

**ORDINANCE NO. 863**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 8.72 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN SW GARDEN ACRES ROAD AND SW GRAHAMS FERRY ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 100 AND A PORTION OF SW GRAHAMS FERRY ROAD RIGHT-OF-WAY, SECTION 3D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. GARY S. RYCHLICK AS TRUSTEE OF THE EILEEN RYCHLICK TRUST, GARY S. AND SUSAN M. RYCHLICK, AS INDIVIDUALS, PETITIONERS.**

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

WHEREAS, Gary S. Rychlick as Trustee of the Eileen Rychlick Trust, and Gary S. and Susan M. Rychlick, as individuals, together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, Gary S. Rychlick, representing a majority of the electors within the annexation area signed the petition; 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, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Coffee Creek Industrial Area; and

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

WHEREAS, pursuant to Section 4.700 of the Development Code the City Council shall review quasi-judicial annexation requests in the Coffee Creek Industrial Design Overlay District without prior review or recommendation by the Development Review Board where concurrent with a quasi-judicial zone map amendment request as specified in Section 4.197 (.02) A; and

WHEREAS, pursuant to Section 4.700 of the Development Code this annexation ordinance expires 120 days from its effective date unless a Stage II Final Plan for the subject area is approved by the City; and

WHEREAS, on May 2, 2022, 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 and conclusions.

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

1. FINDINGS.

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

2. DETERMINATION.

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

3. EFFECTIVE DATE OF ORDINANCE.

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

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 2<sup>nd</sup> day of May, 2022, and scheduled the second reading on the 16<sup>th</sup> day of May, 2022 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:  
*Kimberly Veliz*  
E781DE10276B498...

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 16<sup>th</sup> day of May, 2022 by the following votes:

Yes: 5 No: 0

DocuSigned by:  
*Kimberly Veliz*  
E781DE10276B498...  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 16<sup>th</sup> day of May, 2022.

DocuSigned by:  
*Julie Fitzgerald*  
8A974AF3ADE042E...  
\_\_\_\_\_  
JULIE FITZGERALD, Mayor

SUMMARY OF VOTES:

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

Exhibits:

- A. Legal Description and Sketch Depicting Land/Territory to be Annexed
- B. Petition for Annexation
- C. Annexation Findings



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December 3, 2021

Job No. 6155

LEGAL DESCRIPTION - ANNEXATION



*Michael Rennick*



RENEWS: DECEMBER 31, 2022

### EXHIBIT "A"

A tract of land for City Annexation purposes located in the SE 1/4 of Section 3, Township 3 South, Range 1 West, W.M., Washington County, Oregon, described as follows:

Being that tract of land described as Parcel I in Warranty Deed to the Eileen Rychlick Trust recorded 12/10/1998 as Document No. 98139844, a 50% interest of which was conveyed to Gary S. Rychlick and Susan M. Rychlick, in Warranty Deed recorded March 11, 2019 as Document No. 2019-013886, Washington County Deed Records, more particularly described as follows:

Beginning at the intersection of the Westerly right-of-way line of S.W. Garden Acres Road (20.00 feet from centerline) and the Southerly right-of-way line of S.W. Cahalin Road (20.00 feet from centerline), thence along said Southerly right-of-way line, North 88°18'06" West, 462.94 feet to a point on the Easterly right-of-way line of S.W. Grahams Ferry Road, 20.00 feet from centerline;

Thence leaving said Southerly right-of-way line along said Easterly right-of-way line, South 25°27'26" West, 604.87 feet to a point on the Northerly line of that tract of land described in Statutory Warranty Deed to JDF Properties, LLC, recorded July 1, 2019 as Document No. 2019-042152, said County Records;

Thence leaving said Easterly right-of-way line along said Northerly line and the Northerly line of that tract of land described in Statutory Warranty Deed to C & L Lang, LLC, recorded December 26, 2018 as Document No. 2018-086143, said County Records, South 81°17'56" East, 715.97 feet to the Westerly right-of-way line of said S.W. Garden Acres Road, 20.00 feet from centerline;

Thence along said Westerly right-of-way line, North 01°20'28" East, 640.91 feet to the Point of Beginning. Containing therein 8.166 acres, more or less.

TOGETHER WITH that portion of the full width right-of-way of SW Graham's Ferry Road abutting the Westerly line of the above described tract of land.

The Basis of Bearing for this description is per Survey No. 34147, Washington County Survey Records.

