

**ORDINANCE NO. 811**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING SW GARDEN ACRES ROAD, SW CAHALIN ROAD AND SW CLUTTER STREET RIGHT-OF-WAY INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS THE RIGHT-OF-WAY OF SW GARDEN ACRES ROAD EXTENDING FROM SW DAY ROAD TO THE CLACKAMAS COUNTY LINE, THE RIGHT-OF-WAY OF SW CLUTTER STREET EXTENDING FROM SW GRAHAMS FERRY ROAD TO SW GARDEN ACRES ROAD, AND THE RIGHT-OF-WAY OF UNIMPROVED SW CAHALIN ROAD FROM SW GRAHAMS FERRY ROAD TO SW GARDEN ACRES ROAD, SECTIONS 2 AND 3, T3S, R1W, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. WASHINGTON COUNTY, OREGON – OWNER. CITY OF WILSONVILLE – APPLICANT.**

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by City of Wilsonville, a copy of the petition is on file with the City Recorder; and

WHEREAS, written consent has been obtained from the only owner of the territory and no electors reside within the territory proposed to be annexed, a copy of which is on file with the City Recorder; and

WHEREAS, the land to be annexed is within the Metropolitan Urban Growth Boundary and a copy of the legal description and sketch is attached as Attachment 1, and both are incorporated by reference as if fully set forth herein; and

WHEREAS, the land to be annexed is contiguous to the City; and

WHEREAS, ORS 227.125 authorizes the annexation of the proposed territory based on consent of Washington County, who is the sole landowner 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, annexing public right-of-way will allow for improvements consistent with the City's Transportation Systems Plan and Public Works Standards; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on December 11, 2017 recommended City Council approve the annexation; and

WHEREAS, on January 4, 2018, 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;

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 4<sup>th</sup> day of January 2018, and scheduled the second reading on January 18, 2018 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

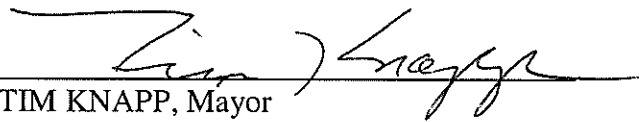
  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 18<sup>th</sup> day of January 2018 by the following votes:

Yes: 5 No: 0

  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 18<sup>th</sup> day of January, 2018.

  
TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
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, December 11, 2017
- Attachment 4 – Development Review Board Panel A Resolution No. 345 Recommending Approval of Annexation

ORDINANCE NO. \_\_\_\_\_  
ATTACHMENT 1  
"EXHIBIT A"

October 27, 2017

**Annexation- Area**

A Tract of land, as shown on attached "Annexation Exhibit B", lying in the Northeast One-Quarter and the Southeast One-Quarter of Section 3, the Southwest One-Quarter and the Northwest One-Quarter of Section 2, Township 3 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

BEGINNING at the northwest corner of Parcel 2 of Partition Plat No. 1995-101, Washington County Survey Records;

Thence South 01°20'02" West, along the west line of said Parcel 2 and the southerly extension thereof, 330.67 feet to the intersection with the easterly extension of the north line of Parcel 3 of said Partition Plat No. 1995-101;

Thence North 88°52'23" West, along said easterly extension and the north line of said Parcel 3, 5.00 feet to the northwest corner thereof;

Thence South 01°20'02" West, along the west line of said Parcel 3, also being the east right-of-way line of Washington County Road No. 557, and the southerly extension thereof, 330.56 feet to the intersection with the south line of the Southwest One-Quarter of said Section 2;

Thence North 88°52'23" West, along the said south line, 20.00 feet to the Section Corner common to Sections 3 and 2 in Township 3 South, Range 1 West, of the Willamette Meridian, Washington County, and Sections 10 and 11 in Township 3 South, Range 1 West, of the Willamette Meridian, Clackamas County, Oregon, per U.S.B.T. Entry 2002-056, Washington County Survey Records;

Thence North 88°35'29" West, along the south line of said Section 3, 20.00 feet to the intersection with the west right-of-way line of said Washington County Road No. 557;

Thence North 01°20'02" East, along said west right-of-way line of Washington County Road No. 557, 362.03 feet to the intersection with the south right-of-way line of SW Clutter Road, Washington County Road No. 557;

Thence North 72°53'59" West, along said south right-of-way line, 524.14 feet to the northwest corner of that property described as conveyed to Chris Brickford and Sonya Brickford, husband and wife, in Warranty Deed, recorded March 26, 1986 as Document No. 86-12591, Washington County Deed Records;

Thence South 17°30'01" West, along the west line of said Document No. 86-12591, 10.00 feet to the intersection with the south right-of-way line of SW Clutter Road per Dedication Deed, recorded February 10, 1982 as Document No. 82-03418, Washington County Deed Records;

Thence North 72°53'59" West, along said south right-of-way line per said Document No. 82-03418 and Warranty Deed of Dedication, recorded December 11, 1978 as Document No. 78-54076, Washington County Deed Records, 859.98 feet to the intersection with the east right-of-way line of SW Grahams Ferry Road;

Thence North 28°06'57" East, along the northerly extension of the east right-of-way line of SW Grahams Ferry Road, 50.94 feet to the intersection with the north right-of-way line of said SW Clutter Road, Washington County Road No. 557;

Thence South 72°53'59" East, along said north right-of-way line, 1363.17 feet to the intersection with the west right-of-way line of SW Garden Acres Road, Washington County Road No. 1309;

Thence North 01°20'02" East, along said west right-of-way line, 2220.85 feet to the intersection with the south right-of-way line of Washington County Road No. 470;

Thence North 88°18'06" West, along said south right-of-way line, 412.58 feet to the intersection with the southerly extension of the east right-of-way line of SW Grahams Ferry Road per the Plat of "Cahalin Acres", Plat Book 15, Page 35, Washington County Survey Records;

Thence North 43°18'13" East, along the southerly extension of the said east right-of-way line, 60.18 feet to the southwest corner of Lot 16, said Plat of "Cahalin Acres";

Thence South 88°18'06" East, along the south line of said Lot 16, 362.33 feet to the southeast corner thereof;

Thence North 01°19'35" East, along the east line of said Lot 16, 390.92 feet to the northeast corner thereof;

Thence North 80°39'39" East, 50.88 feet to the intersection of the east line of SW Garden Acres Road, Washington County Road No. 470, with the south right-of-way line of SW Day Road per Dedication Deed, recorded March 27, 2001 as Document No. 2001-024970, Washington County Deed Records;

Thence South 01°19'35" West, along the said east right-of-way line of SW Garden Acres Road, Washington County Road 470, 425.53 feet to the intersection with the east right-of-way line of SW Garden Acres Road, Washington County Road 1309;

Thence South 01°20'02" West, along said east right-of-way line of said SW Garden Acres Road, Washington County Road No. 1309, 1652.67 feet to the intersection with the south line of Lot 11, Plat of "Garden Acres", Plat Book 4, Page 37, Washington County Survey Records;

