

Final Documents
for
Annexation to
Wilsonville

Metro proposal number: WA4216

Ordinance/Resolution: 792

Annexation: DB16-0004

DOR: 34-2222-2016

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

Sandra C. King
City of Wilsonville
City Recorder
29799 SW Town Center Loop E
Wilsonville OR 97070

Description and Map Approved
July 19, 2016
As per ORS 308.225

[X] Description [X] Map - Received from: Sandra C. King
On: 6/22/2016, 7/12/2016

This is to notify you that your boundary change in Washington County for:
ANNEX to CITY OF WILSONVILLE

ORD. #792 (DB16-0004)

has been: [X] Approved 7/19/2016
[] Disapproved

Notes: Approved with the following comments;
--Typo on map--"Consolidated lots" refers to tax lots.

--The Revised map and description received by DOR on 7-12-16 are Approved and should also
be sent to the County Assessor, Metro and the Secretary of State.

Department of Revenue File Number: 34-2222-2016
Reviewed by: Elise Bruch, 503-302-8353
Boundary: [X] Change [] Proposed Change

The change is for:
[] Formation of a new district
[X] Annexation of a territory to a district
[] Withdrawal of a territory from a district
[] Dissolution of a district

If you have not already done so, the approved
version of the map(s), legal descriptions(s) and
signed ordinance must also be filed with the
County Assessor and Secretary of State

[] Transfer
[] Merge
[] Establishment of Tax Zone



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

July 21, 2016

Zac Christensen
Principal GIS Specialist
Metro – Research Department – Data Resource Center
600 NE Grand Avenue
Portland, OR 97232

Re: Annexation of territory into City of Wilsonville

Dear Zac;

Enclosed please find the following documents initiating a boundary change for the City of Wilsonville:

1. Final Approval from DOR 34-2222-2016.
2. Certified copy of Ordinance No. 792, which contains the valid legal description of the annexation and maps.
3. Additional documents including planning department staff reports and findings.
4. Check number 61678 in the amount of \$300.00 for processing the annexation.

Please contact me should you need additional information or materials.

Sincerely,

Sandra C. King, MMC
City Recorder

/sck
Enclosures



Notice from Taxing District

Boundary change packets must be received by the **Department of Revenue** and the **County Assessor(s)** by March 31.

For Department of Revenue use only		
Prepared by	DOR file number	
Date received	Date approved	Date disapproved
Notes		

District name City of Wilsonville			
Mailing address 29799 SW Town Center Loop East	City Wilsonville	State OR	ZIP 97070
County name Washington	Second county name (if applicable)		
Contact person Sandra C. King	Second contact person (if applicable)		
Phone (503) 570-1506	Email king@ci.wilsonville.or.us		
Ordinance/resolution/order Ordinance No. 792	Planning file number DB16-0004 Annexation		
Election date Date Adopted: 6/20/16	Effective date		
Notes			

Boundary

- Change
 Proposed change
 Preliminary review
 Delayed annexation

The change is for

- Formation of a new district
 Annexation of territory to a district
 Withdrawal of territory from a district
 Dissolution of a district
 Transfer
 Merge
 Establishment of tax zone

Documents included

- Ordinance/Resolution/Order
 Map of Boundary Change (shows point of beginning and all bearings and distances.)
 Legal description of Boundary Change

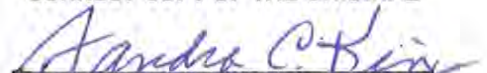
Send to

Oregon Department of Revenue
 Cadastral Information Systems Unit
 PO Box 14380
 Salem OR 97309-5075

Contact us

Email: boundary.changes@oregon.gov
 Fax: 503-945-8737

ORDINANCE NO. 792


RECORDER, CITY OF WILSONVILLE

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 10.2 ACRES OF TERRITORY INCLUDING A SEGMENT OF SW GARDEN ACRES ROAD RIGHT-OF-WAY AND AN ADJACENT PARCEL OF LAND EAST OF SW GARDEN ACRES ROAD NORTH OF SW RIDDER ROAD AND THE CURRENT REPUBLIC SERVICES DEVELOPMENT INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS TAX LOT 600 OF SECTION 2C, T3S, R1W, WASHINGTON COUNTY, OREGON AND ADJACENT RIGHT-OF-WAY, WILLAMETTE RESOURCE INCORPORATED, PETITIONER.

