

ORDINANCE NO. 844

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 5.85 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF SW CLUTTER STREET JUST WEST OF SW GARDEN ACRES ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 2100, SECTION 3D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. CHRIS AND SONYA BICKFORD PETITIONERS.

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

WHEREAS, Chris and Sonya Bickford, together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, there are no electors that reside within the annexation area; and

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

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Coffee Creek Industrial Area; and

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

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

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

WHEREAS, on September 10, 2020, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the

voters and does hereby favor the annexation of the subject tract of land based on findings and conclusions.

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

1. FINDINGS.

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

2. DETERMINATION.

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

3. EFFECTIVE DATE OF ORDINANCE.

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

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 10th day of September, 2020, and scheduled the second reading on the 21st day of September, 2020 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

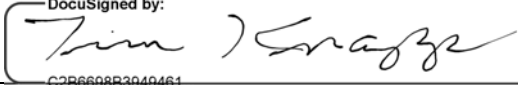
ENACTED by the City Council on the 21st day of September, 2020 by the following votes:

Yes: 4 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 21st day of September, 2020.

DocuSigned by:

C2B6698B3949461...
TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Yes
Councilor Linville	Yes

Exhibits:

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

NORTHWEST
SURVEYING, INC.

BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL

Licensed in OR & WA

1815 NW 169TH PLACE, SUITE 2090
BEAVERTON, OR 97006

TELEPHONE: (503) 848-2127
FAX: (503) 848-2179

PROPERTY DESCRIPTION

March 5, 2020
NWS Project No. 2017
Annexation Description

A tract of land located in the southeast one-quarter of Section 3, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being a portion of that property conveyed to Chris Bickford and Sonya Bickford, husband and wife, by deed recorded March 26, 1986 as Document No. 86-012591, Washington County Deed Records, being more particularly described as follows:

Commencing at a an aluminum disk located at the southeast corner of the southeast one-quarter of said Section 3; thence along the south line of said southeast one-quarter, South 89°41'49" West a distance of 20.00 feet to a point on the westerly right-of-way line of County Road No. 557 and the Point of Beginning; thence continuing along the south line of said southeast one-quarter, South 89°41'49" West a distance of 649.21 feet to the southwest corner of said Bickford property; thence along the westerly line of said Bickford property, North 15°34'42" East a distance of 524.01 feet to the northwest corner thereof, said point being on the southerly right-of-way line of SW Clutter Road, 20.00 feet southerly of the centerline thereof, when measured at right angles; thence along said southerly right-of-way line, South 74°37'07" East a distance of 524.68 feet to its intersection with the westerly right-of-way line of that portion of County Road No. 557 being the southerly extension of SW Garden Acres Road (County Road No. 1309), said point being 20.00 feet westerly of the centerline thereof, when measured at right angles; thence along said westerly right-of-way line, South 00°24'33" East a distance of 362.16 feet to the Point of Beginning.

Said described tract of land contains 5.85 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott F. Field

OREGON
JUNE 30, 1997
SCOTT F. FIELD
2844

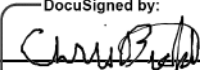
RENEWS: 12/31/2021

PETITION TO ANNEX TERRITORY INTO CITY OF WILSONVILLE

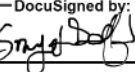
We, the undersigned owner(s) of the property described below and in the attached Legal Description and elector(s) residing at the referenced location hereby petition for and give consent to annexation of the property to the City of Wilsonville. We understand that the City will review this request in accordance with Chapter 4.700 of the City of Wilsonville Planning and Land Development Ordinance, Oregon Revised Statutes (ORS) Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

10680 SW Clutter Street, Wilsonville, OR 97140
Address (See attached Legal Description)

3S 1 03D 02100
Tax Map/Lot Number

DocuSigned by:

Signature
Chris Bickford
Printed Name
2/24/2020 | 8:25 PM PST
Date

I am a:
 Property Owner
 Voter Registered at this Address

DocuSigned by:

Signature
Sonya Bickford
Printed Name
2/24/2020 | 8:28 PM PST
Date

I am a:
 Property Owner
 Voter Registered at this Address

Signature
Printed Name
Date

I am a:
 Property Owner
 Voter Registered at this Address

Signature
Printed Name
Date

I am a:
 Property Owner
 Voter Registered at this Address

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EXHIBIT B

PROPERTY DESCRIPTION

March 5, 2020
NWS Project No. 2017
Annexation Description

A tract of land located in the southeast one-quarter of Section 3, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon, being a portion of that property conveyed to Chris Bickford and Sonya Bickford, husband and wife, by deed recorded March 26, 1986 as Document No. 86-012591, Washington County Deed Records, being more particularly described as follows:

Commencing at a an aluminum disk located at the southeast corner of the southeast one-quarter of said Section 3; thence along the south line of said southeast one-quarter, South 89°41'49" West a distance of 20.00 feet to a point on the westerly right-of-way line of County Road No. 557 and the Point of Beginning; thence continuing along the south line of said southeast one-quarter, South 89°41'49" West a distance of 649.21 feet to the southwest corner of said Bickford property; thence along the westerly line of said Bickford property, North 15°34'42" East a distance of 524.01 feet to the northwest corner thereof, said point being on the southerly right-of-way line of SW Clutter Road, 20.00 feet southerly of the centerline thereof, when measured at right angles; thence along said southerly right-of-way line, South 74°37'07" East a distance of 524.68 feet to its intersection with the westerly right-of-way line of that portion of County Road No. 557 being the southerly extension of SW Garden Acres Road (County Road No. 1309), said point being 20.00 feet westerly of the centerline thereof, when measured at right angles; thence along said westerly right-of-way line, South 00°24'33" East a distance of 362.16 feet to the Point of Beginning.

Said described tract of land contains 5.85 acres, more or less.