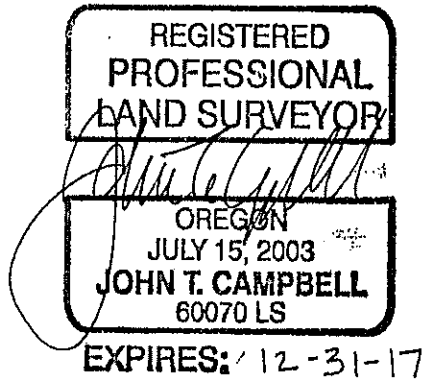
Thence South 88°52'41" East, along said south line, 16.50 feet to the intersection with the east right-of-way line of SW Garden Acres Road per Dedication Deed, recorded November 14, 2016 as Document No. 2016-93873, Washington County Deed Records;

Thence South 01°20'02" West, along said east right-of-way line, 330.37 feet to the intersection with the north line of Parcel 2 of said Partition Plat No. 1995-101;

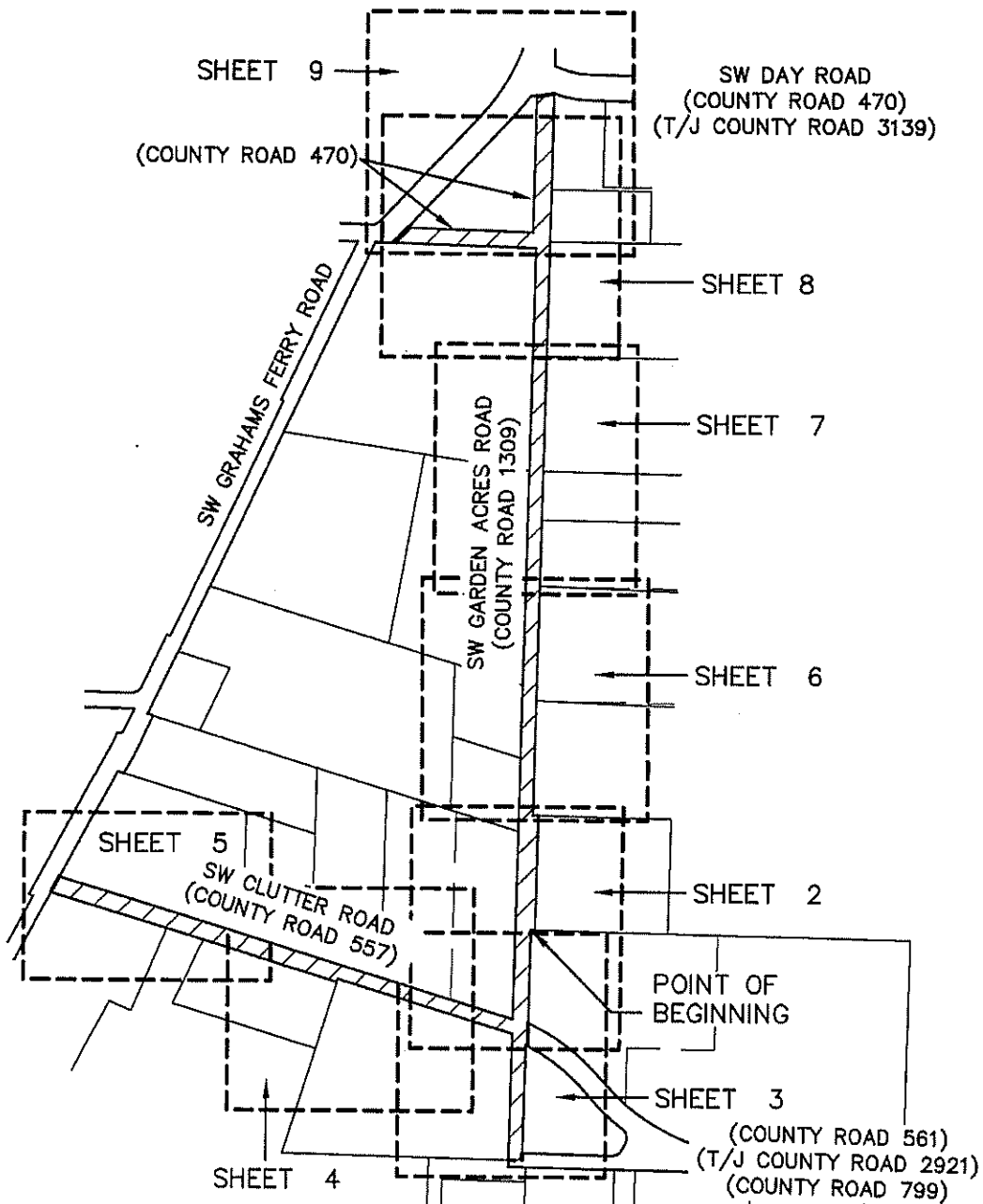
Thence North 88°52'36" West, along said north line, 11.50 feet to the POINT OF BEGINNING.

Containing 4.932 Acres more or less.

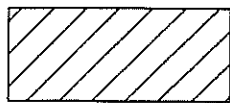
This legal description, along with the Basis of Bearings thereof, is based upon The Oregon State Plane Coordinate System, North Zone.



ANNEXATION EXHIBIT B  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



**LEGEND**



ANNEXATION AREA  
 ± 4.932 ACRES

SEE ATTACHED  
 LEGAL DESCRIPTION



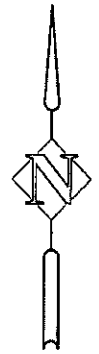
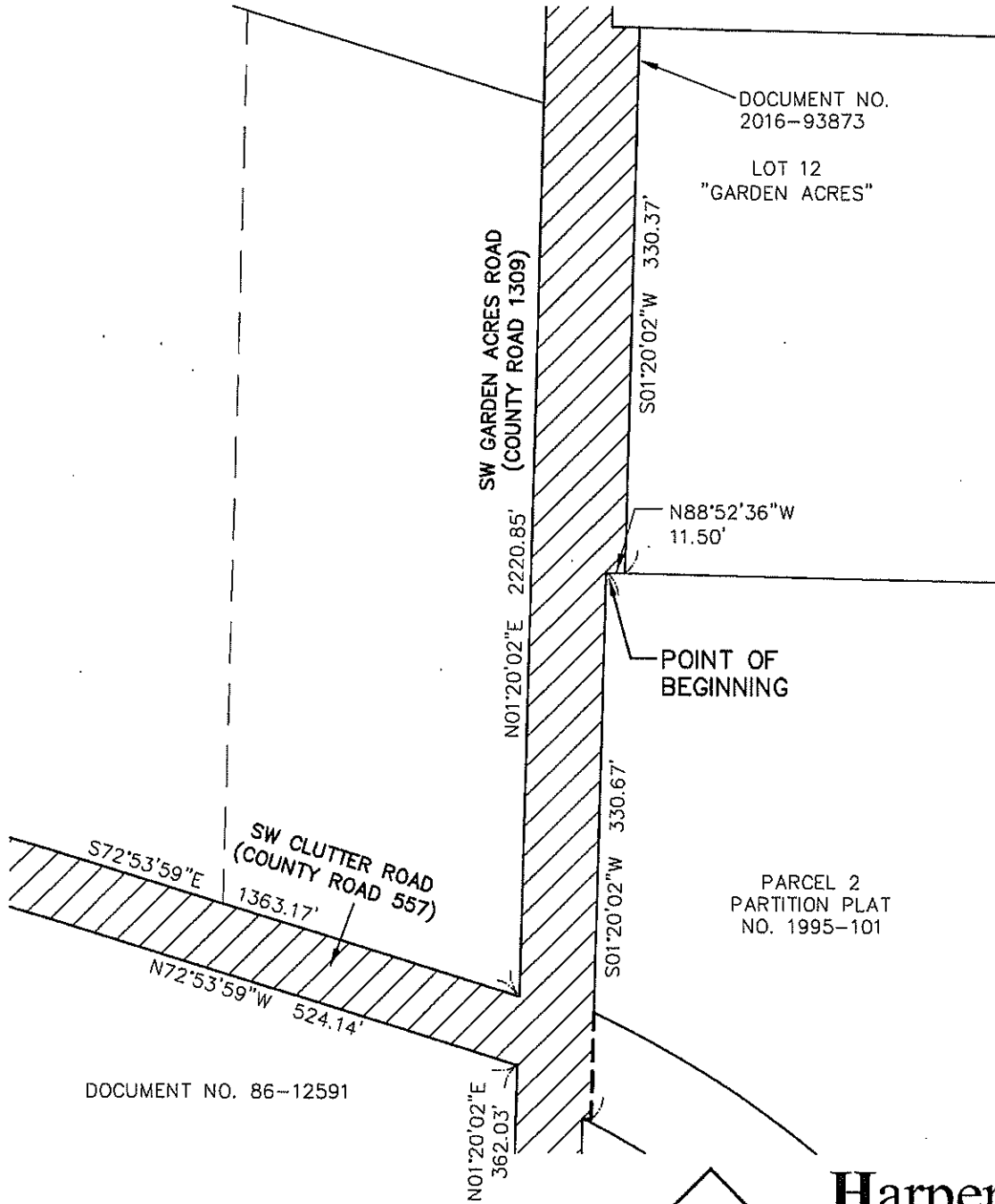
**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