RECITALS

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

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

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

WHEREAS, the 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, if any, 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, annexing adjacent public right-of-way will allow for improvements consistent with the City's Transportation Systems Plan and Public Works Standards; and

WHEREAS, Panel A of the Development Review Board considered the annexation, and after a duly advertised public hearing held on May 9, 2016 recommended City Council approve the annexation; and

WHEREAS, on June 6, 2016, the City Council held a public hearing as required by Metro Code 3.09.050 and received testimony; 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 as Attachment 3.

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

Section 1. The above recitals are fully incorporated herein. The territory legally described and depicted in Attachment 1 is declared annexed to the City of Wilsonville.

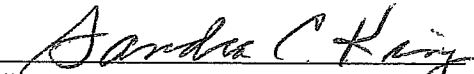
Section 2. The findings and conclusions and in Attachment 3 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on June 6, 2016 and scheduled for the second reading on June 20, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

ENACTED by the City Council on the 20th day of June 2016 by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 21st day of June, 2016.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp - Yes

Councilor Starr - Excused

Councilor Fitzgerald - Yes

Councilor Stevens - Yes

Councilor Lehan - Yes

Attachments:

Attachment 1: Legal Description and Sketch of Annexation Area

Attachment 2: Petition for Annexation

Attachment 3 Annexation Findings May 12, 2016

ORD. NO. 792(DB16-0009)

ATTACHMENT 1


EXHIBIT "A"

A TRACT OF LAND SITUATE IN THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING LOT 12, OF THE PLAT OF "GARDEN ACRES", WASHINGTON COUNTY PLAT RECORDS AND A PORTION OF GARDEN ACRES ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GARDEN ACRES ROAD, SAID POINT BEARS SOUTH 89°41'03" WEST, A DISTANCE OF 20.00 FEET AND SOUTH 00°18'57" EAST, A DISTANCE OF 1652.60 FEET FROM THE QUARTER CORNER COMMON TO SECTIONS 2 AND 3, THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE ALONG A WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 12 AND THE NORTH LINE OF SAID LOT 12 NORTH 89°28'40" EAST, A DISTANCE OF 1344.33 FEET TO A 5/8" IRON ROD MARKING THE NORTHEAST CORNER OF SAID LOT 12; THENCE LEAVING SAID NORTH LINE ALONG THE EAST LINE OF SAID LOT 12, SOUTH 00°19'54" EAST, A DISTANCE OF 330.43 FEET TO A 3 1/2" BRASS CAP STAMPED "BONNIVILLE POWER ADMINISTRATION", MARKING THE SOUTHEAST CORNER OF SAID LOT 12; THENCE LEAVING SAID EAST LINE ALONG THE SOUTH LINE OF SAID LOT 12 AND A WESTERLY EXTENSION THEREOF SOUTH 89°28'40' WEST, A DISTANCE OF 1344.42 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF GARDEN ACRES ROAD; SAID POINT BEARS SOUTH 89°41'03" WEST, A DISTANCE OF 20.00 FEET AND NORTH 00°18'57" WEST, A DISTANCE OF 661.31 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 3, 2, 10 AND 11; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 00°18'57" WEST, A DISTANCE OF 330.43 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 444,223 SQUARE FEET OR 10.198 ACRES, MORE OR LESS.

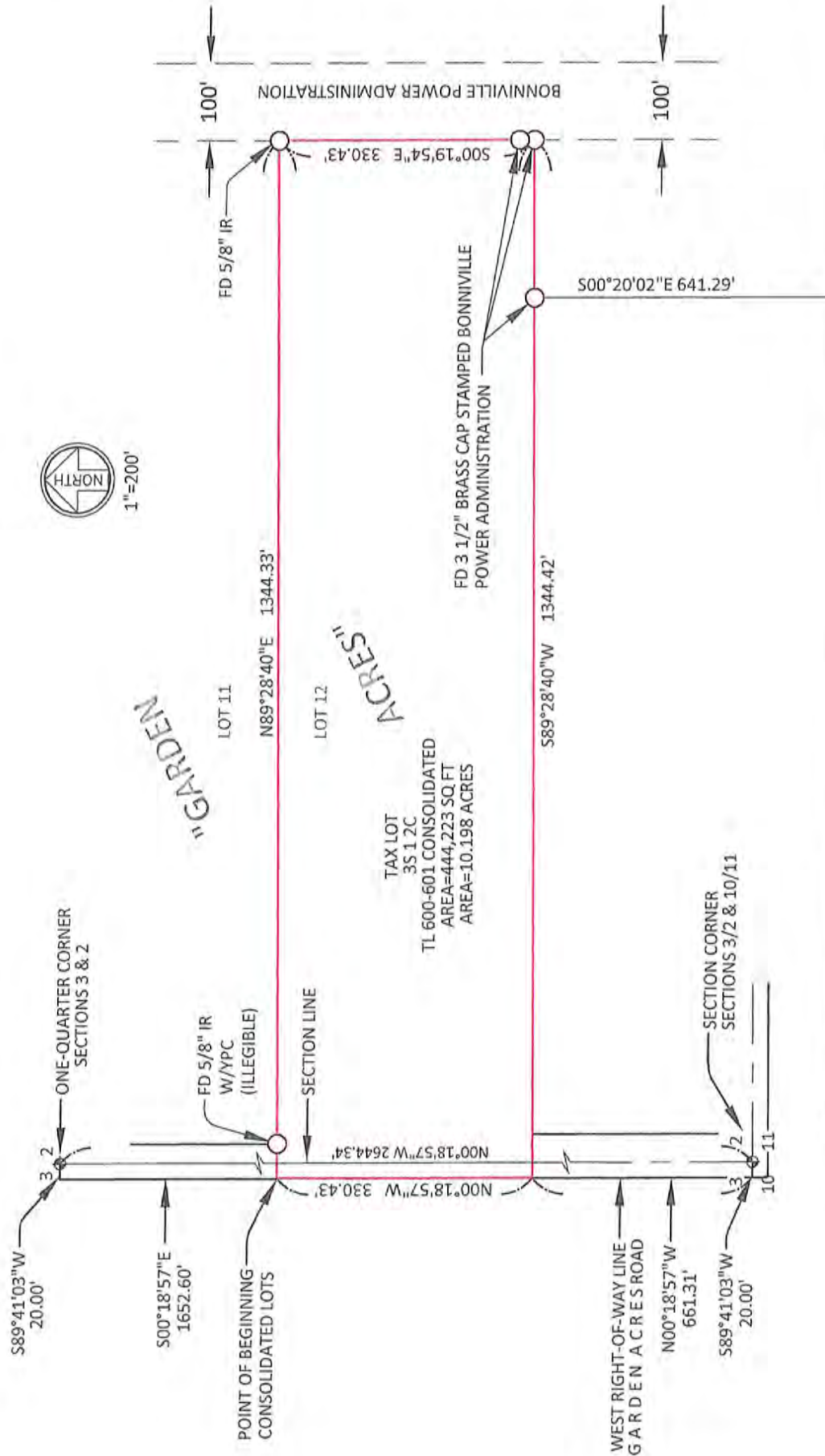
REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 15, 2003
TOD V. KELSO
50701

VALID UNTIL 6-30-17

ANNEXATION EXHIBIT




ORDINANCE NO. 792(DB16-0009) - ATTACHMENT 1



Project REP. SERV. ANNEXATION No. 999-1588	Designed by TKV	Date 2016-07-01	Sheet 2 of 2
	Drawn by TKV	Date 2016-07-01	
Horiz. Scale: 1"=200'		Vert. Scale:	PIONEER DESIGN GROUP, INC. 800 SW WASHINGTON SQUARE, RD. SUITE 170 PORTLAND, OREGON 97203 P 503.443.8288 F 503.443.8293 www.pds-epc.com
999-1588 PH2 LLA EXHIBIT		EXHIBIT	

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct

SIGNATURE	PRINTED NAME	I AM A: *			PROPERTY ADDRESS	PROPERTY DESCRIPTION				
		PO	RV	OV		LOT #	1/4 SEC	T	R	
	Mike Huyckle, VP WRI	X			25720 SW Garden Acres Road	601	2C	3S	T	R
	Mike Huyckle, VP WRI	X			None assigned	600	2C	3S		LW
	On Behalf of Williamette Resources, Inc.									

* PO = Property Owner
RV = Registered Voter
OV = Owner And Registered Voter

Ordinance No. 792
Staff Report
Wilsonville Planning Division

Republic Services Property Annexation

City Council
Quasi-Judicial Public Hearing

Hearing Date:	June 6, 2016
Date of Report:	May 12, 2016

Application No.: DB16-0004 Annexation

Request: The City Council is being asked to review annexation of approximately 10.2 acres of property owned by Republic Services to expand their campus and adjacent right-of-way.

Location: Segment of Garden Acres Road and a parcel east of Garden Acres Road north of current Republic Services buildings The property is specifically known as Tax Lots 600 , Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon

Owner/Petitioner: Jason Jordan, Willamette Resources Inc.

Applicants' Representative: Ben Altman, Pioneer Design Group

Comprehensive Plan Designation (Current): FD-20
Comprehensive Plan Designation (Proposed): Industrial

Zone Map Classification (Current): FD-20
Zone Map Classification (Proposed): PDI-RSIA

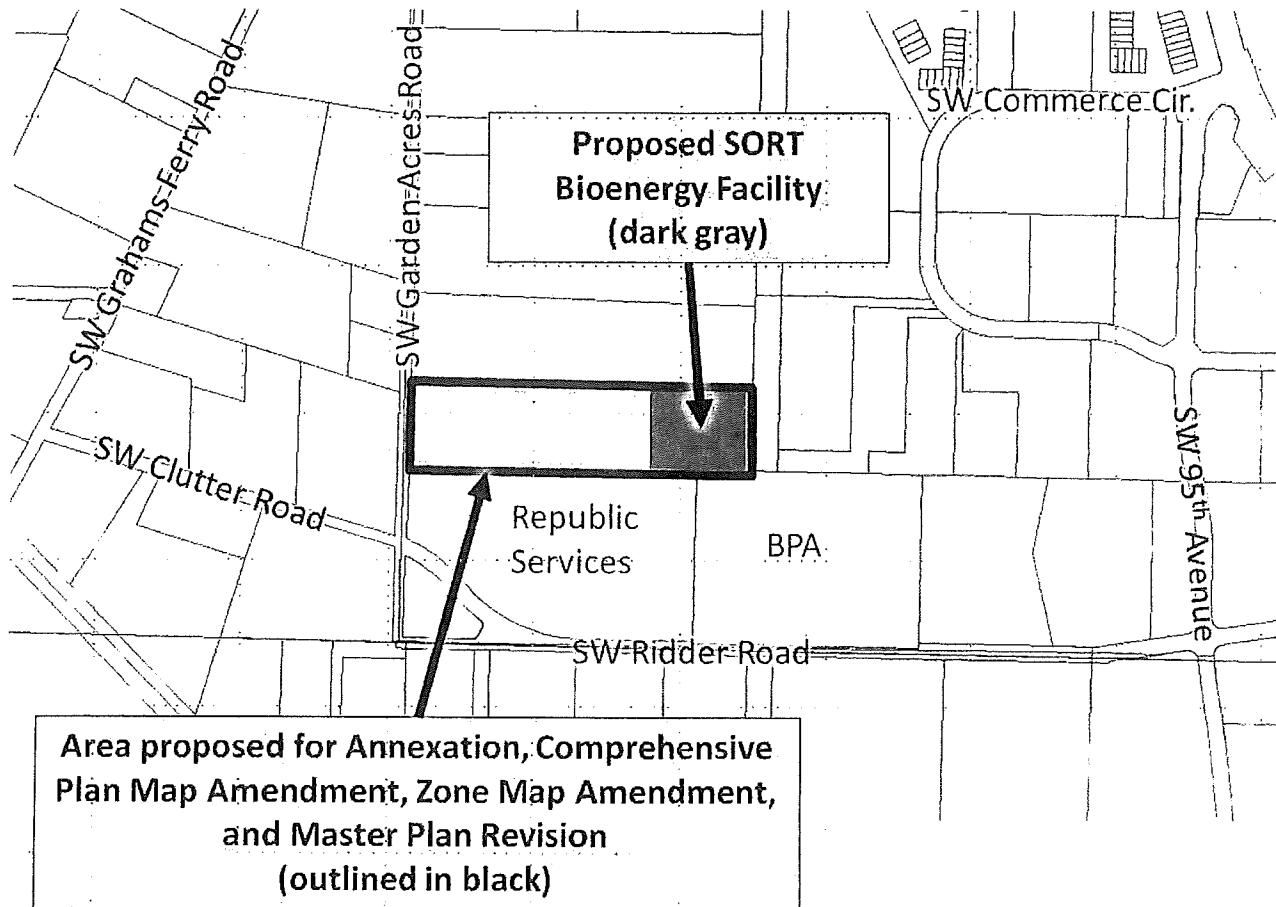
Staff Reviewers: Daniel Pauly AICP, Associate Planner

Staff Recommendation: Approve the requested Annexation.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.700	Annexations and Urban Growth Boundary Amendments
<u>Other Planning Documents:</u>	
Wilsonville Comprehensive Plan	
Chapter 3.09 Metro Code	
ORS 222.111, 222.120, 222.125	
Oregon Statewide Planning Goals	

Vicinity Map



Summary:

Republic Services has a growing operation in Wilsonville. The Wilsonville campus currently includes a Materials Recovery Facility (MRF) for processing and sorting waste, collection operations offices, maintenance shop, and storage and support services. Republic Services and their predecessor companies have owned 10 acres north of their campus for many years, which currently sits outside Wilsonville City limits. In support of their continued growth, Republic Services wishes to annex the property into the City. Adjacent public right-of-way will also be annexed. The annexation follows all applicable regional and state rules and statutes. By bringing the land into the boundary of the City, the annexation sets the stage for the applicant to request other approvals from the City.

Conclusion and Conditions of Approval:

Staff and the DRB have reviewed the application and facts regarding the request and recommend the City Council approve the Annexation (DB16-0004).

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on February 5, 2016. On March 2, 2016 staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On March 21, 2016 the Applicant submitted new materials. On April 19, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 17, 2016.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	FD-20	Rural
East:	PDI	Industrial Development
South:	PDI/PF	Republic Services/BPA Substation
West:	FD-20	Rural

3. Previous Planning Approvals:
Case File 91PC33 – Stage I Master Plan Willamette Resources
Case File 94DR18 – Site Design Review Willamette Resources
Case File 99DB03 – Site Design Review Keller Drop Box
Case File DB14-0032 Stage I Master Plan Revision
Case File DB14-0033 Stage II Final Plan for Maintenance Facility
Case File DB14-0034 Site Design Review for Maintenance Facility
Case File DB14-0035 Type C Tree Plan
4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, and 4.035 of the Wilsonville Code. Said sections pertain to review procedures and submittal requirements.

Findings of Fact:

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

General Information

Application Procedures-In General Section 4.008

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

Finding: These criteria are met.

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

Initiating Application Section 4.009

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.

Details of Finding: The application has been submitted on behalf of the property owner, Republic Services and is signed by an authorized representative.

Pre-Application Conference Subsection 4.010 (.02)

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A Pre-application conferences were held on October 16, 2014 (PA14-0015) in accordance with this subsection.

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

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.

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

General Submission Requirements Subsection 4.035 (.04) A.

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

Finding: These criteria are satisfied.

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

Zoning-Generally Section 4.110

Review Criteria: "The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192." "The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise."

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

DB16-0004 Annexation

Comprehensive Plan

Allowed Annexation Implementation Measure 2.2.1.a.

A1. **Review Criteria:** "Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth."

Finding: These criteria are satisfied.

Explanation of Finding: The land proposed for annexation is within the Coffee Creek Master Plan area, which is planned for industrial development within the City and for which public services are planned.

Annexation Review Standards Implementation Measure 2.2.1.e.

A2. **Review Criteria:** "Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:" Listed 1 through 5.

Finding: These criteria are satisfied.

Explanation of Finding: Necessary public facilities are available for the land proposed for annexation, is planned for industrial development as part of the City's Coffee Creek Master Plan. The land is within the Urban Growth Boundary and sufficient land for planned uses is not available on Republic Services land within the City. The annexation and development of the land is required to be consistent with Statewide Planning Goals and applicable Metro plans.

Development Code

Authority to Review Annexation

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

- A3. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.

Finding: These criteria are satisfied.

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

Annexation

Section 4.700

- A4. **Review Criteria:** This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

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

Metro Code

Local Government Boundary Changes

Chapter 3.09

- A5. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: A public hearing will be held within 45 days of completeness. Notice has been mailed and posted on the property 20 days prior to the hearing and includes the required information. The decision will be mailed to Metro and other required parties. A petition has been submitted including property owner information, jurisdictional information, and a legal description of the property.

Oregon Revised Statutes

Authority and Procedure for Annexation ORS 222.111

A6. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: The owner of the property has initiated the annexation. An election is not required pursuant to ORS 222.120.

Procedure Without Election by City Electors ORS 222.120

A7. **Review Criteria:** ORS 222.120 establishes the authority and procedures for annexation by City's within the state of Oregon without an election.

Finding: These criteria are satisfied.

Explanation of Finding: A public hearing has been set between. Required notices have been or will be sent. The annexation is being adopted by Ordinance by the City Council. No electors reside on the property. All property owners have consented to annexation by signing the petition thus the ordinance can declare the property annexed with no votes by electors within the territory to be annexed.

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

A8. **Review Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

Finding: These criteria are satisfied.

Explanation of Finding: All property owners of territory proposed to be annexed have provided their consent in writing. No electors reside within the territory proposed to be annexed. However, a public hearing process is being followed as prescribed in the City's Development Code concurrent with a Comprehensive Plan Map and Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

A9. **Review Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Coffee Creek Master Plan, both which have been found to meet the statewide planning goals.