

ORDINANCE NO. 568

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING CERTAIN TRACTS OF LAND AND ADJACENT BROWN ROAD AND 110TH AVENUE RIGHT-OF-WAYS TO THE CITY OF WILSONVILLE. THE SUBJECT TERRITORY IS IDENTIFIED AS TAX LOTS 100, 200, 300, 380, 490, 500, 501 AND 502 OF SECTION 15, T3S-R1W, AND TAX LOT 1490 OF SECTION 10, T3S-R1W, CLACKAMAS COUNTY, OREGON, MORE PARTICULARLY DESCRIBED IN ATTACHMENT 1, AND DECLARING AN EMERGENCY. MATRIX DEVELOPMENT CORPORATION, PETITIONER.

WHEREAS, the City received written consent from a majority of electors in the territory proposed to be annexed and the majority of land owners in the territory proposed to be annexed, as required by ORS 222.125; and

WHEREAS, the annexation was considered by Panel A of the Development Review Board and after a duly advertised public hearing held on June 14, 2004, the Development Review Board recommended to the City Council that the annexation be approved; and

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection as provided for in ORS 222.125; and

WHEREAS, on July 19, 2004, the City Council held a public hearing as required by ORS 222.120 (2) and Metro Code 3.09.050, at which interested parties were afforded an opportunity to appear and be heard; and

WHEREAS, the full record of the file in the Development Review Board proceedings, Case File No. 04DB08(A) has been entered into the record of these proceedings before the City Council; and

WHEREAS, reports were prepared as required by law, and the City Council having considered the reports and record of the public hearing, does hereby favor the annexation of the subject territory based on findings and conclusions attached hereto as Attachment 3 (Staff Report to City Council dated July 12, 2004) and Attachment 4 (Development Review Board adopted recommendation, resolution and staff report); and

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

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

Section 1. Findings. The above recitals and Attachments 3 and 4, incorporated by reference as though fully set forth, are hereby adopted as findings of fact and conclusions of law.

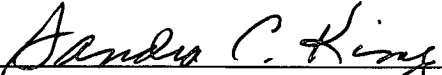
Section 2. Order. The territory described in Attachment 1 (Legal Description) and depicted on Attachment 2 (Map of area to be annexed), is hereby declared annexed to the City of Wilsonville.

Section 3. Administrative Direction. 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.

Section 4. Effective Date. The City Council hereby determines that the effective date of this annexation must precede August 4, 2004, a date which, under ORS 222.040, defines a period 90 days prior to the next general election, within which annexation effective dates are delayed. Because a development agreement executed between the City and the petitioner requires annexation filing prior to the statutory period, and because the costs of a delay in the city's assumption of jurisdiction to timely process pending planning and development applications are excessive, time is of the essence. As such, an emergency exists and it is in the public interest that this Ordinance shall take effect immediately upon final reading and passage by the Council.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 19th day of July, 2004, commencing at the hour of 7 P.M.


at the Wilsonville Community Center, and scheduled for second reading on July 20, 2004 at a special meeting of the Council commencing at the hour of 5:30 P.M. at the Wilsonville City Hall.


Sandra C. King, CMC, City Recorder

ENACTED by the City Council on the 20th day of July, 2004, by the following votes:

Yes: -3-

No: -0-


Sandra C. King, CMC, City Recorder

DATED and signed by the City Council President this 20th day of July 2004.



ALAN KIRK, CITY COUNCIL PRESIDENT

SUMMARY OF VOTES:

Mayor Lehan - Excused	
City Council President Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Excused
Councilor Knapp	Yes

Attachments:

Attachment 1: Legal Description
Attachment 2: Map of Area to be Annexed
Attachment 3: Staff Report to City Council dated July 12, 2004
Attachment 4: Development Review Board Adopted Recommendation, Resolution and Staff Report



ALPHA ENGINEERING, INC.

JULY 7, 2004

LEGAL DESCRIPTION
ANNEXATION CITY OF WILSONVILLE

JOB NO. 108-046

A TRACT OF LAND SITUATED IN THE EAST ONE-HALF OF SECTION 15 AND THE WEST ONE-HALF OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SAMUEL B. FRANKLIN D.L.C. NO. 50; THENCE ALONG THE EAST LINE OF SAID D.L.C. (BEING THE CENTERLINE OF S.W. 110TH AVENUE C.R. 355), NORTH 01°35'01" EAST, 2697.08 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF PARCEL 1, PARTITION PLAT NO. 2003-090, CLACKAMAS COUNTY SURVEY RECORDS; THENCE NORTH 88°34'09" WEST, 20.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S.W. 110TH AVENUE; THENCE ALONG SAID RIGHT-OF-WAY AND ITS NORTHERLY EXTENSION THEREOF, NORTH 01°35'01" EAST, 910.29 FEET TO THE NORTH LINE OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, THENCE ALONG SAID NORTH SECTION LINE, SOUTH 88°38'16" EAST, 1436.69 FEET TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE ALONG THE EAST LINE OF SAID SECTION 15, SOUTH 01°22'49" WEST, 1711.48 FEET TO A POINT ON THE WEST LINE OF THE LAND DESCRIBED AS PARCEL 1 IN DEED DOCUMENT 99-065544, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID WEST LINE, SOUTH 49°08'41" EAST 82.07 FEET TO A 5/8" IRON ROD; THENCE SOUTH 27°23'01" EAST, 116.96 FEET TO A 5/8" IRON ROD; THENCE SOUTH 13°19'48" EAST, 48.39 FEET TO A 5/8" IRON ROD; THENCE SOUTH 13°31'12" EAST, 149.09 FEET TO AN IRON BOLT; THENCE SOUTH 08°20'13" WEST, 188.56 FEET TO A 3/4" IRON PIPE AT THE SOUTHWEST CORNER OF SAID PARCEL 1 OF SAID DEED; THENCE ALONG THE SOUTH LINE OF SAID DEED NORTH 73°22'39" EAST, 195.70 FEET TO A 3/4" IRON PIPE MARKING THE NORTHWEST CORNER OF THE LAND DESCRIBED AS PARCEL 1 IN DEED DOCUMENT 93-69118, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID DEED; SOUTH 25°08'18" EAST, 604.67 FEET TO A 1-1/2" IRON PIPE MARKING THE SOUTHWEST CORNER OF SAID PARCEL 1 OF SAID DEED; THENCE ALONG SAID SOUTH LINE, NORTH 73°27'26" EAST 481.28 FEET MORE OR LESS TO THE CENTER OF MAIN DRAINAGE DITCH; THENCE ALONG THE CENTER OF DITCH, SOUTH 19°29'38" EAST 516.37 FEET; SOUTH 08°57'38" WEST, 155.03 FEET; SOUTH 09°32'32" WEST, 405.45 FEET, TO THE NORTH LINE OF THE R.V. SHORT D.L.C. NO. 46; THENCE ALONG SAID D.L.C. LINE, BEING THE NORTH LINE OF "JACI PARK NO. 2", "JACI PARK", "MONTEBELLO", "SERENE ACRES", AND FOLLOWING

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THE CENTERLINE OF S.W. BROWN ROAD (C.R. 355), NORTH 88°28'45" WEST, 2596.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 150.7 ACRES MORE OR LESS.