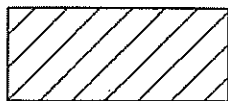
WSV-12 KMB 10/27/2017 PAGE 1 OF 9

**ANNEXATION EXHIBIT B**  
 ORDINANCE NO. \_\_\_\_\_ – ATTACHMENT 1



SCALE  
1" = 100'

**LEGEND**



ANNEXATION AREA  
± 4.932 ACRES

SEE ATTACHED  
LEGAL DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

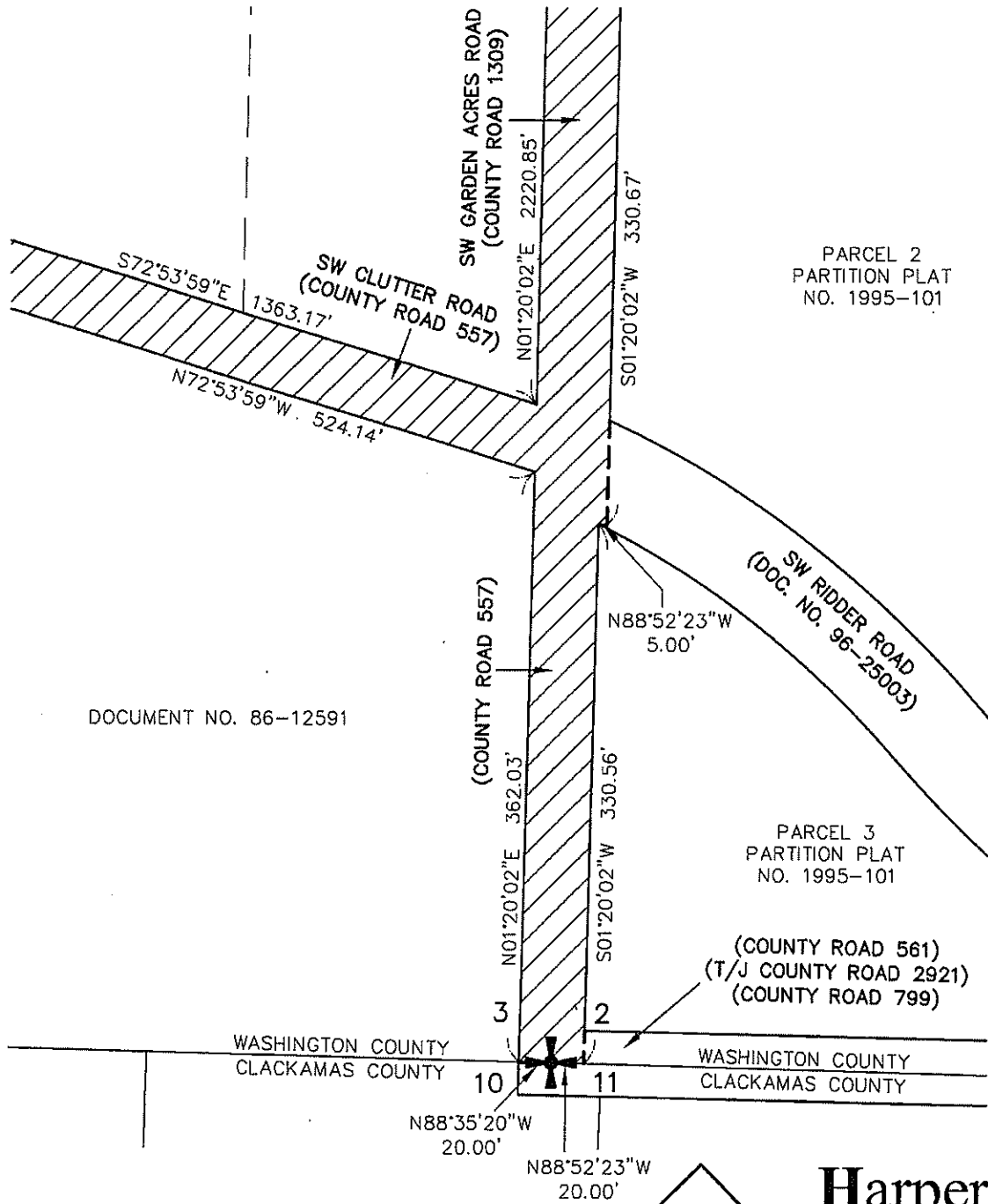
ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171


