

**ORDINANCE NO. 819**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 16 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2001, 2100, 2201, 2202 SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. THELMA J. ROETHE, DALE KRIELKAMP, VERLA KRIELKAMP, LOUIE PIKE, GAYLA CUSHMAN-PIKE, AMY PIKE, MATT WINGARD, AND DORIS A. WEHLER, PETITIONERS.**

WHEREAS, a petition submitted to the City request annexation of certain real property legally described and depicted in Attachment 1; and

WHEREAS, Thelma J. Roethe, an authorized signer for The Killinger Trust, Doris A. Wehler, an authorized signer for Wehler Family Survivor's Trust & Wehler Family Decedent's Trust, Louie Pike, Gayla Cushman-Pike, Dale Krielkamp, and Verla Krielkamp, together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, Doris A. Wehler, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, Amy Pike, and Matthew Wingard, together representing a majority of the electors within the annexation area signed the petition; and

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

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Frog Pond West Neighborhood; and

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

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on May 14, 2018 unanimously recommended City Council approve the annexation; and

WHEREAS, on June 4, 2018, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, and the Development Review Board's recommendation to City Council.

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

1. The tracts of land, described and depicted in Attachment 1, are declared annexed to the City of Wilsonville.
2. The findings and conclusions incorporated in Attachment 3 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4<sup>th</sup> day of June, 2018, and scheduled for a second reading at a regular meeting of the Council on the 18<sup>th</sup> day of June, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

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

Yes: 4 No: 0

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

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

  
\_\_\_\_\_  
TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Excused

Attachments:

1. Attachment 1 – Legal Description and Sketch Depicting Territory to be Annexed
2. Attachment 2 – Petition for Annexation
3. Attachment 3 – Annexation Findings
4. Attachment 4 – Development Review Board Panel A Resolution No. 351 Recommending Approval of Annexation

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**STAFFORD MEADOWS PROPERTIES**  
January 30, 2018 (Otak #17868)

Those properties described in Bargain and Sale Deed to Louie M. Pike and Gayla D. Cushman-Pike recorded as Document Number 89-06039, in Bargain and Sale Deeds to Doris A. Wehler recorded as Document Numbers 2012-0160063 and 2012-016064, in Statutory Bargain and Sale Deed to Dale I. Kreilkamp and Verla S. Kreilkamp, recorded as Document Number 2015-045034, and in Warranty Deed to Donald E. Killinger and Elva C. Killinger recorded as Document Number 95-068541, all of Clackamas County Records, in the southeast one-quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, the exterior boundary of said properties being described as follows:

BEGINNING at a point on the north right of way line of S.W. Boeckman Road being North 01°24'30" East a distance of 30.00 feet from a point on the centerline thereof, said centerline also being the south line of said Section 12, said point on centerline being North 88°35'30" West a distance of 219.98 feet from a 3-1/4 inch brass disk found in a monument box at the southeast corner of said Section 12;  
thence along said north right of way line being parallel with and 30.00 feet north of the south line of said Section 12, North 88°35'30" West a distance of 1278.79 feet to the most southerly east line of that property described in Warranty Deed to Clackamas County School District 3, West Linn-Wilsonville School District 3JT recorded as Document Number 99-052396, Clackamas County Records;  
thence along the east and south lines of said Clackamas County School property through the following three courses:  
North 01°38'47" East a distance of 429.26 feet;  
South 88°35'30" East a distance of 540.59 feet;  
and North 01°39'45" East a distance of 398.35 feet to a point on the south line of that property described in Statutory Warranty Deed to West Linn-