BASIS OF BEARINGS PER PARTITION PLAT 2003-090, CLACKAMAS COUNTY SURVEY RECORDS.

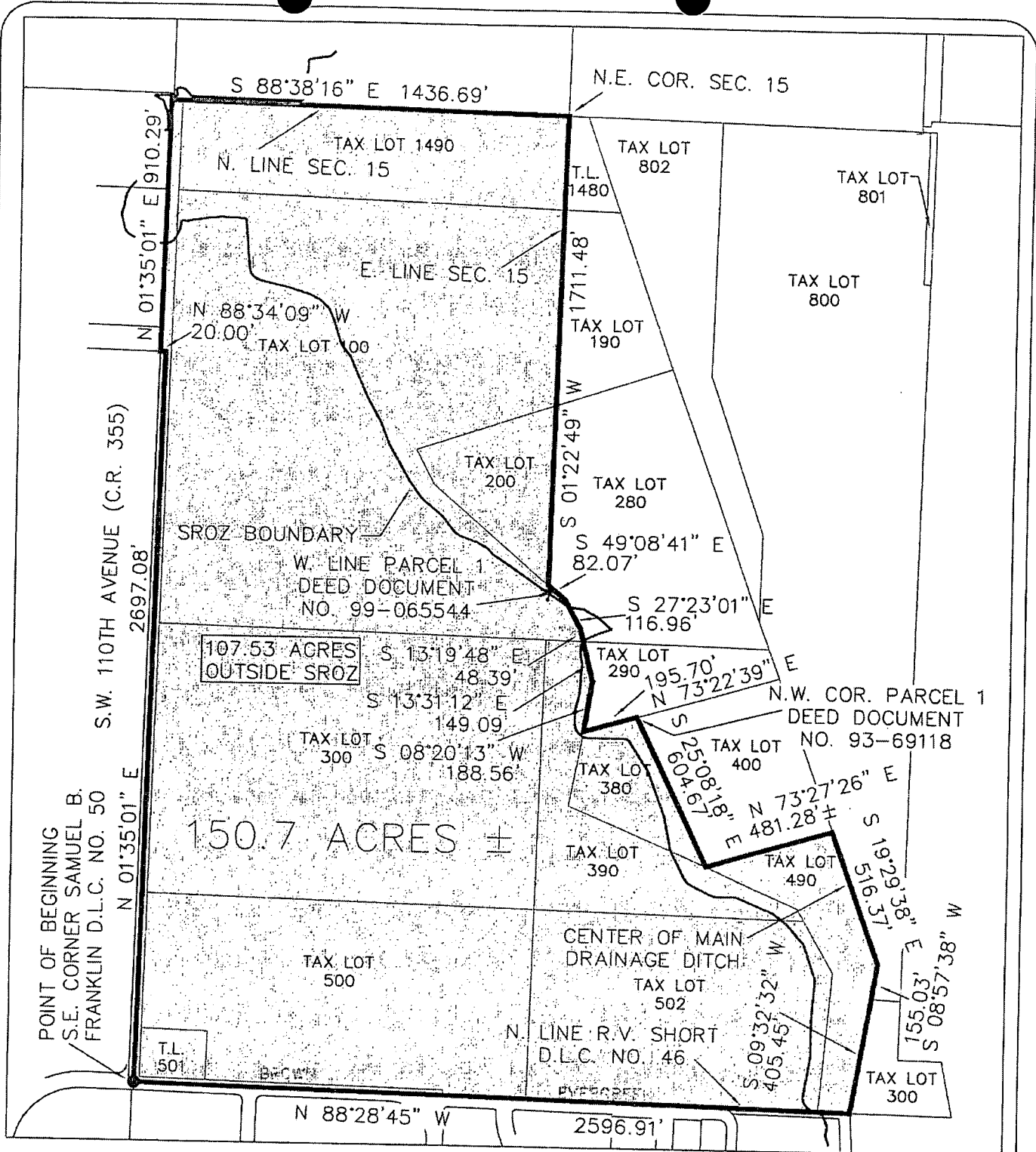
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jean M. Dalrymple-Reigion

OREGON
JULY 14, 1998
JEAN M. DALRYMPLE-REIGION
2875

EXP 12-31-05

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ANNEXATION EXHIBIT



DRAWN BY: RLM DATE: 7/06/04
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 108-046
 SCALE: 1"=500'