EXHIBIT B

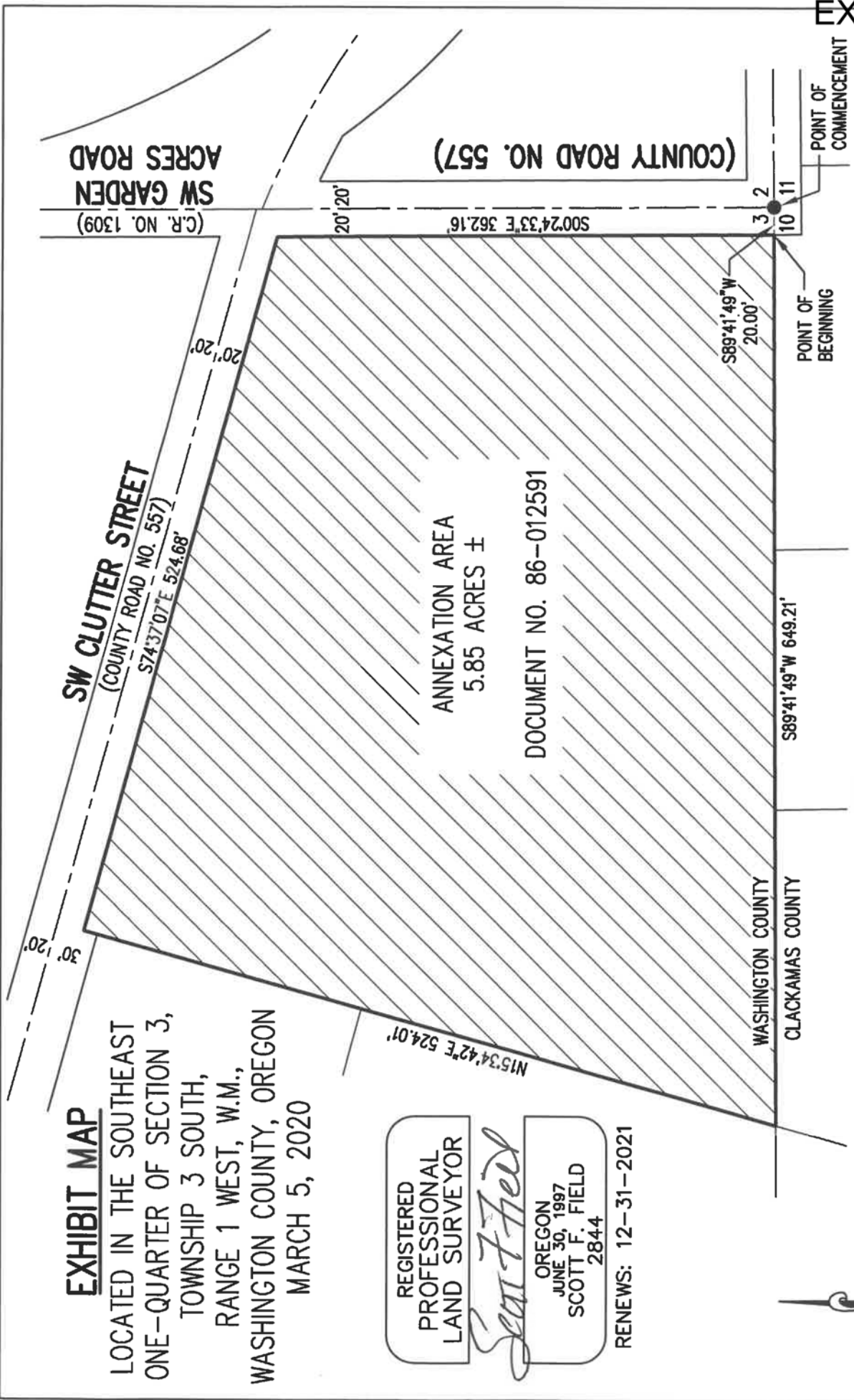


EXHIBIT MAP

LOCATED IN THE SOUTHEAST
 ONE-QUARTER OF SECTION 3,
 TOWNSHIP 3 SOUTH,
 RANGE 1 WEST, W.M.,
 WASHINGTON COUNTY, OREGON
 MARCH 5, 2020

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Scott F. Field
 OREGON
 JUNE 30, 1997
 SCOTT F. FIELD
 2844

RENEWS: 12-31-2021

ANNEXATION AREA
 5.85 ACRES ±

DOCUMENT NO. 86-012591

GRAPHIC SCALE



(IN FEET)
 1 INCH = 100 FT.



JOB NAME:	PANATTONI - CLUTTER
JOB NUMBER:	2026
DRAWING NAME:	2026 DED
DRAWN BY:	SFF
CHECKED BY:	CHS

NORTHWEST

SURVEYING, Inc.

1815 NW 169TH PLACE
 SUITE 2090
 BEAVERTON, OR 97006
 PHONE: (503) 848-2127
 FAX: (503) 848-2179

MAR 28 1986

FORM No. 101 - WAREHOUSE DEED (2ndly Rev'd of Corporate)

STEVENS PUBLISHING CO., PORTLAND, OREGON

1-1-74

TICOR TITLE INSURANCE

WARRANTY DEED

86012591

KNOW ALL MEN BY THESE PRESENTS, That William L. Hamm and Marie E. Hamm, husband and wife hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Chris Bickford and Sonya Bickford, husband and wife hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the said grantees and grantees heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or pertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

The following described real property located in Section 3, Township 3 South, Range 7 West, Willamette Meridian, Washington County, Oregon and described more particularly as follows: Beginning at the Section corner common to Sections 2, 3, 10 and 11, Township 3 South, Range 7 West, of the Willamette Meridian; running thence North 0° 20' West, 356.5 feet to an iron pipe; thence North 74° 31' West, 544.92 feet to an iron pipe; thence South 15° 53' West, 529.42 feet; along the Easterly line of that certain parcel of land conveyed to Max J. Ross, et ux, by deed recorded June 30, 1958 in Book 406, Page 301, and along the

(continued on reverse)

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantees and grantees heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantees and grantees heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances EXCEPT any and all liens, encumbrances, unpaid real property taxes and any other impediments suffered or caused to be placed thereon by grantees from and after the 28th day of February, 1976. and that grantor will defend and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 90,000.00. However, the actual consideration (which) of or includes other property or value given or promised which is the whole part of the consideration (indicate which) (If the difference between the proceeds of, if not applicable, should be deleted. See ORS 91.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 27th day of March, 1986; If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

If executed by a corporation, with corporate seal

William L. Hamm

Marie E. Hamm

STATE OF OREGON, County of Clackamas ss. March 27, 1986

STATE OF OREGON, County of ss. Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Personally appeared the above named William L. Hamm and Marie E. Hamm husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon My commission expires: 11/1/89

M/M William L. Hamm 36790 Kropf Road Molalla, Oregon 97038

M/M Chris E. Bickford 10680 SW Clutter Road Sherwood, Oregon 97140

M/M Chris E. Bickford 10680 SW Clutter Road Sherwood, Oregon 97140

M/M Chris E. Bickford 10680 SW Clutter Road Sherwood, Oregon 97140

STATE OF OREGON, County of I certify that the within instrument was received for record on the day of 1986 at o'clock P.M., and recorded in book / volume No. of records or documents / instrument / minutes of Record of Deeds of said county.

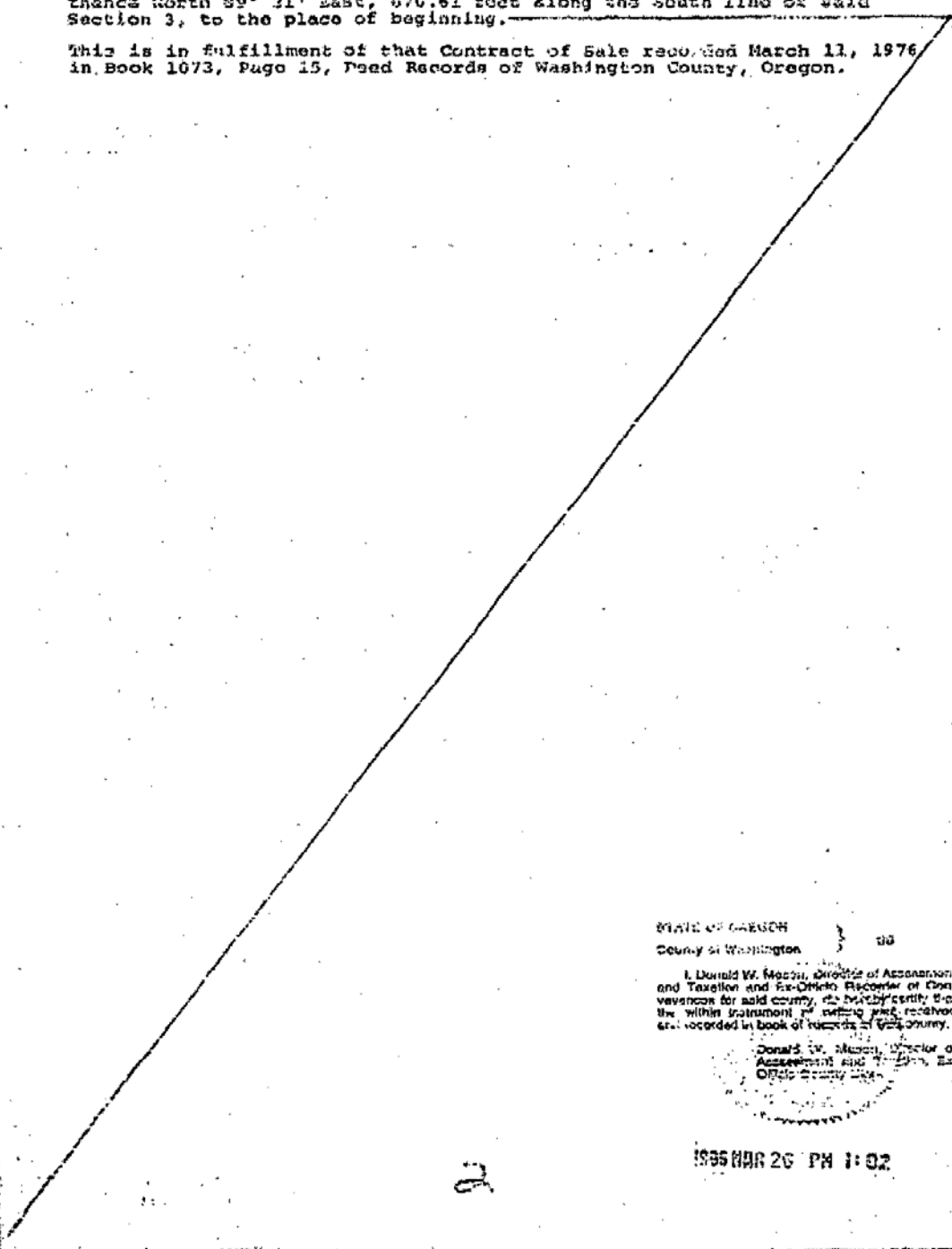
Witness my hand and seal of County aforesaid.