WSV-12 KMB 10/27/2017 PAGE 2 OF 9



**ANNEXATION EXHIBIT B**  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



**LEGEND**

 ANNEXATION AREA  
 ± 4.932 ACRES

SEE ATTACHED  
 LEGAL DESCRIPTION

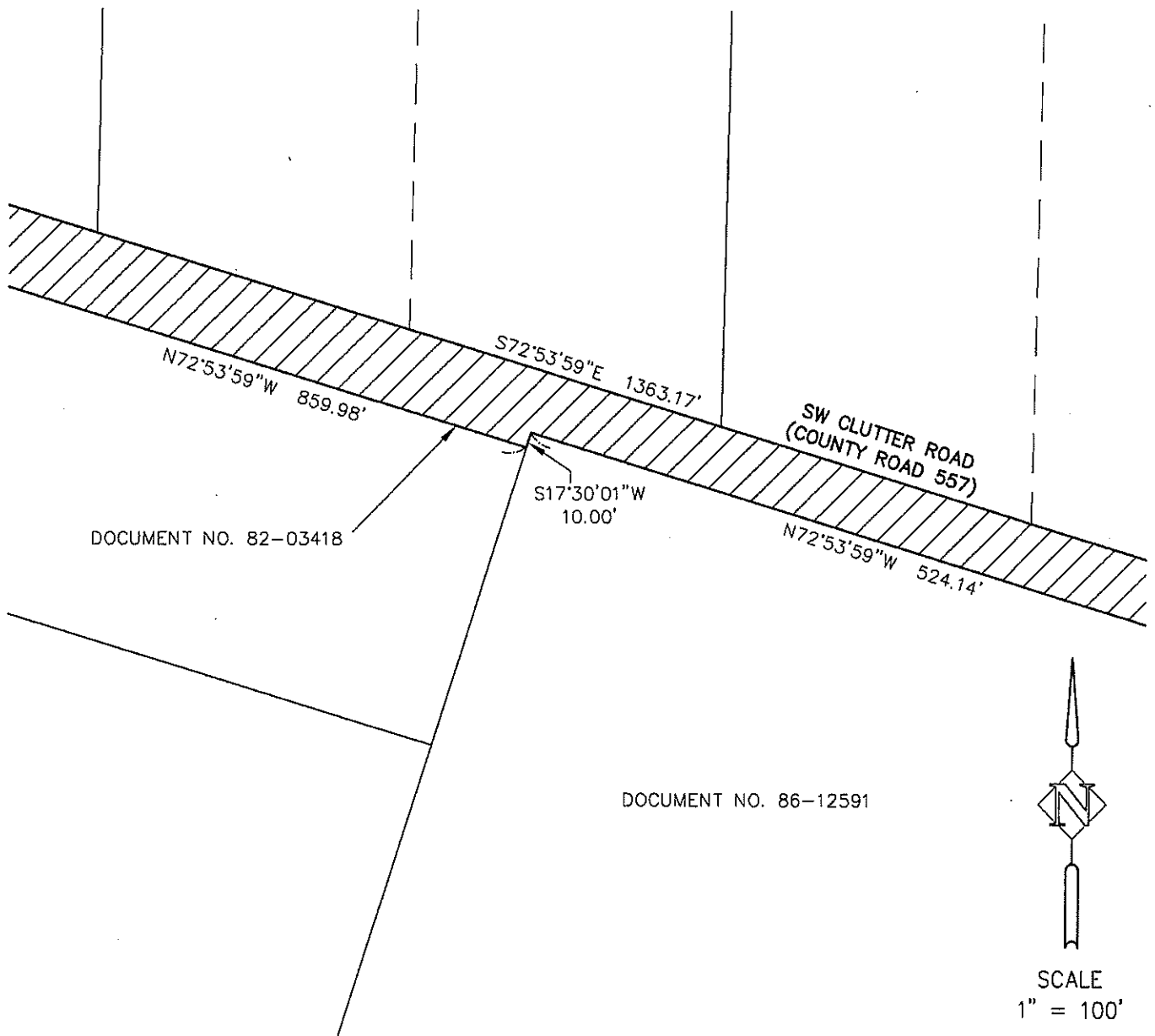
**HHPR**

**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
 WSV-12 KMB 10/27/2017 PAGE 3 OF 9

ANNEXATION EXHIBIT B  
ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



**LEGEND**



ANNEXATION AREA  
± 4.932 ACRES

SEE ATTACHED  
LEGAL DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

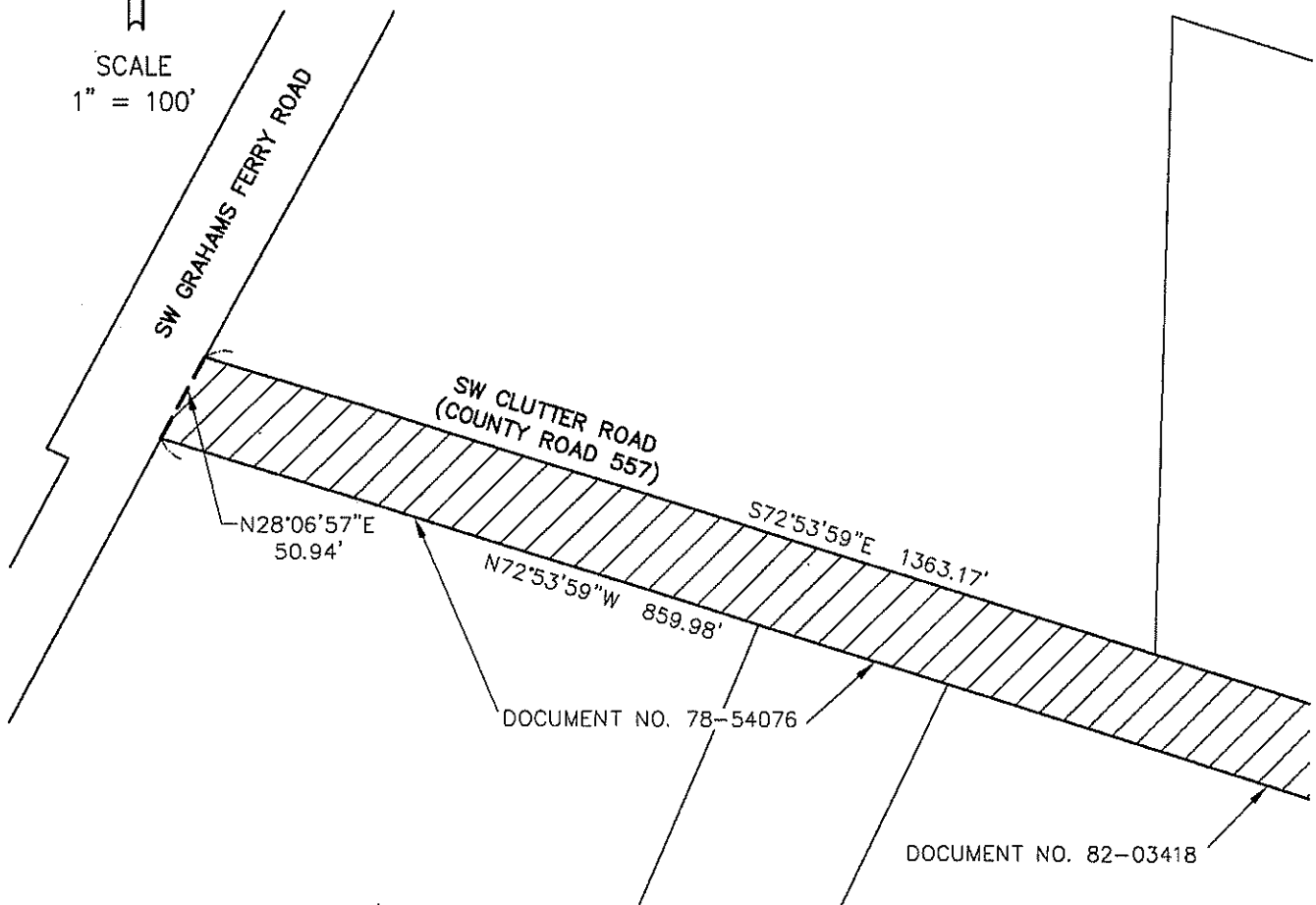
205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