# Ordinance No. 819 Attachment 1

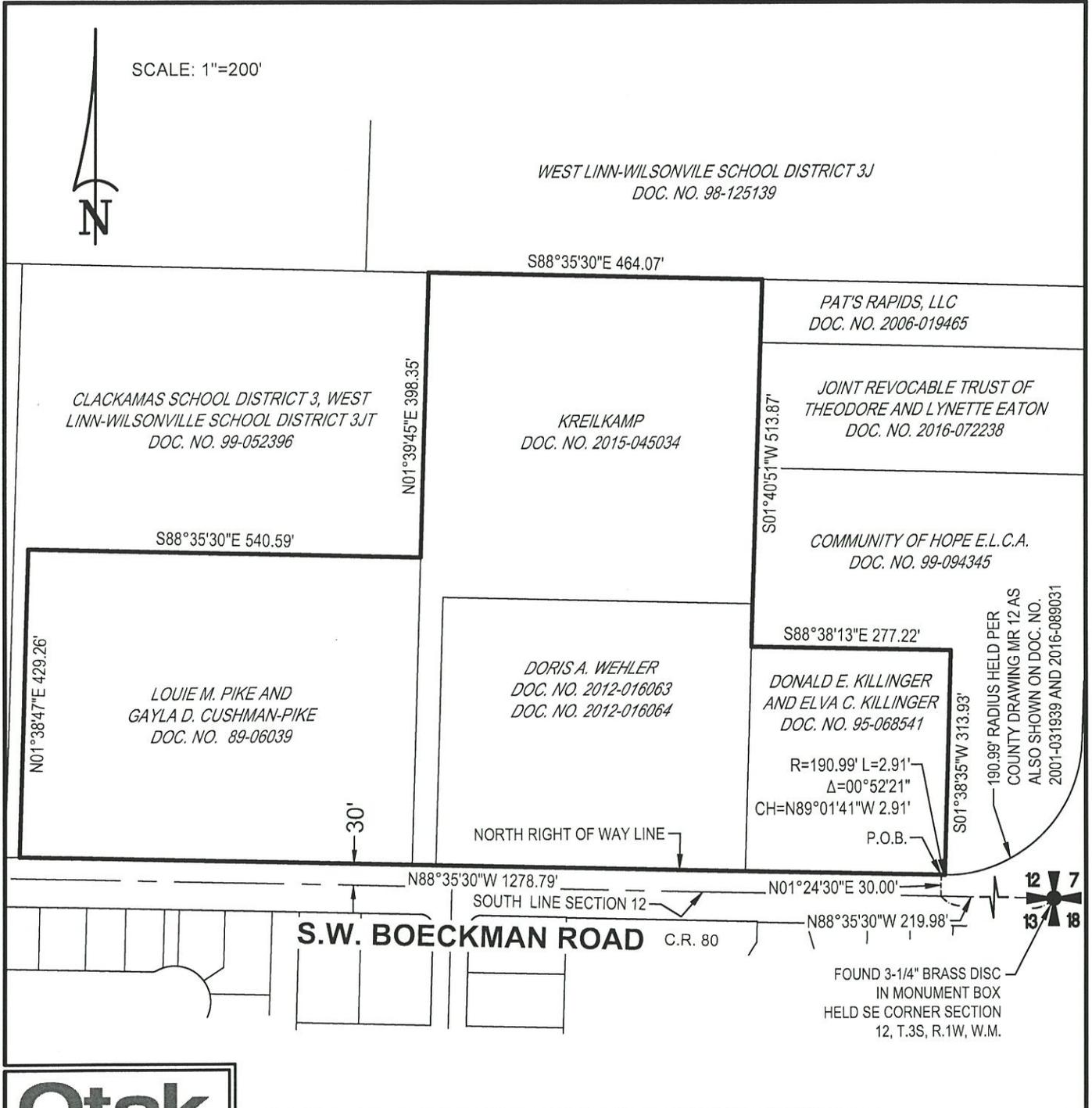
Wilsonville School District 3J recorded as Document Number 98-125139, Clackamas County Records;  
thence along said last said south line, South 88°35'30" East a distance of 464.07 feet to the northwest corner of that property described in Warranty Deed to Pat's Rapids, LLC recorded as Document Number 2006-019465, Clackamas County Records;  
thence along the west line of said Pat's Rapids LLC property, and along the west lines of those properties described in General Warranty Deed for Oregon to Joint Revocable Trust of Theodore and Lynette Eaton recorded as Document Number 2016-072238, and in Statutory Warranty Deed to Community of Hope E.L.C.A. recorded as Document Number 99-094345, both of Clackamas County Records, South 01°40'51" West a distance of 513.87 feet;  
thence along the most westerly south line and most southerly west line of said Community of Hope E.L.C.A. property through the following two courses:  
South 88°38'13" East a distance of 277.22 feet;  
and South 01°38'35" West a distance of 313.93 feet to a point on a curve in said north right of way line;  
thence westerly along the arc of a non-tangent 190.99 foot radius curve to the right (radius point bears North 00°32'09" East), through a central angle of 00°52'21", an arc length of 2.91 feet (chord bears North 89°01'41" West a distance of 2.91 feet) to the POINT OF BEGINNING.