Notary Public for Oregon My commission expires:

(Continued from reverse)

Easterly line of that certain tract of land conveyed to Herschel Clutter, by deed recorded August 22, 1924, in Book 127, Page 584, to an iron pipe; thence North 89° 31' East, 670.61 feet along the South line of said Section 3, to the place of beginning.

This is in fulfillment of that Contract of Sale recorded March 11, 1976 in Book 1673, Page 15, Deed Records of Washington County, Oregon.



STATE OF OREGON
County of Washington

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances
Washington County, Oregon

1985 MAR 26 PM 1:02



Ordinance No. 844 Exhibit C
Annexation Findings

Coffee Creek Logistics Center

City Council
Quasi-Judicial Public Hearing

Hearing Date: September 10, 2020

Date of Report: August 18, 2020

Application Nos.: DB20-0017 Annexation

Request/Summary: City Council Approval of a quasi-judicial annexation of approximately 5.85 acres.

Location: 10680 SW Clutter Street. The property is specifically known as Tax Lots 2100, Section 3D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon

Owners / Chris & Sonya Bickford

Petitioners:

Applicant: Brendan Mason, Panattoni Development Company, Inc.

Applicants'

Representative: Lee Leighton, AICP, Mackenzie

Comprehensive Plan Designation: Industrial

Zone Map Classification (Current): FD-20 (Future Development – 20 Acre)

Zone Map Classification (Proposed): PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area)

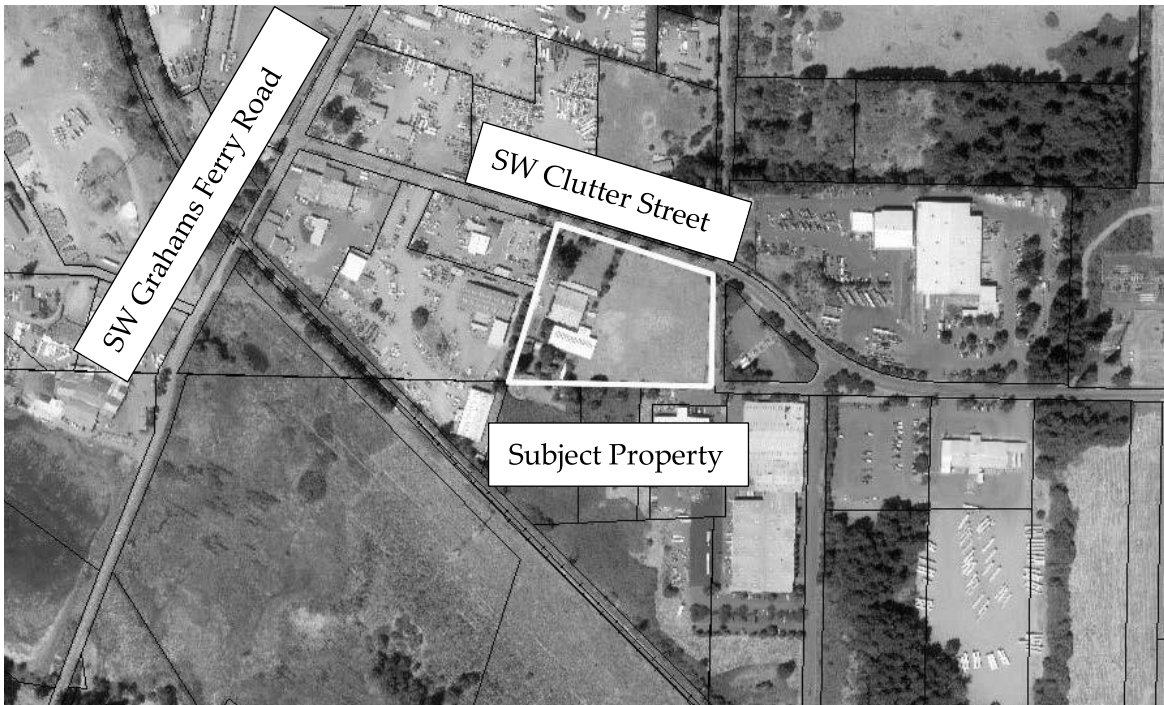
Staff Reviewer: Philip Bradford, Associate Planner

Staff Recommendation: Approve the requested annexation.

Applicable Review Criteria:

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

Vicinity Map



Background / Summary:

The subject area has long been rural / semi-rural adjacent to the growing City of Wilsonville. Metro added the 216 +/- gross acre area now known as the Coffee Creek Industrial Area to the Urban Growth Boundary in 2002 to accommodate future industrial growth. To guide development of the area, the City of Wilsonville adopted the Coffee Creek Industrial Master Plan in 2007. In 2018, the City adopted the Coffee Creek Industrial Area Form-based Code and accompanying Pattern Book for future development in Coffee Creek. Annexation of the 5.85-acre subject area will enable development consistent with the Coffee Creek Master Plan.

All property owners have consented in writing to the annexation. No electors reside within the area proposed for annexation.

Conclusion and Conditions of Approval:

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

Request: DB20-0017 Annexation

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

Findings of Fact:

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

General Information

Application Procedures-In General Section 4.008

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

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. Panattoni Development Company, Inc. initiated the application with their approval.

Request A: DB20-0017 Annexation

Comprehensive Plan

Allowed Annexation Implementation Measure 2.2.1.a.

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

Annexation Review Standards Implementation Measure 2.2.1.e.

A2. Metro and the City of Wilsonville have identified the Coffee Creek area for industrial and employment land uses. The City has undertaken years of planning work to adopt zoning and other regulations to guide and direct such annexation, development, and land use. The applicant responds to applicable approval standards, guidelines, and criteria to demonstrate that the proposal is consistent with all the applicable Metro and State policies, plans, and regulations. The project will be developed with public facilities and services as identified in the City's Capital Improvement Plan, and which are adequate to serve the site. The project type and use matches the goals and objectives of the city within the Coffee Creek Industrial Area.

Development Code

Authority to Review Annexation

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

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

Annexation

Section 4.700

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

Annexations in the Coffee Creek Industrial Design Overlay District

Subsection 4.700 (.02) A.

- A5. The subject property is located within the Coffee Creek Industrial Design Overlay District and the applicant requests an annexation concurrently with a quasi-judicial Zone Map Amendment consistent with the requirements of Subsection 4.197 (.02) A. The annexation will be reviewed by City Council without prior review or recommendation by the Development Review Board. The ordinance adopting the annexation request states that the annexation expires 120 days after adoption unless a Stage II Final Plan receives final approval for the area subject to annexation. A Public Hearing is currently scheduled for September 28, 2020 for the Stage II Final Plan to be reviewed by the Development Review Board.

Metro Code

Local Government Boundary Changes

Chapter 3.09

- A6. A public hearing was scheduled within 45 days of completeness. Notice has been mailed and posted on the property 20 days prior to the hearing and includes the required information. The decision will be mailed to Metro and other required parties. A petition has been submitted including property owner information, jurisdictional information, and a legal description of the property.

Oregon Revised Statutes

Authority and Procedure for Annexation

ORS 222.111

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

Procedure Without Election by City Electors
ORS 222.120

A8. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and request meets the applicable requirements in state statute including the facts that all property owners within the annexed area consent in writing to the annexation. No electors reside within the territory proposed to be annexed. Annexation of the subject property thus does not require an election.

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

A9. All property owners 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 Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

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