WSV-12 KMB 10/27/2017 PAGE 4 OF 9

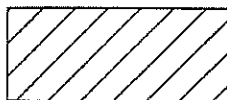
ANNEXATION EXHIBIT B  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



SCALE  
 1" = 100'



**LEGEND**



ANNEXATION AREA  
 ± 4.932 ACRES

SEE ATTACHED  
 LEGAL DESCRIPTION

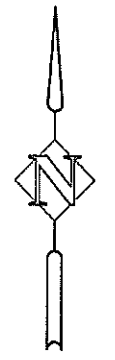
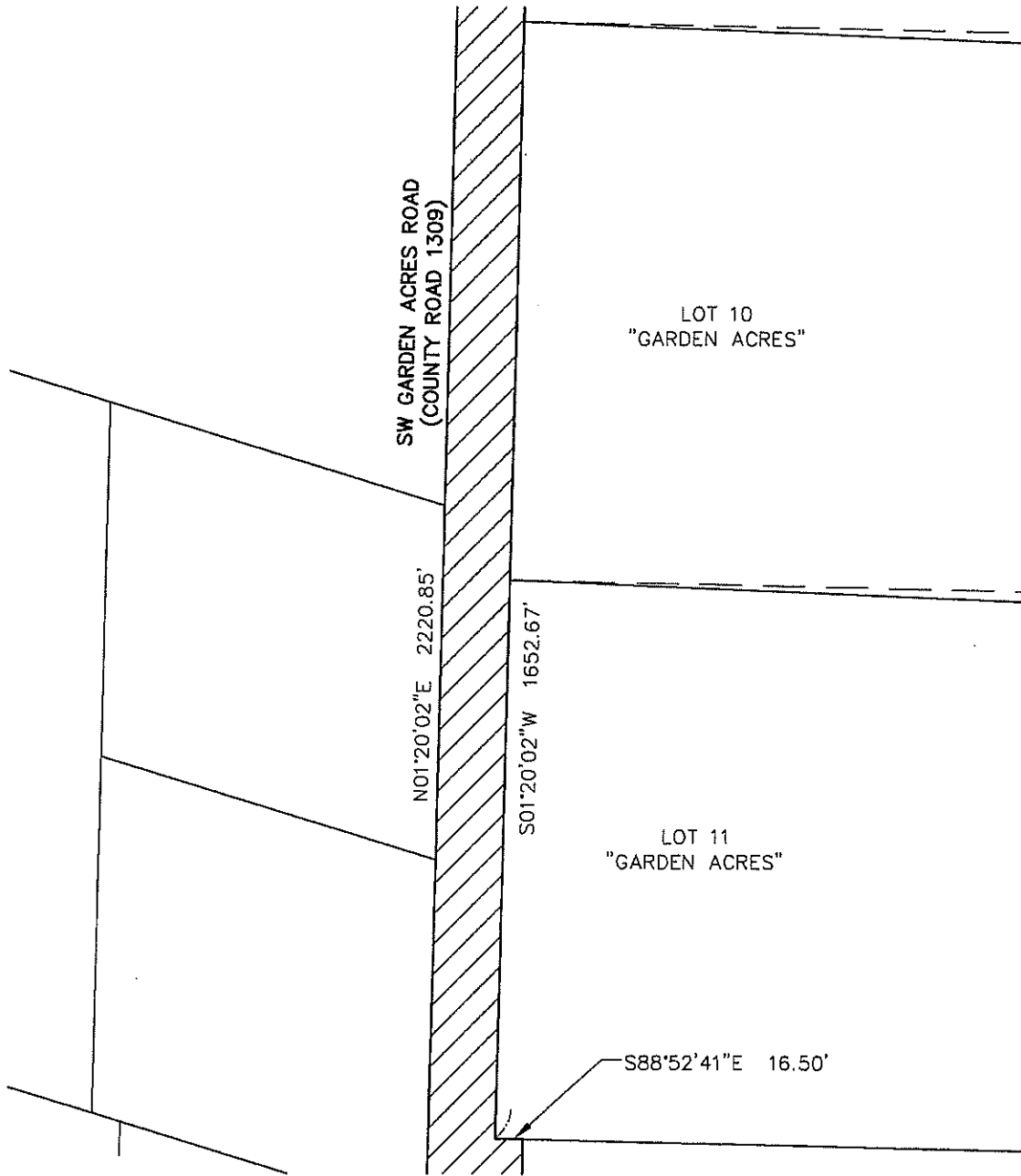
**HHPR** Harper  
 Houf Peterson  
 Righellis Inc.

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

WSV-12 KMB 10/27/2017 PAGE 5 OF 9

ANNEXATION EXHIBIT B  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



SCALE  
 1" = 500'

**LEGEND**

 ANNEXATION AREA  
 ± 4.932 ACRES

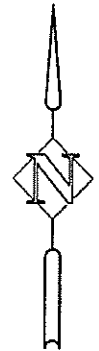
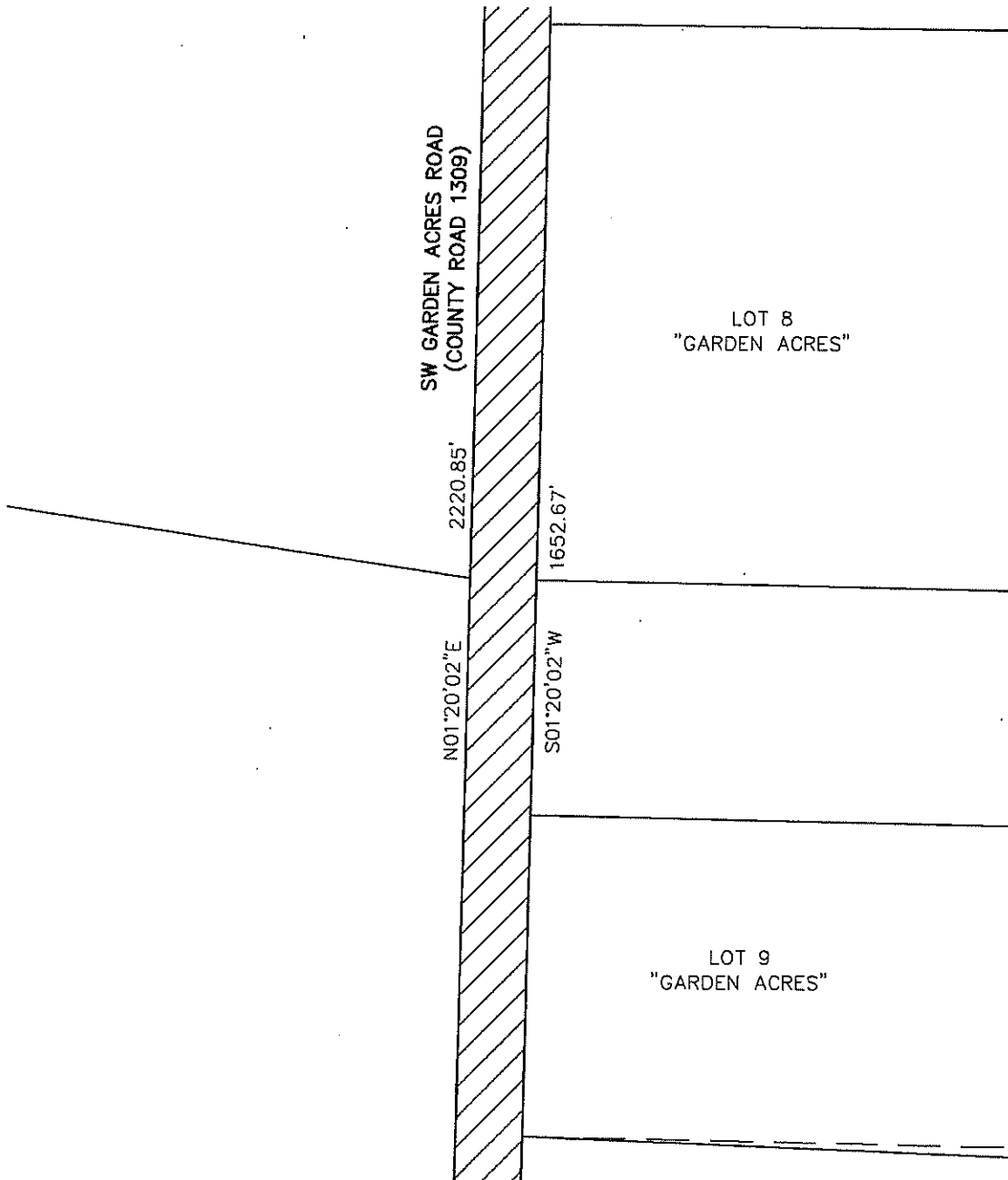
SEE ATTACHED  
 LEGAL DESCRIPTION



**Harper  
 Houf Peterson  
 Righellis Inc.**

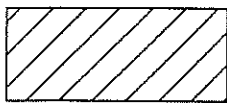
ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS  
 205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
 WSV-12 KMB 10/27/2017 PAGE 6 OF 9

ANNEXATION EXHIBIT B  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



SCALE  
 1" = 100'

**LEGEND**



ANNEXATION AREA  
 ± 4.932 ACRES

SEE ATTACHED  
 LEGAL DESCRIPTION



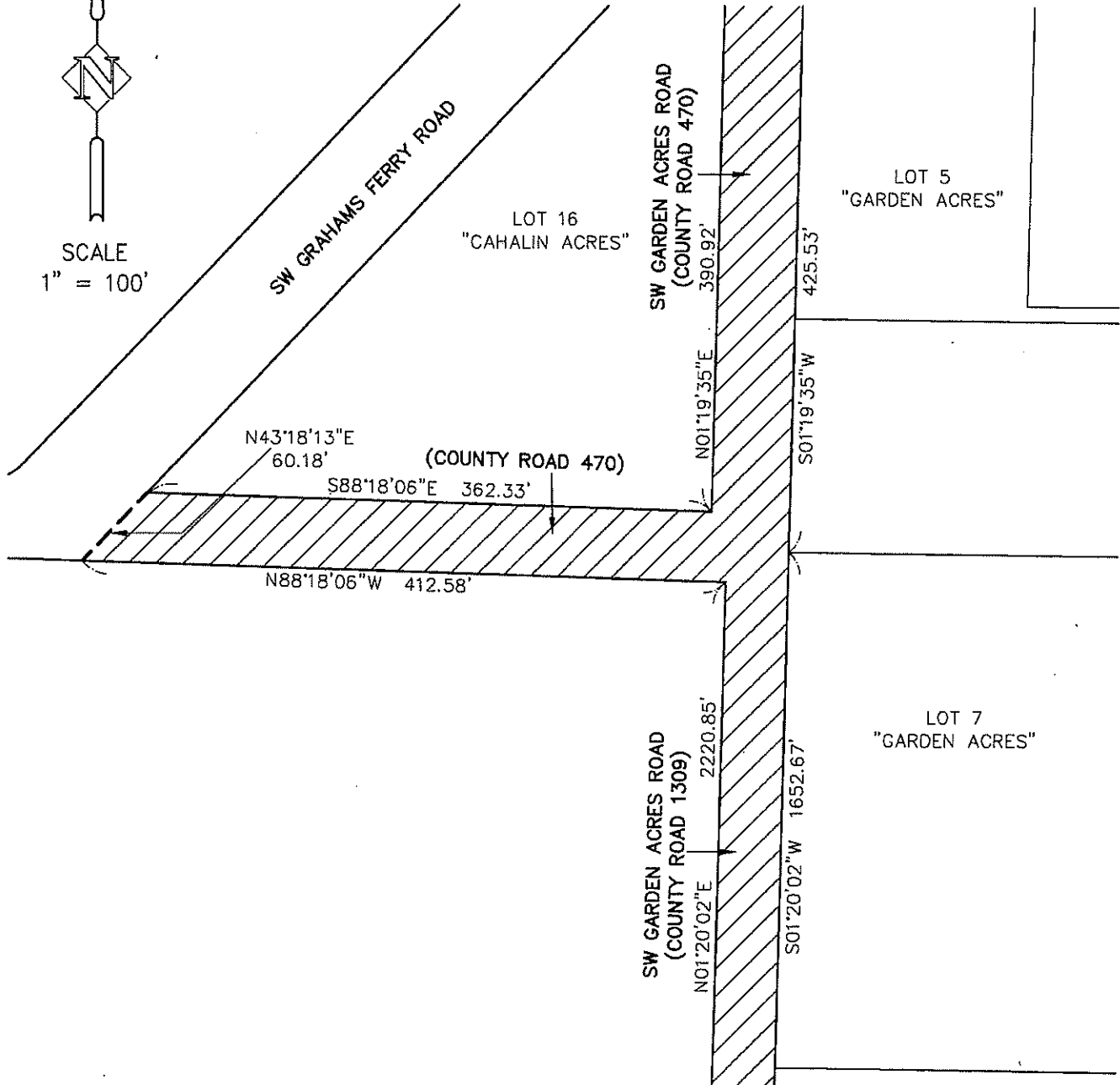
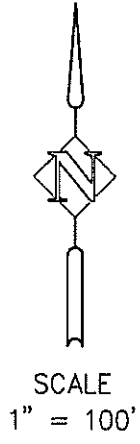
**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

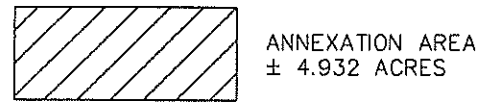
205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