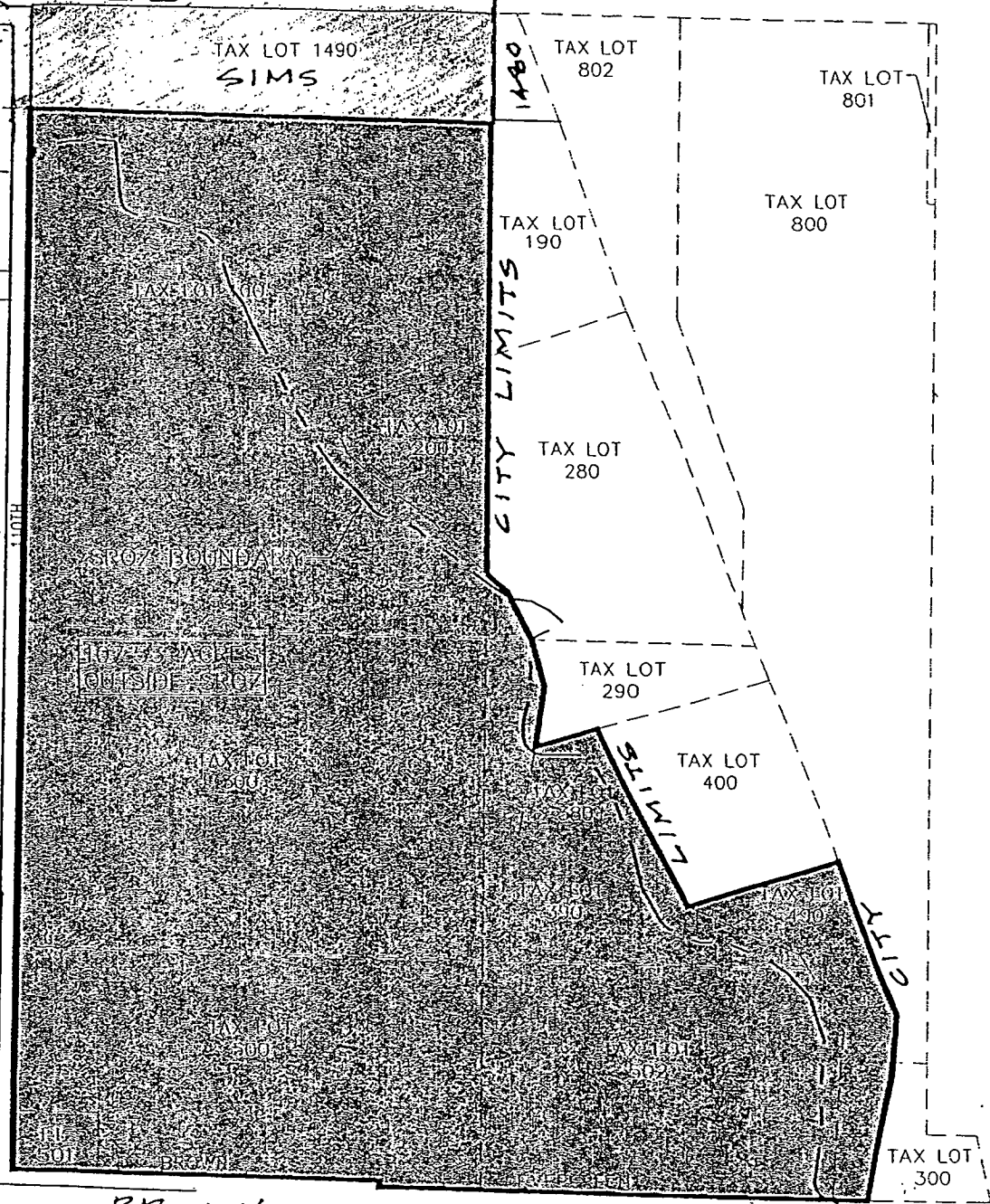
ALPHA ENGINEERING INC.
 PLANNING • DEVELOPMENT SERVICES SURVEYING

OFFICE 503-452-8003 FAX 503-452-8043
 PLAZA WEST SUITE 230 9600 SW OAK PORTLAND, OR 97223

TOOZE ROAD

110th AVE

CITY LIMITS




BROWN

ANNEXATION EXHIBIT



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DRAWN BY: AFC DATE: 5/02/04
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 108-046
 SCALE: 1"=500'



ALPHA ENGINEERING INC.
 PLANNING • DEVELOPMENT SERVICES • SURVEYING

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 PLAZA WEST • SUITE 230 • 9600 SW OAK • PORTLAND, OR 97224

REVISED 6/11/04
04DB08(A)

Attachment 2
04DB08 A

INDEX
ORDINANCE 568 – CASE FILE 04DB08.a – MATRIX DEVELOPMENT
ANNEXATION, TAX LOTS 100, 200, 300, 380, 390, 490, 500, 501 AND 502 OF
SECTION 15, AND TAX LOT 1490 OF SECTION 10, T3S-R1W,
CLACKAMAS COUNTY, OREGON

1. Draft Ordinance 568
2. Attachment 1: Legal description of property to be annexed
3. Attachment 2: Map of area to be annexed
4. Attachment 3: Planning Division Staff Report dated July 12, 2004 to Wilsonville City Council
5. Attachment 4: Development Review Board recommendation to City Council including DRB Resolution 04DB08.a and Adopted Staff Report

Exhibits:

- Exhibit A: Findings
- Exhibit B: City of Wilsonville Comprehensive Plan
- Exhibit C: Chapter 4 of the Wilsonville Code
- Exhibit D: Applicant's submittal documents: Narrative
 - D.1: Map of area to be annexed (see Attachment 2)
 - D.2: Legal Description (see Attachment 1)
 - D.3: Petitions of property owners involved in the Annexation
 - D.4: Engineering Department Memo dated May 27, 2004
- Exhibit E: Draft/tentative alignment of Boeckman Road extension illustrated at the SW corner of TL1490

ORDINANCE NO. 568

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING A CERTAIN TRACT OF LAND AND ADJACENT BROWN ROAD AND 110TH AVENUE RIGHT-OF-WAYS INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE AND ADOPTING FINDINGS OF APPROVAL. THE SUBJECT TERRITORY IS IDENTIFIED AS TAX LOTS 100, 200, 300, 380, 390, 490, 500, 501 AND 502 OF SECTION 15 T3S-R1W AND TAX LOT 1490 OF SECTION 10, T3S-R1W, CLACKAMAS COUNTY, OREGON MORE PARTICULARLY DESCRIBED IN ATTACHMENT 1. MATRIX DEVELOPMENT CORPORATION, APPLICANT.

WHEREAS, the City received written consent from a majority of electors in the territory proposed to be annexed and the majority of owners of land in the territory proposed to be annexed, as required by ORS 222.125; and

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

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection as provided for in ORS 222.125; and

WHEREAS, the annexation was considered by the Panel A of the Development Review Board and after a duly advertised public hearing held on June 14, 2004, the Development Review Board recommended to the City Council that the annexation be approved; and

WHEREAS, on July 19, 2004, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared as required by law, and the City Council having considered the reports, does hereby favor the annexation of the subject tract of land based on findings and conclusions attached hereto by reference as Attachment 3 (Planning Staff Report to City Council) and Attachment 4 (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 and conclusions incorporated in Attachments 3 and 4 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 and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 3. Effective Date. The City Council hereby determines that the City of Wilsonville timeline construction of the Boeckman Road extension that would traverse the subject property, time sensitive acquisition and construction financing commitments, public benefits resulting from application of this legislation to pending applications and potential development within the remaining construction season, and the legal necessity that this annexation be effective prior to necessary development approvals, operate to make time of the essence. As such, an emergency exists and it is in the public interest that this Ordinance shall take effect immediately upon final reading and passage by the Council.

Read the first time on July 19, 2004 and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____

Signed by the Mayor on _____.

Charlotte Lehan, Mayor

ATTEST:

APPROVED AS TO FORM:
Michael Kohlhoff

Sandra C. King, City Recorder

City Attorney

STAFF REPORT

WILSONVILLE PLANNING DIVISION

Date of Report: July 14, 2004

Hearing Date: July 19, 2004

To: Honorable Mayor and City Council

Application No: 04DB08A

Applicant: Mr. Craig Brown for Matrix Development Corporation

Property Owners: **Petitioners:** Valerie & Matthew Kirkendall; Thomas H. DeArmond/DeArmond Family LLC; Arthur & Dee W. Piculell; Donald E Bischof; Sharon L. Lund; Louis J. and Margaret P. Fasano; Metropolitan Service District

Staff Reviewer: Blaise Edmonds, Manager of Current Planning

SUMMARY: Proposed annexation to the City of Wilsonville of 150.16 acres and adjacent street right-of-ways (110th Avenue and Brown Road), located generally on the west by 110th Avenue and the north by the UGB. This property is identified in Attachment 1.

RECOMMENDATION: The Development Review Board recommends that the City Council approve annexing the selected property.

BACKGROUND: Planning Files 02PC06 and 02PC07A. By adoption of the Villebois Village Concept Plan, the City has adopted a document to the Wilsonville Comprehensive Plan and a refinement to the 1996 Dammasch Area Transportation-Efficient Land Use Plan for 520 acres within the Metro Urban Growth Boundary. Planning Files 02PC07A (Ordinance No 553) authorized a new implementing Plan Map designation, "Residential-Village." Ordinance No's 553, 554 and 555 provides the justification and findings for application of the newly created "Village" Zone to several properties.

The proposed annexation falls under conceptual plan approved in 02PC06. The annexation also falls under the approval of the Comprehensive Plan Text and Comprehensive Plan Map Amendments in 02PC07. When development is proposed, It will also fall under the Village (V) zone criteria in 02PC08 and the V zone.

CRITERIA: Wilsonville Comprehensive Plan: Goal 1.1, Policy 1.1.1, Implementation Measure 1.1.1.e, Goal 2.1, Policy 2.1.1, Implementation Measures 2.1.1.b, 2.1.1.c, 2.1.1.d, 2.1.1.f, Policy 2.2.1, Implementation Measures 2.2.1.a, 2.2.1.b, 2.2.2.e, 3.1.2.f, 3.1.10.a, 4.1.5.b, Policy 4.1.6, Implementation Measures 4.1.6.a, 4.1.6.b, 4.1.6.c, 4.1.6.d; Villebois Village Concept Plan; Residential-Village Designation.

Planning and Land Development Ordinance: Section 4.008: Application Procedures in General; Section 4.012: Public Hearing Notices; Hearing Procedures; Section 4.031: Authority of the Development Review Board; Section 4.013: Section 4.032(.01)(B); Section 4.033: Authority of City Council; Section 4.700: Annexations And Urban Growth Boundary Amendments

City of Wilsonville Transportation Systems Plan.

Metro Code Sections 3.09.040

Metro Functional Plan Titles 1, 2, 3, 6 and 7

Statewide Planning Goals

Oregon Revised Statute 222.111, 222.125, 222.120 and 222.170

LAND USE DESIGNATION: Residential Village.

ZONING: Clackamas County Zone Map Classification: "Exclusive Farm Use"

OWNERS:

Name	Address	Description
Metropolitan Service District	600 NE Grand Avenue Portland OR 97232	Section 15 3S 1W Lot 200
Valerie I. Kirkendall and Matthew R. Kirkendall	10951 SW Brown Road Wilsonville OR 97070	Section 15 3S 1W Lot 501
Arthur C. Jr. and Dee W. Piculell	3236 SW Kelly Avenue Portland OR 97239	Section 15 3S 1W Lots 490, 500, 502
Donald E. Bischof, Sharon L. Lund	16300 SW 192 nd Av Sherwood OR 97140	Section 15 3S 1W Lot 100
Thomas H. DeArmond DeArmond Family LLC 75% interest	2455 SW Gregory Dr West Linn OR 97068	Section 15 3S 1W Lots 300, 380, 390
Louis J. Fasano 25% interest		Section 15 3S1W Lots 300, 380, 390
Dwight and Theodore Simms	522 SW 5 th 1110 Yeon Bldg Portland, OR 97204	Section 10 3S1W Lot 1490

FINDINGS OF FACT

The applicant has provided findings (Exhibit D), which comply 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, Metro rules and with the applicable State Statutes. Exhibit D is hereby incorporated into this report as affirmative findings for approval.

These Findings are derived from the review of applicable City, Metro, and State land use requirements for the proposed annexation. It reviews the appropriate sections of the supporting documentation for this application (Villebois Concept Plan, Revised Comprehensive Plan policies, amended Comprehensive Plan Map (Ordinances No's 553, 554 and 555)). It finds the proposed annexation complements and is consistent with the support documents.

The applicant/petitioners are seeking to annex approximately 150.16 acres of land into the City of Wilsonville and adjacent streets into the City of Wilsonville. The applicant will follow up with a separate application for Zone Map Amendment to apply the Village zone designation, which require separate public hearings. The subject territory was recently designated "Residential Village" on the Comprehensive Plan Map.

The proposed annexation meets Oregon Revised Statutes 222.111, ORS 222.120, ORS 222.125 and ORS 222.170 for annexation including the double majority provisions. To date, no one with standing has objected to the annexation.

Through development and finance agreements, primary facilities, i.e., roadways, water and sanitary sewer will be available and will be of adequate size to serve the subject territory. Thus, adequate facilities will be provided.

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 proposal is consistent with the Clackamas County – City of Wilsonville Urban Growth Management Plan, which requires the city to notify Clackamas County of any annexation decisions.

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.

The proposed annexation meets Metro Code Section 3.09. Metro Code 3.09.050 (d)(l) requires the Council's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted, which have 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.*” The subject territory will be part of a development agreement and finance plan to assure services 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.

CONCLUSIONARY FINDINGS

Vicinity Information:

Finding:

1. The proposed annexation is wholly within the existing UGB. No UGB expansion is proposed. The proposed annexation is approximately 150.16 acres together with adjacent road right-of-ways (110th Avenue and Brown Road). The subject territory is next to 110th Avenue and Dammasch State hospital property at the west. The subject territory is presently subject to the Clackamas County EFU Zoning. The subject territory is within the City Urban Growth Boundary known as “Area B” on the Comprehensive Plan Map.

Wilsonville Planning and Land Development Ordinance

Section 4.700. Procedures relating to the processing of requests for annexation and urban growth boundary amendments.

1. 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.

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.

Finding:

2.The applicant has provided the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The City has determined that the proposed annexation is quasi-judicial in nature and has made the necessary arrangements for review to the Development Review Board and City Council based upon that determination.

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.

Finding:

3. The findings and conclusions incorporated within this report includes 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 and policies that may be applicable.

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.

Finding:

4. The Planning Director has reviewed the information submitted by the applicant and has prepared a written report for the review of the Development Review Board and City Council. The Planning Director has determined that the information submitted by the applicants' supports the request.

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.

Finding:

5.The Development Review Board and City Council will determine that the information submitted adequately supports the request.

(.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.

Finding:

6. The Development Review Board and the City Council in a quasi-judicial procedure are reviewing the proposed annexation.

(.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.

Finding:

7. The Planning Director has determined that the proposed annexation is a quasi-judicial request, which affects a small area of the western 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:

A In the case of a proposed amendment to the Regional Urban Growth Boundary: forward its recommendation in the form of a Resolution to the Metro Council.

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; (alternative selected by the City)*
- 3. Set the matter for election of the voters residing within the affected territory; or*
- 4. Set the matter for election of City voters.*

Finding:

8. The applicant has submitted evidence that there are residents on the property. The requirements for double majority has been met since most of the residents involved in the annexation 92.3% (except Tax Lot 1490, which comprises approximately 7.3% of the subject territory) have agreed to the annexation and are the owners of the properties involved in this request.

(.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.

Finding:

9. The City is has approved development and finance agreements with the developers of this property of Villebois Village regarding development of utility and road services.

Subsection 4.140.09(J)(3): Public facilities:

Finding:

10. The subject territory can be served by full city utilities, which includes water and sanitary sewer.

Subsection 4.140.09(J)(2): Traffic

Findings:

11. The annexation includes all immediately surrounding roads and sidewalks to provide connectivity to the City and Interstate networks. These roads will become the framework for further growth and development. The City's transportation system, SMART, will service the subject territory once it is developed and connected to other areas. The subject territory with improvements suggested by the Transportation Systems Plan can meet the City of Wilsonville "D" Level of Service (LOS 'D') at major intersections in the city.

12. The proposal has met all the criteria set forth in Section 4.700 for approval.

**OREGON REVISED STATUTES (ORS) 222.111, 222.120, 222.125 and 222.170:
CITY BOUNDARY CHANGES; MERGERS
&
CONSOLIDATIONS.**

222.111 Authority and procedure for annexation, generally.

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

222.125 Annexation by consent of all Owners of land and majority of electors; Proclamation of annexation.

222.170 Effect of consent to annexation by territory; proclamation with and without city election.

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation,

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as Provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Health Division, prior to the Public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area -of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affective district is a district named is ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170 "owner" or "landowner" means the legal owner of record or where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in

relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

222.125 Annexation by consent of all Owners of land and majority of electors; Proclamation of annexation.

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 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.

222.170 Effect of consent to annexation by territory; proclamation with and without city election.

(1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

- (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or*
- (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.*

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

- (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or*
- (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.*

(3) *If the city legislative body has not dispensed with submitting the question to the annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. Real property that is publicly owned, is the right of way for a public utility telecommunications utility or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.*

Findings:

13. The applicants have filed an application requesting that certain property and streets be annexed to the City of Wilsonville. Upon receipt of the application the City of Wilsonville twice published and posted notice of the public hearing. The Development Review Board action of this request is a recommendation for approval to the City Council. In accordance with ORS 222.120(3), the office of the City Council has caused notice of the hearing to be published once each week for two successive weeks prior to the hearings, in a newspaper of general circulation in the city, and will cause notices of the hearing to be posted in four public places in the city for a like period. The annexation is being processed under ORS 222.125 under the "double majority" procedure. The applicant has submitted evidence that there are residents on the property. The requirement for double majority has been met since most all (90% except for the Simm's property Tax Lot 1490 or 91.5% of the land area) of the residents have agreed to the annexation and are the owners of the subject territory.

14. Intensive development requires high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. In most cases, a single governmental agency is better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities. It is the intent of the City of Wilsonville to provide the widest range of necessary services consistent with the approved Finance Plan and Development Agreement.

15. The proposed annexation would not result in duplications in services. The proposed annexation will assure adequate quality and quantity of public services.

16. The findings in this report and in Exhibit 'D' demonstrate below that the proposed annexation is consistent with the City of Wilsonville Comprehensive Plan and is in conformance with State Planning Goals. The City has considered the applicable Goals, Policies and Implementation Measures of the Wilsonville Comprehensive Plan, and the timing, phasing and availability of services in reviewing the proposed annexation determination.

17. The subject territory to be annexed is not within or will be annexed to another city
18. The subject territory to be annexed is within a district that will not be included within or annexed to another district.
19. Upon annexation to the City the land is automatically annexed to Metro under ORS 199.510(2)(c). The subject territory is within Urban Growth Boundary and Metro's Jurisdictional Boundary.
20. The City of Wilsonville Comprehensive Plan has been acknowledged by LCDC. The City
21. Land use planning, building administration, and general governmental services are currently provided by Clackamas County - Upon annexation these services will be provided by the City. Appropriate City building setbacks are maintained from public streets.
22. The Proposal is consistent with regional, county, and city planning.

Public Facilities and Services:

Transportation.

23. The primary transportation provider in this vicinity will be the City. Clackamas County plans to turn over the annexed roads to Wilsonville. This includes responsibility for improving and maintaining streets in the vicinity, as well as the provision of transit services through South Metro Area Rapid Transit (SMART), a city operation. Transportation services are coordinated with Clackamas County (with continuing responsibility for the roads surrounding of the subject territory) and with the Oregon Department of Transportation (1-5 Wilsonville/Stafford Interchanges).

Streets

24. The subject territory currently is included within the Wilsonville Comprehensive Plan. The adjacent streets will be improved to meet the City Public Works standards with curbs and sidewalk as part of the Villebois Village Plan .

Transit

25. Transit service may be provided by Wilsonville - Southern Metro Area Rapid Transport (SMART), making connections to Tri Met and Salem.

Pedestrian and Bicycle Routes

26. Once improved, the sidewalk and pathway system in the general western Wilsonville area, including planned improvements, will provide good connections between the site and surrounding neighborhoods. On-street bike lanes and separate bicycle routes are planned in the area to serve both commuting and recreational purposes. The subject territory will be linked with the pedestrian and bike route system.

27. The applicant has worked with the city staff and representatives from service agencies to determine the adequacy of all services and facilities needed to support the subject territory. As indicated above, all services can be provided efficiently. Upon annexation by the city of Wilsonville, the urban service providers will be as follows:

Water: Wilsonville

Sanitary sewer: Wilsonville

Storm sewer: Wilsonville

Police: Clackamas County Sheriff, under contract with Wilsonville

Fire: Tualatin Valley Fire and Rescue, under contract with Wilsonville

School District: Sherwood School District

Parks: Wilsonville

Library/Government Services: Wilsonville

28. All urban-level services are provided. These services include the following:

Water. The city has made special arrangements with the developers of Villebois Village to assure that adequate water will be available. A major public water line will be extended to serve the subject territory.

Sanitary sewer. A major public sanitary sewer line will be extended to serve the subject territory. Collection system improvements were constructed at the facility. The city has expanded and improved its wastewater treatment plant to accommodate community growth.

Storm drainage. The subject territory served by a storm water drainage system. A combination of on-site storm water detention and use of the natural drainage ways is expected to meet the storm sewer needs of the subject territory.

Fire and Police. The Tualatin Valley Fire and Rescue District provide fire protection services to the subject territory and all properties in the city. The subject territory is within the Tualatin Valley Fire and Rescue District. Since the subject territory is already in the district, this service will not be altered by the annexation. The district operates under contract with the city with a fire station located on Kinsman Road, approximately one mile from the site.

Police. The Clackamas County Sheriff's Department will provide police service to the subject territory and all properties in the city. This service is provided under contract between the county

and the city. The Clackamas County Sheriff's Department maintains a station at SW Elligsen Road with officers specifically assigned to the community.

Schools. School services are and will continue to be provided to the subject territory by the Sherwood School and Wilsonville –West Linn School districts.

CONSISTENCY WITH THE WILSONVILLE COMPREHENSIVE PLAN

29. The relevant plan goals, policies and implementation measures for this application are identified, followed by response findings that were prepared by the applicant (Exhibit D) about how the proposed annexation of the subject territory and the proposed Public Facilities plan and zone designations are consistent with the Wilsonville Comprehensive Plan. Exhibit D is hereby incorporated into this report as affirmative findings for approval.

CONCLUSIONS

The applicants are seeking to annex 150.16 acres of land, adjacent streets into the City of Wilsonville. The applicants will follow up with an application for Comprehensive Plan Map and Zone Map amendments to apply city land use designations, which will require separate public hearings.

The findings in this report 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.

Primary facilities, i.e., roads and sidewalks, water and sanitary sewer, will be available and will be 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.

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 proposal is consistent with the Clackamas County – City of Wilsonville Urban Growth Management Plan, which requires the city to notify Clackamas County of any annexation decisions.

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.

EXHIBITS
04DB08A

The following Exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the application as submitted.

- Attachment 1: Legal Description
- Attachment 2: Map of area to be annexed
- Attachment 3: Staff Report to City Council dated July 12, 2004
- Attachment 4: Development Review Board record including DRB recommendation, Resolution 04DB07 and Adopted DRB Staff Report

City of

WILSONVILLE
in OREGON



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
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(503) 682-0843 TDD

RECOMMENDATION TO CITY COUNCIL

DEVELOPMENT REVIEW BOARD PANEL A

Project name: Annexation of selected property relative to the Villebois Village

Case File No.: 04DB08(A)

Applicant/Owner: Matrix Development

Proposed Action: Annexation to the City of Wilsonville of approximately 150.16 acres and adjacent Brown Road and 110th Avenue right-of-ways

Property Description: 150.16 acres generally bounded on the west by 110th Avenue and the north by the UGB. The site is located on Tax Lots 100, 200, 300, 380, 390, 490, 500, 501 and 502 of Section 15, T3S-R1W, and Tax Lot 1490 of Section 10, T3S-R1W, Clackamas County, Oregon.

On June 14, 2004, at the meeting of the Development Review Board, Panel A, the following action was granted on the above-referenced proposed development application.

- The DRB recommends that the City Council approve an annexation to the City of Wilsonville of 150.16 acres, located on Tax Lots 100, 200, 300, 380, 390, 490, 500, 501 and 502 of Section 15, T3S-R1W, and Tax Lot 1490 of Section 10, T3S-R1W, Clackamas County, Oregon, as depicted on Exhibit D1 and E, and adjacent Brown Road and 110th Avenue right-of-ways.
- A City Council hearing date is scheduled for July 19, 2004.

Written decision is attached.

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville, Oregon 97070 or phone 503 682-4960.

Attachments: DRB Resolution No. 04DB08(A) including Exhibit A – Adopted Staff Report

Attachment 4



"Serving The Community With Pride"

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 04DB08(A)**

A RESOLUTION OF THE DEVELOPMENT REVIEW BOARD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF APPROXIMATELY 150.16 ACRES AND THE ADJACENT BROWN ROAD AND 110th AVENUE RIGHT OF WAYS, TO THE CITY OF WILSONVILLE AND ADOPTING FINDINGS FOR APPROVAL. THE SITE IS LOCATED ON TAX LOTS 100, 200, 300, 380, 390, 490, 500, 501 AND 502 OF SECTION 15, T3S R1W AND TAX LOT 1490, OF SECTION 10, T3S R1W, CLACKAMAS COUNTY, OREGON. MATRIX DEVELOPMENT, APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned annexation, has been submitted in accordance with the procedures set forth in Section 4.008(.01) of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared reports on the above-captioned annexation dated June 11, 2004, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on June 14, 2004, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

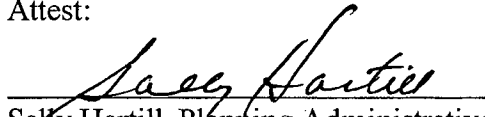
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby recommend that the City Council approve the annexation request and annexation of other properties described in this staff report adopts such staff report attached hereto as Exhibit A, findings and recommendation contained therein. A City Council public hearing date is scheduled for July 19, 2004.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of June 2004, and filed with the Planning Administrative Assistant on 6-16, 2004.



Diane Seeley, Chair
Development Review Board, Panel A

Attest:



Sally Hartill, Planning Administrative Assistant II

STAFF REPORT

WILSONVILLE PLANNING DIVISION DEVELOPMENT REVIEW BOARD PANEL A

Hearing Date: June 14, 2004

Date of report: June 7, 2004

Revised: June 11, 2004

Application No.: 04DB08A

~~Strike~~ = deleted

Bold/italic = revised

Request: Proposed annexation to the City of Wilsonville of 150.156 acres and adjacent street right-of-ways (110th Avenue and Brown Road).

LOCATION: Approximately 150.156 acres generally bounded on the west by 110th Avenue and the north by the UGB. This property is identified in Exhibit *DI*.

CRITERIA: Wilsonville Comprehensive Plan: Goal 1.1, Policy 1.1.1, Implementation Measure 1.1.1.e, Goal 2.1, Policy 2.1.1, Implementation Measures 2.1.1.b, 2.1.1.c, 2.1.1.d, 2.1.1.f, Policy 2.2.1, Implementation Measures 2.2.1.a, 2.2.1.b, 2.2.2.e, 3.1.2.f, 3.1.10.a, 4.1.5.b, Policy 4.1.6, Implementation Measures 4.1.6.a, 4.1.6.b, 4.1.6.c, 4.1.6.d; Villebois Village Concept Plan; Residential-Village Designation.

Planning and Land Development Ordinance: Section 4.008: Application Procedures in General; Section 4.012: Public Hearing Notices; Hearing Procedures; Section 4.031: Authority of the Development Review Board; Section 4.013: Section 4.032(.01)(B); Section 4.033: Authority of City Council; Section 4.700: Annexations And Urban Growth Boundary Amendments

City of Wilsonville Transportation Systems Plan.

Metro Code Sections 3.09.040

Metro Functional Plan Titles 1, 2, 3, 6 and 7

Statewide Planning Goals

Oregon Revised Statute 222.111, 222.125, 222.120 and 222.170

LAND USE DESIGNATION: Residential Village.

ZONING: Clackamas County Zone Map Classification: "Exclusive Farm Use"

APPLICANT: Matrix Development Corporation

OWNERS:

Name	Address	Description
Metropolitan Service District	600 NE Grand Avenue Portland OR 97232	Section 15 3S 1W Lot 200
Valerie I. Kirkendall and Matthew R. Kirkendall	10951 SW Brown Road Wilsonville OR 97070	Section 15 3S 1W Lot 501
Arthur C. Jr. and Dee W. Piculell	3236 SW Kelly Avenue Portland OR 97239	Section 15 3S 1W Lots 490, 500, 502
Donald E. Bischof, Sharon L. Lund	16300 SW 192 nd Av Sherwood OR 97140	Section 15 3S 1W Lot 100
Thomas H. DeArmond DeArmond Family LLC 75% interest	2455 SW Gregory Dr West Linn OR 97068	Section 15 3S 1W Lots 300, 380, 390
Louis J. Fasano 25% interest		Section 15 3S1W Lots 300, 380, 390
Dwight and Theodore Simms	522 SW 5 th 1110 Yeon Bldg Portland, OR 97204	Section 10 3S1W Lots 1480 and 1490 And the southerly 250 feet of Tax Lot 1400, Section 10, T3S R1W, Clackamas County.

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning

DESCRIPTION OF REQUEST: Proposed annexation to the City of Wilsonville 150.16 acres and adjacent street right-of-ways (110th Avenue and Brown Road).

BACKGROUND: Planning Files 02PC06 and 02PC07A. By adoption of the Villebois Village Concept Plan, the City has adopted a document to the Wilsonville Comprehensive Plan and a refinement to the 1996 Dammasch Area Transportation-Efficient Land Use Plan for 520 acres within the Metro Urban Growth Boundary. Planning Files 02PC07A (Ordinance No 553)

authorized a new implementing Plan Map designation, "Residential-Village." Ordinance No's 553, 554 and 555 provides the justification and findings for application of the newly created "Village" Zone to several properties.

The proposed annexation falls under conceptual plan approved in 02PC06. The annexation also falls under the approval of the Comprehensive Plan Text and Comprehensive Plan Map Amendments in 02PC07. When development is proposed, It will also fall under the Village (V) zone criteria in 02PC08 and the V zone.

STAFF RECOMMENDATION: Staff recommends that the Development Review Board forward a recommendation to the City Council approving annexing the selected property.

FINDINGS OF FACT

The applicant has provided findings (Exhibit D), which comply 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, Metro rules and with the applicable State Statutes. Exhibit D is hereby incorporated into this report as affirmative findings for approval.

These Findings are derived from the review of applicable City, Metro, and State land use requirements for the proposed annexation. It reviews the appropriate sections of the supporting documentation for this application (Villebois Concept Plan, Revised Comprehensive Plan policies, amended Comprehensive Plan Map (Ordinances No's 553, 554 and 555). It finds the proposed annexation complements and is consistent with the support documents.

The applicant/petitioners are seeking to annex approximately 150.16 acres of land into the City of Wilsonville and adjacent streets into the City of Wilsonville. The applicant will follow up with a separate application for Zone Map Amendment to apply the Village zone designation, which require separate public hearings. The subject territory was recently designated "Residential Village" on the Comprehensive Plan Map.

The proposed annexation meets Oregon Revised Statutes 222.111, ORS 222.120, ORS 222.125 and ORS 222.170 for annexation including the double majority provisions. To date, no one with standing has objected to the annexation.

Through development and finance agreements, primary facilities, i.e., roadways, water and sanitary sewer will be available and will be of adequate size to serve the subject territory. Thus, adequate facilities will be provided.

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 proposal is consistent with the Clackamas County – City of Wilsonville Urban Growth Management Plan, which requires the city to notify Clackamas County of any annexation decisions.

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.

The proposed annexation meets Metro Code Section 3.09. 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, which have 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.*" The subject territory will be part of a development agreement and finance plan to assure services 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.

CONCLUSIONARY FINDINGS

Vicinity Information:

Finding:

1. The proposed annexation is wholly within the existing UGB. No UGB expansion is proposed. The proposed annexation is approximately 150.16 acres together with adjacent road right-of-ways (110th Avenue and Brown Road). The subject territory is next to 110th Avenue and Dammasch State hospital property at the west, west. The subject territory is presently subject to the Clackamas County EFU Zoning. The subject territory is within the City Urban Growth Boundary known as "Area B" on the Comprehensive Plan Map.

Wilsonville Planning and Land Development Ordinance

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.

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.

Finding:

2. The applicant has provided the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The City has determined that the proposed annexation is quasi-judicial in nature and has made the necessary arrangements for review to the Development Review Board and City Council based upon that determination.

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.

Finding:

3. The findings and conclusions incorporated within this report includes 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 and policies that may be applicable.

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.

Finding:

4. The Planning Director has reviewed the information submitted by the applicant and has prepared a written report for the review of the Development Review Board and City Council. The Planning Director has determined that the information submitted by the applicants' supports the request.

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.

Finding:

5. The Development Review Board and City Council will determine that the information submitted adequately supports the request.

(.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.

Finding:

6. The Development Review Board and the City Council in a quasi-judicial procedure are reviewing the proposed annexation.

(.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.

Finding:

7. The Planning Director has determined that the proposed annexation is a quasi-judicial request, which affects a small area of the western 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:

A In the case of a proposed amendment to the Regional Urban Growth Boundary: forward its recommendation in the form of a Resolution to the Metro Council.

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; (alternative selected by the City)*
3. *Set the matter for election of the voters residing within the affected territory; or*
4. *Set the matter for election of City voters.*

Finding:

8. The applicant has submitted evidence that there are residents on the property. The requirements for double majority has been met since most of the residents involved in the annexation 92.3% (except Tax Lots ~~1480~~ and 1490, which comprises *approximately* 7.73% of the subject territory) have agreed to the annexation and are the owners of the properties involved in this request.

(.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.

Finding:

9. The City is has approved development and finance agreements with the developers of this property of Villebois Village regarding development of utility and road services.

Subsection 4.140.09(J)(3): Public facilities:

Finding:

10. The subject territory can be served by full city utilities, which includes water and sanitary sewer.

Subsection 4.140.09(J)(2): Traffic

Findings:

11. The annexation includes all immediately surrounding roads and sidewalks to provide connectivity to the City and Interstate networks. These roads will become the framework for further growth and development. The City's transportation system, SMART, will service the subject territory once it is developed and connected to other areas. The subject

territory with improvements suggested by the Transportation Systems Plan can meet the City of Wilsonville "D" Level of Service (LOS 'D') at major intersections in the city.

12. The proposal has met all the criteria set forth in Section 4.700 for approval.

**OREGON REVISED STATUTES (ORS) 222.111, 222.120, 222.125 and 222.170:
CITY BOUNDARY CHANGES; MERGERS
&
CONSOLIDATIONS.**

222.111 Authority and procedure for annexation, generally.

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

222.125 Annexation by consent of all Owners of land and majority of electors; Proclamation of annexation.

222.170 Effect of consent to annexation by territory; proclamation with and without city election.

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation,

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as Provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Health Division, prior to the Public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area -of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affective district is a district named is ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170 "owner" or "landowner" means the legal owner of record or where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

222.125 Annexation by consent of all Owners of land and majority of electors; Proclamation of annexation.

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 other-wise required under ORS 222.120 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.

222.170 Effect of consent to annexation by territory; proclamation with and without city election.

(1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the

territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. Real property that is publicly owned, is the right of way for a public utility telecommunications utility or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.

Findings:

13. The applicants have filed an application requesting that certain property and streets be annexed to the City of Wilsonville. Upon receipt of the application the City of Wilsonville twice published and posted notice of the public hearing. The Development Review Board action of this request is a recommendation to the City Council. In accordance with ORS 222.120(3), the office of the City Council will cause notice of the hearing to be published once each week for two successive weeks prior to the hearings, in a newspaper of general circulation in the city, and will cause notices of the hearing to be posted in four public places in the city for a like period. The annexation is being processed under ORS 222.125

under the "double majority" procedure. The applicants have submitted evidence that there are residents on the property. The requirements for double majority has been met since most all (90% except for the Simm's property Tax Lots 1480 and 1490 or 91.5% of the land area) of the residents have agreed to the annexation and are the owners of the subject territory.

14. Intensive development requires high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. In most cases, a single governmental agency is better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities. It is the intent of the City of Wilsonville to provide the widest range of necessary services consistent with the approved Finance Plan and Development Agreement.
15. The proposed annexation would not result in duplications in services. The proposed annexation will assure adequate quality and quantity of public services.
16. The findings in this report and in Exhibit 'D' demonstrate below that the proposed annexation is consistent with the City of Wilsonville Comprehensive Plan and is in conformance with State Planning Goals. The City has considered the applicable Goals, Policies and Implementation Measures of the Wilsonville Comprehensive Plan, and the timing, phasing and availability of services in reviewing the proposed annexation determination.
17. The subject territory to be annexed is not within or will be annexed to another city
18. The subject territory to be annexed is within a district that will not be included within or annexed to another district.
19. Upon annexation to the City the land is automatically annexed to Metro under ORS 199.510(2)(c). The subject territory is within Urban Growth Boundary and Metro's Jurisdictional Boundary.
20. The City of Wilsonville Comprehensive Plan has been acknowledged by LCDC. The City
21. Land use planning, building administration, and general governmental services are currently provided by Clackamas County - Upon annexation these services will be provided by the City. Appropriate City building setbacks are maintained from public streets.
22. The Proposal is consistent with regional, county, and city planning.

Public Facilities and Services:

23. Transportation. The primary transportation provider in this vicinity will be the City. Clackamas County plans to turn over the annexed roads to Wilsonville. This includes responsibility for improving and maintaining streets in the vicinity, as well as the provision of transit services through South Metro Area Rapid Transit (SMART), a city operation. Transportation services are coordinated with Clackamas County (with continuing responsibility for the roads surrounding of the subject territory) and with the Oregon Department of Transportation (1-5 Wilsonville/Stafford Interchanges).

Streets

24. The subject territory currently is included within the Wilsonville Comprehensive Plan. The adjacent streets will be improved to meet the City Public Works standards with curbs and sidewalk as part of the Villebois Village Plan .

Transit

25. Transit service may be provided by Wilsonville - Southern Metro Area Rapid Transport (SMART), making connections to Tri Met and Salem.

Pedestrian and Bicycle Routes

26. Once improved, the sidewalk and pathway system in the general western Wilsonville area, including planned improvements, will provide good connections between the site and surrounding neighborhoods. On-street bike lanes and separate bicycle routes are planned in the area to serve both commuting and recreational purposes. The subject territory will be linked with the pedestrian and bike route system.
27. The applicant has worked with the city staff and representatives from service agencies to determine the adequacy of all services and facilities needed to support the subject territory. As indicated above, all services can be provided efficiently. Upon annexation by the city of Wilsonville, the urban service providers will be as follows:

Water: Wilsonville

Sanitary sewer: Wilsonville

Storm sewer: Wilsonville

Police: Clackamas County Sheriff, under contract with Wilsonville

Fire: Tualatin Valley Fire and Rescue, under contract with Wilsonville

School District: Sherwood School District

Parks: Wilsonville

Library/Government Services: Wilsonville

28. All urban-level services are provided. These services include the following:

Water. The city has made special arrangements with the developers of Villebois Village to assure that adequate water will be available. A major public water line will be extended to serve the subject territory.

Sanitary sewer. A major public sanitary sewer line will be extended to serve the subject territory. Collection system improvements were constructed at the facility. The city has expanded and improved its wastewater treatment plant to accommodate community growth.

Storm drainage. The subject territory served by a storm water drainage system. A combination of on-site storm water detention and use of the natural drainage ways is expected to meet the storm sewer needs of the subject territory.

Fire and Police. The Tualatin Valley Fire and Rescue District provide fire protection services to the subject territory and all properties in the city. The subject territory is within the Tualatin Valley Fire and Rescue District. Since the subject territory is already in the district, this service will not be altered by the annexation. The district operates under contract with the city with a fire station located on Kinsman Road, approximately one mile from the site.

Police. Police service will be provided to the subject territory and all properties in the city by the Clackamas County Sheriff's Department. This service is provided under contract between the county and the city. The Clackamas County Sheriff's Department maintains a station at SW Elligsen Road with officers specifically assigned to the community.

Schools. School services are and will continue to be provided to the subject territory by the Sherwood School and Wilsonville –West Linn School districts.

CONSISTENCY WITH THE WILSONVILLE COMPREHENSIVE PLAN

29. The relevant plan goals, policies and implementation measures for this application are identified, followed by response findings that were prepared by the applicant (Exhibit D) about how the proposed annexation of the subject territory and the proposed Public Facilities plan and zone designations are consistent with the Wilsonville Comprehensive Plan. Exhibit D is hereby incorporated into this report as affirmative findings for approval.

CONCLUSIONS

The applicants are seeking to annex 150.16 acres of land, adjacent streets into the City of Wilsonville. The applicants will follow up with an application for Comprehensive Plan Map and Zone Map amendments to apply city land use designations, which will require separate public hearings.

The findings in this report 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.

Primary facilities, i.e., roads and sidewalks, water and sanitary sewer, will be available and will be 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.

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 proposal is consistent with the Clackamas County – City of Wilsonville Urban Growth Management Plan, which requires the city to notify Clackamas County of any annexation decisions.

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.

**EXHIBITS
04DB08A**

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.

- A. Findings and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents – including supplemental findings

Attachments to Exhibit D (Applicant's submittal documents)

- Attachment #1: Map of area to be annexed
- Attachment #2: Legal Description, in Case File 04DB08
- Attachment #3: Petition of property owners involved in the annexation
- Attachment #4: Engineering Department Memorandum, 5/25/04.
- Attachment #5: Annexation to the City of Wilsonville – Certification of Legal Description and Map 3S 1 15 (maps available in Case File 04DB08)

Revised Exhibit D1-1 Map of area to be annexed.

E. Draft/tentative alignment of Boeckman Road extension illustrated at the SW corner of TL 1490.

Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

July 21, 2004

City of Wilsonville
City Recorder
30000 SW Town Center Loop E
Wilsonville, Oregon 97070

Dear City Recorder,

Please be advised that we have received and filed, as of July 21, 2004, the following records annexing territory to the City of Wilsonville.

Ordinance/Resolution Number(s)	Our File Number
ORD NO 567	AN 2004-0157
ORD NO 568	AN 2004-0158

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
ODOT
Department of Revenue
Population Research Center

Notice to Taxing Districts

ORS 308.225

DOR 3-1632-2004



Cartographic Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Wilsonville
City Recorder
30000 SW Town Center Loop E
Wilsonville, OR 97070

Description and Map Approved

July 21, 2004

As Per ORS 308.225

Description Map received from: CITY
On: 7/21/2004

This is to notify you that your boundary change in Clackamas County for
ANNEXATION TO CITY OF WILSONVILLE

ORD. #568

has been: Approved 7/21/2004
 Disapproved

Notes:

Department of Revenue File Number: 3-1632-2004

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge
- Establishment of Tax Zone

Taxing District copy - Copies to: County Assessor, Department of Revenue, County Commissioners or County Court/Boundary Commission (If appropriate)

Notice to Taxing Districts

ORS 308.225

DOR 3-1633-2004



Cartographic Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Wilsonville
City Recorder
30000 SW Town Center Loop E
Wilsonville, OR 97070

Description and Map Approved

July 21, 2004

As Per ORS 308.225

Description Map received from: CITY
On: 7/21/2004

This is to notify you that your boundary change in Clackamas County for
ANNEXATION TO CITY OF WILSONVILLE

ORD. #567

has been: Approved 7/21/2004
 Disapproved

Notes:

Department of Revenue File Number: 3-1633-2004

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge
- Establishment of Tax Zone

Taxing District copy - Copies to: County Assessor, Department of Revenue, County Commissioners or County Court/Boundary Commission (If appropriate)