# EXHIBIT "B"

A TRACT OF LAND LOCATED IN  
THE SE 1/4 OF SECTION 3  
T.3S., R.1W., W.M.  
WASHINGTON COUNTY, OREGON

TOTAL ANNEXATION AREA IS 8.166 AC  
(PROPERTY) PLUS 0.553 AC (ROAD)  
= 8.719 ACRES

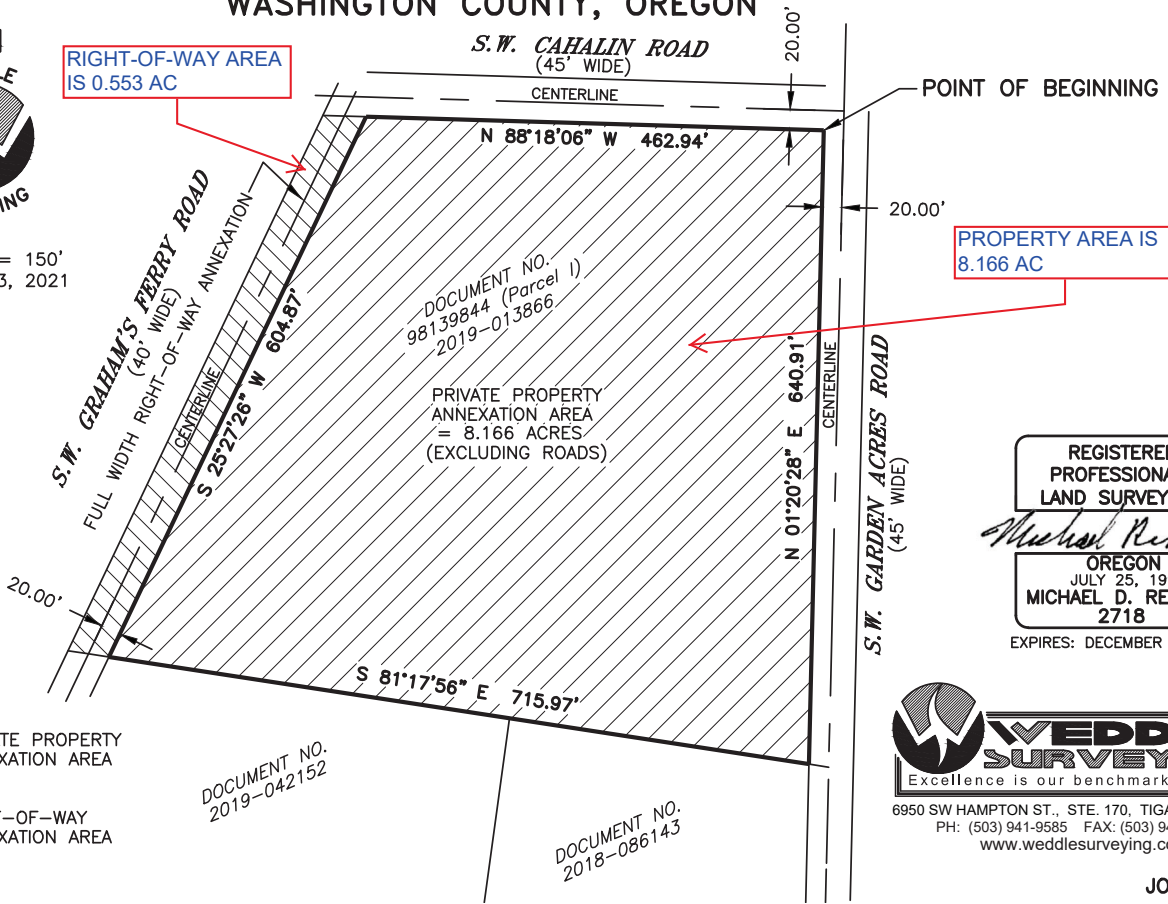


SCALE: 1" = 150'  
DECEMBER 3, 2021



RIGHT-OF-WAY AREA  
IS 0.553 AC

POINT OF BEGINNING

PROPERTY AREA IS  
8.166 AC



### LEGEND

-  PRIVATE PROPERTY ANNEXATION AREA
-  RIGHT-OF-WAY ANNEXATION AREA

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael D. Rennick*

OREGON  
JULY 25, 1995  
MICHAEL D. RENNICK  
2718

EXPIRES: DECEMBER 31, 2022



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JOB NO. 6151

**CERTIFICATION OF PROPERTY OWNERSHIP**  
**FOR PETITION TO ANNEX TERRITORY INTO CITY OF WILSONVILLE**

25190, 25020 SW Grahams Ferry Rd, Washington County, OR 97140

Address (See attached Legal Description)

3S103D 000100

Tax Map/Lot Numbers

I certify that Washington County Assessment records indicate that the territory proposed for annexation to the City of Wilsonville, as described in the attached legal description and map, is owned\* by the following entities:

Lillian E. Rychlick as Trustee of the Eileen Rychlick Trust dated September 21, 1998 as to an undivided 50% interest and Gary S. Rychlick and Susan M. Rychlick as to an undivided 50% interest

\*Owner means the owner of the title to real property or the contract purchaser of the real property.

TED FOSTER

Printed Name

GIS TECH

Title



Signature

12/10/21

Date

CARTOGRAPHY

Department

Washington County, Oregon

County

**ANNEXATION CERTIFIED**

BY TF

**DEC 10 2021**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**











Ordinance No. 863 Exhibit C  
Annexation Findings

Black Creek Group Industrial Project

City Council  
Quasi-Judicial Public Hearing

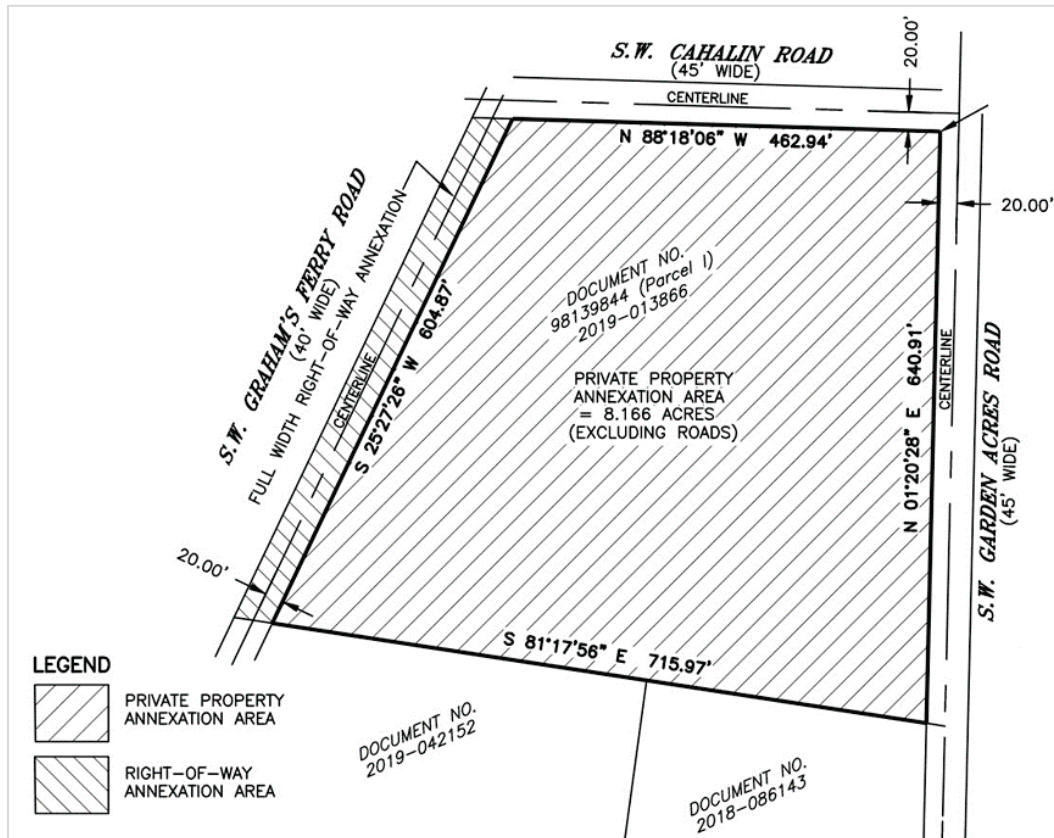
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<b>Hearing Date:</b>	May 2, 2022
<b>Date of Report:</b>	April 25, 2022
<b>Application Nos.:</b>	DB21-0083 Annexation
<b>Request/Summary:</b>	City Council Approval of a quasi-judicial annexation of approximately 8.72 acres.
<b>Location:</b>	25020 and 25190 SW Grahams Ferry Road. The property is specifically known as Tax Lot 100 and a portion of SW Grahams Ferry Road right-of-way, Section 3D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon
<b>Owners/Petitioners:</b>	Gary S. Rychlick as Trustee of the Eileen Rychlick Trust, and Gary S. and Susan M. Rychlick as individuals
<b>Applicant:</b>	BTC III Grahams Ferry IC LLC (Contact: Chris Sanford)
<b>Applicant's Representative:</b>	Mackenzie (Contact: Lee Leighton, AICP)
<b>Comprehensive Plan Designation:</b>	Industrial
<b>Zone Map Classification (Current):</b>	FD-20 (Future Development – 20 Acre)
<b>Zone Map Classification (Proposed):</b>	PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area)
<b>Staff Reviewer:</b>	Cindy Luxhoj AICP, Associate Planner
<b>Staff Recommendation:</b>	<u>Approve</u> the requested annexation.

**Applicable Review Criteria:**

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

## Vicinity Map



## Background / Summary:

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the 216 +/- gross acre area now known as the Coffee Creek Industrial Area to the Urban Growth Boundary in 2002 to accommodate future industrial growth. To guide development of the area, the City of Wilsonville adopted the Coffee Creek Industrial Master Plan in 2007. In 2018, the City adopted the Coffee Creek Industrial Area Form-based Code and accompanying Pattern Book for future development in Coffee Creek. Annexation of the 8.17-acre subject property and approximately 0.55 acre of adjacent SW Grahams Ferry Road right-of-way will enable development consistent with the Coffee Creek Master Plan.

All property owners and a majority of electors in the annexation area have consented in writing to the annexation.

## Conclusion and Conditions of Approval:

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

Request: DB21-0083 Annexation

**PDA 1.** The annexation ordinance will expire in 120 days without approval of a Stage II Final Plan for the subject property.

## Findings of Fact:

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

### General Information

Application Procedures-In General  
Section 4.008

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

Initiating Application  
Section 4.009

The owners of all property included in the application signed the application forms. BTC III Grahams Ferry IC LLC initiated the application with their approval.

### Request A: DB21-0083 Annexation

## Comprehensive Plan

Allowed Annexation  
Implementation Measure 2.2.1.a.

**A1.** The land proposed for annexation is located within the UGB and within the Coffee Creek Master Plan area. This area has been identified for industrial development and the applicant proposes to construct public services including roadway improvements, necessary infrastructure, and utility services to the site in accordance with City of Wilsonville standards.

Annexation Review Standards  
Implementation Measure 2.2.1.e.

**A2.** Metro and the City of Wilsonville have identified the Coffee Creek area for industrial and employment land uses. The City has undertaken years of planning work to adopt zoning and other regulations to guide and direct such annexation, development, and land use. The

applicant responds to applicable approval standards, guidelines, and criteria to demonstrate that the proposal is consistent with all the applicable Metro and State policies, plans, and regulations. The project will be developed with public facilities and services as identified in the City's Capital Improvement Plan, and which are adequate to serve the site. The project type and use matches the goals and objectives of the City within the Coffee Creek Industrial Area.

## **Development Code**

### **Authority to Review Annexation**

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

- A3.** The subject annexation request has been determined to be quasi-judicial and is being reviewed by the City Council consistent with these subsections.

### **Annexation**

Section 4.700

- A4.** The applicant has met all submittal requirements and procedures described in this Section including submission of a petition, legal descriptions describing the land to be annexed, an analysis of the relationship with the Comprehensive Plan, state statutes, Statewide Planning Goals, and Metro plans.

### **Annexations in the Coffee Creek Industrial Design Overlay District**

Subsection 4.700 (.02) A.

- A5.** The subject property is located within the Coffee Creek Industrial Design Overlay District and the applicant requests an annexation concurrently with a quasi-judicial Zone Map Amendment consistent with the requirements of Subsection 4.197 (.02) A. The annexation will be reviewed by City Council without prior review or recommendation by the Development Review Board. The ordinance adopting the annexation request states that the annexation expires 120 days after adoption unless a Stage II Final Plan receives final approval for the area subject to annexation. A Public Hearing is currently scheduled for May 23, 2022, for the Stage II Final Plan to be reviewed by the Development Review Board.

## **Metro Code**

### **Local Government Boundary Changes**

Chapter 3.09

- A6.** A public hearing was scheduled 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

A7. The owners of the property have initiated the annexation. An election is not required pursuant to ORS 222.120.

### Procedure Without Election by City Electors ORS 222.120

A8. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and request meets the applicable requirements in state statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

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

A9. All property owners and a majority of electors within the territory proposed to be annexed have provided their consent in writing. However, a public hearing process is being followed as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

## **Oregon Statewide Planning Goals**

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

A10. The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Coffee Creek Master Plan, both of which have been found to meet the Statewide Planning Goals.