WSV-12 KMB 10/27/2017 PAGE 7 OF 9

ANNEXATION EXHIBIT B  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



**LEGEND**

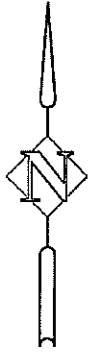


SEE ATTACHED  
 LEGAL DESCRIPTION

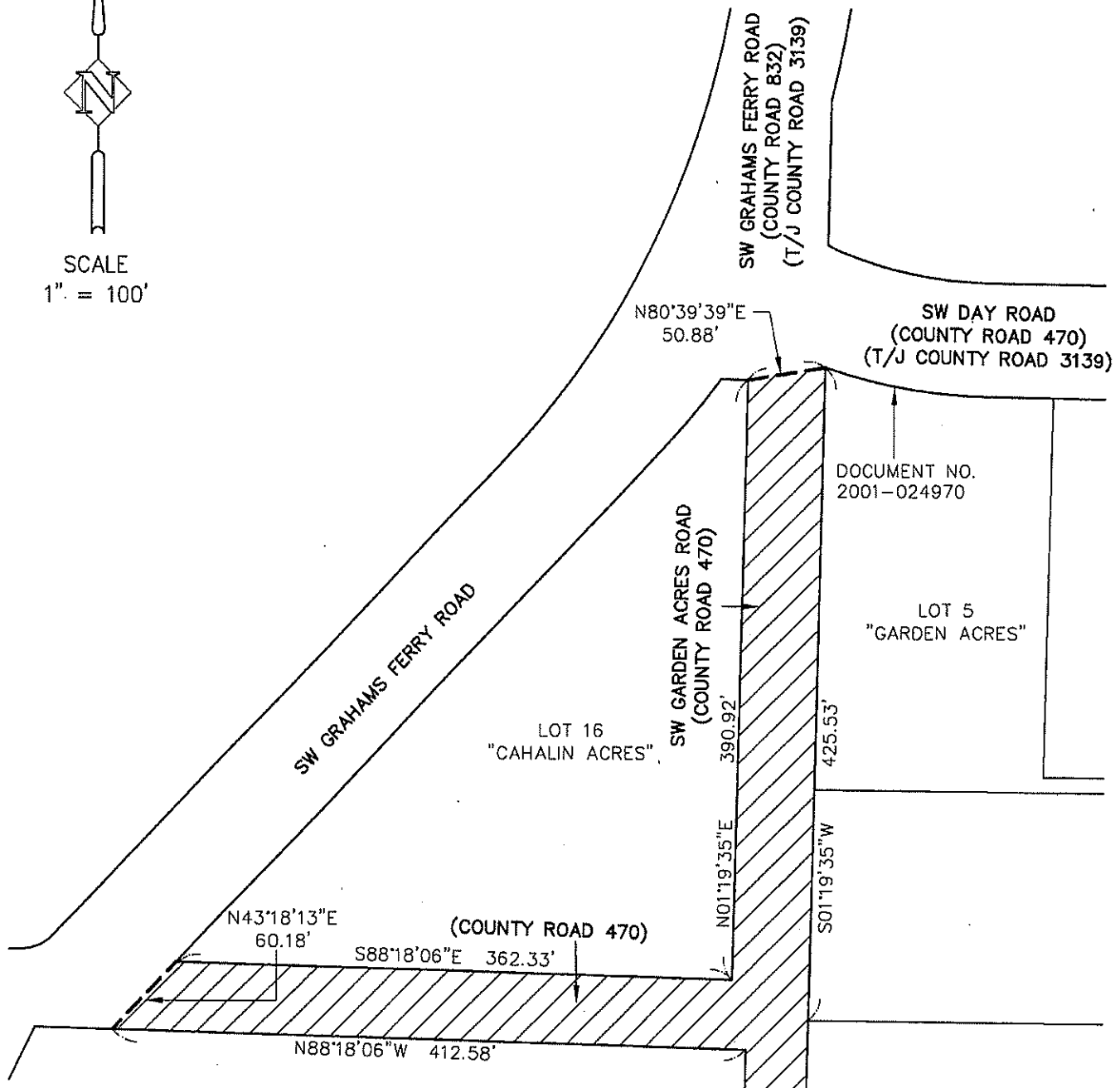
**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS  
 205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
 WSV-12 KMB 10/27/2017 PAGE 8 OF 9

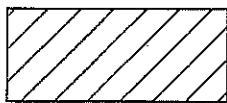
ANNEXATION EXHIBIT B  
 ORDINANCE NO. \_\_\_\_\_ - ATTACHMENT 1



SCALE  
 1" = 100'



**LEGEND**



ANNEXATION AREA  
 ± 4.932 ACRES

SEE ATTACHED  
 LEGAL DESCRIPTION



**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

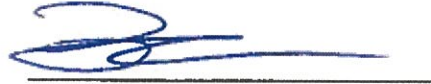
205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

WSV-12 KMB 10/27/2017 PAGE 9 OF 9

**Petition For Annexation to the City of Wilsonville**

The City of Wilsonville, a municipal corporation with legal authority to own and maintain public rights of way, does hereby petition to annex into the boundaries of the City of Wilsonville the existing rights of way described on the attached Exhibit A, as graphically represented on the attached Exhibits B.

Signed of behalf of the City of Wilsonville, Petitioner,



Bryan Cosgrove, City Manager

Date: November 9, 2017





Exhibit A1  
Planning Division Staff Report  
Annexation of Garden Acres Road, Cahalin Road, and Clutter Street Right-of-Way

Development Review Board Panel 'A'  
Quasi-Judicial Public Hearing  
Adopted December 11, 2017

---

<b>Hearing Date:</b>	December 11, 2017
<b>Date of Report:</b>	December 4, 2017

---

<b>Application No.:</b>	DB17-0027 Annexation
-------------------------	----------------------

**Request/Summary:** The Development Review Board is being asked to review a Quasi-judicial Annexation request.

**Location:** Garden Acres Road, Cahalin Road, and Clutter Street right-of-way, located north of Ridder Road, east of Grahams Ferry Road, and south of Day Road. The property is specifically known as the right-of-way of SW Garden Acres Road extending from SW Day Road to the Clackamas County line; the right-of-way of SW Clutter Street extending from SW Grahams Ferry Road to SW Garden Acres Road, and the right-of-way of unimproved SW Cahalin Road from SW Grahams Ferry Road to SW Garden Acres Road, Sections 2 and 3, T3S, R1W, Willamette Meridian, Washington County, Oregon.

**Owner:** Washington County, Oregon

**Applicant:** Eric Mende  
City of Wilsonville

**Comprehensive Plan Designation:** Not applicable

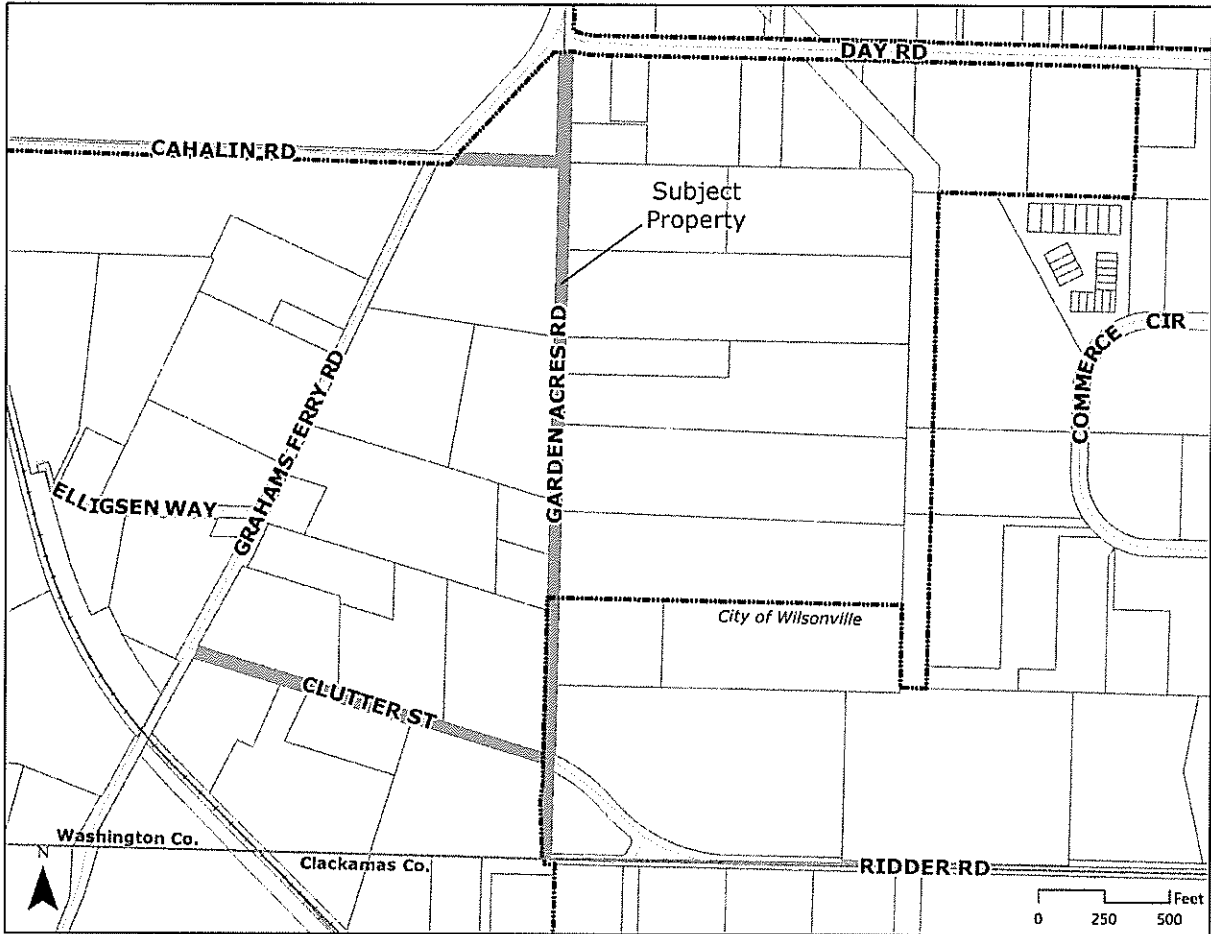
**Zone Map Classification:** Not applicable

**Staff Reviewers:** Kimberly Rybold, AICP, Associate Planner

**Staff Recommendation:** Recommend approval of Annexation to City Council.



## Vicinity Map



## Background:

The right-of-way proposed for annexation is located within the Coffee Creek Industrial Area. This area, northwest of the City of Wilsonville, was added to the Urban Growth Boundary (UGB) in 2004 for industrial development. In 2007, the City adopted the Coffee Creek Master Plan, establishing a land use and transportation plan to guide future development in the area. Subsequently, an urban renewal district was established in 2016 to help spur economic development and infrastructure improvements in the Coffee Creek area.

Southern portions of Garden Acres Road were previously annexed into the City with adjacent parcels to the east. This land has been included with the exhibits attached to the annexation petition to ensure that all necessary portions of right-of-way are included within City boundaries.

## **Summary:**

The proposed annexation of approximately 4.9 acres of right-of-way (inclusive of portions of Garden Acres Road that were previously annexed) is the first step in beginning urban-level roadway improvements within Coffee Creek. Annexation into the City and transfer of roadway authority from Washington County will allow for the City to pursue any additional right-of-way acquisitions that may be needed to complete these improvements. Since the subject property will remain 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 submittal for 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 recommend approval the proposed application (DB17-0027) to the City Council.

## **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 DB17-0027.

### 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.** Annexation Petition 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 November 9, 2017. On November 20, 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 March 20, 2018.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PF-C, FD-20	Prison, rural residential
East:	FD-20	Rural residential, industrial
South:	FD-20, PDI	Industrial
West:	FD-20, PDI	Rural residential, industrial

3. Previous Planning Approvals:  
84PC04 Annexation and Zone Change  
Metro Ordinance No. 02-969B UGB Expansion  
LP07-0001 Coffee Creek Master Plan  
DB16-0004 Republic Services SORT Bioenergy Annexation
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 by the applicant, Eric Mende, on behalf of the City of Wilsonville. The application is signed by an authorized representative of the current road authority, Washington County, which is equivalent to the property owner for the purposes of this code.

#### 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.

#### 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: DB17-0027 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. **Criteria:** "Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth."  
**Response:** The subject property is within the City's Coffee Creek Master Plan area inside the Metro UGB. This area is planned for industrial development and the proposed annexation would help facilitate future public improvements within the area.

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 Coffee Creek area has been planned for industrial development for several years. The annexation request is related to enhancing the necessary transportation access to the area.
  - Pursuant to consideration 2 (availability of sufficient land for marketplace choice), the annexation of existing right-of-way will allow for urban-level roadway improvements, enhancing access to an area that has specifically been designated by Metro to accommodate the City and Region's future employment uses.
  - 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 right-of-way is consistent with this implementation measure because it represents the minimum amount of land area needed to begin urban-level roadway 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:** A public hearing will be held within 45 days of completeness. Notice has been mailed and posted on the property 20 days prior to the hearing and includes the required information. The decision will be mailed to Metro and other required parties. A petition has been submitted including property owner information, jurisdictional information, and a legal description of the property.

#### **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, and the request has been initiated by the City to which the land is being annexed with the property owner's consent. An election is not required pursuant to ORS 222.120.

##### 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. No electors reside on the property. The single property owner has consented to annexation by signing the



application thus the ordinance can declare the property annexed with no votes by electors 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 Washington County, Oregon as public right-of-way. As the owner, the County has 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, the Coffee Creek Master Plan, and the Transportation System Plan, all of which have been found to meet the statewide planning goals.

DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 345

A RESOLUTION OF THE CITY OF WILSONVILLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ANNEXATION OF SW GARDEN ACRES ROAD, SW CAHALIN ROAD AND SW CLUTTER STREET RIGHT-OF-WAY. THE PROPERTY IS SPECIFICALLY KNOWN AS THE RIGHT-OF-WAY OF SW GARDEN ACRES ROAD EXTENDING FROM SW DAY ROAD TO THE CLACKAMAS COUNTY LINE; THE RIGHT-OF-WAY OF SW CLUTTER STREET EXTENDING FROM SW GRAHAMS FERRY ROAD TO SW GARDEN ACRES ROAD, AND THE RIGHT-OF-WAY OF UNIMPROVED SW CAHALIN ROAD FROM SW GRAHAMS FERRY ROAD TO SW GARDEN ACRES ROAD, SECTIONS 2 AND 3, T3S, R1W, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. WASHINGTON COUNTY, OREGON – OWNER. CITY OF WILSONVILLE – 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 December 4, 2017, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on December 11, 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 December 4, 2017, attached hereto as Exhibit A1, with findings contained therein, and recommends to the City Council approval of the Annexation request in case-file DB17-0027.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 11<sup>th</sup> day of December, 2017 and filed with the Planning Administrative Assistant on December 12, 2017



Ron Heberlein, Chair - Panel A  
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant