

**ORDINANCE NO. 781**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING SPECIFIC SEGMENTS OF SW GRAHAMS FERRY ROAD AND SW TOOZE ROAD, AND TERRITORY LOCATED AT THE NORTHERN EDGE OF VILLEBOIS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 700, 800, 900 AND 1000, OF SECTION 15, 3S, RANGE 1W, WILLAMETTE MERDIAN, CLACKAMAS COUNTY, CITY OF WILSONVILLE AND ALLEN T. CHANG OWNERS.**

**RECITALS**

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the City of Wilsonville and owner of real property in the territory to be annexed, a copy of the petition is on file with the City Recorder;

WHEREAS, written consent has been obtained from the City of Wilsonville and the only owner of the territory and the only elector in the territory proposed to be annexed, a copy of which is on file with the City Recorder; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and a copy of the legal description and survey is attached as Attachment 1 and a locational map is attached as Attachment 2, and both are incorporated by reference as if fully set forth herein; and

WHEREAS, the public roads and territory to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of the only owner of the land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on December 14, 2015 recommended City Council approve the annexation; and

WHEREAS, on January 4, 2016, the City Council held a public hearing as required by Metro Code 3.09.050 and received testimony and exhibits including Exhibit A, Annexation Findings Adopted Staff Report and DRB Recommendation (Exhibit A1), dated



DATED and signed by the Mayor this 22<sup>nd</sup> day of January, 2016.

  
TIM KNAPP, MAYOR

Summary of Votes:

Mayor Knapp	Yes
Councilor Starr	Yes
Councilor Lehan	Yes
Councilor Stevens	Yes
Councilor Fitzgerald	Yes

Exhibits and Attachments:

- Attachment 1, Legal Description and Survey Map
- Attachment 2, Map Depicting Annexation
- Exhibit A - Annexation Findings and Condition PFA1, August 4, 2015.
- Exhibit B - DRB Resolution No. 309
- Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated July 27, 2015 and the application on compact disk.
- Exhibit D – July 27, 2015 DRB Minutes

**SW GRAHAMS FERRY ROAD, SW TOOZE ROAD  
and  
ALLEN CHANG PROPERTY  
ANNEXATION  
INDEX of RECORD**

1. City Council (CC) Staff Report for January 4, 2016 Meeting
2. Ordinance No. 781 (Annexation)
  - CC Attachment 1, Legal Description and Survey Map
  - CC Attachment 2, Map Depicting Annexation
3. CC Exhibit A Annexation Findings, January 4, 2016.
4. CC Exhibit B Development Review Board Panel A's Notice of Decision and Resolution No. 320 recommending approval.
5. CC Exhibit C Additional DRB Items for review purposes only (*do not need to be reproduced*):
  - DRB Exhibit A1: December 14, 2015, Development Review Board packet (Adopted Staff Report & Exhibits), including:
  - Exhibit A2. Staff DRB PowerPoint Presentation
  - Exhibit A3. 1<sup>st</sup> e-mail dated Dec.11, from Blaise Edmonds responding to Tonie Tollen questions in Exhibits D1.
  - Exhibit A4. 2<sup>nd</sup> e-mail dated Dec.11, from Blaise Edmonds responding to Tonie Tollen questions in Exhibits D2.
  - Exhibit B1. Applicant's Submittal: Applications, Supporting Compliance Report including annexation narrative, general Information, background Information, applicable review Criteria: Oregon Statewide Planning Goals, Clackamas County Department of Transportation Villebois roads transfers, Annexation Petition, Resolution No. 1973, Annexation (Exhibit B) metes and bounds legal description and 8 -maps prepared by AKS, Power of Attorney.
  - Exhibit B2. CD of items listed in Exhibit B1.
  - Exhibit B3. Memorandum, Kristin Retherford, dated October 29, 2015.
  - Exhibit C1. E-mail dated Dec. 11, from Mike Ward, City Civil Engineer responding to Toni Tollen questions in Exhibit D1.

Public Testimony:

  - Exhibit D1. 1<sup>st</sup> e-mail, Tonie Tollen, dated Dec. 10, 2015
  - Exhibit D2. 2<sup>nd</sup> e-mail, Tonie Tollen, dated Dec. 11, 2015
6. CC Exhibit D December 14, 2015 DRB Minutes (*to be made available at a later date...*)
7. CC Exhibit E Petition to annex.



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> January 4, 2016		<b>Subject: Ordinance No. 781</b> - Annexation of SW Grahams Ferry Road right-of-way, SW Tooze Road right-of-way, and property owned by Allen T. Chang. City of Wilsonville and Allen T. Chang, property owners. <b>Staff Members:</b> Blaise Edmonds, Manager of Current Planning <b>Department:</b> Planning Division	
<b>Action Required</b>		<b>Development Review Board Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: Jan. 4, 2016 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: Jan. 4, 2016. <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: Jan. 18, 2016 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comment:</b> Following their review at the Dec. 14, 2015 meeting, the Development Review Board Panel A recommends approval of annexation.	
<b>Staff Recommendation:</b> Staff recommends that the City Council adopt Ordinance No. 781			
<b>Recommended Language for Motion:</b> I move to adopt Ordinance No. 781 on the 1 <sup>st</sup> reading.			
<b>PROJECT / ISSUE RELATES TO:</b> Annexation.			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan	<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:** Approve, modify, or deny Ordinance No.: 781

### EXECUTIVE SUMMARY (Applicant):

The need to annex the property described above is two-fold. First, the right-of-way, which was brought into the urban growth boundary together with the Villebois Master Plan Area, is under the jurisdictional control of the City of Wilsonville, but was not annexed concurrently with the Calais annexation, or the annexation of property on Tooze Road owned by the Urban Renewal Agency. In order to spend urban renewal funds on the Tooze Road improvement project, which

includes a portion of Grahams Ferry Road, the Tooze Road and Grahams Ferry Road right-of-way inside the urban growth boundary must be annexed.

Secondly, the Villebois Master Plan includes future parks that will be partially located on the Chang property. One of these parks spans three separate property ownerships, including land owned by Polygon, the Urban Renewal Agency, and the Chang property. The Changs have agreed to provide an easement to allow Polygon to construct the portion of the park that is on their property as well as a public access easement so that a complete park experience can be provided to the public. However, as their property is not currently within the city, the design and construction of this park would fall under the land use approval and permitting of two separate agencies. To facilitate land use approvals, permitting, and construction of this park, it makes sense to annex the Chang property at this time in conjunction with the city's right of way annexation.

The Changs would like to have their property annexed at this time and have indicated they will likely sell it for development within the next two to three years. The rezoning of the property would occur at that time, rather than now. During the interim, the Changs have indicated they would like to maintain their property in a farm and forest deferral tax status.

**EXPECTED RESULTS:** Adoption of Ordinance No. 781

**TIMELINE:** Annexation will be in effect 30 days after the ordinance is adopted.

**CURRENT YEAR BUDGET IMPACTS:** None.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by:      Date:   ,2015

**LEGAL REVIEW / COMMENT:**

Reviewed by: BJ      Date: 12/28/15

Approve ordinance as to form

**COMMUNITY INVOLVEMENT PROCESS:** The required public hearing notices have been sent.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

**Potential Impacts:** There are no impacts associated with the proposed annexation.

**Benefit:** Approval of the proposed ordinance would begin laying the foundation for future residential and regional park development on the Chang property and will allow urban renewal funds to be used for the Tooze Road project.

**ALTERNATIVE:** Deny the application.

**CITY MANAGER COMMENT:**

**EXHIBITS AND ATTACHMENTS:**

Annexation Ordinance No. 781

Attachment 1, Legal Description and Survey Maps

Attachment 2, Map Depicting Annexation

Exhibit A - Annexation Findings, January 4, 2016.

Exhibit B - DRB Resolution No. 320

Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated December 14, 2015 and the application on compact disk.

Exhibit D – December 14, 2015 DRB Minutes

Exhibit E – Petition to annex.

## **ORDINANCE NO. 781**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING SPECIFIC SEGMENTS OF SW GRAHAMS FERRY ROAD AND SW TOOZE ROAD, AND TERRITORY LOCATED AT THE NORTHERN EDGE OF VILLEBOIS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 700, 800, 900 AND 1000, OF SECTION 15, 3S, RANGE 1W, WILLAMETTE MERDIAN, CLACKAMAS COUNTY, CITY OF WILSONVILLE AND ALLEN T. CHANG OWNERS.**

### **RECITALS**

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the City of Wilsonville and owner of real property in the territory to be annexed, a copy of the petition is on file with the City Recorder;

WHEREAS, written consent has been obtained from the City of Wilsonville and the only owner of the territory and the only elector in the territory proposed to be annexed, a copy of which is on file with the City Recorder; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and a copy of the legal description and survey is attached as Attachment 1 and a locational map is attached as Attachment 2, and both are incorporated by reference as if fully set forth herein; and

WHEREAS, the public roads and territory to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of the only owner of the land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on December 14, 2015 recommended City Council approve the annexation; and

WHEREAS, on January 4, 2016, the City Council held a public hearing as required by Metro Code 3.09.050 and received testimony and exhibits including Exhibit A, Annexation Findings Adopted Staff Report and DRB Recommendation (Exhibit A1), dated

December 7, 2015 and the application on compact disc; and Exhibit D, December 14, 2015 DRB Minutes; and

WHEREAS, reports were prepared and considered as required by law; and notice was duly given, the Council finds that the annexation is not contested by any party, neither before the DRB or at the City Council hearing, therefore, the City Council finds that it is not necessary to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings and conclusions attached hereto by reference as Exhibit C, Development Review Board’s recommendation to City Council, which the Council adopts; and

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

Section 1. The above recitals are fully incorporated herein. The roads and territory legally described and surveyed on maps in Attachment 1 and located on a map Attachment 2 is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions and in Exhibit A are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on January 4, 2016 and scheduled the second reading on January 21, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the following votes:                      Yes: \_\_\_\_\_                      No: \_\_\_\_\_

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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TIM KNAPP, MAYOR

Summary of Votes:

Mayor Knapp  
Councilor Starr  
Councilor Lehan  
Councilor Stevens  
Councilor Fitzgerald

Exhibits and Attachments:

Attachment 1, Legal Description and Survey Map  
Attachment 2, Map Depicting Annexation  
Exhibit A - Annexation Findings and Condition PFA1, August 4, 2015.  
Exhibit B - DRB Resolution No. 309  
Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated  
July 27, 2015 and the application on compact disk.  
Exhibit D – July 27, 2015 DRB Minutes



## EXHIBIT A

### Annexation Legal Description

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 10, and in the Northwest One-Quarter and the Northeast One-Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the section corner common to Sections 9, 10, 15, and 16 of Township 3 South, Range 1 West; thence along the south section line of said Section 10, also being the centerline of Westfall Road and the centerline of Tooze Road, South  $88^{\circ}34'12''$  East 1455.70 feet to the True Point of Beginning at the intersection of the westerly right-of-way line of Grahams Ferry Road (30.00 feet from centerline) and the centerline of Tooze Road; thence North  $43^{\circ}04'17''$  East 26.76 feet to the intersection of the northerly right-of-way line of Tooze Road (20.00 feet from centerline) and the westerly right-of-way line of Grahams Ferry Road (20.00 feet from centerline); thence North  $82^{\circ}00'11''$  East 112.95 feet to the intersection of said northerly right-of-way line (38.50 feet from centerline) and the easterly right-of-way line of Grahams Ferry Road (variable width right-of-way), also being the southwest corner of Document Number 2006-009149; thence along said northerly right-of-way line, South  $88^{\circ}34'08''$  East 207.90 feet to the west line of Document Number 2007-020527; thence along said west line, South  $05^{\circ}23'56''$  West 18.54 feet to the northerly right-of-way line of Tooze Road (20.00 feet from centerline); thence along said northerly right-of-way line South  $88^{\circ}34'12''$  East 849.19 feet to the southwest corner of Document Number 85-017503; which bears North  $01^{\circ}12'08''$  East 20.00 feet from the One-Quarter corner common to said Sections 10 and 15; thence continuing along said northerly right-of-way line (20.00 feet from centerline) South  $88^{\circ}35'11''$  East 1206.14 feet to the northerly extension of the westerly right-of-way line of 110<sup>th</sup> Avenue (20.00 feet from centerline); thence along said northerly extension and said westerly right-of-way line and the City of Wilsonville city limits, South  $01^{\circ}35'44''$  West 929.28 feet to the north line of Tract 'C' of the Plat of "Tonquin Meadows"; thence along said north line and the north line of the Plat of "Tonquin Woods at Villebois No. 6" and the City of Wilsonville city limits, North  $88^{\circ}34'12''$  West 1214.77 feet to the southeast corner of Parcel 1 of Partition Plat Number 1994-182; thence along the east line of said Parcel 1 and the City of Wilsonville city limits, North  $02^{\circ}08'37''$  East 889.00 feet to the southerly right-of-way line of Tooze Road (20.00 feet from centerline); thence along said southerly right-of-way line and the City of Wilsonville city limits, North  $88^{\circ}34'12''$  West 569.36 feet to the northwest corner of Document Number 73-30518, also being the northeast corner of the plat of "Calais at Villebois"; thence along the north line of said plat, being a line parallel to and 20.00 feet southerly of the centerline of Tooze Road, and continuing along said city limits, North  $88^{\circ}34'12''$  West 558.83 feet to the westerly line of said plat, being a line parallel to and 30.00 feet easterly the centerline of Grahams Ferry Road; thence along said westerly line and along said city limits, South  $21^{\circ}00'44''$  West 753.50 feet to an angle point; thence South  $17^{\circ}14'39''$  West 15.81 feet to the most northerly corner of Document Number 2014-037149, being a point on the easterly right-of-way line of Grahams Ferry Road (30.00 feet from centerline); thence along said right-of-way line and said city limits, South  $17^{\circ}14'39''$  West

170.24 feet to the southwest corner of said Deed and an angle point in the City of Wilsonville city limits; thence along the City of Wilsonville city limits, North 88°34'12" West 62.36 feet to the westerly right-of-way line of Grahams Ferry Road (30.00 feet from centerline), also being the southeast corner of Document Number 2013-072076; thence along said westerly right-of-way line, North 17°14'39" East 205.02 feet to an angle point; thence North 21°00'44" East 755.35 feet to the True Point of Beginning.

The above described tract of land contains 28.31 acres, more or less.

02/09/2016



A handwritten signature in black ink that reads "Nick White".



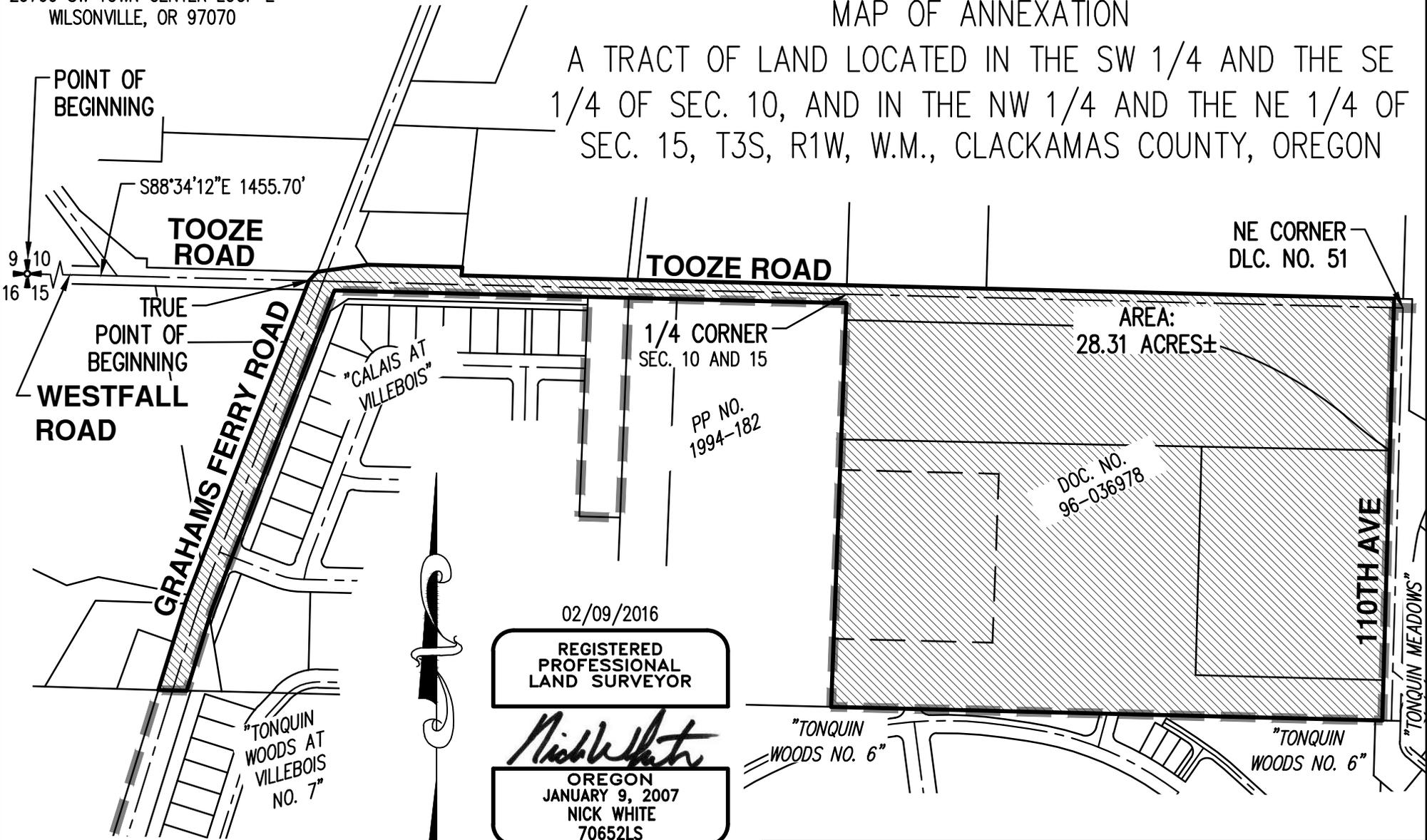
RENEWS: 6/30/16

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

CITY OF WILSONVILLE CITY LIMITS

SCALE 1" = 300 FEET



GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062

P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: MSK

CHKD: NSW

AKS JOB:

4658

**CC Exhibit A**

**STAFF REPORT  
WILSONVILLE PLANNING DIVISION**

**Annexation: SW Grahams Ferry Road ROW, SW Tooze Road ROW  
and Allen Chang Property  
CITY COUNCIL  
QUASI-JUDICIAL PUBLIC HEARING  
STAFF REPORT**

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<b>HEARING DATE</b>	January 4, 2016
<b>DATE OF REPORT:</b>	December 15, 2015

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**REQUEST:** DB15-0083 Annexation of right-of-way and property into the City of Wilsonville. The area includes SW Grahams Ferry Road right-of-way, SW Tooze Road right-of-way and the Chang property. A development proposal is not part of the request. The proposed annexation is described by the applicant:

“The need to annex the property described above is two-fold. First, the right-of-way, which was brought into the urban growth boundary together with the Villebois Master Plan Area, is under the jurisdictional control of the City of Wilsonville, but was not annexed concurrently with the Calais annexation, or the annexation of property on Tooze Road owned by the Urban Renewal Agency. In order to spend urban renewal funds on the Tooze Road improvement project, which includes a portion of Grahams Ferry Road, the Tooze Road and Grahams Ferry Road right-of-way inside the urban growth boundary must be annexed.”

“Secondly, the Villebois Master Plan includes future parks that will be located on the Chang property. One of these parks spans three separate property ownerships, including land owned by Polygon, the Urban Renewal Agency, and the Chang property. The Changs have agreed to provide an easement to allow Polygon to construct the portion of the park that is on their property as well as a public access easement so that a complete park experience can be provided to the public. However, as their property is not currently within the city, the design and construction of this park would fall under the land use approval and permitting of two separate agencies. To facilitate land use approvals, permitting, and construction of this park, it makes sense to annex the Chang property at this time in conjunction with the city’s right of way annexation.”

“The Changs would like to have their property annexed at this time and have indicated they will likely sell it for development within the next two to three years. The rezoning of the property would occur at that time, rather than now. During the interim, the Changs have indicated they would like to maintain their property in a farm and forest deferral tax status.”

**LOCATION:** Grahams Ferry Road ROW, Tooze Road ROW and Chang property. Described as Tax Lots 700, 800, 900 & 1000, Section 15, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon

**OWNERS/PETITIONERS:** City of Wilsonville and Allen T. Chang

**APPLICANT:** Kristin Retherford, Economic Development Manager

**COMPREHENSIVE PLAN MAP DESIGNATION:** Village

**ZONE MAP CLASSIFICATIONS:** Village (City), and Rural Residential Farm Forest 5 acre (RRFF-5) (Clackamas County).

**STAFF REVIEWERS:** Blaise Edmonds, Manager of Current Planning and Steve Adams, Development Engineering Manager.

**DEVELOPMENT REVIEW BOARD:** **Recommends approval** of the requested Annexation with no conditions of approval being proposed. The findings adopted by the Development Review Board in review of the above request will be forwarded as a recommendation to the City Council.

**APPLICABLE REVIEW CRITERIA:**

<b><u>DEVELOPMENT CODE</u></b>	
<b>Section 4.008</b>	<b>Application Procedures-In General</b>
<b>Section 4.009</b>	<b>Who May Initiate Application</b>
<b>Section 4.010</b>	<b>How to Apply</b>
<b>Section 4.011</b>	<b>How Applications are Processed</b>
<b>Section 4.031</b>	<b>Authority of the Development Review Board</b>
<b>Section 4.033</b>	<b>Authority of the City Council</b>
<b>Section 4.700</b>	<b>Annexation</b>
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	
<b>Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.A Implementation Measure 2.2.1.E Implementation Measure 4.1.6.A Implementation Measure 4.1.6.C</b>	<b>Annexation:</b>
<b><u>REGIONAL AND STATE PLANNING DOCUMENTS</u></b>	
<b>Metro Code Chapter 3.09</b>	<b>Local Government Boundary Changes</b>
<b>ORS 222.111</b>	<b>Authority and Procedures for Annexation</b>
<b>ORS 222.120</b>	<b>Procedure without Election by City Electors</b>
<b>ORS 222.125</b>	<b>Annexation by Consent of All Land Owners and Majority of Electors</b>
<b>ORS 222.170</b>	<b>Effect of Consent to Annexation by Territory</b>
<b>Statewide Planning Goals</b>	

Map on following page.

<b>Vicinity/Site Map</b>
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**SUMMARY:**

A detailed introduction and compliance report in support of the application is provided by the applicant found in Exhibit B1. The applicant's narrative adequately describes the requested application components and compliance findings regarding applicable review criteria.

**CONCLUSION:**

**Staff recommends approval** of the requested Annexation, The findings of approval adopted by the Development Review Board in review of the above request will be forwarded as a recommendation to the City Council.

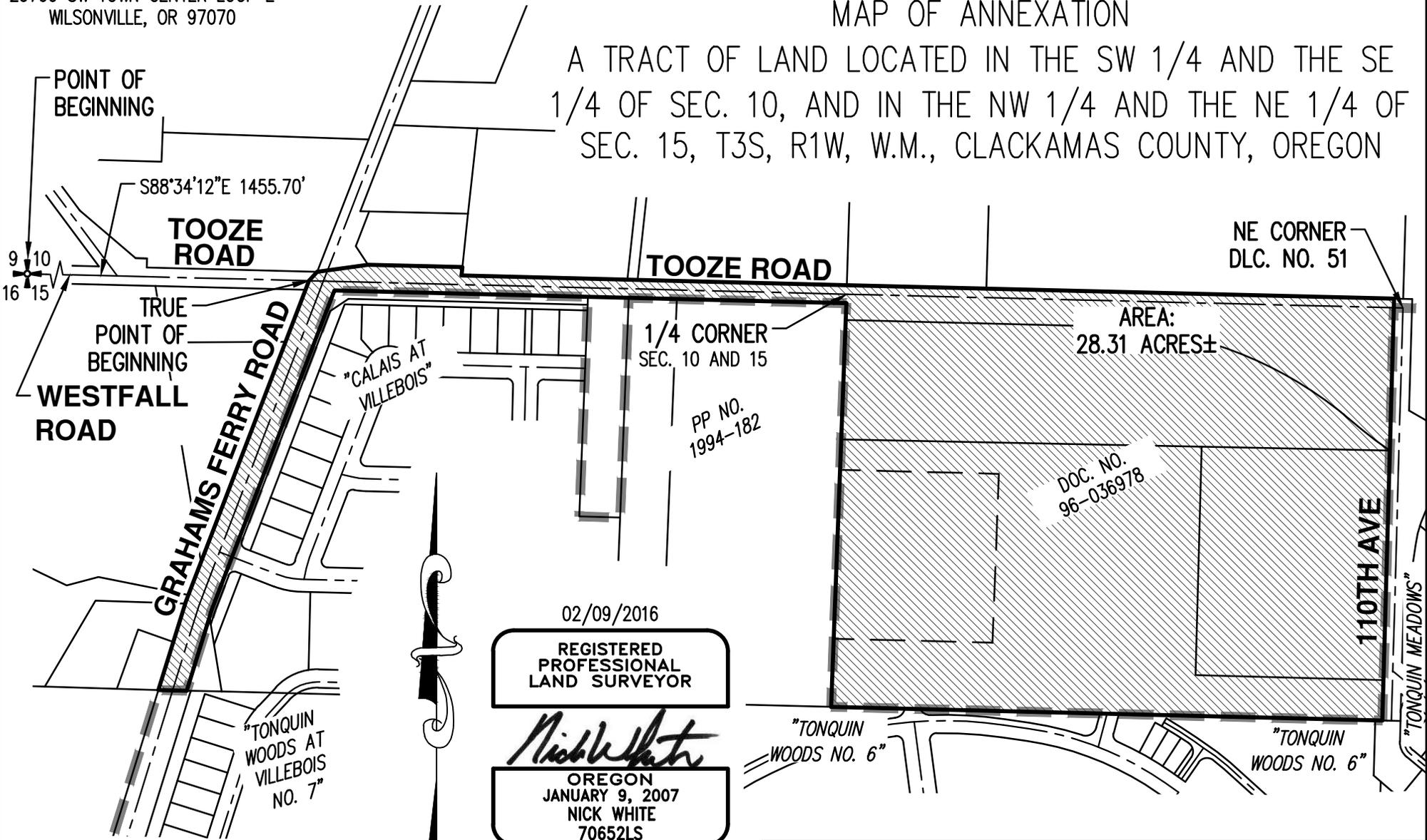
**EXHIBIT LIST:**

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

CITY OF WILSONVILLE  
CITY LIMITS

SCALE 1" = 300 FEET



GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB15-0083.

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the applications as submitted:

- A1. Staff Report, findings and recommendation.
- A2. Staff PowerPoint presentation.

**Applicant’s Written and Graphic Materials:**

- B1. Applications, Supporting Compliance Report including annexation narrative, general Information, background Information, applicable review Criteria: Oregon Statewide Planning Goals, Clackamas County Department of Transportation Villebois roads transfers, Resolution No. 1973, Annexation (Exhibit B) metes and bounds legal description and 8 -maps prepared by AKS, Power of Attorney
- B2. CD of items listed in Exhibit B1.
- B3. Memorandum, Kristin Retherford, dated October 29, 2015.

**Development Review Team**

None

**Public Testimony**

Letters (neither For nor Against):

Letters (In Favor): None submitted,

Letters (Opposed): None submitted.

<b>FINDINGS OF FACT</b>
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1. The statutory 120-day time limit applies to this application. The application was received on October 27, 2015. On October 29, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. The applicant submitted new material on October 29, 2015. On October 30, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by January 25, 2016.
2. The subject SW Grahams Ferry Road right-of-way and SW Tooze Road right-of-way were brought into Wilsonville’s Urban Growth Boundary (UGB) together with the Villebois Master Plan.
3. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

**GENERAL INFORMATION**

**Section 4.008 Application Procedures-In General**

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

**Finding:** This criterion is met.

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

**Section 4.009 Who May Initiate Application**

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The application has been submitted by the City of Wilsonville and Allen T. Chang.

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

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No applicable liens exist for the subject property.

**CONCLUSIONARY FINDING: ANNEXATION**

Staff has relied upon the applicant’s submittal documents and compliance findings and recommends that the Development Review Board adopt the applicant’s findings attached hereto as Exhibit B1, as approval findings for the recommended action.

December 15, 2015

**DEVELOPMENT REVIEW BOARD PANEL A**

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND  
RECOMMENDATION TO CITY COUNCIL**

**Project Name:** Grahams Ferry Road right-of-way, Tooze Road right-of-way and Chang Property Annexation

**Case Files:** DB15-0083 Annexation

**Owners:** City of Wilsonville  
Allen Chang

**Applicant:** Kristin Retherford, Economic Development Manager

**Property Description:** Tax Lot 700, 800, 900 and 1000 in Section 15; T3S R1W; Clackamas County; Wilsonville, Oregon.

**Location:** SW Grahams Ferry Road ROW, SW Tooze Road ROW and Chang property.

On December 14, 2015, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

The DRB has forwarded a recommendation of approval to the City Council.  
*A Council hearing date is scheduled for Monday, January 4, 2016 to hear this item.*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 15<sup>th</sup> day of December 2015 and is available for public inspection. The decision regarding this requests shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*.

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 320, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 320**

**A RESOLUTION OF THE CITY OF WILSONVILLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ANNEXATION OF PUBLIC RIGHT-OF-WAY AND TERRITORY LOCATED AT THE NORTHERN EDGE OF VILLEBOIS OF THE CITY OF WILSONVILLE, OREGON. THE PUBLIC RIGHT-OF-WAY AND TERRITORY IS MORE PARTICULARLY DESCRIBED AS SW GRAHAMS FERRY ROAD, SW TOOZE ROAD AND TAX LOTS 700, 800, 900 AND 1000, OF SECTION 15, 3S, RANGE 1W, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, CITY OF WILSONVILLE AND ALLEN T. CHANG OWNERS.**

RECITTALS

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated December 7, 2015, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on December 14, 2015, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

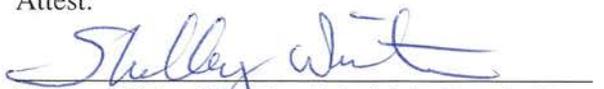
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated December 7, 2015, attached hereto as Exhibit A1, with findings contained therein, and authorizes the Planning Director to recommend to the City Council approval of the Annexation request in case-file DB15-0083.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14<sup>th</sup> day of December, 2015 and filed with the Planning Administrative Assistant on December 15, 2015. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).

  
Kristin Akervall, Vice-Chair - Panel A  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant

**DRB Exhibit A1**

**STAFF REPORT  
WILSONVILLE PLANNING DIVISION**

**Annexation: SW Grahams Ferry Road ROW and SW Tooze Road ROW  
and the  
Chang Property**

**DEVELOPMENT REVIEW BOARD PANEL ‘A’  
QUASI-JUDICIAL PUBLIC HEARING  
STAFF REPORT  
(ADOPTED - DECEMBER 14, 2015)**

---

<b>HEARING DATE</b>	December 14, 2015
<b>DATE OF REPORT:</b>	December 7, 2015

---

**Strike-through** = Deleted words  
**Bold/Italic** = New words

**REQUEST:** DB15-0083 Annexation of right-of-way and property into the City of Wilsonville. The area includes SW Grahams Ferry Road right-of-way, SW Tooze Road right-of-way and the Chang property. A development proposal is not part of the request. The proposed annexation is described by the applicant:

“The need to annex the property described above is two-fold. First, the right-of-way, which was brought into the urban growth boundary together with the Villebois Master Plan Area, is under the jurisdictional control of the City of Wilsonville, but was not annexed concurrently with the Calais annexation, or the annexation of property on Tooze Road owned by the Urban Renewal Agency. In order to spend urban renewal funds on the Tooze Road improvement project, which includes a portion of Grahams Ferry Road, the Tooze Road and Grahams Ferry Road right-of-way inside the urban growth boundary must be annexed. Without annexation, the use of urban renewal to construct these needed improvements would require county-wide vote of the citizens of Clackamas County.”

“Secondly, the Villebois Master Plan includes future parks that will be located on the Chang property. One of these parks spans three separate property ownerships, including land owned by Polygon, the Urban Renewal Agency, and the Chang property. The Changs have agreed to provide an easement to allow Polygon to construct the portion of the park that is on their property as well as a public access easement so that a complete park experience can be provided to the public. However, as their property is not currently within the city, the design and construction of this park would fall under the land use approval and permitting of two separate agencies. To facilitate land use approvals, permitting, and construction of this park, it makes sense to annex the Chang property at this time in conjunction with the city’s right of way annexation.”

“The Changs would like to have their property annexed at this time and have indicated they will likely sell it for development within the next two to three years. The rezoning of the property would occur at that time, rather than now. During the interim, the Changs have indicated they would like to maintain their property in a farm and forest deferral tax status.”

**LOCATION:** SW Grahams Ferry Road ROW, SW Tooze Road ROW and Chang property. Described as Tax Lots 700, 800, 900 & 1000, Section 15, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon

**OWNERS/PETITIONERS:** City of Wilsonville and Allen T. Chang

**APPLICANT:** Kristin Retherford, Economic Development Manager

**COMPREHENSIVE PLAN MAP DESIGNATION:** Village

**ZONE MAP CLASSIFICATIONS:** Rural Residential Farm Forest 5 acre (RRFF-5) (Clackamas County).

**STAFF REVIEWERS:** Blaise Edmonds, Manager of Current Planning

**STAFF RECOMMENDATION ACTION:** ~~The DRB Recommends~~ **approved** of the requested Annexation with no conditions of approval being proposed. The findings adopted by the Development Review Board in review of the above request will be forwarded as a recommendation to the City Council.

**APPLICABLE REVIEW CRITERIA:**

<b><u>DEVELOPMENT CODE</u></b>	
<b>Section 4.008</b>	<b>Application Procedures-In General</b>
<b>Section 4.009</b>	<b>Who May Initiate Application</b>
<b>Section 4.010</b>	<b>How to Apply</b>
<b>Section 4.011</b>	<b>How Applications are Processed</b>
<b>Section 4.031</b>	<b>Authority of the Development Review Board</b>
<b>Section 4.033</b>	<b>Authority of the City Council</b>
<b>Section 4.700</b>	<b>Annexation</b>
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	
<b>Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.A Implementation Measure 2.2.1.E Implementation Measure 4.1.6.A Implementation Measure 4.1.6.C</b>	<b>Annexation:</b>
<b><u>REGIONAL AND STATE PLANNING DOCUMENTS</u></b>	
<b>Metro Code Chapter 3.09</b>	<b>Local Government Boundary Changes</b>
<b>ORS 222.111</b>	<b>Authority and Procedures for Annexation</b>
<b>ORS 222.120</b>	<b>Procedure without Election by City Electors</b>
<b>ORS 222.125</b>	<b>Annexation by Consent of All Land Owners and</b>

	<b>Majority of Electors</b>
<b>ORS 222.170</b>	<b>Effect of Consent to Annexation by Territory</b>
<b>Statewide Planning Goals</b>	

Map on following page.

<b>Vicinity/Site Map</b>
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**SUMMARY:**

A detailed introduction and compliance report in support of the application is provided by the applicant found in Exhibit B1. The applicant's narrative adequately describes the requested application components and compliance findings regarding applicable review criteria.

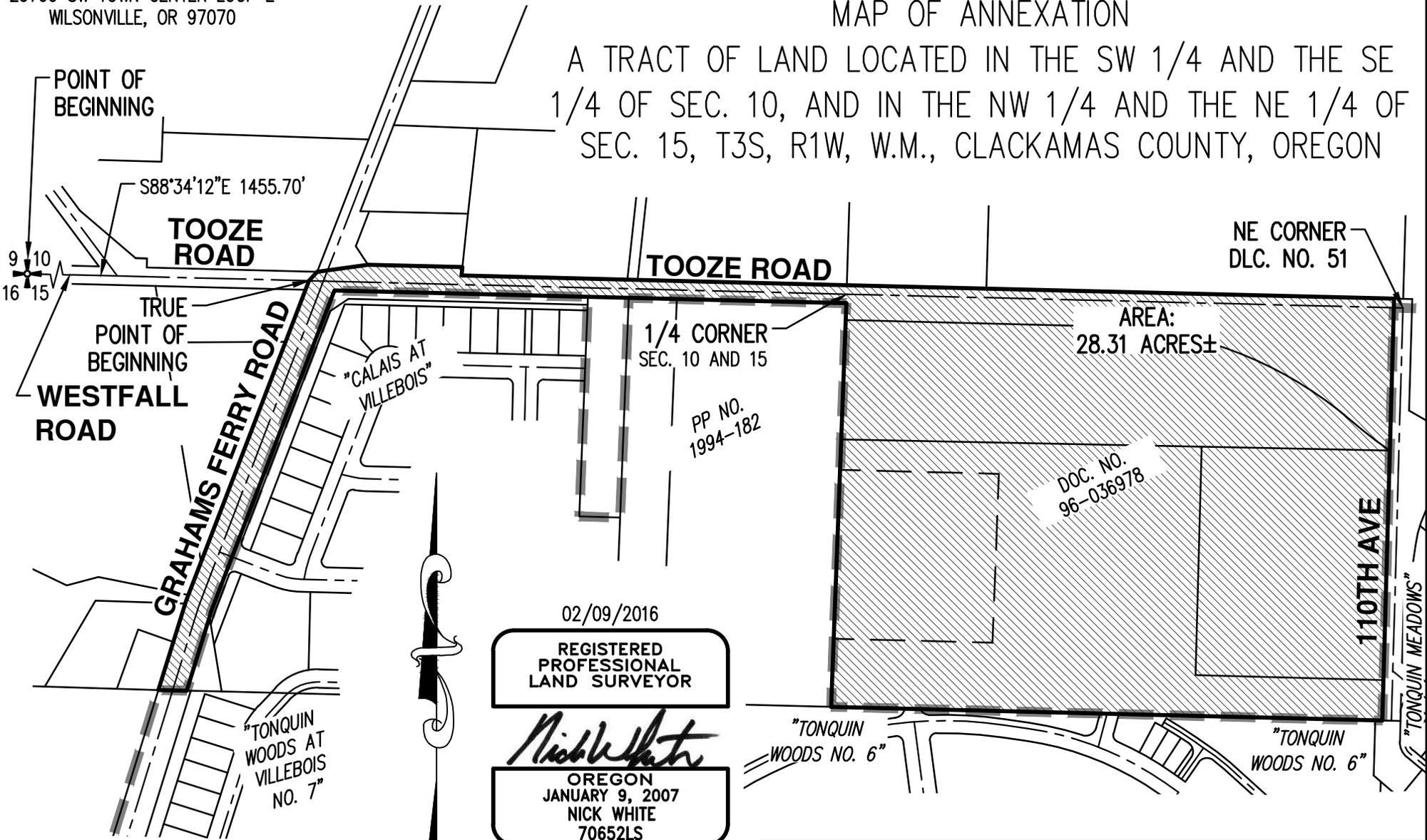
**CONCLUSION:**

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

CITY OF WILSONVILLE  
CITY LIMITS

SCALE 1" = 300 FEET



GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

**Staff recommends approval** of the requested Annexation, The findings of approval adopted by the Development Review Board in review of the above request will be forwarded as a recommendation to the City Council **with no conditions of approval**.

**EXHIBIT LIST:**

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB15-0083.

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the applications as submitted:

- A1.** Staff Report, findings and recommendation.
- A2.** Staff PowerPoint presentation.
- A3.** *1<sup>st</sup> e-mail dated Dec. 11, from Blaise Edmonds responding to Tonie Tollen questions in Exhibits D1*
- A4.** *2<sup>nd</sup> e-mail dated Dec. 11, from Blaise Edmonds responding to Tonie Tollen questions in Exhibits D2*

**Applicant’s Written and Graphic Materials:**

- B1.** Applications, Supporting Compliance Report including annexation narrative, general Information, background Information, applicable review Criteria: Oregon Statewide Planning Goals, Clackamas County Department of Transportation Villebois roads transfers, Resolution No. 1973, Annexation (Exhibit B) metes and bounds legal description and 8 -maps prepared by AKS, Power of Attorney
- B2.** CD of items listed in Exhibit B1.
- B3.** Memorandum, Kristin Retherford, dated October 29, 2015.

**C Development Review Team**

- C1.** *E-mail dated Dec. 11, from Mike Ward, City Civil Engineer responding to Toni Tollen questions in Exhibit D1.*

**D Public Testimony**

Letters (neither For nor Against):

- D1.** *1<sup>st</sup> e-mail, Tonie Tollen, dated Dec. 10, 2015*
- D2.** *2<sup>nd</sup> e-mail, Tonie Tollen, dated Dec. 11, 2015*

Letters (In Favor): None submitted

Letters (Opposed): None submitted

## FINDINGS OF FACT

1. The statutory 120-day time limit applies to this application. The application was received on October 27, 2015. On October 29, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. The applicant submitted new material on October 29, 2015. On October 30, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by January 25, 2016.
2. The subject Grahams Ferry Road right-of-way and Tooze Road right-of-way were brought into Wilsonville's Urban Growth Boundary (UGB) together with the Villebois Master Plan.
3. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

## GENERAL INFORMATION

### Section 4.008 Application Procedures-In General

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

**Finding:** This criterion is met.

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

### Section 4.009 Who May Initiate Application

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The application has been submitted by the City of Wilsonville and Allen T. Chang.

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

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

payments must be made current or the existence of liens will necessitate denial of the application.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No applicable liens exist for the subject property.

<b>CONCLUSIONARY FINDINGS: ANNEXATION</b>
---

Staff has relied upon the applicant’s submittal documents and compliance findings and recommends that the Development Review Board adopt the applicant’s findings attached hereto as Exhibit B1, as approval findings for the recommended action.

# **Development Review Board – Panel A**

**December 14, 2015**

**ANNEX GRAHAM'S FERRY ROAD ROW,  
TOOZE ROAD ROW AND  
THE CHANG PROPERTY  
NEXT TO VILLEBOIS**



**CITY LIMITS**  
**URBAN GROWTH BOUNDARY**



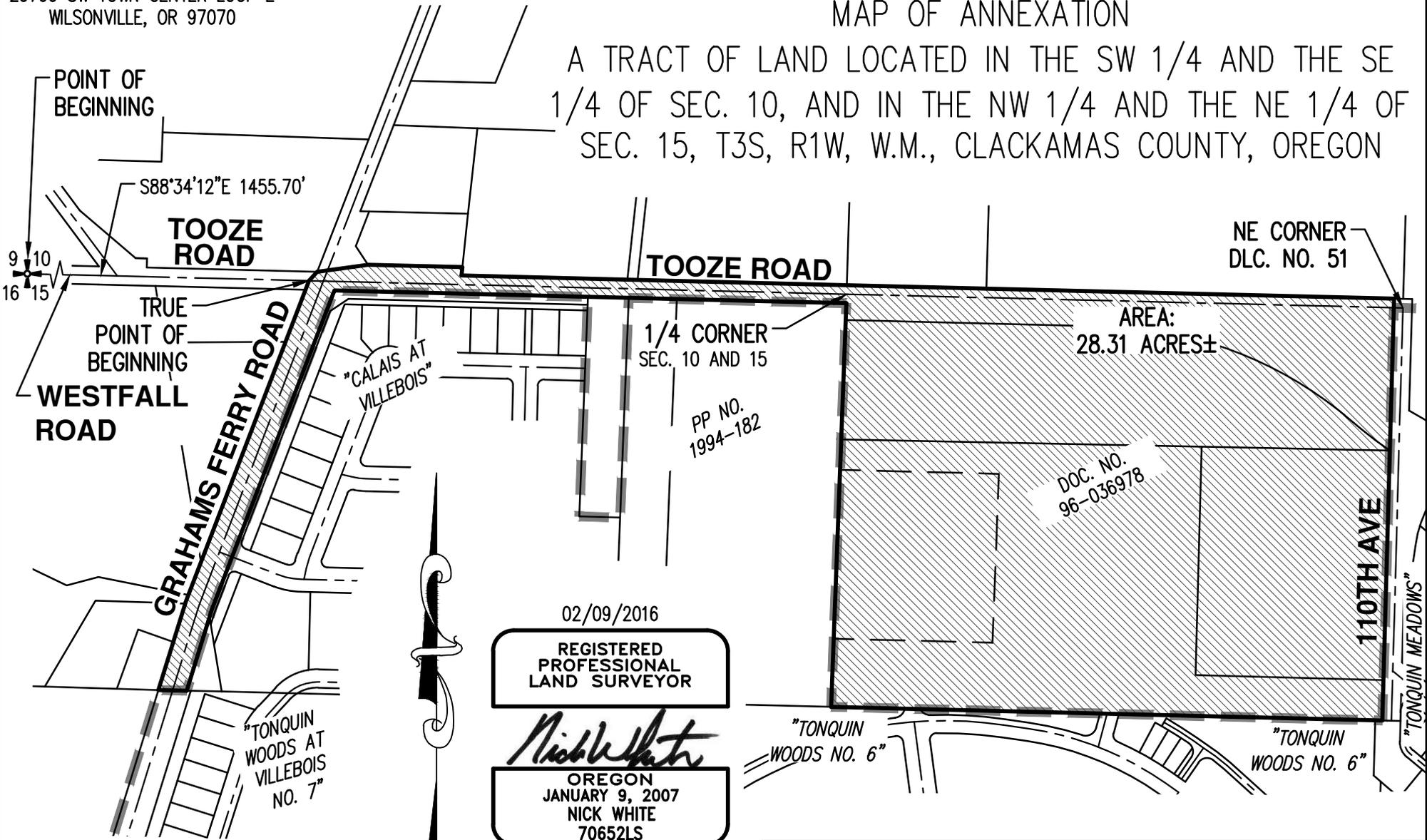
**CITY GIS MAP**

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



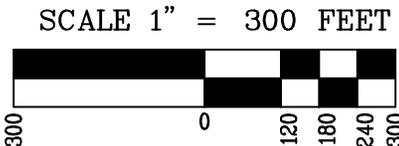
02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*  
OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS  
RENEWS: 6/30/16

### LEGEND

CITY OF WILSONVILLE  
CITY LIMITS



<b>GRAHAMS FERRY AND TOOZE ROAD ANNEXATION</b> CITY OF WILSONVILLE		EXHIBIT <b>B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: MSK CHKD: NSW AKS JOB: 4658



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

Property Owners:

Name: Allen Y. Chang  
Signature *A Y Chang* Date 10-26-2015  
Property Owned: Taxlots 3S1W15\_00700, 3S1W15\_00800 (28201 SW 110<sup>th</sup> Ave.),  
3S1W15\_00900 (11490 SW Tooze Rd.), 3S1W15\_01000  
Mailing Address: 3205 Edgemont Road, Lake Oswego OR 97035

Name: Bryan Cosgrove, City Manager, for City of Wilsonville  
Signature *Bryan Cosgrove* Date 10/27/15  
Property Owned: SW Tooze Road right-of-way, SW Grahams Ferry Road right-of-  
way  
Mailing Address: 29799 SW Town Center Loop East, Wilsonville OR 97070

Electors:

Name: Michele Lurene Grant  
Signature *Michele Grant* Date 10/24/15  
Registered Address: 11490 SW Tooze Road  
Precinct Number: 323

Name: Mirae Jean Grant  
Signature *Mirae Jean Grant* Date 10/21/15  
Registered Address: 11490 SW Tooze Road  
Precinct Number: 323

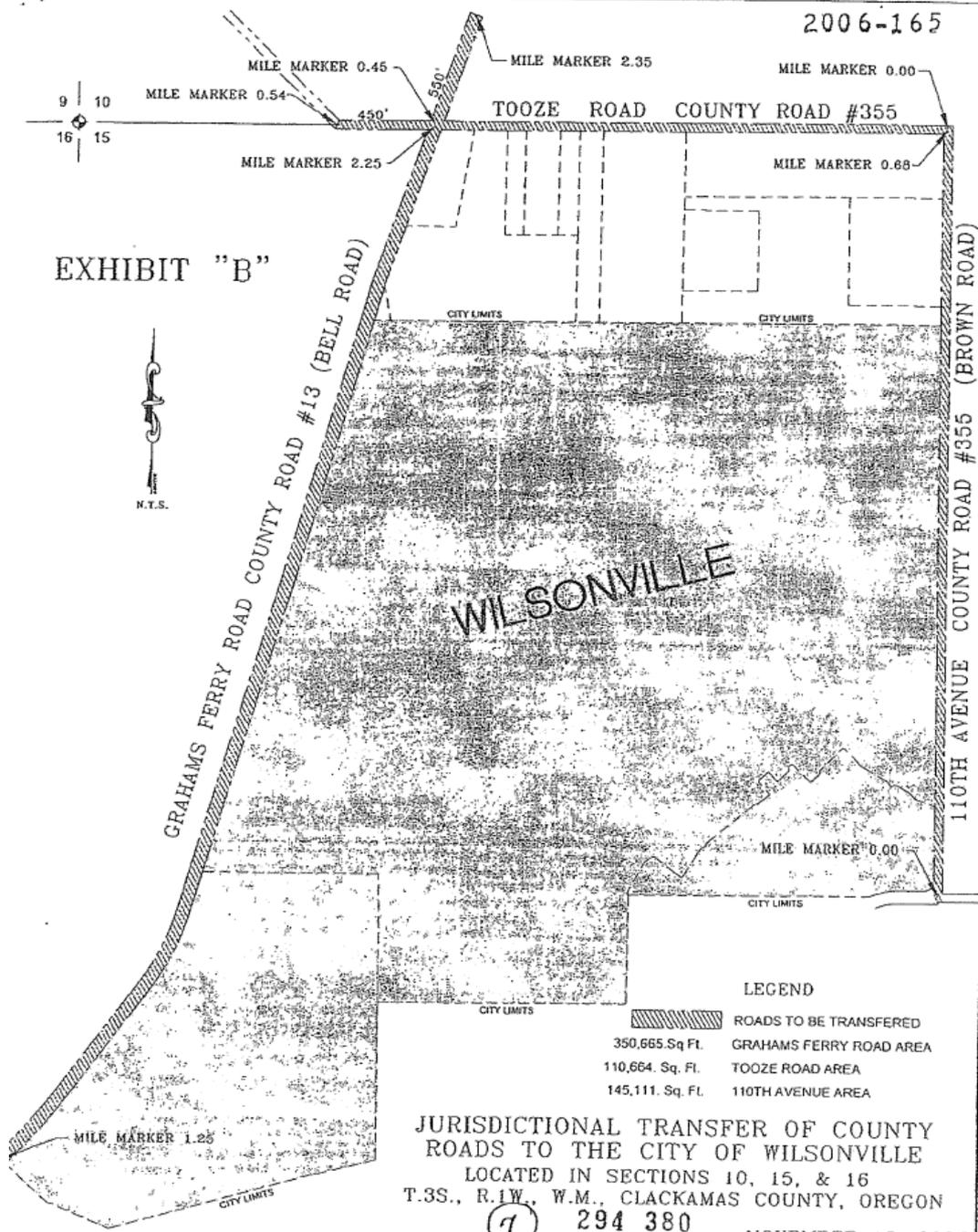
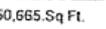
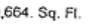
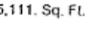


EXHIBIT "B"



LEGEND

-  ROADS TO BE TRANSFERRED
-  350,665 Sq. Ft. GRAHAMS FERRY ROAD AREA
-  110,664 Sq. Ft. TOOZE ROAD AREA
-  145,111 Sq. Ft. 110TH AVENUE AREA

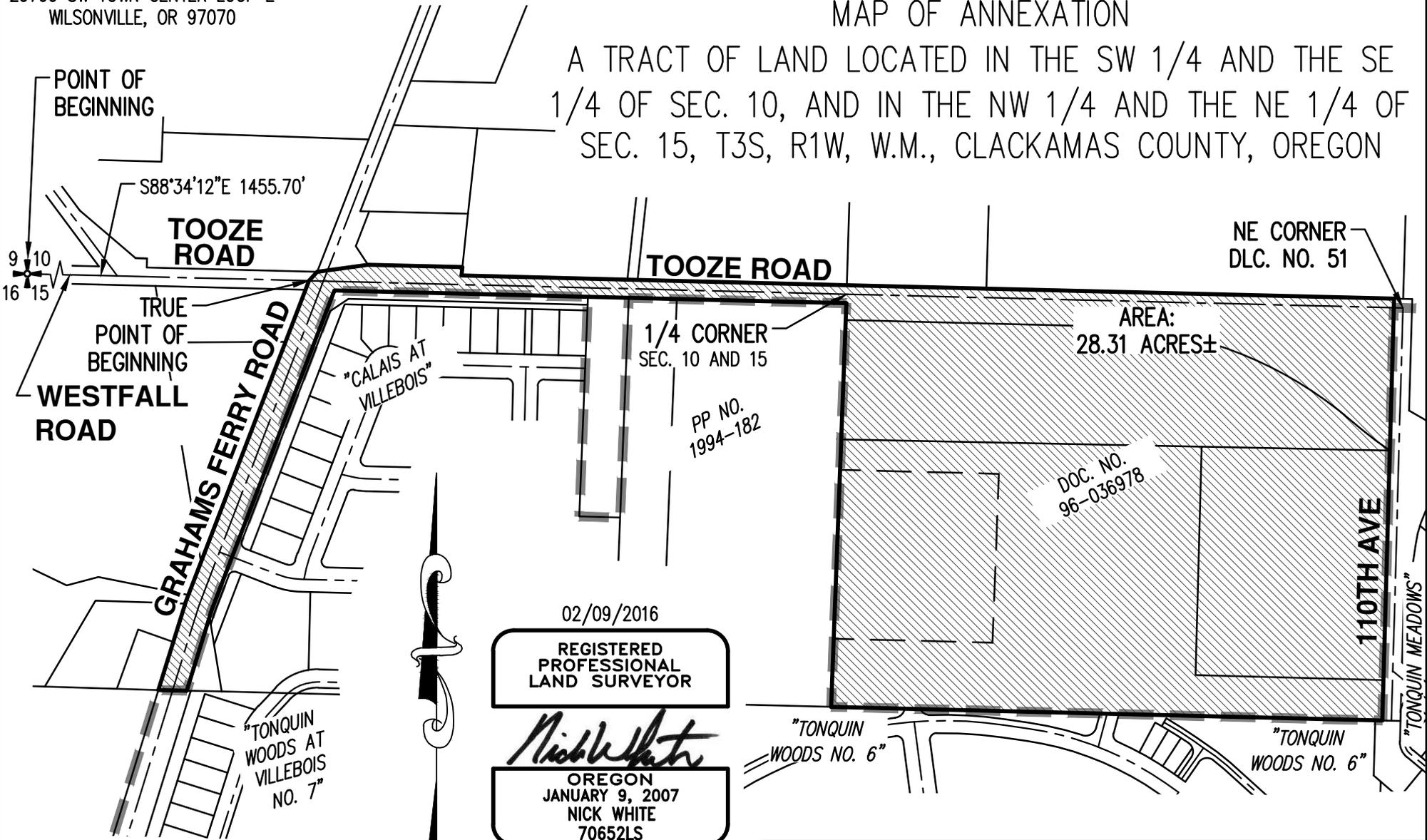
JURISDICTIONAL TRANSFER OF COUNTY  
 ROADS TO THE CITY OF WILSONVILLE  
 LOCATED IN SECTIONS 10, 15, & 16  
 T.3S., R.1W., W.M., CLACKAMAS COUNTY, OREGON

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



02/09/2016

REGISTERED PROFESSIONAL LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

2/9/16 CITY OF WILSONVILLE CITY LIMITS

SCALE 1" = 300 FEET



GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062

P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT B

DRWN: MSK

CHKD: NSW

AKS JOB:

4658

# EXHIBIT B

## MAP OF ANNEXATION

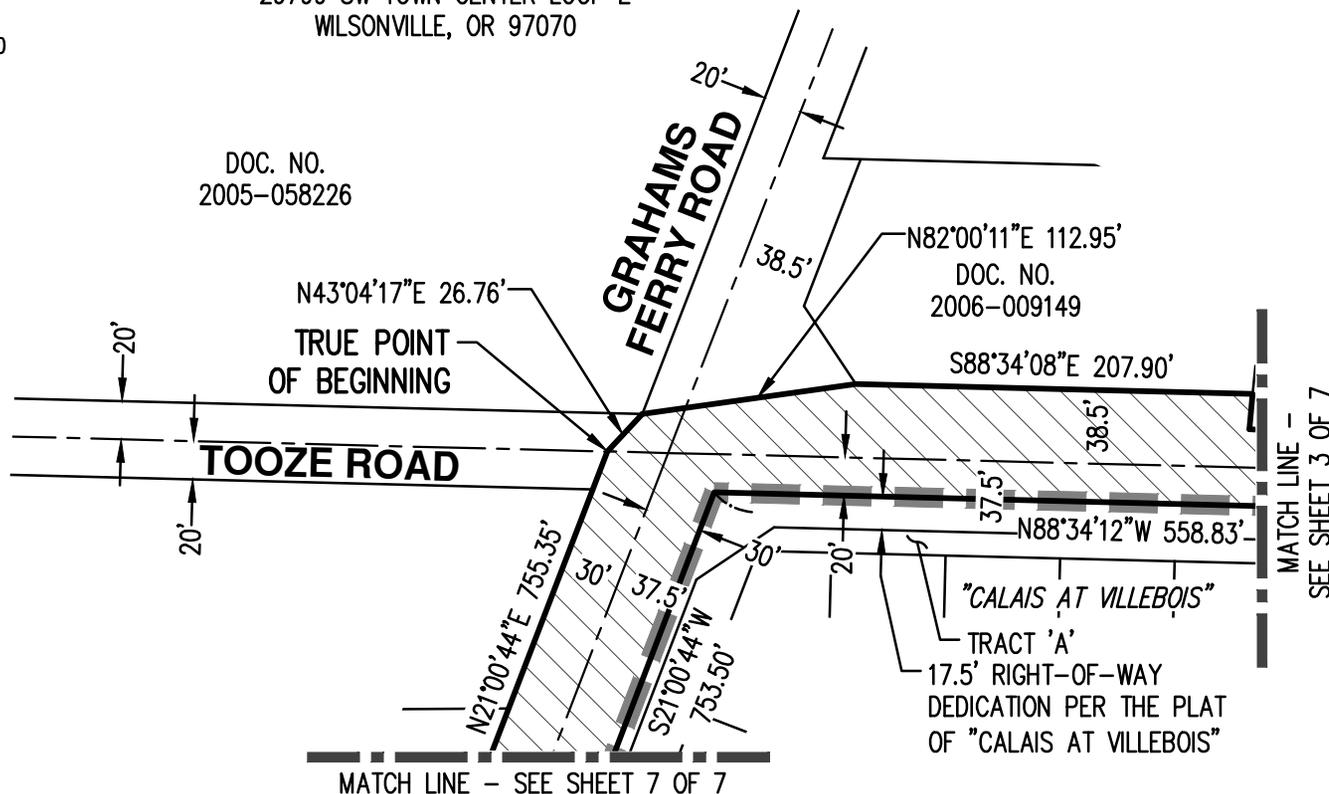
A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

SCALE 1" = 100 FEET



PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

DOC. NO.  
2005-058226



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

— CITY OF WILSONVILLE  
CITY LIMITS

### GRAHAMS FERRY AND TOOZE ROAD ANNEXATION CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

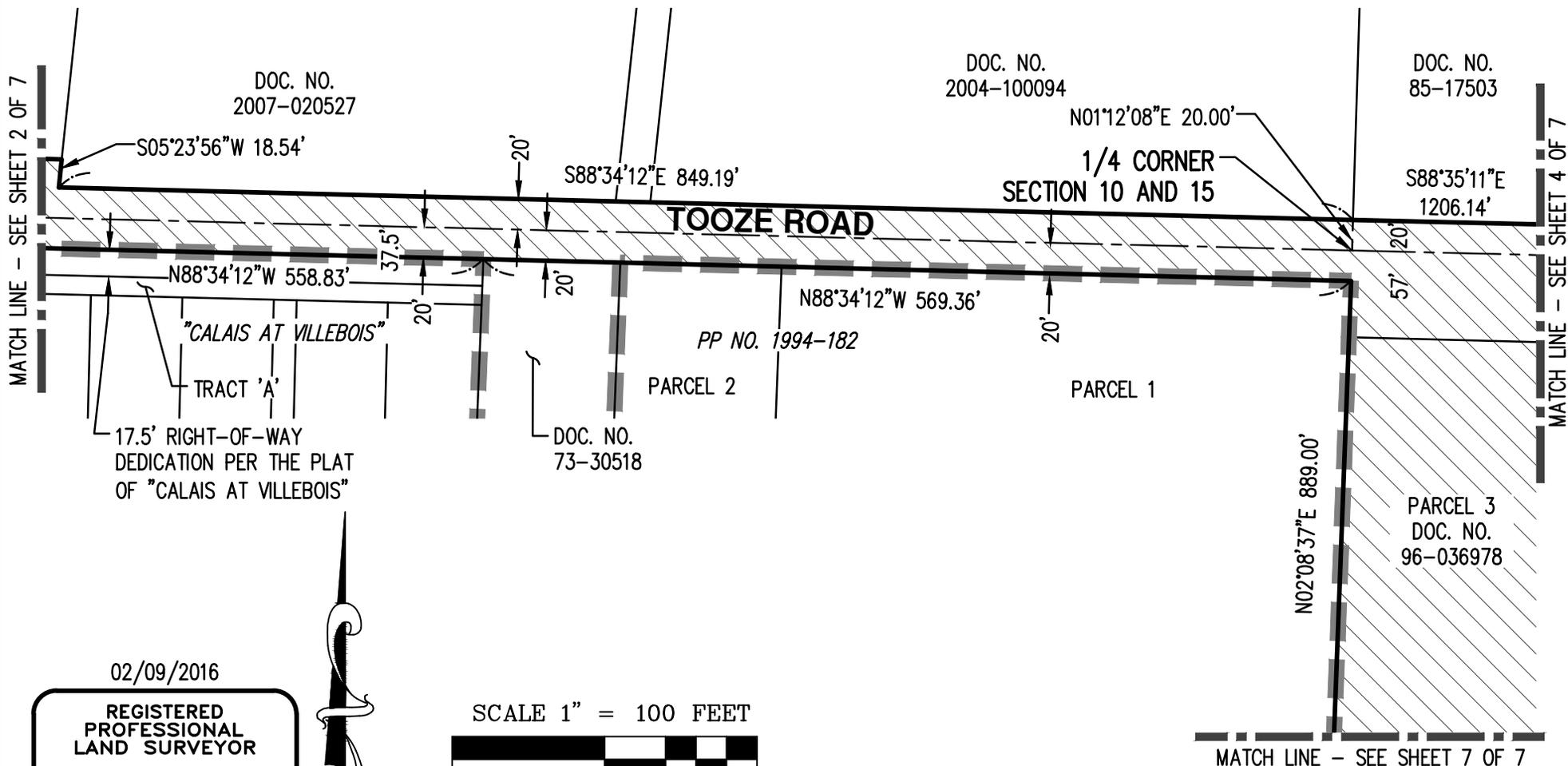
DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

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PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
2/970652LS

RENEWS: 6/30/16

SCALE 1" = 100 FEET



### LEGEND

CITY OF WILSONVILLE  
CITY LIMITS

GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
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EXHIBIT  
**B**

DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

MATCH LINE - SEE SHEET 3 OF 7

NE CORNER OF  
DLC NO. 51

S88°35'11"E 1206.14'

57' 20'

**TOOZE ROAD**

C2 L=560.48'

PARCEL 3  
DOC. NO.  
96-036978

S01°35'44"W 929.28'

**110TH AVENUE**

20'

PARCEL 1  
DOC. NO.  
96-036978

MATCH LINE - SEE SHEET 5 OF 7

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

SCALE 1" = 100 FEET



*Nick White*  
OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

**GRAHAMS FERRY AND TOOZE ROAD ANNEXATION**  
**CITY OF WILSONVILLE**

EXHIBIT  
**B**

AKS ENGINEERING & FORESTRY, LLC  
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DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

### LEGEND

CITY OF WILSONVILLE  
CITY LIMITS

2/9/16

# EXHIBIT B

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SCALE 1" = 100 FEET



MATCH LINE - SEE SHEET 4 OF 7

MATCH LINE - SEE SHEET 6 OF 7

PARCEL 2  
DOC. NO.  
96-036978

PARCEL 1  
DOC. NO.  
96-036978

S01°35'44"W 929.28'

110TH AVENUE

"TONQUIN MEADOWS"

SW VERDUN LOOP

N88°34'12"W 1214.77'

"TONQUIN WOODS AT VILLEBOIS NO. 6"

TRACT 'FFF'

02/09/2016

"TONQUIN WOODS AT VILLEBOIS NO. 6"

TRACT 'GGG'

VACATED PORTION OF 110TH AVE PER ORD. NO. 736 AND DOC. NO. 2014-015468

TRACT 'C'

"TONQUIN MEADOWS"

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

### LEGEND

CITY OF WILSONVILLE CITY LIMITS

2/9/16

REGISTERED PROFESSIONAL LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

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EXHIBIT  
**B**

DRWN: MSK  
CHKD: NSW

AKS JOB:  
4658

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

MATCH LINE - SEE SHEET 3 OF 7

PARCEL 1

PP NO.  
1994-182

N02°08'37"E 889.00'

PARCEL 2  
DOC. NO.  
96-036978

MATCH LINE - SEE SHEET 5 OF 7

N88°34'12"W 1214.77'

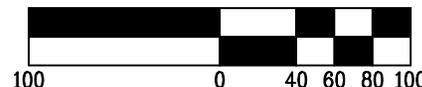
TRACT 'EEE'

"TONQUIN WOODS AT  
VILLEBOIS NO. 6"

2/9/16



SCALE 1" = 100 FEET



PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

### LEGEND

 CITY OF WILSONVILLE  
CITY LIMITS

02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

EXHIBIT  
**B**

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062



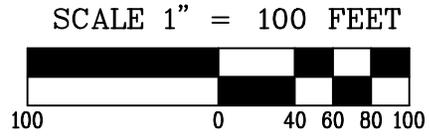
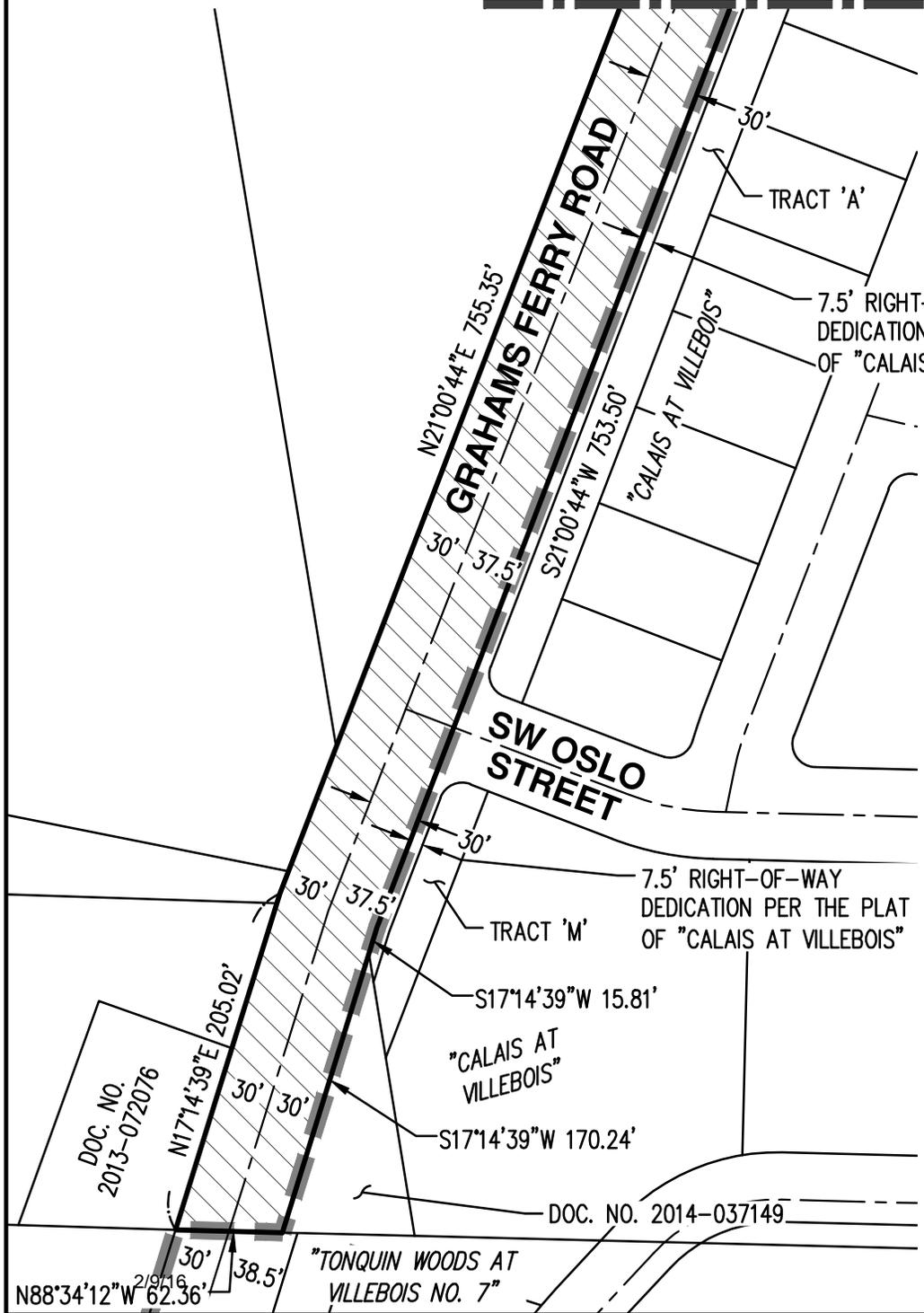
DRWN: MSK  
CHKD: NSW

AKS JOB:  
4658

P: 503.563.6151 F: 503.563.6152 aks-eng.com

MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS  
RENEWS: 6/30/16

**LEGEND**

CITY OF WILSONVILLE  
CITY LIMITS

<b>GRAHAMS FERRY AND TOOZE ROAD ANNEXATION</b> CITY OF WILSONVILLE	
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com	
<b>EXHIBIT B</b>	DRWN: MSK CHKD: NSW AKS JOB: 4658





## Edmonds, Blaise

**From:** Edmonds, Blaise  
**Sent:** Friday, December 11, 2015 9:10 AM  
**To:** 'Tonie Tollen'  
**Cc:** Cyndi Satterlund; Kathleen and Sean McRae; Retherford, Kristin; Jacobson, Barbara; Kohlhoff, Mike; Pauly, Daniel; Ward, Mike; Adams, Steve  
**Subject:** RE: Annexation of Property and Road

Good morning Tonie, I had a conversation with Kristen Retherford, the applicant representing the City for the annexation, indicated that the proposed annexation of Grahams Ferry and Tooze Road right-of-ways would only include those ROW within the City Urban Growth Boundary (UGB) and not on your property. The current UGB line aligns on the north side of the current ROW. Please see the yellow line – UGB below:



You have numerous other questions that I am relying on staff from the engineering department to respond to before next Monday night DRB meeting.

Thank you,  
**Blaise Edmonds**  
Manager of Current Planning  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

503-682-4960 Business  
503-682-7025 Fax  
[edmonds@ci.wilsonville.or.us](mailto:edmonds@ci.wilsonville.or.us)

**From:** Tonie Tollen [mailto:tollenfarm@msn.com]  
**Sent:** Thursday, December 10, 2015 12:51 PM  
**To:** Edmonds, Blaise; Ward, Mike  
**Cc:** Tonie Tollen; Cyndi Satterlund; Kathleen and Sean McRae  
**Subject:** Re: Annexation of Property and Road

December 9, 2015  
RE: Annexation of Tooze Road into the city of Wilsonville  
Public Hearing Monday December 14, 2015

Comments and Concerns:

My understanding of the future Tooze Road widening was that 17 or 17 1/2 feet on either side of the now existing road was the property of the county, and any additional feet would need to be purchased from the current landowners. Isn't that the law?

It is evident that since the developer has already put sidewalks on the South side of Tooze, that the widening of said road will all come from the North side of the street.

When is this work going to commence?

After talking with Mr. Edmonds on Wednesday, December 9, , I found out that the Urban Growth Boundary includes all or part of Tooze Road. Where is the North boundary of the road as it pertains to those of us effected by the proposed widening of Tooze Road and does that boundary extend all the way to the intersection of Tooze and Westfall?

Where does the urban growth boundary line cross the property of those of us who live on the North side of the street ?

Since the the survey markers found today on my property and that of my neighbor's property are 38.5 feet in, from the asphalt edge of the existing roadbed on the North side of the road, as noted on the survey markers, how much of our personal property is in jeopardy and what compensation will be given to the land owners?

PLEASE NOTE:

When the city does annex Tooze Road to get the Urban funds they desire to do the widening project, those of us who live here wish to state that we do NOT want the name of our section of Tooze Road to change to Beckman Road.

We all received a letter from the city last spring stating that the city was planning to change the name of Tooze Road from the roundabout to the intersection of Tooze and Westfall to Beckman Road!

All of the neighbors met with Mr. Ward and expressed the desire to have Tooze Road remain Tooze Road. Our final suggestion for where to stop Beckman and begin Tooze was at the intersection of what will be Kinsman road where it joins the bridge. Adjusting the Name change there does not affect anyone's address and is the least expensive. Those of us who have lived on this road a long time and have our farms and business here do not want the expense or disruption that a new road name would create. There is no need for it.

Just move the sign out of the roundabout and back to Kinsman where it makes sense.

It won't disrupt or cost anybody anything that way.

Regarding improvements such as sidewalks and street lights on the North side of Tooze Road, non of the neighbors feel the need or want them. The division between City and Country can be better defined by the LACK of those items on our side of the street.

What is the long term solution for stopping and controlling traffic at the intersection of Grahams Ferry and Tooze Road? Will it be a traffic light or a roundabout?

A major public safety concern is visibility of oncoming cars from my farm when entering or leaving my driveway.. My address is 11681 S W Tooze Road and oncoming traffic that is approaching from the East cannot be seen. When Tooze road was originally widened, the berm area of the road was going to be leveled off for better visibility and that did not happen. When the road is widened, that issue needs to be addressed, especially with the huge addition to the speed and flow of the current traffic. The impact of the traffic due to the development of Villebois over the last few years has been enormous.

The elevation of Tooze Road between the Anderson property and my farm has created a dike in the field. My concern is that roadbed will increase this effect and cause more flooding.

I would appreciate a response to my questions .

Sincerely,  
Tonie Tollen  
11681 S W Tooze Road  
Wilsonville, Or. 97070  
503-682-1604



**Edmonds, Blaise**

---

**From:** Edmonds, Blaise  
**Sent:** Friday, December 11, 2015 11:57 AM  
**To:** 'Tonie Tollen'  
**Cc:** Ward, Mike; Adams, Steve  
**Subject:** RE: Annexation of Property and Road

Hi Toni, the yellow line (UGB) is on top of the black line which is your property line. Your property is not within the UGB but you currently have driveway access through it. I am forwarding your new email to city engineering staff for comment about future improvements.

Thank you,  
**Blaise Edmonds**  
Manager of Current Planning  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

503-682-4960 Business  
503-682-7025 Fax  
[edmonds@ci.wilsonville.or.us](mailto:edmonds@ci.wilsonville.or.us)

**DISCLOSURE NOTICE:** Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

---

**From:** Tonie Tollen [<mailto:tollenfarm@msn.com>]  
**Sent:** Friday, December 11, 2015 10:52 AM  
**To:** Edmonds, Blaise  
**Cc:** Cyndi Satterlund; [mprigodich@gmail.com](mailto:mprigodich@gmail.com); Tonie Tollen; Kathleen and Sean McRae; Don and Doreen Steffick; Debra Bischof  
**Subject:** RE: Annexation of Property and Road

Good morning to you too Blaise,  
I see the yellow line on top of/next to the green line and it does go right across my road. The lines don't tell me anything. How many feet do I loose off my driveway with the road widening and other improvements that may be pending?

---

**From:** [edmonds@ci.wilsonville.or.us](mailto:edmonds@ci.wilsonville.or.us)  
**To:** [tollenfarm@msn.com](mailto:tollenfarm@msn.com)  
**CC:** [cyndis@binderbooks.com](mailto:cyndis@binderbooks.com); [kathleen@reliancenetwork.com](mailto:kathleen@reliancenetwork.com); [retherford@ci.wilsonville.or.us](mailto:retherford@ci.wilsonville.or.us); [jacobson@ci.wilsonville.or.us](mailto:jacobson@ci.wilsonville.or.us); [kohlhoff@ci.wilsonville.or.us](mailto:kohlhoff@ci.wilsonville.or.us); [paul@ci.wilsonville.or.us](mailto:paul@ci.wilsonville.or.us); [ward@ci.wilsonville.or.us](mailto:ward@ci.wilsonville.or.us); [adams@ci.wilsonville.or.us](mailto:adams@ci.wilsonville.or.us)  
**Subject:** RE: Annexation of Property and Road  
**Date:** Fri, 11 Dec 2015 17:09:32 +0000

Good morning Tonie, I had a conversation with Kristen Retherford, the applicant representing the City for the annexation, indicated that the proposed annexation of Grahams Ferry and Tooze Road right-of-ways would only include those ROW within the City Urban Growth Boundary (UGB) and not on your property. The current UGB line aligns on the north side of the current ROW. Please see the yellow line – UGB below:



You have numerous other questions that I am relying on staff from the engineering department to respond to before next Monday night DRB meeting.

Thank you,  
**Blaise Edmonds**  
Manager of Current Planning  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

503-682-4960 Business  
503-682-7025 Fax  
[edmonds@ci.wilsonville.or.us](mailto:edmonds@ci.wilsonville.or.us)

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**Sent:** Thursday, December 10, 2015 12:51 PM  
**To:** Edmonds, Blaise; Ward, Mike  
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**Subject:** Re: Annexation of Property and Road

December 9, 2015  
RE: Annexation of Tooze Road into the city of Wilsonville  
Public Hearing Monday December 14, 2015

Comments and Concerns:

# CITY OF WILSONVILLE

29799 SW Town Center Loop East  
Wilsonville, OR 97070  
Phone: 503.682.4960  
Fax: 503.682.7025

Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

Pre-Application meeting date:

## Planning Division

### Development Permit Application

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

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

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

#### TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

#### Applicant:

City of Wilsonville

Address: 29799 SW Town Center Loop E

Phone: 503-682-4960

Fax: 503-682-7025

E-mail: Retherford@ci.wilsonville.or.us

#### Authorized Representative:

Bryan Cosgrove, City Manager

Address: 29799 SW Town Center Loop E

Phone: 503-682-4960

Fax: 503-682-7025

E-mail: Cosgrove@ci.wilsonville.or.us

#### Property Owner:

City of Wilsonville

Address: 29799 SW Town Center Loop E

Phone: 503-682-4960

Fax: 503-682-7025

E-mail:

#### Property Owner's Signature:



Printed Name: Bryan Cosgrove Date: 10/27/15

#### Applicant's Signature (if different from Property Owner):

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

#### Site Location and Description:

Project Address if Available: Grahams Ferry Road ROW and Tooze Road ROW, & Chang property Suite/Unit \_\_\_\_\_

Project Location: Grahams Ferry Rd ROW north to Tooze Rd and Tooze Rd ROW west to Grahams Ferry Rd & Chang Property

Tax Map #(s): 31W15 Tax Lot #(s): 700, 800, 900 & 1000 County:  Washington  Clackamas

Request: Annex road way right of way that is under City jurisdictional control and within the UGB.

This is a joint application to be processed together with an application signed by the Chang family to annex property they own on Tooze Road

Project Type: Class I  Class II  Class III

Residential  Commercial  Industrial  Other (describe below)

#### Application Type:

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



City of Wilsonville  
EXHIBIT B1 DB15-0083

# CITY OF WILSONVILLE

29799 SW Town Center Loop East  
Wilsonville, OR 97070  
Phone: 503.682.4960  
Fax: 503.682.7025  
Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

Pre-Application meeting date:

## Planning Division Development Permit Application

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

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

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

### TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

#### Applicant:

Allen Chang

Address: 3205 Edgemont Road, Lake Oswego, 97035

Phone: 971-227-9893

Fax:

E-mail: [allenchang56@gmail.com](mailto:allenchang56@gmail.com)

#### Authorized Representative:

*et al*  
Allen Chang (Power of Attorney for other owners)

Address: 3205 Edgemont Road, Lake Oswego, 97035

Phone: 971-227-9893

Fax:

E-mail: [allenchang56@gmail.com](mailto:allenchang56@gmail.com)

#### Property Owner:

Allen Chang, Ju-Tsun Chang, Roger Chang, Victor Chang, Freddie Tseng

Address: 3205 Edgemont Road, Lake Oswego, 97035

Phone: 971-227-9893

Fax:

E-mail: [allenchang56@gmail.com](mailto:allenchang56@gmail.com)

#### Property Owner's Signature:



Printed Name: Allen Y. Chang Date: 10-12-15

#### Applicant's Signature (if different from Property Owner):



Printed Name: Allen Y. Chang Date: 10-12-15

*POA for other owners.*

#### Site Location and Description:

Project Address if Available: Chang Property, Grahams Ferry Road ROW and Tooze Road ROW Suite/Unit \_\_\_\_\_

Project Location: Chang Property & Grahams Ferry Rd ROW north to Tooze Rd and Tooze Rd ROW west to Grahams Ferry Rd

Tax Map #(s): 31W15 Tax Lot #(s): 700, 800, 900 & 1000 County:  Washington  Clackamas

Request: Annex Chang property identified as 31W15, TL 700, 800, 900 & 1000. This is a joint application to be processed together with an application signed by the City of Wilsonville to annex Grahams Ferry Road ROW and Tooze Road ROW

#### Project Type: Class I Class II Class III

Residential

Commercial

Industrial

Other (describe below)

#### Application Type:

Annexation

Appeal

Comp Plan Map Amend

Conditional Use

Final Plat

Major Partition

Minor Partition

Parks Plan Review

Plan Amendment

Planned Development

Preliminary Plat

Request to Modify Conditions

Request for Special Meeting

Request for Time Extension

Signs

Site Design Review

SROZ/SRIR Review

Staff Interpretation

Stage I Master Plan

Stage II Final Plan

Type C Tree Removal Plan

Tree Removal Permit (B or C)

Temporary Use

Variance

Villebois SAP

Villebois PDP

Villebois PDP

Waiver

Zone Map Amendment

Other

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

Property Owners:

Name: Allen Y. Chang  
Signature *Allen Y. Chang* Date 10-26-2015  
Property Owned: Taxlots 3S1W15\_00700, 3S1W15\_00800 (28201 SW 110<sup>th</sup> Ave.),  
3S1W15\_00900 (11490 SW Tooze Rd.), 3S1W15\_01000  
Mailing Address: 3205 Edgemont Road, Lake Oswego OR 97035

Name: Bryan Cosgrove, City Manager, for City of Wilsonville  
Signature *Bryan Cosgrove* Date 10/27/15  
Property Owned: SW Tooze Road right-of-way, SW Grahams Ferry Road right-of-way  
Mailing Address: 29799 SW Town Center Loop East, Wilsonville OR 97070

Electors:

Name: Michele Lurene Grant  
Signature *Michele Grant* Date 10/27/15  
Registered Address: 11490 SW Tooze Road  
Precinct Number: 323

Name: Mirae Jean Grant  
Signature *Mirae Jean Grant* Date 10/21/15  
Registered Address: 11490 SW Tooze Road  
Precinct Number: 323

**SUPPORTING COMPLIANCE REPORT  
ANNEXATION TO CITY OF WILSONVILLE**

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# I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

## URBAN GROWTH MANAGEMENT - IMPLEMENTATION MEASURES

### IMPLEMENTATION MEASURE 2.2.1.A.

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

**Response:** The required consistency is fulfilled by being part of the Villebois Village Master Plan, which has been planned for urban growth and services for over a decade.

### IMPLEMENTATION MEASURE 2.2.1.E

Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.

**Response:** The *Villebois Village Master Plan* set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Therefore, adequate public facilities and services will be available within the subject area.

2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.

**Response:** The availability of sufficient land was demonstrated by the adoption of the *Villebois Village Master Plan*, which plans for the development of the 480-acre Villebois Village area. At the time of *Master Plan* approval, Villebois Village was found to have a wide range of residential choices. Annexation of the subject area to the City will allow development to occur that is consistent with the *Master Plan*.

3. Statewide Planning Goals.

**Response:** Compliance with Statewide Planning Goals is addressed in Section V of this report.

4. Applicable Metro Plans;

**Response:** Compliance with Metro Code 3.09 is addressed in Section III of this report.

5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

**Response:** The site is located within the UGB, but is not currently within city limits. Annexation of the site is necessary to allow build out consistent with the *Villebois Village Master Plan*.

## COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES

### IMPLEMENTATION MEASURE 4.1.6.A

Development in the “Residential-Village” Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the “Village” Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.

### IMPLEMENTATION MEASURE 4.1.6.C

The “Village” Zone District shall be applied in all areas that carry the Residential - Village Plan Map Designation.

**Response:** The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area at the appropriate time.

## II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

### SECTION 4.008 APPLICATION PROCEDURES - IN GENERAL

(.01) The general application procedures listed in Section 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

K. Annexations, pursuant to Section 4.700

**Response:** The proposed land use action is an annexation. Compliance with Section 4.700 and other applicable sections of the City of Wilsonville Land Development Ordinance are addressed below.

### SECTION 4.030 JURISDICTION AND POWERS OF PLANNING DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR

(.01) Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.

**Response:** The City has determined the proposed annexation is subject to a quasi-judicial process.

SECTION 4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD

(.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.

(.02) Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.

**Response:** The proposed annexation is subject to a quasi-judicial process. Therefore, it is subject to initial review before the Development Review Board.

SECTION 4.033 AUTHORITY OF CITY COUNCIL

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

F. Review of requests for annexations to the City of Wilsonville.

**Response:** The Applicant understands that the City Council has the final authority to act on this request for annexation to the City of Wilsonville.

SECTION 4.700 PROCEDURES RELATING TO THE PROCESSING OF REQUESTS FOR ANNEXATION AND URBAN GROWTH BOUNDARY AMENDMENTS

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

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.

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.

- C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.
  - D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.
- (.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.
  - (.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.
  - (.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. This course of action may be:
    - A. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
      - 1. Take no action;
      - 2. Declare the subject property, or some portion thereof, to be annexed;
      - 3. Set the matter for election of the voters residing within the affected territory; or
      - 4. Set the matter for election of City voters.
  - (.05) The City Council may adopt a development agreement with 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.

**RESPONSE:** The Applicant requests annexation of areas within the City's UGB. Annexation of contiguous property within the UGB is within the authority of the City of Wilsonville as prescribed by State Law. The proposed annexation is consistent with the Comprehensive Plan as the subject site has a Comprehensive Plan designation of Residential - Village and as demonstrated in Section I of this report. Additionally, the site is included in the *Villebois Village Master Plan*.

This report provides a written description of the request and demonstrates compliance with applicable criteria. The attached exhibits include a legal description and sketch, which depict the proposed annexation area. This report includes analysis demonstrating compliance with the City's Comprehensive Plan

(Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. The City has determined that the proposed annexation is subject to a quasi-judicial review process. Therefore, it is subject to a public hearing before the DRB and City Council.

### III. METRO CODE

#### CHAPTER 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES

##### 3.09.020 DEFINITIONS

- I. “Minor boundary change” means an annexation or withdrawal of territory to or from a city or district or from a county to a city. “Minor boundary change” also means an extra-territorial extension of water or sewer service by a city or a district. “Minor boundary change” does not mean withdrawal of territory from a district under ORS 222.520.

**Response:** Annexation is requested from territory within Clackamas County to the City of Wilsonville. Therefore, the proposed annexation is defined as a “minor boundary change” and Metro Code Chapter 3.09 applies to this request.

##### 3.09.040 REQUIREMENTS FOR PETITIONS

- A. A petition for a boundary change must contain the following information:
  1. The jurisdiction of the reviewing entity to act on the petition;
  2. A map and legal description of the affected territory in the form prescribed by the reviewing entity;
  3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
  4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

**Response:** The following items are attached: City of Wilsonville Application Form Signed by the Property Owners, a petition for annexation, a legal description and sketch of the property to be annexed, property ownership and elector information. Compliance with ORS 222.125 is addressed in Section IV of this report. Necessary fees are being paid.

##### 3.09.050 HEARING AND DECISION REQUIREMENTS FOR DECISIONS OTHER THAN EXPEDITED DECISIONS

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.
- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:
  - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
  - 2. Whether the proposed boundary change will result from the withdrawal of the affected territory from the legal boundary of any necessary party;
  - 3. The proposed effective date of the boundary change.
- B. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- C. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of Section 3.09.045.

**Response:** This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. Compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

**3.09.045 EXPEDITED DECISIONS**

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

**Response:** The proposed annexation is subject to a quasi-judicial process as determined by the City. Quasi-judicial annexation applications are subject to public hearing before the Development Review Board and City Council. Therefore, an expedited decision is not applicable to this request. However, in accordance with Metro Code 3.09.050(C), the criteria and factors set forth in subsections (D) and (E) are applicable. Pursuant to Section 3.09.050(C), compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

- D. To approve a boundary change through an expedited process, the city shall:
  - 1. Find that the change is consistent with expressly applicable provisions in:

- a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
- b. Any applicable annexation plan adopted pursuant to ORS 195.205;
- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

**Response:** There is not an applicable urban service agreement adopted pursuant to ORS 195.065, annexation plan adopted pursuant to ORS 195.205, or cooperative planning agreement adopted pursuant to 195.020(2).

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

**Response:** The *Villebois Village Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and the Transportation Systems Plan. Future development of the area to be annexed will comply with public facility plans as applicable.

- e. Any applicable comprehensive plan;

**Response:** Compliance with the City's Comprehensive Plan is addressed in Section I of this report.

- f. Any applicable concept plan; and

The Villebois Village plan area, including the area to be annexed, is part of the Villebois Village Master Plan which implements the Villebois Concept Plan. The proposed annexation is a necessary step in enabling development consistent with the Concept Plan and the Villebois Village Master Plan.

2. Consider whether a boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;
- b. Affect the quality and quantity of urban services; and
- c. Eliminate or avoid unnecessary duplication of facilities or services.

**Response:** The *Villebois Village Master Plan* includes implementation measures that require the provision of public facilities and services to be adequate, timely, orderly, economic, and not be unnecessarily duplicated. Currently, Specific Area Plan - North provides public services, including: transportation, rainwater management; water; sanitary sewer; fire and police services; recreation, parks and open spaces; education; and transit. Therefore, the boundary change will comply with these standards.

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

**Response:** The subject site is territory located within the UGB. Therefore, the city may annex the territory in accordance with this Section.

#### IV. OREGON REVISED STATUTES

##### ORS 222.111 AUTHORITY AND PROCEDURE FOR ANNEXATION

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 (Authority and procedure for annexation) to 222.180 (Effective date of annexation) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915), the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

**Response:** The area of proposed annexation is within the UGB and is contiguous to the city. The subject property is entirely within Clackamas County. Therefore, the proposed city boundary includes territories that may be annexed per ORS 222.111.

- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

**Response:** This proposal for annexation of territory to the City of Wilsonville has been initiated by owners of real property within the territory to be annexed.

- (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

**Response:** This standard is not applicable.

- (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district,

water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).

**Response:** The subject properties are not located within a domestic water supply district, water control district, or sanitary district, as named in ORS 222.510. Therefore, this Section does not apply.

- (5) The legislative body of the city shall submit, except when not required under ORS 222.120 (Procedure without election by city electors), 222.170 (Effect of consent to annexation by territory) and 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 (Procedure without election by city electors) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

**Response:** The proposed annexation is not subject to an election by electors as all owners of land and 100% of the electors within the territory proposed to be annexed have provided their consent in writing. Compliance with ORS 222.120 is addressed below.

#### ORS 222.120 PROCEDURE WITHOUT ELECTION BY CITY ELECTORS

- (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 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), 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 Oregon Health Authority, 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 (Short title) to 222.915 (Application of 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 (Annexation of entire district), 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 affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (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 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), 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 parcels 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.

**Response:** City Charter does not require an election for this request. Per Section 4.700 the proposed annexation is subject to a Class III quasi-judicial review process, which requires a public hearing before the DRB and public hearing(s) before the City Council.

As demonstrated below, this annexation request is submitted in compliance with ORS 222.125 (Annexation by consent of all owners of land and majority of electors). All owners of the land as well as 100% of the electors within the subject area have provided their consent in writing, as demonstrated by the attached petition.

A legal description and sketch of the proposed annexation area is provided.

The territory proposed to be annexed to the City is not located within a sanitary district or water control or water supply district as named in ORS 222.465. Additionally, the site is not located within a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district). Future development of the site will have access to City water, storm, sewer, and parks services. Therefore, ORS 222.465 and ORS 222.510 are not applicable.

#### **ORS 222.125 ANNEXATION BY CONSENT OF ALL OWNERS OF LAND AND MAJORITY OF ELECTORS**

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

**Response:** All owners of the land, who are also 100% of the electors within the subject area, have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB).

## **V. OREGON STATEWIDE PLANNING GOALS**

### **Goal 1: Citizen Involvement**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Response:** The City of Wilsonville has an established public notice and hearing process for quasi-judicial applications. Once this annexation request is accepted as complete, the City will begin this public notification and citizen involvement process. Therefore, this request is consistent with Goal 1.

### **Goal 2: Land Use Planning**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

**Response:** The City of Wilsonville is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing that plan. Section III of this report demonstrates that the proposed amendment is in compliance with the goals and policies of the City of Wilsonville Comprehensive Plan, as applicable to the proposed annexation.

### **Goal 3: Agricultural Lands**

***To preserve and maintain agricultural lands.***

**Response:** Agricultural land is defined in Goal 3 to exclude all land within an acknowledged urban growth boundary. The site is within an acknowledged urban growth boundary. Therefore, Goal 3 is not applicable to this request.

**Goal 4: Forest Lands**

***To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.***

**Response:** The subject site does not include any lands acknowledged as forest lands. Therefore, Goal 4 is not applicable to this request.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

***To protect natural resources and conserve scenic and historic areas and open spaces.***

**Response:** The City of Wilsonville is already in compliance with Goal 5 as the required inventories and policy implementation occurred with adoption of the Significant Resource Overlay Zone. Villebois Village preserves SROZ areas with the provision of open space areas. In addition, development within Villebois Village is required to comply with SROZ standards. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan* and compliance with SROZ standards. Therefore, the proposed annexation is consistent with Goal 5.

**Goal 6: Air, Water and Land Resources Quality**

***To maintain and improve the quality of the air, water and land resources of the state.***

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Development within Villebois protects water and land resources by providing protection for areas of steep slopes and natural resources and by not encroaching into these areas.

**Goal 7: Areas Subject to Natural Hazards**

***To protect people and property from natural hazards.***

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 7. No development is located in areas identified as natural hazards within the subject site. Goal 7 is not applicable as no areas subject to natural hazards are included in the proposed annexation area.

**Goal 8: Recreational Needs**

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Response:** The City's Comprehensive Plan has been acknowledged to be in compliance with Goal 8. The Destination Resort provisions of this Goal are not applicable to this request or to the City of Wilsonville. The *Villebois Village Master Plan* provides park and open spaces that total approximately 25% of the gross area of Villebois.

**Goal 9: Economic Development**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 9. Villebois Village was planned with land uses to be a complete community, including a mixed-use Village Center with residential, office, retail and/or employment uses, surrounded by at least 2,300 residential units.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 10.

**Goal 11: Public Facilities and Services**

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 11. The *Villebois Village Master Plan* includes implementation measures to ensure site development complies with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan, and Transportation Systems Plan.

**Goal 12: Transportation**

*To provide and encourage a safe, convenient and economic transportation system.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 12. The *Villebois Village Master Plan* includes implementation measures related to transportation to ensure compliance with the City's Transportation Systems Plan.

**Goal 13: Energy Conservation**

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 13.

**Goal 14: Urbanization**

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 14. Section III of this report demonstrates that the proposed amendments are consistent with the applicable urbanization policies of the City of Wilsonville Comprehensive Plan.

# VILLOBOIS ROAD TRANSFER



Campbell M. Gilmour  
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SUNNYBROOK SERVICE CENTER  
9101 SE SUNNYBROOK BLVD. | CLACKAMAS, OR 97015

June 20, 2006

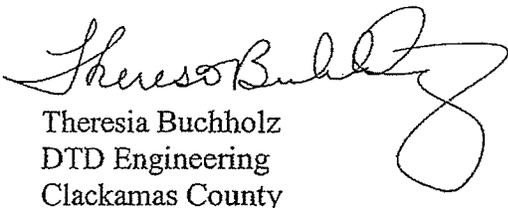
City of Wilsonville  
Attn: John Michael  
30000 SW Town Center Loop E  
Wilsonville, OR 97070

John Michael,

Enclosed please find a copy of the recorded transfer of jurisdiction of SW Tooze Road, SW Grahams Ferry Road, and SW 110<sup>th</sup> Avenue for your records. Thank you for your help in transferring these roads to the City of Wilsonville.

If you have any questions please call me at 503-353-4691.

Thank you,

  
Theresa Buchholz  
DTD Engineering  
Clackamas County

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

**FILED**  
MAY 18 2006  
Clackamas County Clerk

In the matter of transferring to the City of Wilsonville, jurisdiction over portions/full transfer of SW Tooze Road, County Road No. 0084, D.T.D. No. 30048, SW Grahams Ferry Road, County Road No. 0013, D.T.D. No. 30006, SW 110<sup>th</sup> Avenue, County Road No. 0084, D.T.D. No. 30047.



Order No. 2006-165  
Page 1 of 2

This matter coming before the Board of County Commissioners as a result of a request from the City of Wilsonville, by Resolution Number 1973, dated December 5, 2005, and the preceding negotiation between the City of Wilsonville and Clackamas County Department of Transportation and Development to transfer portions/all of the following roads:

<u>Road Name</u>	<u>Cnty #</u>	<u>DTD #</u>	<u>From</u>	<u>To</u>	<u>Square Feet</u>
SW Tooze Road	0355	30048	0.00	0.54	110,664'
SW Grahams Ferry Road	0013	30006	1.25	2.35	350,665'

and the full transfer of:

SW 110 <sup>th</sup> Avenue	0355	30047	0.00	0.68	145,111'
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and,

It further appearing to the Board that said transfer/s of jurisdiction have been recommended by Campbell M. Gilmour, Director of the Department of Transportation and Development; and,

It further appearing to the Board that pursuant to ORS 373.270, notice of the hearing on this matter was provided by publication in the Wilsonville Spokesman on dates April 5<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup>, 2006; now therefore,

IT IS HEREBY ORDERED that jurisdiction of portions of SW Tooze Road, SW Grahams Ferry Road and the full jurisdiction of SW 110<sup>th</sup> Avenue shall be transferred, Clackamas County jurisdiction shall cease, and full and absolute jurisdiction of said portions of roadway are transferred to the City of Wilsonville as of the date of this Order; and,

294 375

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the City of Wilsonville, jurisdiction over portions/full transfer of SW Tooze Road, County Road No. 0084, D.T.D. No. 30048, SW Grahams Ferry Road, County Road No. 0013, D.T.D. No. 30006, SW 110<sup>th</sup> Avenue, County Road No. 0084, D.T.D. No. 30047.



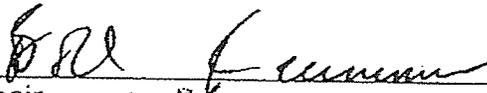
Order No. 2006-165  
Page 2 of 2

IT IS FURTHER ORDERED that 606,440' square feet, more or less, be removed from the County's Road Inventory; and,

IT IS FURTHER ORDERED that copies of this Order be submitted to the Clackamas County Clerk's office for recording and that copies be subsequently sent without charge to the Clackamas County Surveyor, Tax Assessor, Finance/Fixed Asset Offices, and DTD Engineering.

ADOPTED this 11th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Recording Secretary

RESOLUTION NO. 1973

A RESOLUTION OF THE CITY OF WILSONVILLE INITIATING ACTION TO TRANSFER JURISDICTION OF CERTAIN COUNTY ROADS OR PORTION THEREOF (SW GRAHAMS FERRY ROAD FROM MILE MARKER 1.25 NORTH TO MILE MARKER 2.35, SW TOOZE ROAD FROM MILE MARKER 0.00 WEST TO MILE MARKER 0.54, AND SW 110<sup>TH</sup> AVENUE FROM MILE MARKER 0.00 NORTH TO MILE MARKER 0.68) EITHER ABUTTING OR LYING WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF WILSONVILLE TO THE CITY OF WILSONVILLE.

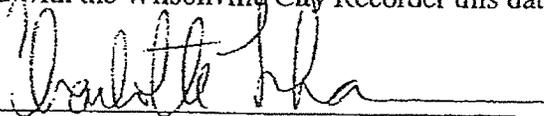
WHEREAS, ORS 373.270(6) provides a mechanism to transfer jurisdiction of County roads abutting or within the City of Wilsonville to the City of Wilsonville; and

WHEREAS, in keeping with ORS 373.270(6) the City of Wilsonville deems it necessary, expedient and for the best interests of the city to acquire jurisdiction over certain county roads identified as a portion of SW Grahams Ferry Road (County Road No. 13), a portion of SW Tooze Road (County Road No. 355), and SW 110<sup>th</sup> Avenue (County Road No. 355), to the same extent as it has over other public streets and alleys of the City of Wilsonville.

NOW, THEREFORE, THE CITY OF WILSONVILLE CITY COUNCIL RESOLVES AS FOLLOWS:

- 1. Based on the above recitals incorporated by reference herein, the City Council of the City of Wilsonville hereby requests that the Commissioners of Clackamas County, Oregon, transfer jurisdiction of those County Roads, described and depicted in Exhibits "A" and "B" attached hereto and incorporated, to the City of Wilsonville; said request to be granted or denied within one year of the date of execution of this resolution by the City of Wilsonville

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 5th day of December, 2005, and filed with the Wilsonville City Recorder this date.

  
CHARLOTTE LEHAN, Mayor

ATTEST:

Sandra C. King  
Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Holt	Excused
Councilor Ripple	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes

**EXHIBIT "A"**

1. **SW GRAHAMS FERRY ROAD**  
FROM MILE MARKER 1.25 NORTH TO MILE MARKER 2.35

SEE EXHIBIT "B"

A portion of County Road No. 13. Said road being situated partly in the East one-half of Section 16, the West one-half of Section 15, and the West one-half of Section 10, of Township 3 South, Range 1 West, Willamette Meridian.

2. **SW TOOZE ROAD**  
FROM MILE MARKER 0.00 WEST TO MILE MARKER 0.54

SEE EXHIBIT "B"

A portion of County Road No. 355. Said road being situated partly in the South one-half of Section 10, and the North one-half of Section 15, of Township 3 South, Range 1 West, Willamette Meridian.

3. **SW 110<sup>TH</sup> AVENUE**  
FROM MILE MARKER 0.00 NORTH TO MILE MARKER 0.68

SEE EXHIBIT "B"

A portion of County Road No. 355. Said road being situated in the East one-half of Section 15, of Township 3 South, Range 1 West, Willamette Meridian.

2006-165

9 | 10  
16 | 15

MILE MARKER 0.45  
MILE MARKER 0.54

MILE MARKER 2.35

MILE MARKER 0.00

TOOZE ROAD COUNTY ROAD #355

MILE MARKER 2.25

MILE MARKER 0.68

EXHIBIT "B"



GRAHAMS FERRY ROAD COUNTY ROAD #13 (BELL ROAD)

WILSONVILLE

110TH AVENUE COUNTY ROAD #355 (BROWN ROAD)

CITY LIMITS

CITY LIMITS

CITY LIMITS

CITY LIMITS

MILE MARKER 0.00

MILE MARKER 1.25

CITY LIMITS

LEGEND

-  ROADS TO BE TRANSFERRED
- 350,665. Sq. Ft. GRAHAMS FERRY ROAD AREA
- 110,664. Sq. Ft. TOOZE ROAD AREA
- 145,111. Sq. Ft. 110TH AVENUE AREA

JURISDICTIONAL TRANSFER OF COUNTY  
ROADS TO THE CITY OF WILSONVILLE  
LOCATED IN SECTIONS 10, 15, & 16  
T.3S., R.1W., W.M., CLACKAMAS COUNTY, OREGON

7

294 380

NOVEMBER 15, 2005



## EXHIBIT A

### Annexation Legal Description

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 10, and in the Northwest One-Quarter and the Northeast One-Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the section corner common to Sections 9, 10, 15, and 16 of Township 3 South, Range 1 West; thence along the south section line of said Section 10, also being the centerline of Westfall Road and the centerline of Tooze Road, South 88°34'12" East 1455.70 feet to the True Point of Beginning at the intersection of the westerly right-of-way line of Grahams Ferry Road (30.00 feet from centerline) and the centerline of Tooze Road; thence North 43°04'17" East 26.76 feet to the intersection of the northerly right-of-way line of Tooze Road (20.00 feet from centerline) and the westerly right-of-way line of Grahams Ferry Road (20.00 feet from centerline); thence North 82°00'11" East 112.95 feet to the intersection of said northerly right-of-way line (38.50 feet from centerline) and the easterly right-of-way line of Grahams Ferry Road (variable width right-of-way), also being the southwest corner of Document Number 2006-009149; thence along said northerly right-of-way line, South 88°34'08" East 207.90 feet to the west line of Document Number 2007-020527; thence along said west line, South 05°23'56" West 18.54 feet to the northerly right-of-way line of Tooze Road (20.00 feet from centerline); thence along said northerly right-of-way line South 88°34'12" East 849.19 feet to the southwest corner of Document Number 85-017503; which bears North 01°12'08" East 20.00 feet from the One-Quarter corner common to said Sections 10 and 15; thence continuing along said northerly right-of-way line (20.00 feet from centerline) South 88°35'11" East 1206.14 feet to the northerly extension of the westerly right-of-way line of 110<sup>th</sup> Avenue (20.00 feet from centerline); thence along said northerly extension and said westerly right-of-way line and the City of Wilsonville city limits, South 01°35'44" West 929.28 feet to the north line of Tract 'C' of the Plat of "Tonquin Meadows"; thence along said north line and the north line of the Plat of "Tonquin Woods at Villebois No. 6" and the City of Wilsonville city limits, North 88°34'12" West 1214.77 feet to the southeast corner of Parcel 1 of Partition Plat Number 1994-182; thence along the east line of said Parcel 1 and the City of Wilsonville city limits, North 02°08'37" East 889.00 feet to the southerly right-of-way line of Tooze Road (20.00 feet from centerline); thence along said southerly right-of-way line and the City of Wilsonville city limits, North 88°34'12" West 569.36 feet to the northwest corner of Document Number 73-30518, also being the northeast corner of the plat of "Calais at Villebois"; thence along the north line of said plat, being a line parallel to and 20.00 feet southerly of the centerline of Tooze Road, and continuing along said city limits, North 88°34'12" West 558.83 feet to the westerly line of said plat, being a line parallel to and 30.00 feet easterly the centerline of Grahams Ferry Road; thence along said westerly line and along said city limits, South 21°00'44" West 753.50 feet to an angle point; thence South 17°14'39" West 15.81 feet to the most northerly corner of Document Number 2014-037149, being a point on the easterly right-of-way line of Grahams Ferry Road (30.00 feet from centerline); thence along said right-of-way line and said city limits, South 17°14'39" West

170.24 feet to the southwest corner of said Deed and an angle point in the City of Wilsonville city limits; thence along the City of Wilsonville city limits, North 88°34'12" West 62.36 feet to the westerly right-of-way line of Grahams Ferry Road (30.00 feet from centerline), also being the southeast corner of Document Number 2013-072076; thence along said westerly right-of-way line, North 17°14'39" East 205.02 feet to an angle point; thence North 21°00'44" East 755.35 feet to the True Point of Beginning.

The above described tract of land contains 28.31 acres, more or less.

02/09/2016

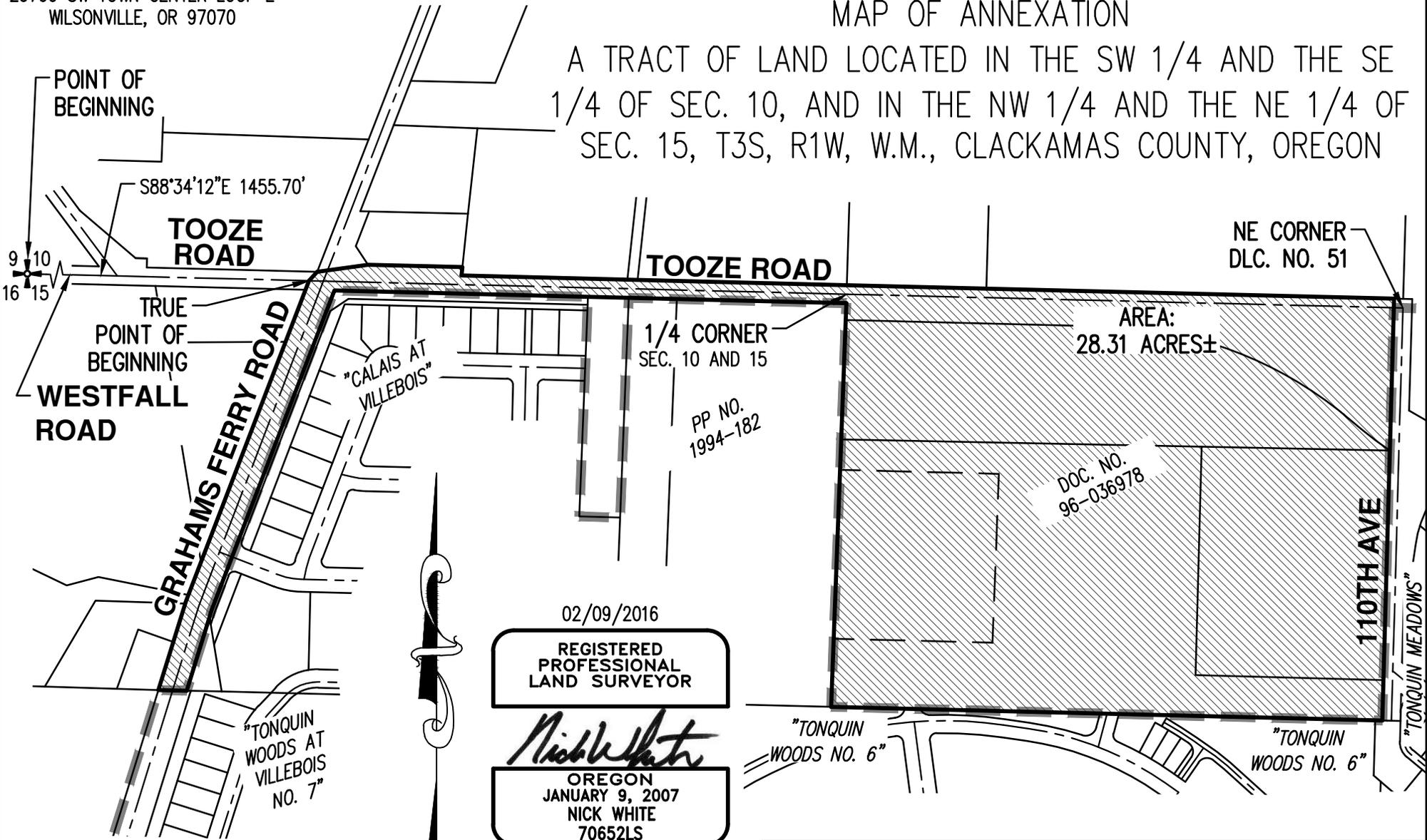


PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

# EXHIBIT B

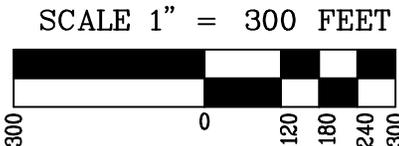
## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON



### LEGEND

 CITY OF WILSONVILLE CITY LIMITS



<b>GRAHAMS FERRY AND TOOZE ROAD ANNEXATION CITY OF WILSONVILLE</b>		<b>EXHIBIT B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: MSK CHKD: NSW AKS JOB: 4658

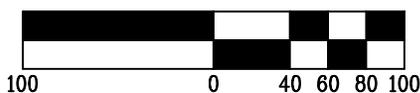


# EXHIBIT B

## MAP OF ANNEXATION

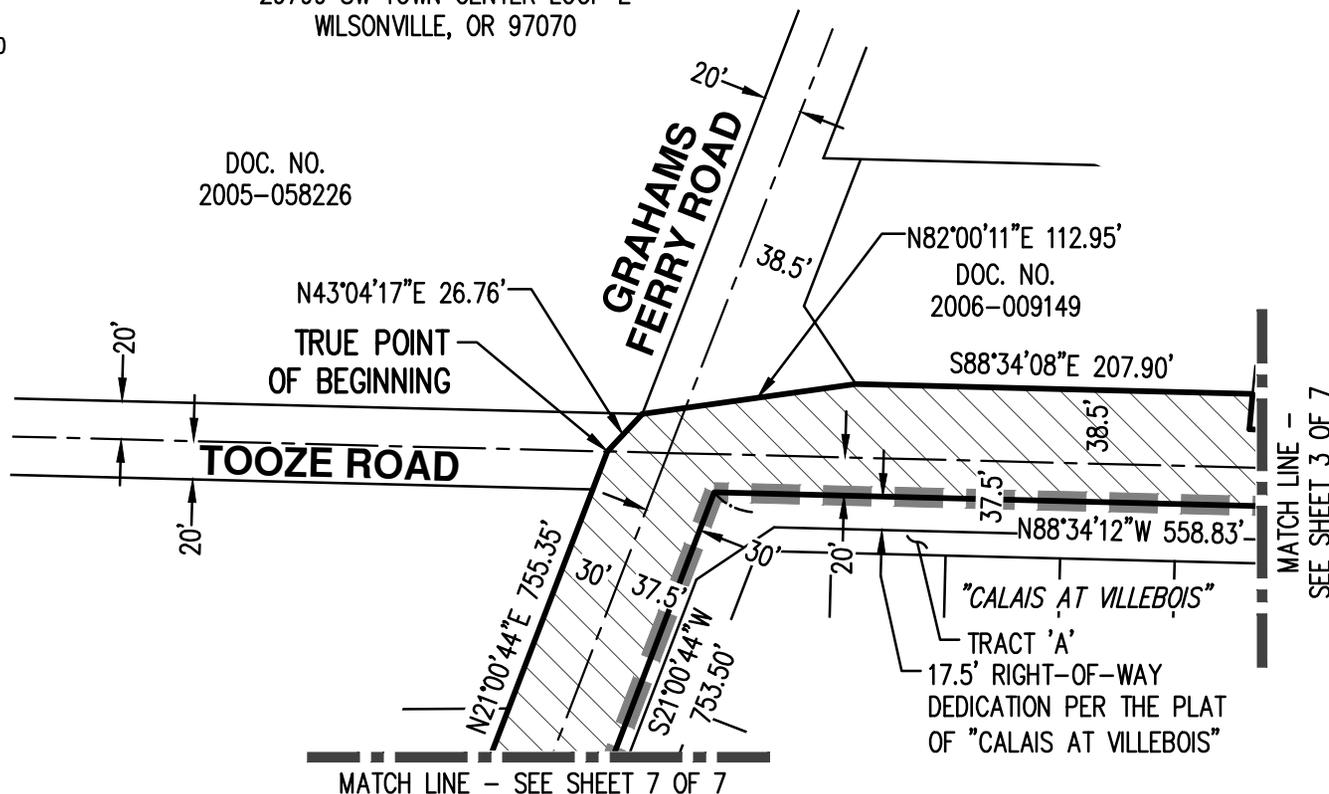
A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

SCALE 1" = 100 FEET



PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

DOC. NO.  
2005-058226



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

— CITY OF WILSONVILLE  
CITY LIMITS

### GRAHAMS FERRY AND TOOZE ROAD ANNEXATION CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

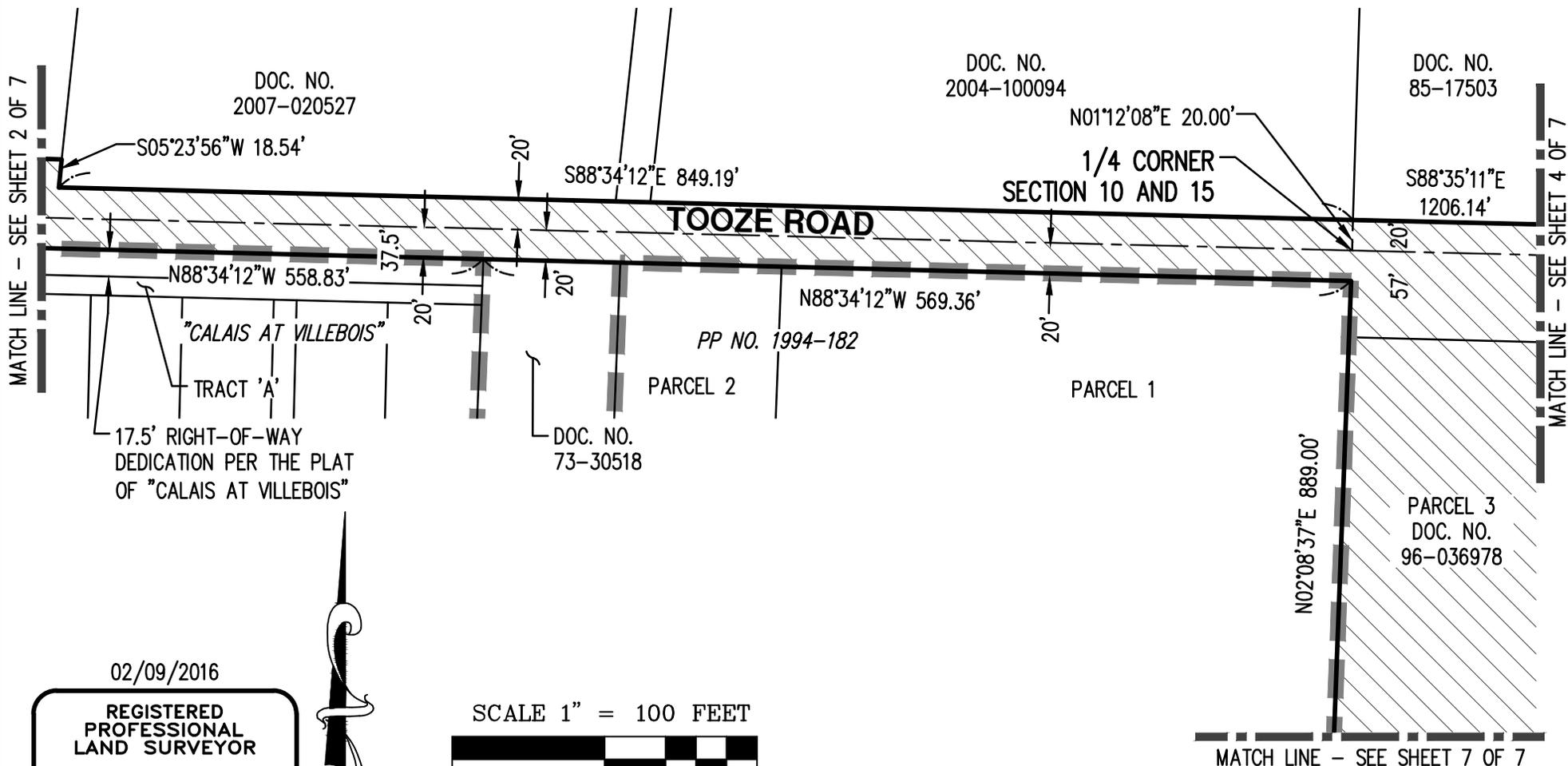
DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070



02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
2/970652LS

RENEWS: 6/30/16

SCALE 1" = 100 FEET



### LEGEND

— — — — — CITY OF WILSONVILLE  
CITY LIMITS

### GRAHAMS FERRY AND TOOZE ROAD ANNEXATION CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

MATCH LINE - SEE SHEET 3 OF 7

NE CORNER OF  
DLC NO. 51

S88°35'11"E 1206.14'

57' 20'

### TOOZE ROAD

C2 L=560.48'

PARCEL 3  
DOC. NO.  
96-036978

S01°35'44"W 929.28'

### 110TH AVENUE

20'

PARCEL 1  
DOC. NO.  
96-036978

MATCH LINE - SEE SHEET 5 OF 7

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

SCALE 1" = 100 FEET



*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

### LEGEND

CITY OF WILSONVILLE  
CITY LIMITS

2/9/16

GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

EXHIBIT  
**B**

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

SCALE 1" = 100 FEET



MATCH LINE - SEE SHEET 4 OF 7

MATCH LINE - SEE SHEET 6 OF 7

PARCEL 2  
DOC. NO.  
96-036978

PARCEL 1  
DOC. NO.  
96-036978

S01°35'44"W 929.28'

110TH AVENUE

"TONQUIN MEADOWS"

SW VERDUN LOOP

N88°34'12"W 1214.77'

"TONQUIN WOODS AT VILLEBOIS NO. 6"

TRACT 'FFF'

02/09/2016

"TONQUIN WOODS AT VILLEBOIS NO. 6"

TRACT 'GGG'

VACATED PORTION OF 110TH AVE PER ORD. NO. 736 AND DOC. NO. 2014-015468

TRACT 'C'

"TONQUIN MEADOWS"

PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

### LEGEND

CITY OF WILSONVILLE CITY LIMITS

2/9/16

REGISTERED PROFESSIONAL LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062

P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: MSK

CHKD: NSW

AKS JOB:

4658

# EXHIBIT B

## MAP OF ANNEXATION

A TRACT OF LAND LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SEC. 10, AND IN THE NW 1/4 AND THE NE 1/4 OF SEC. 15, T3S, R1W, W.M., CLACKAMAS COUNTY, OREGON

MATCH LINE - SEE SHEET 3 OF 7

PARCEL 1

PP NO.  
1994-182

N02°08'37"E 889.00'

PARCEL 2  
DOC. NO.  
96-036978

MATCH LINE - SEE SHEET 5 OF 7

N88°34'12"W 1214.77'

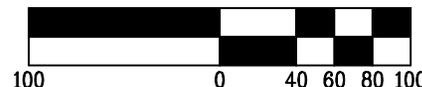
TRACT 'EEE'

"TONQUIN WOODS AT  
VILLEBOIS NO. 6"

2/9/16



SCALE 1" = 100 FEET



PREPARED FOR  
CITY OF WILSONVILLE  
29799 SW TOWN CENTER LOOP E  
WILSONVILLE, OR 97070

### LEGEND

 CITY OF WILSONVILLE  
CITY LIMITS

02/09/2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/16

GRAHAMS FERRY AND TOOZE ROAD ANNEXATION  
CITY OF WILSONVILLE

EXHIBIT  
**B**

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



DRWN: MSK  
CHKD: NSW  
AKS JOB:  
4658



RECORDING REQUESTED BY:



**Fidelity National Title**  
Company of Oregon

12817 SE 93rd Avenue  
Clackamas, OR 97015

Escrow No.: 45141503348

PRINCIPAL:

Ju-Tsun Chang

ATTORNEY IN FACT:

Allen Y. Chang

AFTER RECORDING RETURN TO:

Ju-Tsun Chang

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**POWER OF ATTORNEY**

I, Ju-Tsun Chang have made, constituted and appointed, Allen Y. Chang, my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to sell and convey to any party or parties, all or any portion of the following described real property in the County of Clackamas, State of Oregon and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

With all the privileges belonging or pertaining, and for me in my name to make out, execute, acknowledge and deliver property deeds of conveyance of the same.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing requisite and necessary to be done, as fully to all intents and purposes as I might or could do if personally present.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

*Ju-Tsun Chang*

Ju-Tsun Chang

State of ~~OREGON~~ *Washington*

County of *Washington*

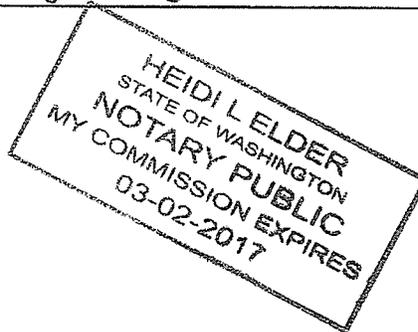
This instrument was acknowledged before me on

*July 1*, 20 *15*

by

*Ju-Tsun Chang*

Notary Public - State of ~~Oregon~~ *Washington*



RECORDING REQUESTED BY:



Fidelity National Title  
Company of Oregon

12817 SE 93rd Avenue  
Clackamas, OR 97015

Escrow No.: 45141503348

PRINCIPAL:

Roger (Cheng-Sung) Chang

ATTORNEY IN FACT:

Allen Y. Chang

AFTER RECORDING RETURN TO:

Roger (Cheng-Sung) Chang

SPACE ABOVE THIS LINE FOR RECORDER'S USE

POWER OF ATTORNEY

I, Roger (Cheng-Sung) Chang have made, constituted and appointed, Allen Y. Chang, my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to sell and convey to any party or parties, all or any portion of the following described real property in the County of Clackamas, State of Oregon and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

With all the privileges belonging or pertaining, and for me in my name to make out, execute, acknowledge and deliver property deeds of conveyance of the same.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing requisite and necessary to be done, as fully to all intents and purposes as I might or could do if personally present.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Roger (Cheng-Sung) Chang

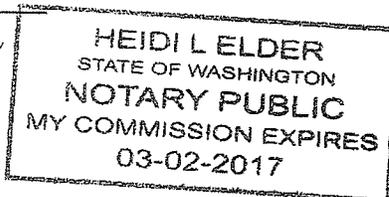
State of ~~OREGON~~ Washington

County of Whatcom

This instrument was acknowledged before me on July 1, 20 15

by Roger (Cheng-Sung) Chang

Notary Public - State of ~~Oregon~~ Washington



RECORDING REQUESTED BY:



Fidelity National Title  
Company of Oregon

12817 SE 93rd Avenue  
Clackamas, OR 97015

Escrow No.: 45141503348

PRINCIPAL:

Victor C Chang

ATTORNEY IN FACT:

Eric. Chang

AFTER RECORDING RETURN TO:

Victor C Chang  
3181 Wembley Park RD  
Lake Oswego, OR 97034

SPACE ABOVE THIS LINE FOR RECORDER'S USE

POWER OF ATTORNEY

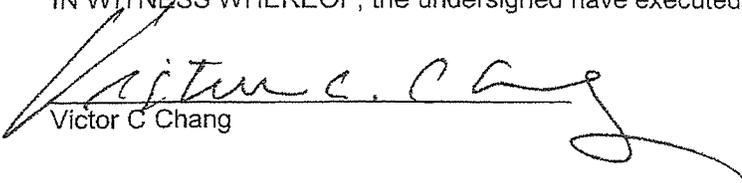
I, Victor C Chang have made, constituted and appointed, Eric Chang, my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to sell and convey to any party or parties, all or any portion of the following described real property in the County of Clackamas, State of Oregon and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

With all the privileges belonging or pertaining, and for me in my name to make out, execute, acknowledge and deliver property deeds of conveyance of the same.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing requisite and necessary to be done, as fully to all intents and purposes as I might or could do if personally present.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

  
Victor C Chang

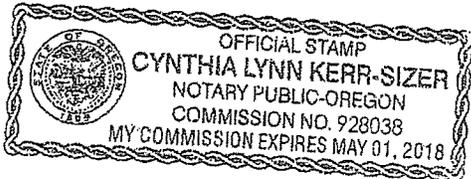
State of OREGON

County of Clackamas

This instrument was acknowledged before me on 7-14, 20 15

by VICTOR C. CHANG

  
Notary Public - State of Oregon



RECORDING REQUESTED BY:



Fidelity National Title  
Company of Oregon

12817 SE 93rd Avenue  
Clackamas, OR 97015

Escrow No.: 45141503348

PRINCIPAL:

Fredie C Tseng

ATTORNEY IN FACT:

Allen Y, Chang

AFTER RECORDING RETURN TO:

Fredie C Tseng

SPACE ABOVE THIS LINE FOR RECORDER'S USE

POWER OF ATTORNEY

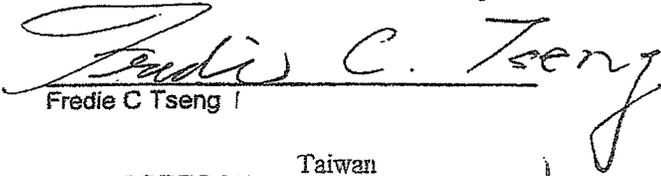
I, Fredie C Tseng have made, constituted and appointed, Allen Y, Chang, my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to sell and convey to any party or parties, all or any portion of the following described real property in the County of Clackamas, State of Oregon and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

With all the privileges belonging or pertaining, and for me in my name to make out, execute, acknowledge and deliver property deeds of conveyance of the same.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing requisite and necessary to be done, as fully to all intents and purposes as I might or could do if personally present.

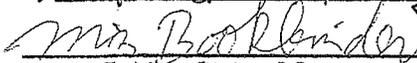
IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

  
Fredie C Tseng

State of ~~OREGON~~ Taiwan  
City of Taipei  
County of \_\_\_\_\_ American Institute in } SS  
Taiwan, Taipei Office

This instrument was acknowledged before me on 27 AUG. 2015, 20    

by Fredie Tseng

  
Notary Public - State of Oregon

Min Bookbinder  
Special Notary (PL96-8)  
Duly appointed and qualified  
My commission expires: June 14, 2017

EXHIBIT A



LEGAL DESCRIPTION  
Park Easement  
RP5 Park  
Map 31W15 Tax Lot 800

An easement within the land described as Parcel 2 in Document No. 96-036978, Clackamas County Deed Records, in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the Southeast corner of Parcel 1 of Partition Plat No. 1994-182, Clackamas County Plat Records;

thence along the easterly line of said Parcel 1, North 02°09'23" East, a distance of 106.96 feet;

thence leaving said easterly line, along a 503.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 21°13'35" West, arc length of 9.95 feet, central angle of 01°08'02", chord distance of 9.95 feet, and chord bearing of North 68°12'24" East;

thence North 67°38'23" East, a distance of 96.98 feet to a point on the southerly line of Tax Lot 900, Map 31W15 dated 6/3/2014, Clackamas County Assessors Map;

thence along said southerly line, South 88°34'09" East, a distance of 66.55 feet;

thence leaving said southerly line, South 07°23'08" East, a distance of 151.79 feet to a point on the northerly plat line of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records;

thence along said northerly plat line, North 88°34'09" West, a distance of 189.06 feet to the POINT OF BEGINNING.

Containing 24,372 square feet, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records.

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger (Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 800

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read 'T. Jansen', is written over the surveyor's name box.

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

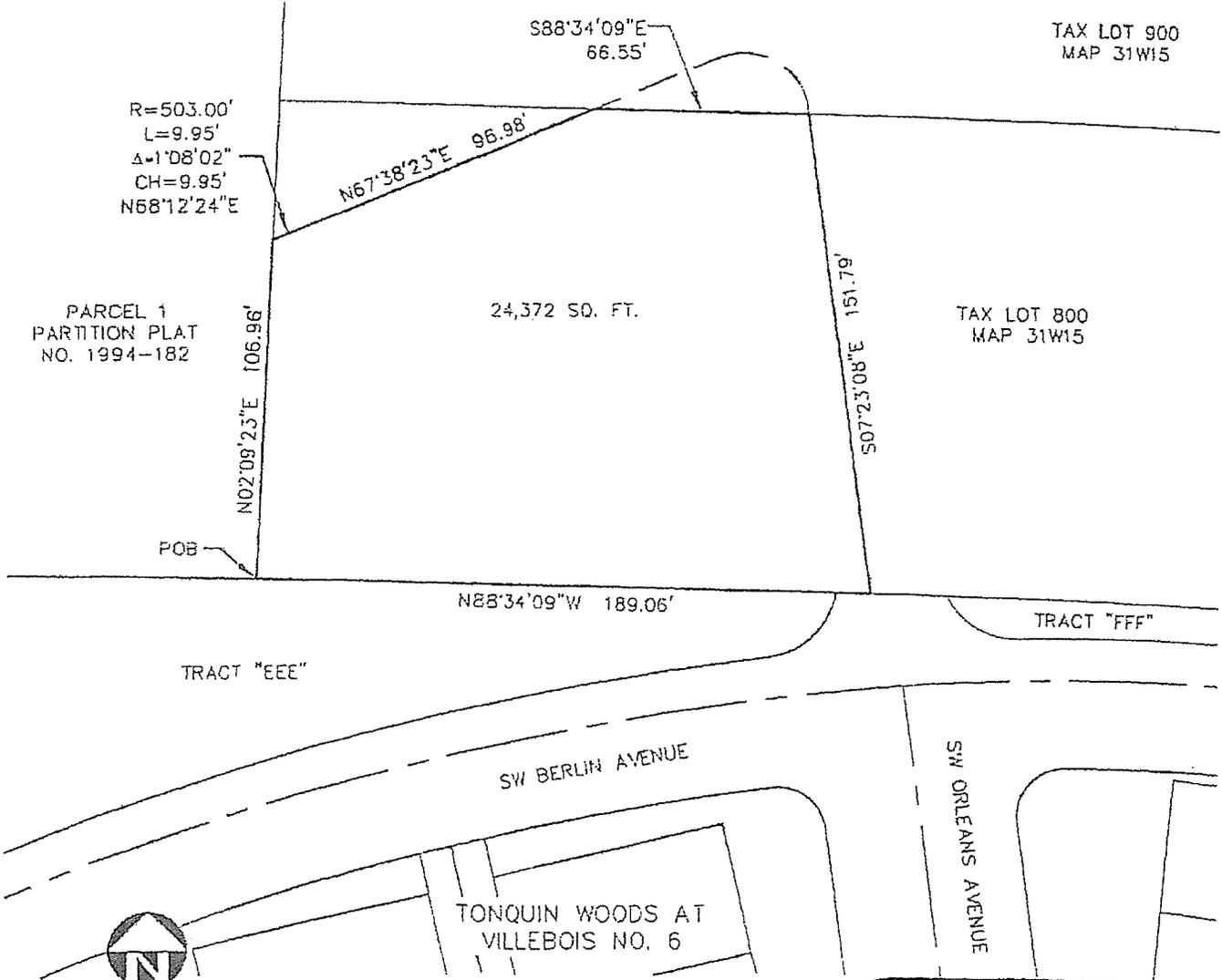
RENEWS: 6/30/2015

EXHIBIT B



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Park Easement  
RP5 Park  
Map 31W15 Tax Lot 800



PARCEL 1  
PARTITION PLAT  
NO. 1994-182

24,372 SQ. FT.

TAX LOT 800  
MAP 31W15

TAX LOT 900  
MAP 31W15

R=503.00'  
L=9.95'  
Δ=1°08'02"  
CH=9.95'  
N68°12'24"E

S88°34'09"E  
66.55'

N67°38'23"E 96.98'

S07°23'08"E 151.79'

N02°09'23"E 106.96'

POB

N88°34'09"W 189.06'

TRACT "FFF"

TRACT "EEE"

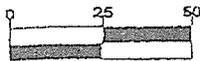
SW BERLIN AVENUE

SW ORLEANS AVENUE

TONQUIN WOODS AT  
VILLEBOIS NO. 6



SCALE



1 INCH = 50 FEET

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger  
(Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 800

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

EXHIBIT C



LEGAL DESCRIPTION  
Park Easement  
RP5 Park  
Map 31W15 Tax Lot 900

An easement within the land described as Parcel 2 in Document No. 96-036978, Clackamas County Deed Records, in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, State of Oregon, more particularly described as follows:

COMMENCING at the Southeast corner of Parcel 1 of Partition Plat No. 1994-182, Clackamas County Plat Records;

thence along the easterly line of said Parcel 1, North 02°09'23" East, a distance of 106.96 feet;

thence leaving said easterly line, along a 503.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 21°13'35" West, arc length of 9.95 feet, central angle of 01°08'02", chord distance of 9.95 feet, and chord bearing of North 68°12'24" East;

thence North 67°38'23" East, a distance of 96.98 feet to a point on the southerly line of Tax Lot 900, Map 31W15 dated 6/3/2014, Clackamas County Assessors Map, being the POINT OF BEGINNING;

thence leaving said southerly line, North 67°38'23" East, a distance of 42.03 feet;

thence along a 20.00 foot radius tangential curve to the right, arc length of 36.64 feet, central angle of 104°58'29", chord distance of 31.73 feet, and chord bearing of South 59°52'23" East;

thence South 07°23'08" East, a distance of 1.74 feet to a point on said southerly line;

thence along said southerly line, North 88°34'09" West, a distance of 66.55 feet to the POINT OF BEGINNING.

Containing 759 square feet, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records.

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger (Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 900

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read "T. Jansen", written over a horizontal line.

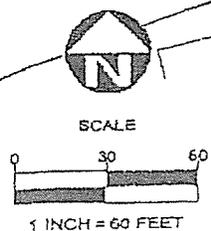
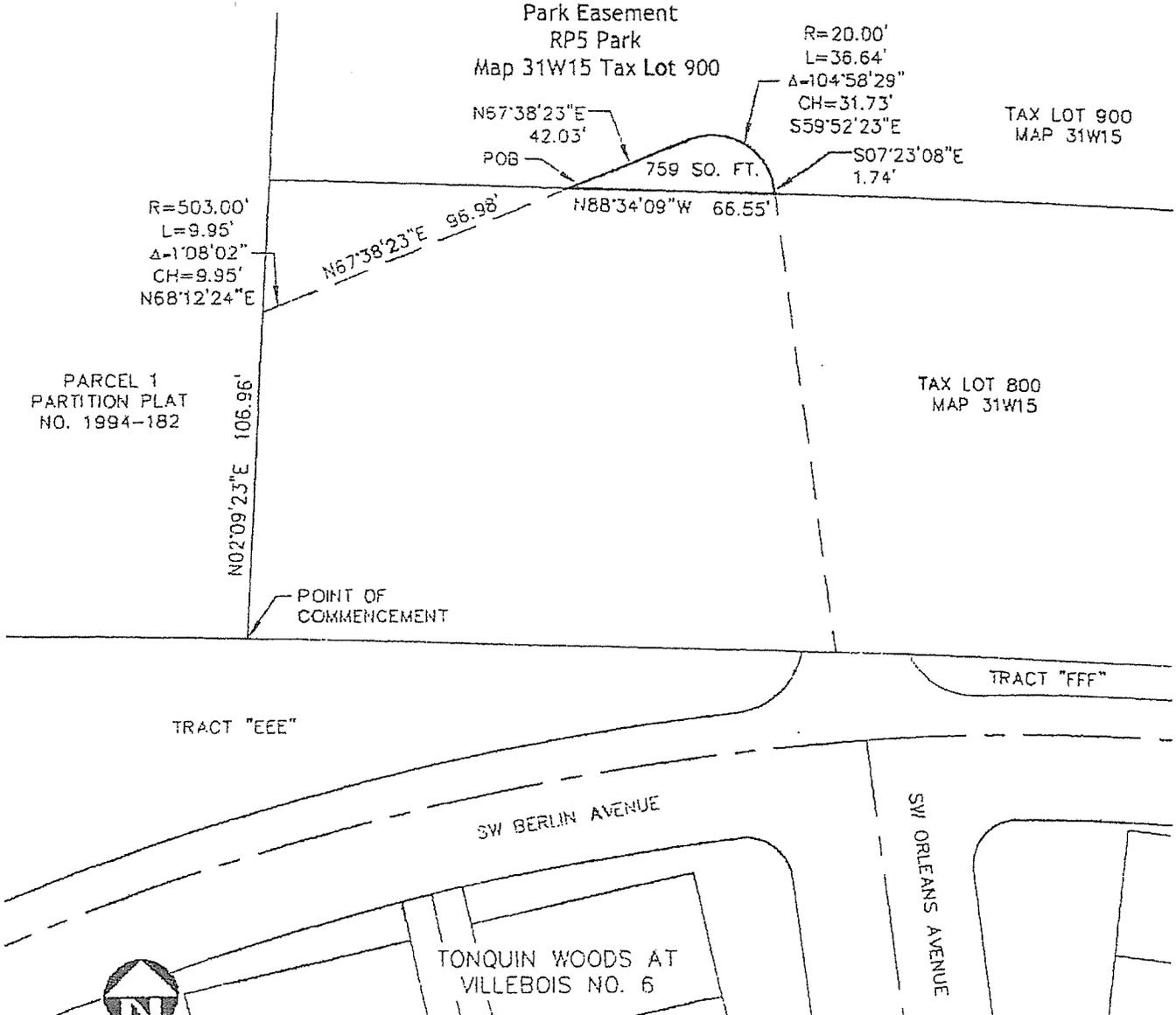
OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

EXHIBIT D



SKETCH TO ACCOMPANY LEGAL DESCRIPTION



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

Property Vested in:  
Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger  
(Chen-Sung) Chang, and Allen Y. Chang  
Map 31W15 Tax Lot 900

RENEWES: 6/30/2015



29799 SW Town Center Loop E  
Wilsonville, Oregon 97070  
(503) 682-1011  
(503) 682-1015 Fax Administration  
(503) 682-7025 Fax Community Development

To: Blaise Edmonds  
Manager of Current Planning  
City of Wilsonville

From: Kristin Retherford  
Economic Development Manager  
City of Wilsonville

Date: October 29, 2015

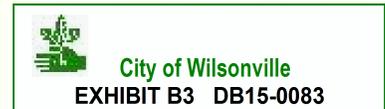
Re: DB15-0083 – Proposed annexation of Grahams Ferry Road right-of-way, Tooze Raod right-of-way, and the Chang property (TS3 R1W TL 700, 800, 900 and 1000, Clackamas County)

Dear Blaise,

The need to annex the property described above is two-fold. First, the right-of-way, which was brought into the urban growth boundary together with the Villebois Master Plan Area, is under the jurisdictional control of the City of Wilsonville, but was not annexed concurrently with the Calais annexation, or the annexation of property on Tooze Road owned by the Urban Renewal Agency. In order to spend urban renewal funds on the Tooze Road improvement project, which includes a portion of Grahams Ferry Road, the Tooze Road and Grahams Ferry Road right-of-way inside the urban growth boundary must be annexed. Without annexation, the use of urban renewal to construct these needed improvements would require county-wide vote of the citizens of Clackamas County.

Secondly, the Villebois Master Plan includes future parks that will be located on the Chang property. One of these parks spans three separate property ownerships, including land owned by Polygon, the Urban Renewal Agency, and the Chang property. The Changs have agreed to provide an easement to allow Polygon to construct the portion of the park that is on their property as well as a public access easement so that a complete park experience can be provided to the public. However, as their property is not currently within the city, the design and construction of this park would fall under the land use approval and permitting of two separate agencies. To facilitate land use approvals, permitting, and construction of this park, it makes sense to annex the Chang property at this time in conjunction with the city's right of way annexation.

The Changs would like to have their property annexed at this time and have indicated they will likely sell it for development within the next two to three years. The rezoning of the property would occur at that time, rather than now. During the interim, the Changs have indicated they would like to maintain their property in a farm and forest deferral tax status.



"Serving The Community With Pride"



## Edmonds, Blaise

**From:** Ward, Mike  
**Sent:** Friday, December 11, 2015 2:28 PM  
**To:** Edmonds, Blaise; Tonie Tollen  
**Cc:** Cyndi Satterlund; Kathleen and Sean McRae; Retherford, Kristin; Jacobson, Barbara; Kohlhoff, Mike; Pauly, Daniel; Adams, Steve  
**Subject:** RE: Annexation of Property and Road

Hi Toni,

Some of the questions you pose are complex, and I am happy to meet in person if my email doesn't make the answers clear, but I will do my best.

Where your property line abuts the right of way along Tooze Road, the City is probably most accurately described as the "property owner". In actuality, the City is the road authority as the public right of way does not have an "owner" as much as it has a "controller". While the right of way is not in the city boundary, the authority for the road was transferred by the County to the City some years ago. The road authority is held through to the intersection of Westfall.

Without looking at legal maps (plats, etc) I can't say for certain, but it appears that the right of way in front of your property is 55 feet wide, centered on the centerline of the road. This would place the right of way approximately 27.5' from the yellow stripe of the road. If stakes were placed on your property they were placed there in error and are meaningless. Stakes were placed on the Anderson's property to show the location for where the right of way would need to be acquired by the City at the Anderson's request as they desire to plant a hedge that the City will not need to remove. I understand additional stakes were placed which were not the proposed right of way line, and as the project manager I am unclear why these stakes were placed. In any event, the line is a continuation of the McRae's property line across the Anderson's property. However, I can honestly say I do not know how much right of way the City will need to acquire from you as it depends on the placement of the horizontal curve, which is not finalized. We would not require any more land than a line with the McRae's property line, but it is possible we won't need as much. Once we are aware of how much right of way we will need, City staff will be in contact with you regarding an agreement for the property. This is not my area so I will avoid details which may be inaccurate, but I can say the City does not acquire right of way without just compensation. Regarding the north/south acquisition amounts, the City will not be acquiring additional right of way from the south beyond the wall created by the Polygon development, and we will also not be acquiring additional right of way from the McRae's north of their wall. Those two walls stand as visual indicators of the limits of the improvements. They are also equidistant from the centerline of the road.

Renaming of the road is a different topic altogether that I will be happy to speak with you about separately outside of this email chain. Either in person (I am happy to do a neighborhood meeting at your place again) or in a separate email as this email includes multiple City staff who do not need to be copied on that conversation.

Because the road is a City road, both sides of the street will receive "urban" treatments. Included in the urban treatments is stormwater treatment. The project will be taking all stormwater generated within the right of way and treating it before releasing it to the Coffee Creek wetlands. And while you may not desire them, hopefully the fact that you will also not have to pay for them will be of some consolation.

The plan for the intersection of Tooze and Graham's Ferry is to have a traffic signal. This would be installed with the project. A roundabout involves more taking of property and the City would like to reduce the taking of property as much as possible while meeting standards.

The project plan for the improvements of Tooze will address the concern you have regarding the sight distance to the east at your driveway. Currently there are two vertical curves to the east, which limits the sight distance. The

improvements will create a single vertical curve which will allow for adequate sight distance. We do recognize the concern at your driveway and are endeavoring to fix it.

I am unaware of what previous Tooze Road widening had an impact on the drainage on your property. Can you tell me when this took place? The road seems pretty narrow to my eye.

Thanks,

**Mike Ward, PE**

Civil Engineer

City of Wilsonville

29799 SW Town Center Loop East

Wilsonville, OR 97070

Direct: 503-570-1546

Fax: 503-682-7025

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to the Oregon Public Records Law.

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**From:** Edmonds, Blaise

**Sent:** Friday, December 11, 2015 9:10 AM

**To:** Tonie Tollen

**Cc:** Cyndi Satterlund; Kathleen and Sean McRae; Retherford, Kristin; Jacobson, Barbara; Kohlhoff, Mike; Pauly, Daniel; Ward, Mike; Adams, Steve

**Subject:** RE: Annexation of Property and Road

Good morning Tonie, I had a conversation with Kristen Retherford, the applicant representing the City for the annexation, indicated that the proposed annexation of Grahams Ferry and Tooze Road right-of-ways would only include those ROW within the City Urban Growth Boundary (UGB) and not on your property. The current UGB line aligns on the north side of the current ROW. Please see the yellow line – UGB below:



Edmonds, Blaise

**From:** Tonie Tollen <tollenfarm@msn.com>  
**Sent:** Thursday, December 10, 2015 12:51 PM  
**To:** Edmonds, Blaise; Ward, Mike  
**Cc:** Tonie Tollen; Cyndi Satterlund; Kathleen and Sean McRae  
**Subject:** Re: Annexation of Property and Road

December 9, 2015

RE: Annexation of Tooze Road into the city of Wilsonville  
Public Hearing Monday December 14, 2015

Comments and Concerns:

My understanding of the future Tooze Road widening was that 17 or 17 1/2 feet on either side of the now existing road was the property of the county, and any additional feet would need to be purchased from the current landowners. Isn't that the law?

It is evident that since the developer has already put sidewalks on the South side of Tooze, that the widening of said road will all come from the North side of the street.

When is this work going to commence?

After talking with Mr. Edmonds on Wednesday, December 9, , I found out that the Urban Growth Boundary includes all or part of Tooze Road. Where is the North boundary of the road as it pertains to those of us effected by the proposed widening of Tooze Road and does that boundary extend all the way to the intersection of Tooze and Westfall?

Where does the urban growth boundary line cross the property of those of us who live on the North side of the street ?

Since the the survey markers found today on my property and that of my neighbor's property are 38.5 feet in, from the asphalt edge of the existing roadbed on the North side of the road, as noted on the survey markers, how much of our personal property is in jeopardy and what compensation will be given to the land owners?

PLEASE NOTE:

When the city does annex Tooze Road to get the Urban funds they desire to do the widening project, those of us who live here wish to state that we do NOT want the name of our section of Tooze Road to change to Beckman Road.

We all received a letter from the city last spring stating that the city was planning to change the name of Tooze Road from the roundabout to the intersection of Tooze and Westfall to Beckman Road!

All of the neighbors met with Mr. Ward and expressed the desire to have Tooze Road remain Tooze Road. Our final suggestion for where to stop Beckman and begin Tooze was at the intersection of what will be Kinsman road where it joins the bridge. Adjusting the Name change there does not affect anyone's address and is the least expensive. Those of us who have lived on this road a long time and have our farms and business here do not want the expense or disruption that a new road name would create. There is no need for it.

Just move the sign out of the roundabout and back to Kinsman where it makes sense.

It won't disrupt or cost anybody anything that way.

Regarding improvements such as sidewalks and street lights on the North side of Tooze Road, non of the neighbors feel the need or want them. The division between City and Country can be better defined by the LACK of those items on our side of the street.

What is the long term solution for stopping and controlling traffic at the intersection of Grahams Ferry and Tooze Road? Will it be a traffic light or a roundabout?

A major public safety concern is visibility of oncoming cars from my farm when entering or leaving my driveway.. My address is 11681 S W Tooze Road and oncoming traffic that is approaching from the East cannot be seen. When Tooze road was originally widened, the berm area of the road was going to be leveled off for better visibility and that did not happen. When the road is widened, that issue needs to be addressed, especially with the huge addition to the speed and flow of the current traffic. The impact of the traffic due to the development of Villebois over the last few years has been enormous.

The elevation of Tooze Road between the Anderson property and my farm has created a dike in the field. My concern is that roadbed will increase this effect and cause more flooding.

I would appreciate a response to my questions .

Sincerely,  
Tonie Tollen  
11681 S W Tooze Road  
Wilsonville, Or. 97070  
503-682-1604



**Edmonds, Blaise**

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**From:** Tonie Tollen <tollenfarm@msn.com>  
**Sent:** Friday, December 11, 2015 10:52 AM  
**To:** Edmonds, Blaise  
**Cc:** Cyndi Satterlund; mprigodich@gmail.com; Tonie Tollen; Kathleen and Sean McRae; Don and Doreen Steffick; Debra Bischof  
**Subject:** RE: Annexation of Property and Road

Good morning to you too Blaise,

I see the yellow line on top of/next to the green line and it does go right across my road. The lines don't tell me anything. How many feet do I loose off my driveway with the road widening and other improvements that may be pending?

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**From:** edmonds@ci.wilsonville.or.us  
**To:** tollenfarm@msn.com  
**CC:** cyndis@binderbooks.com; kathleen@reliancenetwork.com; retherford@ci.wilsonville.or.us; jacobson@ci.wilsonville.or.us; kohlhoff@ci.wilsonville.or.us; pauly@ci.wilsonville.or.us; ward@ci.wilsonville.or.us; adams@ci.wilsonville.or.us  
**Subject:** RE: Annexation of Property and Road  
**Date:** Fri, 11 Dec 2015 17:09:32 +0000

Good morning Tonie, I had a conversation with Kristen Retherford, the applicant representing the City for the annexation, indicated that the proposed annexation of Grahams Ferry and Tooze Road right-of-ways would only include those ROW within the City Urban Growth Boundary (UGB) and not on your property. The current UGB line aligns on the north side of the current ROW. Please see the yellow line – UGB below:



You have numerous other questions that I am relying on staff from the engineering department to respond to before next Monday night DRB meeting.

Thank you,  
**Blaise Edmonds**  
Manager of Current Planning  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

503-682-4960 Business  
503-682-7025 Fax  
[edmonds@ci.wilsonville.or.us](mailto:edmonds@ci.wilsonville.or.us)

**DISCLOSURE NOTICE:** Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

**From:** Tonie Tollen [mailto:tollenfarm@msn.com]  
**Sent:** Thursday, December 10, 2015 12:51 PM  
**To:** Edmonds, Blaise; Ward, Mike  
**Cc:** Tonie Tollen; Cyndi Satterlund; Kathleen and Sean McRae  
**Subject:** Re: Annexation of Property and Road

December 9, 2015  
RE: Annexation of Tooze Road into the city of Wilsonville  
Public Hearing Monday December 14, 2015

Comments and Concerns:

**Wilsonville City Hall  
29799 SW Town Center Loop East  
Wilsonville, Oregon**

**Development Review Board – Panel A  
MOTIONS–December 14, 2015 6:30 PM**

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**Resolution No. 320. Grahams Ferry Road right-of-way, Tooze Road right-of-way and Chang Property Annexation: City of Wilsonville and Allen T. Chang – Owners.** The applicants are requesting approval of an Annexation of public right-of-way and territory located at the northern edge of Villebois of the city of Wilsonville, Oregon. The public right of way and territory is more particularly described as SW Grahams Ferry Road, SW Tooze Road and Tax Lots 700, 800, 900 and 1000, of Section 15, 3S, Range 1W, Willamette Meridian, Clackamas County. Staff: Blaise Edmonds

Case Files: DB15-0083 Annexation

*The DRB action on the Zone Map Amendment is a recommendation to the City Council.*

The following exhibits that were entered into the record:

- Exhibit A3: First email dated December 11, 2015 from Blaise Edmonds responding to Tonie Tollen questions in Exhibits D1.
- Exhibit A4: Second email dated December 11, 2015 from Blaise Edmonds responding to Tonie Tollen questions in Exhibits D2.
- Exhibit C1: Email dated December 11, 2015 from Mike Ward, City Civil Engineer responding to Tonie Tollen questions in Exhibit D1.
- Exhibit D1: First email received from Tonie Tollen dated December 10, 2015.
- Exhibit D2: Second email received from Tonie Tollen dated December 11, 2015.

**James Frinell moved to approve Resolution No. 320 with the addition of Exhibits A3, A4, C1, D1 and D2. The motion was seconded by Ronald Heberlein and passed unanimously.**

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

Property Owners:

Name: Allen Y. Chang  
Signature *Allen Y. Chang* Date 10-26-2015  
Property Owned: Taxlots 3S1W15\_00700, 3S1W15\_00800 (28201 SW 110<sup>th</sup> Ave.),  
3S1W15\_00900 (11490 SW Tooze Rd.), 3S1W15\_01000  
Mailing Address: 3205 Edgemont Road, Lake Oswego OR 97035

Name: Bryan Cosgrove, City Manager, for City of Wilsonville  
Signature *Bryan Cosgrove* Date 10/27/15  
Property Owned: SW Tooze Road right-of-way, SW Grahams Ferry Road right-of-way  
Mailing Address: 29799 SW Town Center Loop East, Wilsonville OR 97070

Electors:

Name: Michele Lurene Grant  
Signature *Michele Grant* Date 10/27/15  
Registered Address: 11490 SW Tooze Road  
Precinct Number: 323

Name: Mirae Jean Grant  
Signature *Mirae Jean Grant* Date 10/21/15  
Registered Address: 11490 SW Tooze Road  
Precinct Number: 323