Contains 16.14 acres, more or less.

Bearings based on the Oregon State Plane Coordinate System, NAD'83, North Zone.



# Ordinance No. 819 Attachment 1



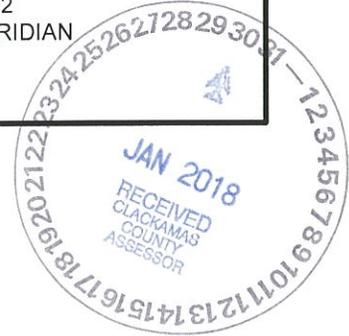
**Otak**

808 SW 3rd Ave., Ste. 300  
Portland, Oregon 97204  
Phone: (503) 287-6825  
www.otak.com  
project: 17868

**EXHIBIT A** SHEET 3 OF 3

STAFFORD MEADOWS PROJECT  
IN THE SOUTHEAST ONE-QUARTER OF SECTION 12  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN  
CLACKAMAS COUNTY, OREGON

JANUARY 30, 2018



RECEIVED  
JAN 31 2018

# Ordinance No. 819 Attachment 2

## CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners<sup>1</sup> (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

NAME DIS STORM  
TITLE GIS CARTOGRAPHER Z  
DEPARTMENT A & T  
COUNTY OF CLACKAMAS  
DATE 1-30-18



<sup>1</sup> Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.











# Ordinance No. 819 Attachment 2

## CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.



NAME Rebekah St Doll  
TITLE Deputy Clerk  
DEPARTMENT Elections  
COUNTY OF Clackamas County  
DATE 1/29/18



Ordinance No. 819 Attachment 3  
Annexation Findings for Stafford Meadows

City Council  
Quasi-Judicial Public Hearing

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**Hearing Date:** June 4, 2018

**Date of Report:** May 18, 2018

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**Application No.:** DB18-0008 Annexation

**Request/Summary:** City Council approval of quasi-judicial annexation of approximately 16 acres concurrently with its proposed development as a single-family subdivision consistent with the Frog Pond West Master Plan.

**Location:** North side of Boeckman Road, just west of Stafford Road. The property is specifically known as Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

**Owners/Electors/**

**Petitioners:** Thelma J. Roethe, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, Amy Pike, Matt Wingard, and Doris Wehler

**Applicant:** Dan Grimberg, West Hills Development

**Applicant's Rep.:** Li Alligood AICP, OTAK

**Comprehensive Plan Designation:** Residential Neighborhood

**Zone Map Classification (Current):** RRFF 5 (Rural Residential Farm Forest 5-Acre)

**Zone Map Classification (Proposed Concurrent with Annexation):** RN (Residential Neighborhood)

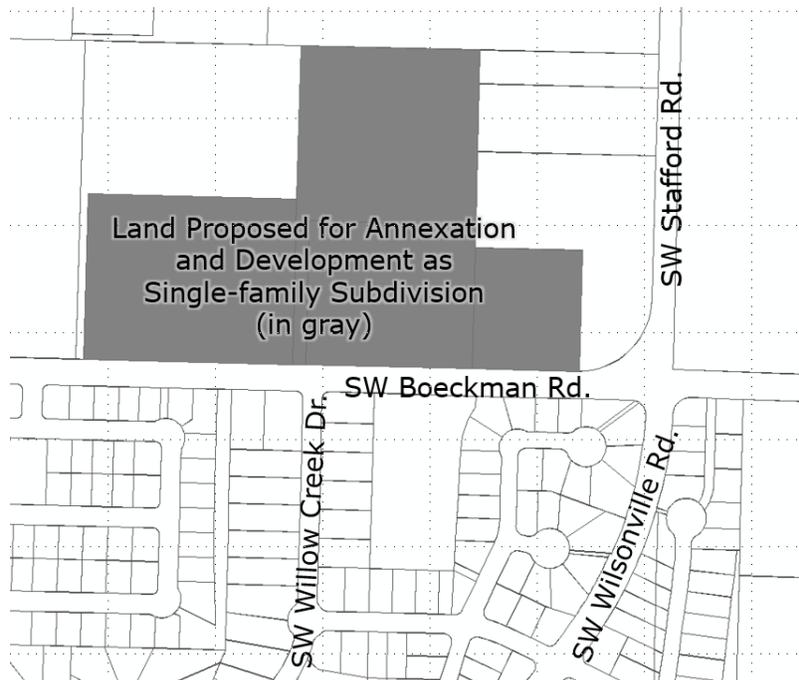
**Staff Reviewer:** Daniel Pauly AICP, Senior Planner

**Staff Recommendation:** Approve the requested annexation.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.700	Annexation
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by consent before public hearing or order for election
Statewide Planning Goals	

**Vicinity Map**



## **Background/Summary:**

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary (UGB) in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that “The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community’s hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville.”

As a follow up to the area plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB.

The area of the proposed 16-acre annexation will be the first development consistent with the Frog Pond West Master Plan. The subdivision will be the first of many envisioned to blend together as one cohesive neighborhood.

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

## **Conclusion and Condition of Approval:**

Staff and the Development Review Board recommend the City Council annex the subject property with the following condition:

<p><b>PDA 1.</b> The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter in the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.</p>
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## Findings:

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

### Request: DB18-0008 Annexation

As described in the Findings below, the request meets the applicable criteria or will by a Condition of Approval.

## Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services  
Implementation Measure 2.2.1.a.

- A1.** The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills and the City will enter into an annexation agreement detailing provision and development of public services as required by Condition of Approval PDA 1.

Demonstrated Need for Immediate Urban Growth  
Implementation Measure 2.2.1.a.

- A2.** Metro brought the subject area into the Urban Growth Boundary in 2002 to meet demonstrated regional housing needs. With adoption of the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards  
Implementation Measures 2.2.1.e., 2.2.1.e. 3., 2.2.1.e. 4.

- A3.** This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services  
Implementation Measure 2.2.1.e. 1.

- A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposed site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Stafford Meadows site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years  
Implementation Measure 2.2.1.e. 2.

- A5. The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond Area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan. .

**Wilsonville Development Code-Annexation**

Authority to Review Quasi-Judicial Annexation Requests

Subsections 4.030 (.01) A, 11, 4.031 (.01) K., 4.033 (.01) F., and 4.700 (.02)

- A6. The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.

Subsections 4.700 (.01). and (.04)

- A7. The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, a narrative describing conformance with applicable criteria, and the City Council, upon recommendation from the Development Review Board, will declare the subject property annexed.

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

- A8. Subject to requirements in this subsection and the Frog Pond West Master Plan Condition of Approval PDA 1 requires the necessary parties enter into an annexation development agreement with the City covering the annexed land.

**Metro Code**

Local Government Boundary Changes

Chapter 3.09

- A9. The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with the Comprehensive Plan and Frog Pond West Master Plan.

**Oregon Revised Statutes (ORS)**

Authority and Procedure for Annexation

ORS 222.111

- A10. The request meets the applicable requirements in state statute including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated

by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors  
ORS 222.120

**A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and request meets the applicable requirements in state statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

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

**A12.** All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

**Oregon Statewide Planning Goals**

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

**A13.** The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both which have been found to meet the statewide planning goals.

# Ordinance No. 819 Attachment 4

## DEVELOPMENT REVIEW BOARD RESOLUTION NO. 351

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 16 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND ABBREVIATED SRIR REVIEW FOR A 44 TO 46-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2001, 2100, 2201, AND 2202 OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated May 7, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 14, 2018, at which time exhibits, together with findings and public testimony were entered into the public record, and

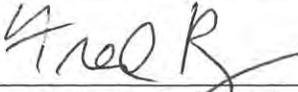
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 May 7, 2018, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Annexation and Zone Map Amendment Requests (DB18-0008 and DB18-0009) for:

DB18-0010 through DB18-0014, and SI18-0001; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR Review for a 44-46 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14<sup>th</sup> day of May, 2018 and filed with the Planning Administrative Assistant on May 15, 2018. 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).

  
\_\_\_\_\_  
Fred Ruby Chair, Panel A  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant