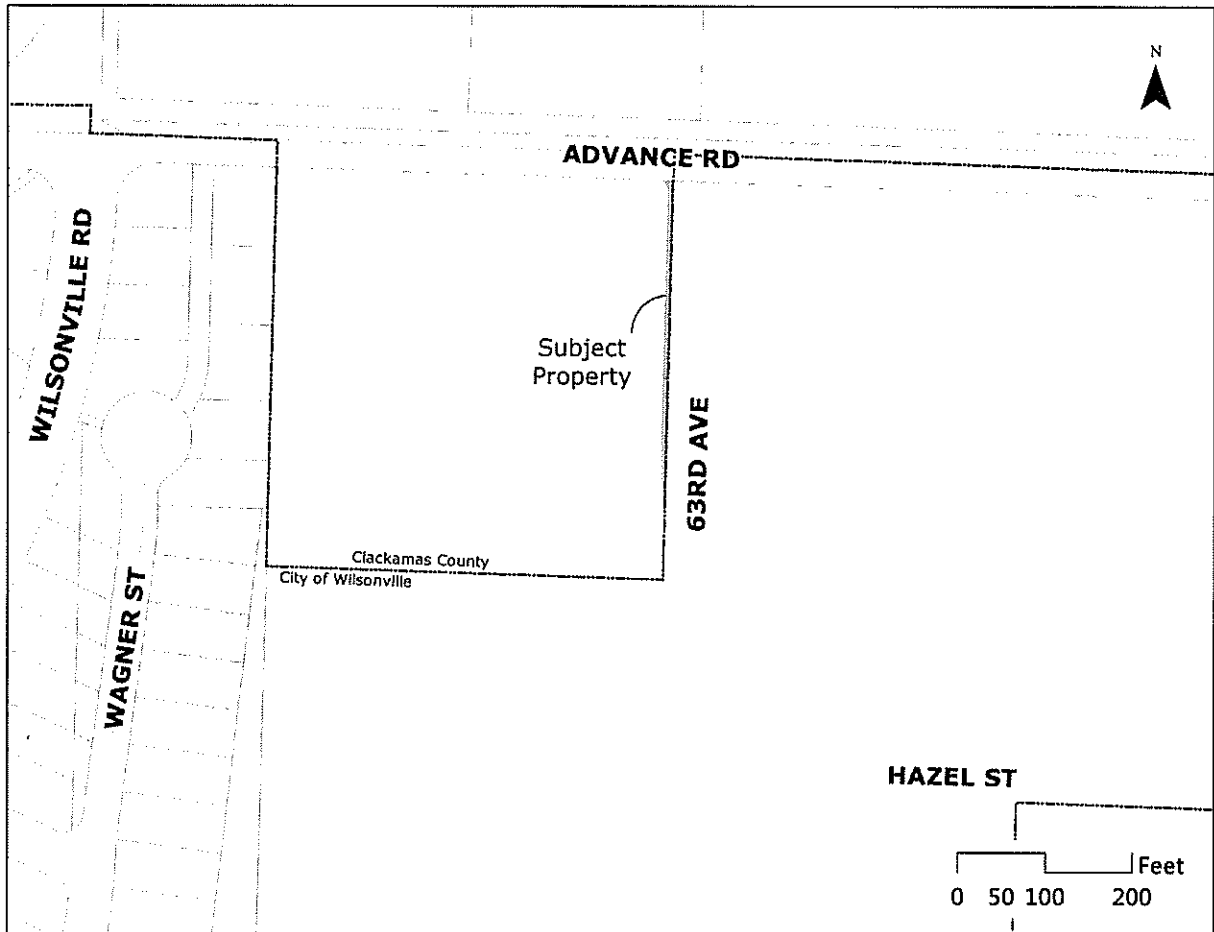


Exhibit A1
Planning Division Staff Report
Annexation of 63rd Avenue Right-of-Way

Development Review Board Panel 'B'
Quasi-Judicial Public Hearing
Adopted July 24, 2017

| | |
|--|---|
| Hearing Date: | July 24, 2017 |
| Date of Report: | July 17, 2017 |
| Application No.: | DB17-0019 Annexation |
| Request/Summary: | The Development Review Board is being asked to review a Quasi-judicial Annexation request. |
| Location: | South side of SW Advance Road at SW 63 rd Avenue. The property is specifically known as an eastern portion of Tax Lot 2100, Section 18, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon. |
| Owner/Applicant: | Tim Woodley West Linn-Wilsonville School District |
| Applicant's Representative: | Keith Liden Bainbridge |
| Comprehensive Plan Designation: | Agriculture (Clackamas County) |
| Zone Map Classification: | EFU (Exclusive Farm Use, Clackamas County) |
| Staff Reviewers: | Kimberly Rybold, AICP, Associate Planner |
| Staff Recommendation: | <u>Recommend approval</u> of Annexation to City Council. |

Vicinity Map



Background:

The 2,206 square-foot subject property was acquired by the West Linn-Wilsonville School District in order to complete the required improvements for the new SW 63rd Avenue that will provide access to Meridian Creek Middle School, which is currently under construction. A future 10-acre city community park is planned north of the school and on the east side of SW 63rd Avenue. The entire District property, including most of the future SW 63rd Avenue right-of-way, was annexed with a Public Comprehensive Plan designation, and a Public Facilities (PF) Zone designation in 2015 (Ordinance Nos. 773, 774 and 775).

A minor UGB amendment was recently approved by Metro to bring the 2,206 square-foot site into the UGB (Metro UGB Case 17-01 / DLCD File No. 002-17).

Summary:

The proposed annexation would bring an additional 2,206 square feet into the City of Wilsonville to enable the completion of SW 63rd Avenue right-of-way improvements. Ultimately, the right-of-way for SW 63rd Avenue will be dedicated to the City of Wilsonville. Since the subject property will be right-of way in its entirety, Comprehensive Plan Map and Zone Map Amendments are not required.

Conclusion and Conditions of Approval:

Staff has reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. 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 application (DB17-0019) with no additional conditions.

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 exhibit list that includes exhibits for Planning Case File DB17-0019.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

- B1. Signed Application
- B2. Narrative and Other Submitted Documentation

Development Review Team Correspondence

N/A

Other Correspondence

N/A

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on June 23, 2017. On June 30, 2017 staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be complete. The City must render a final decision for the request, including any appeals, by October 28, 2017.
2. Surrounding land uses are as follows:

| Compass Direction | Zone: | Existing Use: |
|-------------------|-------|-------------------------|
| North: | EFU | Rural residential |
| East: | PF | 63rd Avenue/Future Park |
| South: | PF | School |
| West: | EFU | Rural residential |

3. Previous Planning Approvals:
Metro Ordinance No. 13-1316 Major UGB Expansion
DB15-0046 Annexation
DB15-0047 Comprehensive Plan Map Amendment
DB15-0048 Zone Map Amendment (Base Zone and SROZ)
DB15-0049 Stage I Preliminary Plan
DB15-0101 et. seq. Stage II Final Plan, Site Design Review, Tentative Partition Plat, Class 3 Sign Permit
Metro Case File 17-01 Minor UGB Expansion
4. 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.

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

Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Response: The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Response: The application has been submitted on behalf of the property owner, West Linn-Wilsonville School District, and is signed by an authorized representative.

Pre-Application Conference Subsection 4.010 (.02)

Criteria: This section lists the pre-application process.

Response: No pre-application meeting was necessary for the application.

Lien Payment before Approval Subsection 4.011 (.02) B.

Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Response: No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements
Subsection 4.035 (.04) A.

Criteria: "An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code." Listed 1. through 6. j.

Response: The applicant has provided all of the applicable general submission requirements contained in this subsection.

Request: DB17-0019 Annexation

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Comprehensive Plan

Allowed Annexation
Implementation Measure 2.2.1.a.

1. **Criterion:** "Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth."

Response: As a result of Urban Growth Boundary Minor Adjustment Case No. 13-01, the subject property is within the City UGB. The sole purpose of the proposed annexation is to provide the additional space to fully improve SW 63rd Avenue, and thereby provide appropriate multimodal access for the middle school and future community park.

Annexation Review Standards
Implementation Measure 2.2.1.e.

2. **Criteria:** "Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:" Listed 1 through 5.

Response: As further explained below or in other findings supporting this request, this proposal complies with applicable state and regional policies.

- Pursuant to consideration 1 (orderly, economic provision of public facilities and services), the City has been planning for a future city park, a public middle school, and a primary school for several years. The annexation request is related to providing the necessary transportation access to the new school and future community park.
- Pursuant to consideration 2 (availability of sufficient land for marketplace choice), the availability of sufficient land for the middle school, park, and street system to serve it are not really a marketplace choice. However, significant analysis was presented to Metro during its consideration of the UGB amendment, which demonstrated that the District property was the best available alternative to accommodate the educational and recreation demands that must be satisfied by the District and City.
- Consideration 3 (Statewide Planning Goals), is addressed within Finding 9.

- Consideration 4 (Applicable Metro Plans), is addressed within Finding 5.
- Pursuant to consideration 5 (Encouraging Development within City Limits before conversion of urbanizable (UGB) areas), the annexation of the subject 2,206 square-foot site is consistent with this implementation measure because it represents the absolute minimum amount of land area needed to complete the SW 63rd Avenue improvements.

Development Code

Authority to Review Annexation

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F.

3. **Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.

Response: The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

Annexation

Section 4.700

4. **Criteria:** This section defines the criteria and process for annexation review within the City.

Response: All the necessary materials defined by this section have been submitted for review. The annexation is a quasi-judicial action, which satisfies all of the applicable approval criteria as demonstrated herein.

Metro Code

Local Government Boundary Changes

Chapter 3.09

5. **Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Response: The subject site is within the Metro UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner, there are no electors, a petition with the required information has been submitted, and is annexation is consistent with the Comprehensive Plan and the Wilsonville Development Code.

Oregon Revised Statutes

Authority and Procedure for Annexation ORS 222.111

6. **Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.
- Response:** The applicable requirements in state statute are met including the facts that subject property is within the Metro UGB, is contiguous to the City, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

Procedure Without Election by City Electors ORS 222.120

7. **Criteria:** ORS 222.120 establishes the authority and procedures for annexation by City's within the state of Oregon without an election.
- Response:** There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject property is the petitioner and thus has consented in writing to annexation. There are no electors or residential dwellings within the territory to be annexed.

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

8. **Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."
- Response:** The territory to be annexed is all owned by the West Linn-Wilsonville School District. As the owner, the District has petitioned and consented to annexation in writing. There are no electors or residential dwellings within the territory to be annexed. However, a public hearing process is being followed as prescribed in the Wilsonville Development Code.

Oregon Statewide Planning Goals

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

9. **Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

Response: The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Transportation System Plan, both which have been found to meet the statewide planning goals.

DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 338

A RESOLUTION OF THE CITY OF WILSONVILLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ANNEXATION OF APPROXIMATELY 2,206 SQUARE FEET OF TERRITORY ON THE SOUTH SIDE OF ADVANCE ROAD AT SW 63RD AVENUE. THE PROPERTY IS SPECIFICALLY KNOWN AS AN EASTERN PORTION OF TAX LOT 2100, OF SECTION 18, T3S, R1E, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, WEST LINN-WILSONVILLE SCHOOL DISTRICT - OWNER/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 has prepared staff report on the above-captioned subject dated July 17, 2017, and

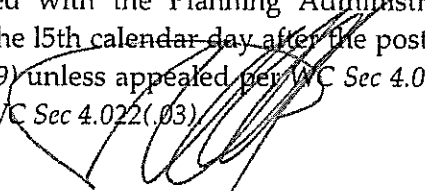
WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on July 24, 2017, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

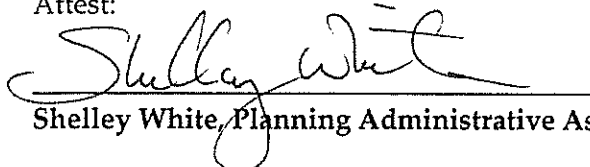
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated July 17, 2017, attached hereto as Exhibit A1, with findings contained therein, and authorizes the Planning Director to recommend to the City Council approval of the Annexation request in case-file DB17-0019.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 24th day of July, 2017 and filed with the Planning Administrative Assistant on July 25, 2017. 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).


Shawn O'Neil, Chair - Panel B
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant