

ORDINANCE NO. 773

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 40 ACRES OF LAND LOCATED AT THE SOUTH SIDE OF ADVANCE ROAD AND THE WEST SIDE OF SW 60TH AVENUE INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2000, 2300, 2400 AND 2500 OF SECTION 18, T3S, R1E, CLACKAMAS COUNTY, OREGON, WEST LINN – WILSONVILLE SCHOOL DISTRICT, OWNER.

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;

WHEREAS, written consent has been obtained from the only owner of the land 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 land 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 B of the Development Review Board considered the annexation and after a duly advertised public hearing held on July 27, 2015 recommended City Council approve the annexation; and

WHEREAS, on August 17, 2015, 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 and Conditions PFA 1, August 4, 2015; Exhibit B, DRB Resolution 309, Exhibit C, Adopted Staff Report and DRB Recommendation (Exhibit A1), dated July

27, 2015 and the application on compact disc; and Exhibit D, July 27, 2015 DRB-B 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 tract of land legally described and surveyed on a map in Attachment 1 and located on a map Attachment 2 is declared annexed to the City of Wilsonville.

Section 2. The findings, conclusions and Condition of Approval PFA 1 incorporated 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 for the first time at a regular meeting thereof on the 17th day of August 2015, and scheduled for a second reading at a regular meeting of the Council on the 10th day of September 2015, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 10th day of September, 2015 by the following votes:

Yes: -3- No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 11th day of September, 2015.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp - Yes

Council President Starr - Yes

Councilor Fitzgerald - Excused

Councilor Stevens – Yes

Councilor Lehan - Excused

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

LEGAL DESCRIPTION
ADVANCE ROAD SITE
WEST LINN WILSONVILLE SCHOOL DISTRICT

#6729
5/6/15 MAR

EXHIBIT "A"

A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE STONE, MARKED WITH AN "X", IN A MONUMENT BOX AT THE WEST 1/16TH CORNER COMMON TO SECTIONS 7 AND 18; THENCE ALONG THE 1/16TH LINE, S.00°05'22"W., 727.84 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WAYNE G. LOWRIE AND SHIRLEY L. LOWRIE, TRUSTEES OF THE LOWRIE FAMILY TRUST, RECORDED IN MAY 3, 1991, IN DOCUMENT NO. 91-20213, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE BOUNDARY OF SAID LOWRIE TRACT THE FOLLOWING TWO (2) COURSES: N.89°38'52"W., 368.48 FEET TO A 5/8" DIAMETER IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE S.00°05'22"W., 250.00 FEET TO A 5/8" DIAMETER IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE N.89°38'52"W., 859.47 FEET TO A 5/8" DIAMETER IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" ON THE EAST LINE OF TRACT "C", "LANDOVER" A SUBDIVISION PLAT OF RECORD (NO. 3246) IN SAID CLACKAMAS COUNTY; THENCE ALONG THE EAST LINE OF SAID TRACT "C", N.00°11'43"W., 489.70 FEET TO A 5/8" DIAMETER IRON ROD WITH A YELLOW PLASTIC CAMP STAMPED "COMPASS ENGINEERING" AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO FAY A. GYAPONG, RECORDED MARCH 3, 2014 IN DOCUMENT NO. 2014-011271, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH AND EAST LINES OF SAID TRACT THE FOLLOWING TWO (2) COURSES: S.89°44'47"E., 451.06 FEET TO A 5/8" DIAMETER IRON ROD; THENCE N.00°09'47"W., 487.18 FEET TO THE NORTH LINE OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE ALONG SAID NORTH LINE, S.89°39'47"E., 781.46 FEET TO THE POINT-OF-BEGINNING, CONTAINING 890812 SQUARE FEET (20.45 ACRES) MORE OR LESS.

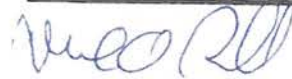
TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:

PARCEL 2

COMMENCING AT THE STONE, MARKED WITH AN "X", IN A MONUMENT BOX AT THE WEST 1/16TH CORNER COMMON TO SECTIONS 7 AND 18; THENCE ALONG THE 1/16TH LINE, S.00°05'22"W., 977.84 FEET TO THE POINT-OF-BEGINNING; THENCE CONTINUING ALONG SAID 1/16TH LINE, S.00°05'22"W., 649.73 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO PAUL J. SORBETS, TRUSTEE UNDER REVOCABLE TRUST OF PAUL J. SORBETS, DATED APRIL 10, 1986, OR HIS SUCCESSOR IN TRUST, RECORDED JUNE 1986, IN DOCUMENT NO. 86-22050, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF SAID SORBETS TRACT, N.89°54'22"W., 1439.83 FEET TO A 5/8" DIAMETER IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" ON THE EAST LINE OF TRACT "C", "LANDOVER", A SUBDIVISION PLAT OF RECORD (NO. 3246) IN SAID CLACKAMAS

COUNTY; THENCE ALONG THE BOUNDARY OF SAID TRACT "C" THE FOLLOWING THREE (3) COURSES: N.00°11'43"W., 316.77 FEET TO A POINT FROM WHICH A 1-1/4" DIAMETER IRON PIPE BEARS N.89°52'18"W., 0.14 FEET; THENCE S.89°52'18"E., 214.39 FEET TO A 8"X12" STONE, MARKED WITH AN "X"; THENCE N.00°03'56"W., 338.64 FEET TO A 5/8" DIAMETER IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE S.89°38'52"E., 1227.95 FEET TO THE POINT-OF-BEGINNING, CONTAINING 868429 SQUARE FEET (19.94 ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

DATE OF SIGNATURE: 5-11-15

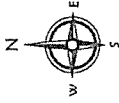
EXPIRES: 12/31/2016

CLACKAMAS COUNTY SURVEYOR
 Received **B-9-11**
 Accepted for filing **B-31-11**
 Survey number **SN2011-127**

RECORD OF SURVEY

LOCATED IN N.W. 1/4 OF SECTION 18, T.35N., R.1E., W.M.
 CLACKAMAS COUNTY, OREGON

AUGUST 8, 2011 SCALE: 1" = 200'
 SHEET 1 OF 4



INDEX

- SHEET 1 SEE MAP LEGEND REFERENCE SURVEYS, REFERENCE DEEDS
- SHEET 2 MONUMENT DATA, SEE LEGEND, REFERENCE SURVEYS, REFERENCE DEEDS
- SHEET 3 SOUTH HALF OF SITE, LEGEND, REFERENCE SURVEYS, REFERENCE DEEDS
- SHEET 4 MONUMENT

REFERENCE SURVEYS

- P1 LANDOVER, PLAT NO. 12546
- R1 S.A. 800
- S.A. 2162
- R2 S.A. 1800
- R3 S.A. 2162
- R4 S.A. 2571

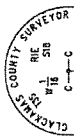
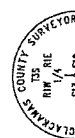
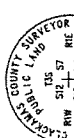
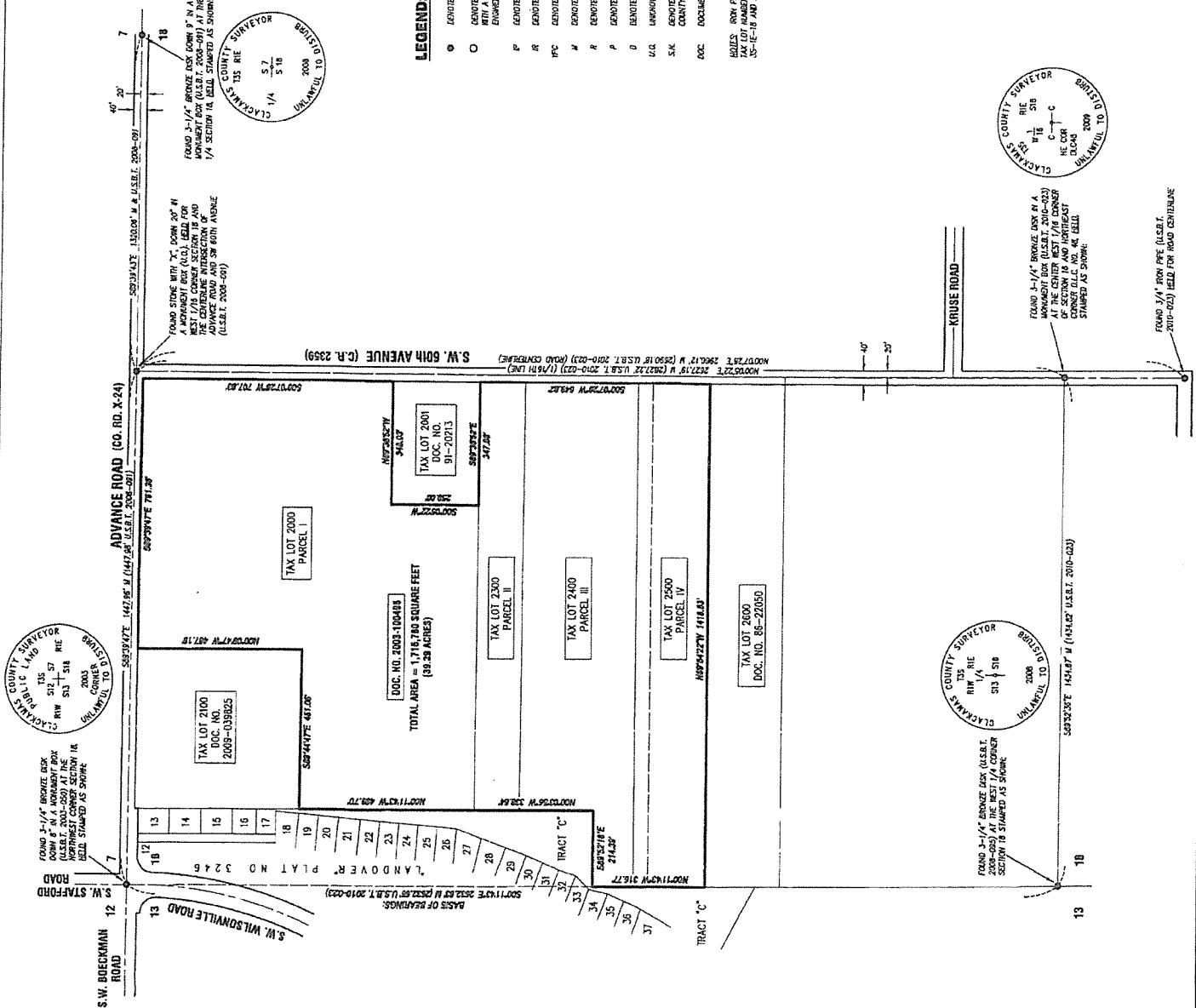
REFERENCE DEEDS

- D1 DOC. NO. 2003-10498
- D2 DOC. NO. 81-20213
- D3 DOC. NO. 85-20250
- D4 DOC. NO. 85-20250
- D5 DOC. NO. 2004-079103
- BOOK 27, PAGE 627
- BOOK 121, PAGE 581
- BOOK 102, PAGE 249
- BOOK 103, PAGE 249
- BOOK 114, PAGE 281
- BOOK 113, PAGE 491

LEGEND:

- DENOTES MONUMENT FOUND AS NOTED
- DENOTES 5/8" DIA. BANNER BY 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED COMPASS ENGINEERING SET ON AUGUST 3, 2011
- P DENOTES IRON PIPE
- R DENOTES IRON ROD
- PC DENOTES YELLOW PLASTIC CAP
- M DENOTES MEASURED DATA
- R DENOTES RECORD DATA, SEE REFERENCE SURVEYS
- D DENOTES PLAT DATA, SEE REFERENCE SURVEYS
- P DENOTES DEED DATA, SEE REFERENCE DEEDS
- U.G. UNKNOWN ORIGIN
- S.K. DENOTES SURVEY NUMBER OF FILE WITH CLACKAMAS COUNTY SURVEYOR'S OFFICE
- A.C. DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS

NOTES: IRON PIPES NOTED ARE WELDED IRON PIPE. IRON ROD NUMBERS ARE FROM CURRENT ASSESSOR'S MAP. 'S'-E-'S' ARE SHOWN FOR REFERENCE ONLY.



FOUND 3/4" IRON PIPE MONUMENT (U.S.B.T. 2010-023) AT THE CENTER WEST 1/4th CORNER OF SECTION 18 AND INTERSECTION OF ADVANCE ROAD. BEING STAMPED AS SHOWN.

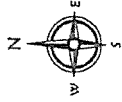
FOUND 3/4" IRON PIPE (U.S.B.T. 2010-023) BEING STAMPED AS SHOWN.

Survey prepared by:
 Compass Engineering
 4105 International Way, Suite 501
 Milwaukie, Oregon 97222
 Phone: 503-583-3093
 6729 Brd.dwg (MMH)
 Job No. 2009-4729 (Survey)

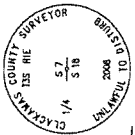
DATE OF SURVEY: **B-2-4-11**
 DYPRESS: 12/21/2012

RECORD OF SURVEY
 LOCATED IN N.W. 1/4 OF SECTION 18, T.3S., R.1E., W.M.
 CLACKAMAS COUNTY, OREGON

AUGUST 8, 2011 SCALE: 1" = 100'
 SHEET 2 OF 4



Clackamas County Surveyor
 Received 8-9-11
 Accepted for filing 8-31-11
 Survey Number SN2011-127



FOUND 3-1/4" BRONZE DISK DOWN IN A WOODPILE BOX (U.S.G.T. 2008-09) AT THE NORTHWEST CORNER OF SECTION 18, FIELD STAMPED AS SHOWN.

FOUND 3-1/4" BRONZE DISK DOWN IN A WOODPILE BOX (U.S.G.T. 2008-09) AT THE 1/4 CORNER SECTION 18 AND THE CENTERLINE INTERSECTION OF ADVANCE ROAD AND S.W. 60TH AVENUE.

FOUND 3-1/4" BRONZE DISK DOWN IN A WOODPILE BOX (U.S.G.T. 2008-09) AT THE NORTHWEST CORNER OF SECTION 18, FIELD STAMPED AS SHOWN.

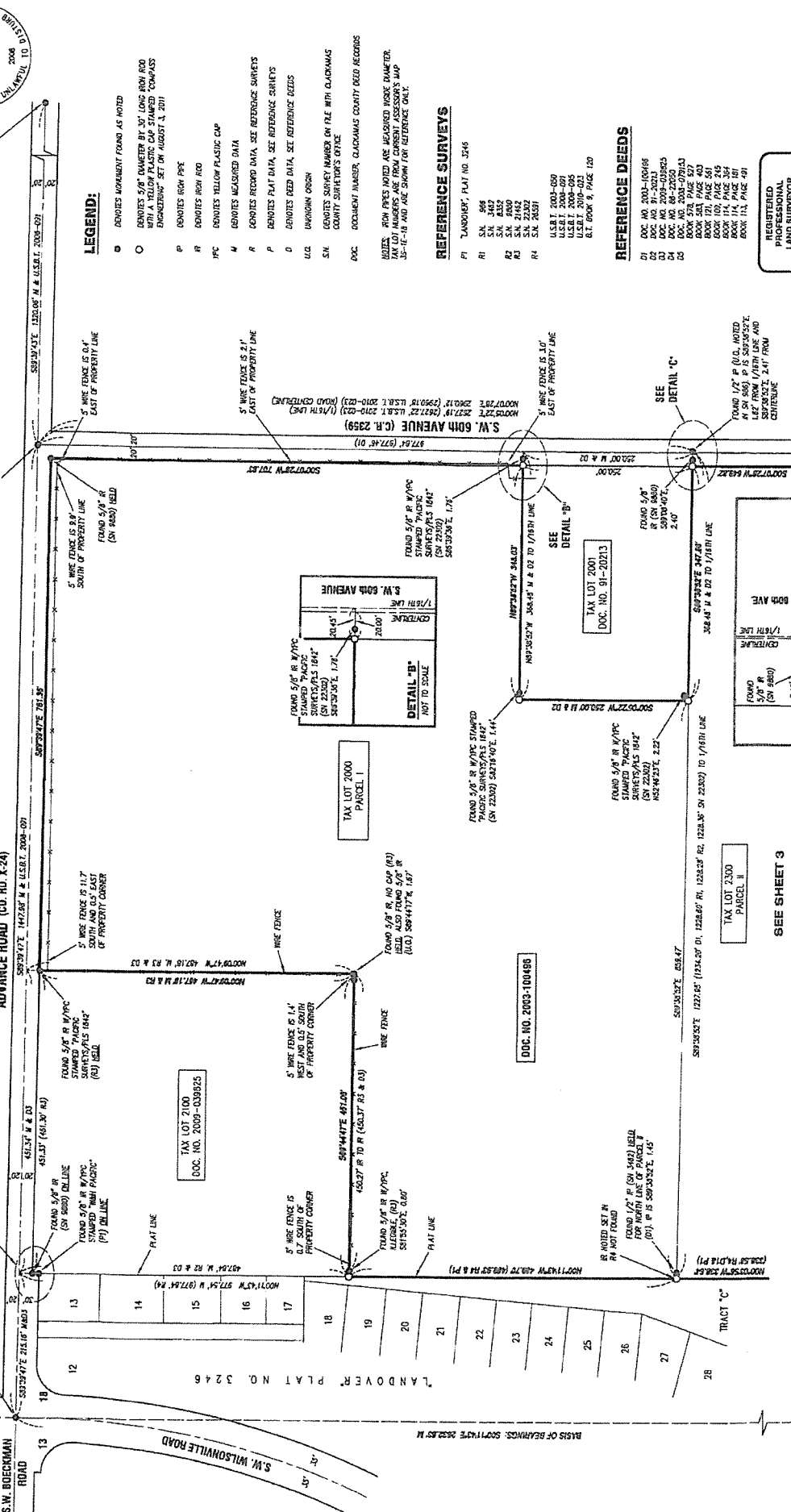
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LEGEND:

- DENOTES MONUMENT FOUND AS NOTED
- DENOTES 5/8" DIAMETER BY 30" LONG IRON ROD WITH PLASTIC CAP AND STAMPED COMPASS ENCLAVING SET ON AUGUST 4, 2011
- P DENOTES IRON PIPE
- R DENOTES IRON ROD
- IPC DENOTES YELLOW PLASTIC CAP
- M DENOTES MEASURED DATA
- R DENOTES RECORD DATA, SEE REFERENCE SURVEYS
- P DENOTES PLAT DATA, SEE REFERENCE DEEDS
- D DENOTES DEED DATA, SEE REFERENCE DEEDS
- U.G. UNKNOWN ORIGIN
- S.M. DENOTES SURVEY NUMBER ON FILE WITH CLACKAMAS COUNTY SURVEYOR'S OFFICE
- DOC. DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS

NOTES: IRON PIPES NOTED ARE MEASURED INSIDE DIAMETER. U.S.G.T. IS U.S. GOVERNMENT TIME. S.M. MAP 35-1E-18 AND ARE SHOWN FOR REFERENCE ONLY.

REFERENCE SURVEYS

- P1 LANDOWNER, PLAT NO. 3246
- R1 S.N. 598
- R2 S.N. 3403
- R3 S.N. 830
- R4 S.N. 2182
- R5 S.N. 2629

- U.S.G.T. 2000-009
- U.S.G.T. 2000-005
- U.S.G.T. 2000-003
- U.S.G.T. 2000-001
- U.S.G.T. 2000-002
- U.S.G.T. 2000-004
- U.S.G.T. 2000-006
- U.S.G.T. 2000-007
- U.S.G.T. 2000-008
- U.S.G.T. 2000-010
- U.S.G.T. 2000-011
- U.S.G.T. 2000-012
- U.S.G.T. 2000-013
- U.S.G.T. 2000-014
- U.S.G.T. 2000-015
- U.S.G.T. 2000-016
- U.S.G.T. 2000-017
- U.S.G.T. 2000-018
- U.S.G.T. 2000-019
- U.S.G.T. 2000-020
- U.S.G.T. 2000-021
- U.S.G.T. 2000-022
- U.S.G.T. 2000-023
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- U.S.G.T. 2000-025
- U.S.G.T. 2000-026
- U.S.G.T. 2000-027
- U.S.G.T. 2000-028
- U.S.G.T. 2000-029
- U.S.G.T. 2000-030
- U.S.G.T. 2000-031
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- U.S.G.T. 2000-067
- U.S.G.T. 2000-068
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- U.S.G.T. 2000-072
- U.S.G.T. 2000-073
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- U.S.G.T. 2000-099
- U.S.G.T. 2000-100

REFERENCE DEEDS

- D1 DOC. NO. 2003-00948
- D2 DOC. NO. 2003-00949
- D3 DOC. NO. 2003-00950
- D4 DOC. NO. 2003-00951
- D5 DOC. NO. 2003-00952
- D6 DOC. NO. 2003-00953
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- D44 DOC. NO. 2003-00991
- D45 DOC. NO. 2003-00992
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- D47 DOC. NO. 2003-00994
- D48 DOC. NO. 2003-00995
- D49 DOC. NO. 2003-00996
- D50 DOC. NO. 2003-00997
- D51 DOC. NO. 2003-00998
- D52 DOC. NO. 2003-00999
- D53 DOC. NO. 2003-01000

REQUIRED PROFESSIONAL LAND SURVEYOR

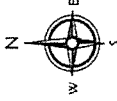
 MICHAEL A. HADERMACHER
 2383
 4105 International Way, Suite 501
 Milwaukie, Oregon 97222
 Phone: 503-653-8093
 Fax: 503-653-8094
 E-mail: mhader@clackamascounty.gov

DATE OF SURVEY: 8-11-11
 PREPARED BY: 12/31/2012

Clackamas County Surveyor
 Received 8-9-11
 Accepted for filing 8-31-11
 Survey Number SN2011-127

RECORD OF SURVEY

LOCATED IN N.W. 1/4 OF SECTION 18, T.3S., R.1E., W.M.
 CLACKAMAS COUNTY, OREGON
 AUGUST 9, 2011 SCALE: 1" = 100'
 SHEET 3 OF 4



LEGEND:

- EVIDENCE MARKING FOUND AS NOTED
- EVIDENCE MARKERS BY ST. LEUIS ROW ROAD WITH A YELLOW PLASTIC CAP STAMPED COMPASS ENGINEERING SET ON AUGUST 1, 2011
- P EVIDENCE ROW PIPE
- R EVIDENCE ROW ROD
- YPC EVIDENCE YELLOW PLASTIC CAP
- M EVIDENCE MEASURED DATA
- R EVIDENCE RECORD DATA, SEE REFERENCE SURVEYS
- P EVIDENCE PLAT DATA, SEE REFERENCE SURVEYS
- D EVIDENCE DEED DATA, SEE REFERENCE DEEDS
- U/A UNKNOWN ORIGIN
- S/A EVIDENCE SURVEY NUMBER ON FILE WITH CLACKAMAS COUNTY SURVEYOR'S OFFICE
- ASC DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS

NOTES: ROW PIPES WERE MEASURED ABOVE QUASLER. TAX LOT NUMBERS ARE FROM CURRENT ASSESSORS MAP. 35-1E-18 ARE SHOWN FOR REFERENCE ONLY.

REFERENCE SURVEYS

- PL LANDOVER, PLAT NO. 3246
- R1 S.A. 268
- S.A. 4462
- S.A. 4500
- S.A. 4500
- S.A. 21422
- S.A. 20309
- S.A. 20309
- S.A. 20309
- S.A. 20309
- U.S.G.F. 2003-020
- U.S.G.F. 2008-095
- U.S.G.F. 2010-023
- U.S.G.F. 2010-023
- E.T. BOOK 3, PAGE 100

REFERENCE DEEDS

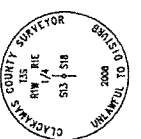
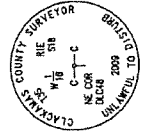
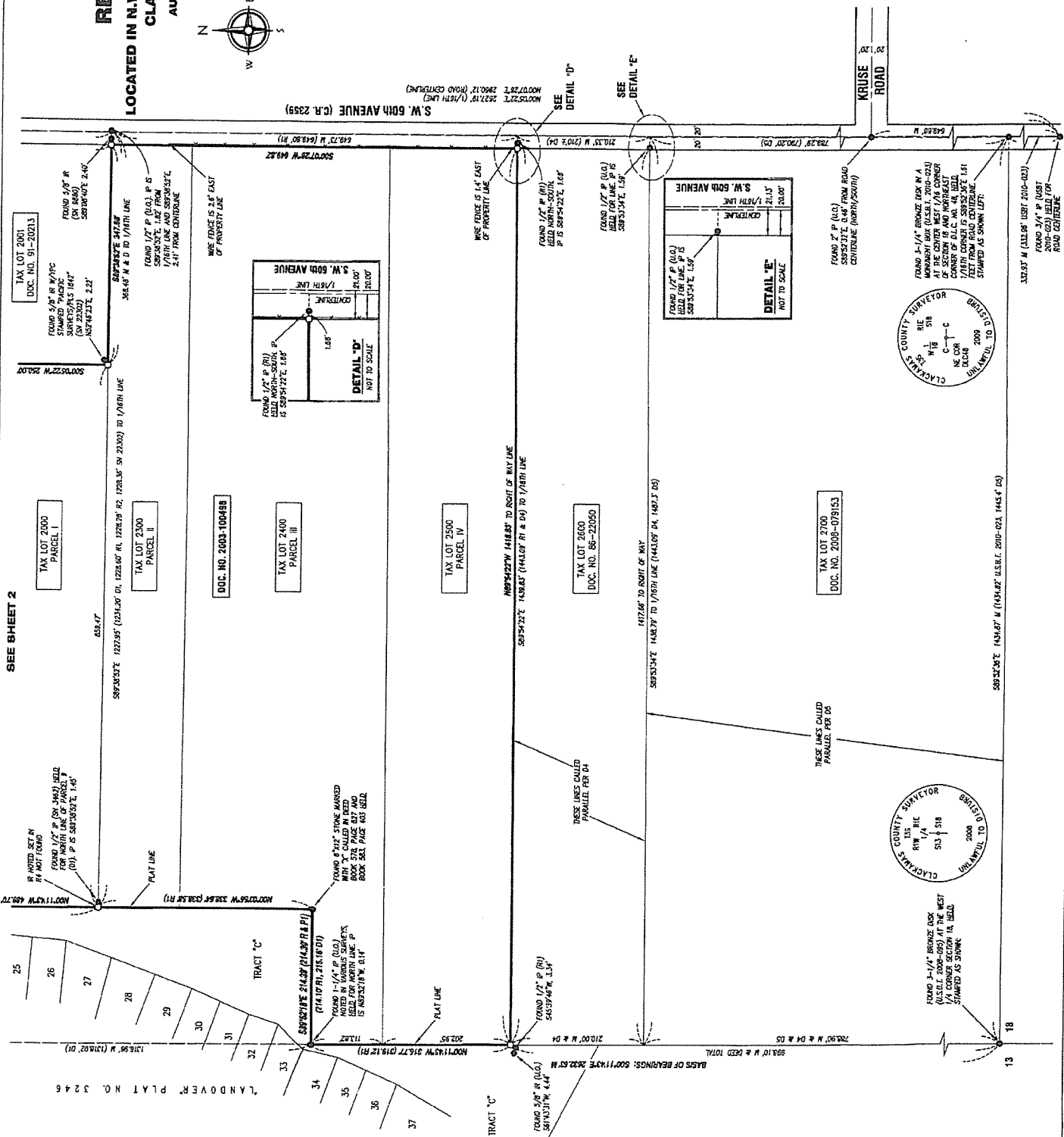
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- D5 DOC. NO. 2004-03603
- BOOK 276, PAGE 627
- BOOK 276, PAGE 627
- BOOK 276, PAGE 627
- BOOK 104, PAGE 245
- BOOK 104, PAGE 245
- BOOK 114, PAGE 481
- BOOK 114, PAGE 481

Survey prepared by:
 Compass Engineering
 4105 International Way, Suite 501
 Milwaukie, Oregon 97222
 Phone: 503-653-9993
 6729 8nd St. SW (MWH)
 Job No. 2009-6729 (Survey)

RECORDED
 PROFESSIONAL
 LAND SURVEYOR

 JUNE 14, 2011
 MICHAEL A. MADENMACHER
 2008

DATE OF SIGNATURE: 8-24-11
 EXPIRES: 12/31/2011



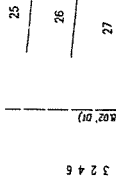
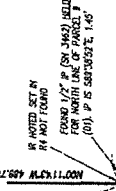
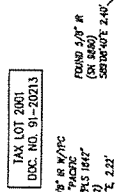
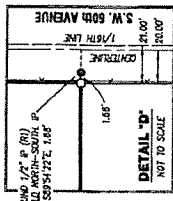
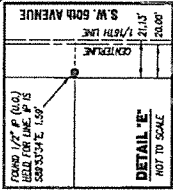
SEE SHEET 2

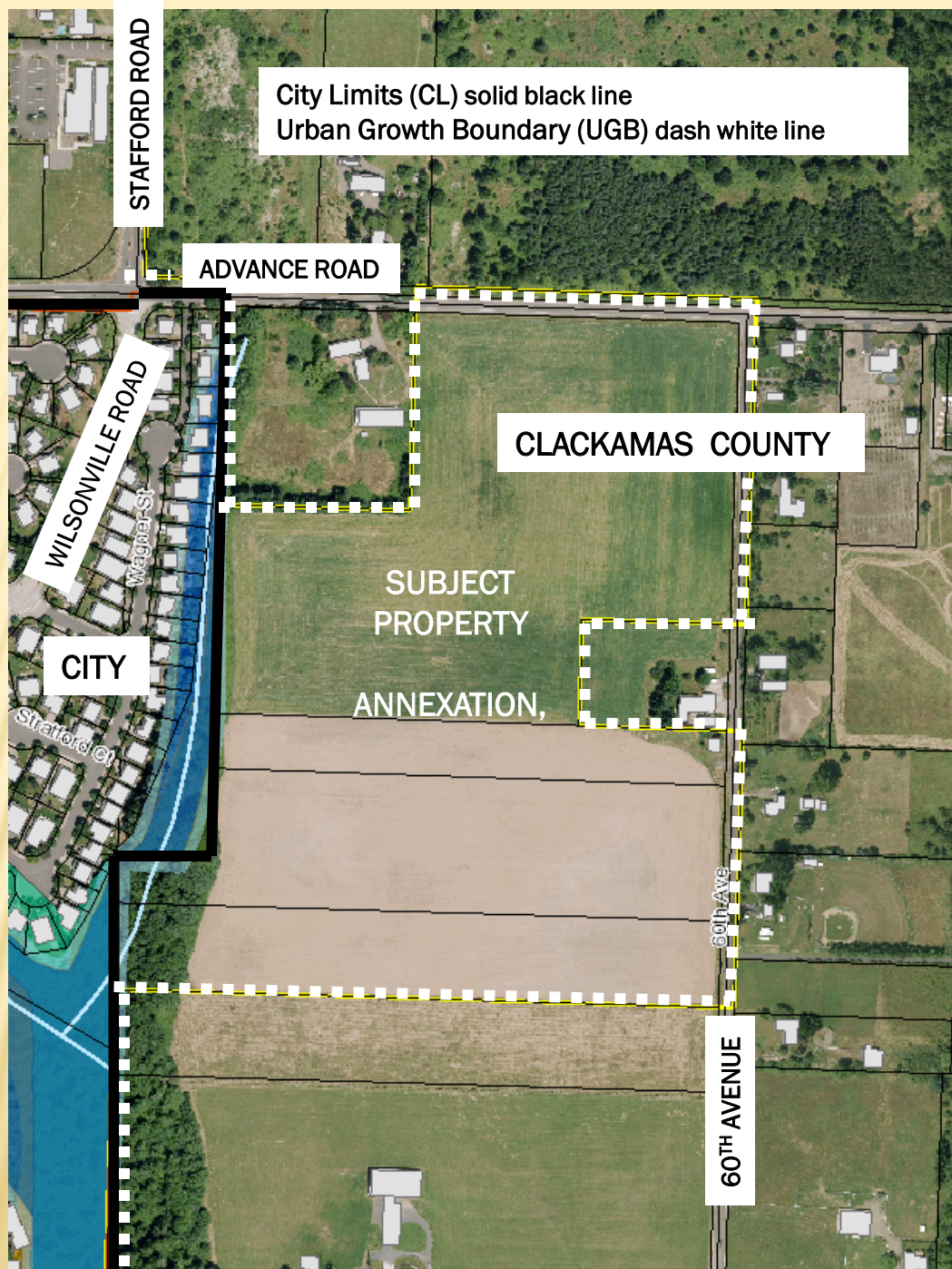
THESE LINES CALLED PARALLEL PER DS

THESE LINES CALLED PARALLEL PER DS

FOUND 3/4" BRONZE DISK (U.S.G.F. 2008-095) AT THE WEST 1/4 CORNER SECTION 18, FIELD. STAMPED AS SHOWN.

FOUND 1/4" BRONZE DISK W.A. AT THE CENTER WEST 1/4 CORNER OF SECTION 18, FIELD. 1/4" CORNER IS 589.51'±, 1.61'± FEET FROM ROAD CENTERLINE. STAMPED AS SHOWN LEFT.





**City Council Exhibit A
STAFF REPORT
WILSONVILLE PLANNING DIVISION**

*West Linn – Wilsonville School District
Annexation
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT*

HEARING DATE August 17, 2015
DATE OF REPORT: August 4, 2015

REQUEST/SUMMARY: The City Council is being asked to review a Quasi-judicial for annexation of approximately 40 acres in the City of Wilsonville for property located at Advance Road and SW 60th Avenue.

LOCATION: Approximately 40 acres. Described as Tax Lots 2000, 2300, 2400 and 2500, Section 18, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

OWNER/APPLICANT/PETITIONER: West Linn - Wilsonville School District
APPLICANT’S REPRESENTATIVE: Mr. Keith Liden AICP, Bainbridge

COMPREHENSIVE PLAN MAP DESIGNATION: Agriculture (Clackamas County)
PROPOSED PLAN MAP DESIGNATION: Public

ZONE MAP CLASSIFICATION: Exclusive Farm Use (EFU, Clackamas County)
PROPOSED CITY ZONE DESIGNATION: Public Facility (PF)

STAFF REVIEWERS: Blaise Edmonds, Manager of Current Planning, Steve Adams, Development Engineering Manager and Kerry Rappold, Natural Resources Program Manager.

DEVELOPMENT REVIEW BOARD PANEL ‘B’ RECOMMENDATION: Approve the requested annexation.

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.033	Authority of the City Council
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	

Comprehensive Plan	Annexation.
REGIONAL AND STATE PLANNING DOCUMENTS	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Site description provided by the applicant:

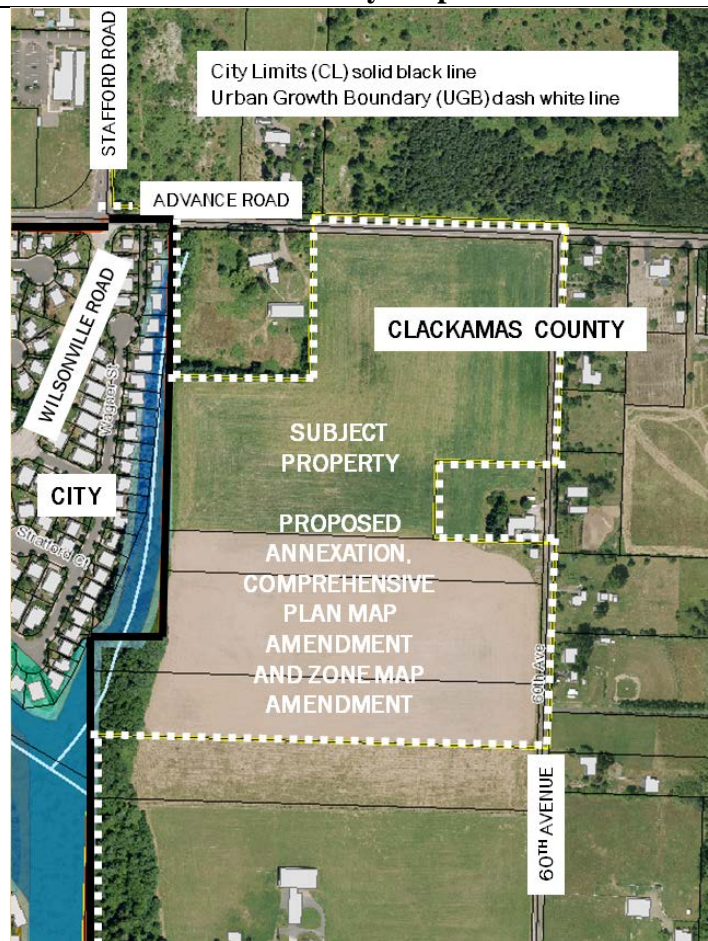
“The site, which consists of four tax lots, is located within unincorporated Clackamas County on the south side of Advance Road, immediately east of the Wilsonville city limit, and west of 60th Avenue. The property has frontage on both roads. The entire property is zoned EFU (Exclusive Farm Use) by Clackamas County. The minimum parcel size in the EFU Zone is 80 acres. It is located within Metro Urban Growth Boundary (Figure 1).”

Vicinity information provided by the applicant:

“The zoning and land use for the properties in the vicinity of the proposed site are summarized in Table 1 and Figure 2. Although the site is adjacent to EFU land to the north, east, and south, there is no significant agricultural use in the immediate vicinity. Larger parcels in the area are generally grassland with no active farm operations. Several small-scale agricultural uses, such as nursery stock and Christmas trees, are found on a few rural acreages of five acres or less. An established single family residential neighborhood (Landover subdivision) is on the west side of Meridian Creek within the Wilsonville city limits. Boeckman Creek Primary School and Wilsonville High School are located to the southwest on the opposite side of the creek.”

Staff: The subject property is within the City UGB and it is adjacent to properties at the north, east and south that are in the Frog Pond Urban Reserve 4H.

Vicinity Map



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. Except where necessary to examine issues identified in this report, staff has relied upon the applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Annexation (DB15-0046)

West Linn – Wilsonville School District (owner and applicant) is seeking to annex the subject 40 acre property this year. Annexation will enable review of Site Development Permits for public schools and a city park. The City Engineering Division is indicating that: "The applicant to be responsible for preparing the required paperwork and annexing that section of Advance Road right-of-way, through the intersection with SW 60th Avenue, into the City. The City shall pursue having Clackamas County transfer road authority jurisdiction over SW Advance Road from the

present edge of City limits through the intersection with SW 60th Avenue. Annexation of SW 60th Avenue will not be pursued at this time.”

Companion applications which are contingent upon the City Council approval of the proposed annexation:

Comprehensive Plan Map Amendment (DB15-0047)

The applicant is requesting to change the current Clackamas County Comprehensive Plan Map designation of ‘Agriculture’ to the City of Wilsonville Comprehensive Plan Map designation of ‘Public Lands’ to make the newly annexed land consistent with the City Comprehensive Plan.

Zone Map Amendment (DB15-0048)

The applicant is requesting to change the current Clackamas County zoning designation from ‘Exclusive Farm Use’ (EFU) to the City of Wilsonville zone designation of ‘Public Facility’ (PF) to make the newly annexed land zoning designation consistent with the City zoning. Also is the inclusion of the Significant Resource Overlay Zone (SROZ) along the west side of the subject property shown on the Preliminary Survey SROZ boundary plan. A portion of Meridian Creek is on the School District property.

Stage I Preliminary Plan (DB15-0049)

The applicant is requesting to approval of a Stage I Preliminary Plan comprising of a middle school, a primary school on 30 acres and a city park on 10 acres.

Discussion Point:

Future Use of the Properties and Why the City is Pursuing Annexation at this time

SW Advance Road Properties

The why for the annexation of the subject property is to begin laying the foundation for future development applications for two public schools and for a city park. Annexation will allow school land use and park entitlements to proceed more smoothly without working through Clackamas County jurisdiction and zoning.

CONCLUSION:

Staff has reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the annexation to City Council (DB15-0046).

DB15-0046 ANNEXATION

This action recommends annexation to the City Council for the subject property.

EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB15-0046.

The following exhibits are hereby entered into the public record by the City Council in consideration of the applications as submitted:

- A.** City Council Staff Report
- A2.** City Council Staff PowerPoint presentation.
- A3.** Metro Council Action, UGB Case File No. 13-01: West Linn – Wilsonville School District.

Applicant's Written and Graphic Materials:

- B1.** Application Summary, General Information, Background Information, Application Elements, Applicable Criteria: Oregon Statewide Planning Goal, Annexation, Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan.
Exhibit A: Legal Description
Exhibit B: Topographic Information
Exhibit C: Natural Resources and SROZ Tentative Boundary
Exhibit D: DKS Transportation Impact Analysis
Exhibit E: Villebois School Site and Advance Road Sports Field Site Exchange Agreement
Exhibit F: Concept Master Plan, Full Size
Dated July 2, 2015.
- B2.** CD of items listed in Exhibit B1.
- B3.** Map showing proposed Meridian Creek pathway connection.
- B4.** Petition for Annexation to the City Of Wilsonville, Legal Description and Survey Maps (4 maps).
- B5.** *E-mail, William Ciz, dated July 24, 2015 including WLWSC responses, staff responses to the questions from Steve Adams and Blaise Edmonds.*

Full Plan Sheets

Survey SROZ boundary
Record of Survey – 4 sheets and including metes & bounds legal description
Topographic Site Map

Development Review Team

- C1.** Engineering Division Conditions, Dated July 10, 2015
- C2.** Memo, Jason Arn, TVFR, dated June 29, 2015.
- C3.** Memo, Public Works Department, dated July 13, 2015

Public Testimony

Letters (neither For nor Against):

- D1.** E-mail, Brian Roche, dated July 16, 2015, including staff responses to the questions from Steve Adams and Blaise Edmonds.
- D2.** *E-mail, William Ciz, dated July 24, 2015 including staff responses to the questions from Steve Adams and Blaise Edmonds.*
- D3.** *Letter, Stan Sat*

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 June 4, 2015. On June 8, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. On July 2, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by October 30, 2015.
2. Prior land use actions include: None
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.

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. Except where necessary to examine issues identified in this report, staff has relied upon the applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Annexation (DB15-0046)

The West Linn – Wilsonville School District (owner and applicant) is seeking to annex the subject 40 acre property. Annexation will enable review of Site Development Permits for public schools later this year and at a later date, a city park. Regarding annexation of Advance Road and SW 60th Avenue right-of-way for needed street improvement to serve the subject school property and future city park the City Engineering Division is requiring in condition of approval PFA 1: "Applicant shall enter into a Development Agreement with the City that clarifies the responsibilities and estimated costs of preparing legal descriptions and the required paperwork for annexing Advance Road from the current City limits through 60th Avenue."

Comprehensive Plan Map Amendment (DB15-0047)

The applicant is requesting to change the current Clackamas County Comprehensive Plan Map designation 'Agriculture' to the City of Wilsonville Comprehensive Plan Map designation 'Public' which is the appropriate designation for the public school and city park sites.

Zone Map Amendment (DB15-0048)

The applicant is requesting to change the current Clackamas County zoning designation from 'Exclusive Farm Use' (EFU) to the City of Wilsonville zone designation of 'Public Facility' (PF) which is the appropriate designation to the public school and city park sites. Also proposed is the inclusion of the Significant Resource Overlay Zone (SROZ) along the west side of the subject

property shown on the Preliminary Survey for SROZ. The SROZ is an overlay zone on top of the base zone that results in protection of natural resource areas. A portion of Meridian Creek, a natural resource area, is on the School District property. A portion of Meridian Creek, a natural resource area, is on the School District property.

Stage I Preliminary Plan (DB15-0049)

The applicant is requesting to approval of a Stage I Preliminary Plan comprising of a middle school and a primary school on 30 acres, and a city park on 10 acres.

Discussion Points:

SW Advance Road Properties

Annexation, comprehensive plan mapping and rezoning of the subject property is proposed to begin laying the foundation for future development applications for two public schools and at a later date, a city park. The District proposes to construct a Middle School over the next two years, with a target opening date of September, 2017.

Pedestrian Trails: Sidewalks and bike lanes do not currently exist adjacent to the subject property on Advance Road and SW 60th Avenue. DKS Associates has prepared a Traffic Study for this application in Exhibit D of Exhibit B1. The report studied pedestrian/bicycle facilities essential to the subject property. DKS Traffic report Chapter 5: Recommendations and Mitigations on page 27 states:

Pedestrian and Bicycle Access

- The site plan should provide appropriate pedestrian and bicycle connections to the recommended frontage improvements on SW Advance Road (see above) as well as a connection to SW Wilsonville Road, and the existing transit stops along it, through the subdivision west of the site.
- The future planned Frog Pond area located on the northwest corner of the SW Wilsonville Road-Stafford Road/SW Boeckman Road-Advance Road will include several new multi-use trails through Frog Pond (including the Boeckman Creek Trail that runs further north). Appropriate pedestrian and bicycle connections should be made to these trails.
- The School District should coordinate with City staff regarding accommodation of New Schools Trail LT-P5 as shown in the City's TSP. This trail was identified to connect existing schools with the proposed Middle School.
- The City of Wilsonville and School District should coordinate with the Landover Neighborhood to consider a bicycle/pedestrian connection between SW Advance Road and the north end of SW Wagner Street (currently gated) that would provide a convenient connection to the proposed Middle School to/from the Landover neighborhood.

Furthermore, Figure 3-5 of the TSP shows "Future Shared-Use Path" within the Meridian Creek corridor. The City's Development Engineering Manager has considered the recommendations in

the DKS Traffic Study and is proposing PF conditions for bicycle/pedestrian facilities for the proposed Stage I Preliminary Plan.

In Exhibit B4 the applicant shows a conceptual off-site pedestrian trail(s) with the Stage I Preliminary Plan review. The proposed pathway connection is at the southwest corner of the subject school property would ultimately connect the new Middle School with the existing Boeckman Creek Primary School and Wilsonville High School. As the design evolves in the next application submittal for the Stage II Final Plan for the Middle School, the applicant and the city should further evaluate the needs and alignment for off-site pathways(s) adjacent to the subject school and city park properties.

CONCLUSION and CONDITIONS OF APPROVAL:

Staff has reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment to City Council (DB15-0046 through DB15-0048).

PD = Planning Division: No conditions of approval are proposed.
PF = Engineering Conditions

REQUEST A: DB15-0046 ANNEXATION

This action recommends annexation to the City Council for the subject property with one condition of approval (PFA 1). The Comprehensive Plan Map Amendment (DB15-0047), the Zone Map Amendment (DB15-0048), and the Stage I Preliminary Plan (DB15-0049) are contingent on annexation.

Engineering Division Conditions:

PFA 1. Applicant shall enter into a Development Agreement with the City that clarifies the responsibilities and estimated costs of preparing legal descriptions and the required paperwork for annexing Advance Road from the current City limits through 60th Avenue.

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 on behalf of the West Linn – Wilsonville School District.

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 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 A: ANNEXATION

The applicant’s response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: This criterion is satisfied.

Explanation of Finding: The required consistency is fulfilled by being consistent with the UGB. According to Urban Growth Boundary Major Adjustment Case No. 13-01, Exhibit A, the subject property and adjacent Advance Road and SW 60th Avenue are within the City UGB. See Exhibit A3. Adjacent properties north, east and south are within Frog Pond Urban Reserve 4H. The subject 40 acre site is ready for annexation for school development and for a city park within the City of Wilsonville. Therefore, the subject property addresses a demonstrated need for public schools and a public park. Furthermore, the City

Comprehensive Plan and the Engineering Division evaluates compliance of planned sanitary sewer, storm drainage, and water systems with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, Parks and Recreation Master Plan, Water System Master Plan and the City's Transportation Systems Plan.

Implementation Measure 2.2.1.e.

- A2. **Review Criterion:** "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.
 2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
 3. Statewide Planning Goals.
 4. Applicable Metro Plans;
 5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Finding: These criteria are satisfied.

Explanation of Findings: The requirements are fulfilled by being consistent the City's UGB which recognizes the subject property described herein as a future site for public schools and city parks as further explained below in this finding, or by compliance with state and regional policies as found in other findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The site is designed for the orderly and economic provision of public facilities and services. Development in the UGB and future urban reserve areas would also bring needed and adequately sized public facilities onto the subject property.

Encouraging Development within City Limits prior to UGB: No development is proposed with this request, but annexation will enable reviews of Site Development Permits for public schools and a public park. The subject property is not currently included in a City Comprehensive Plan Map designation. The applicant is requesting a Comprehensive Plan Map Amendment to apply the Public Lands designation. This Implementation Measure establishes precedence for the "Public Facility" zone designation to be applied to the subject property area. An application for a Zone Map Amendment to apply the PF zone and SROZ overlay zone to the property has also been included. The site must be brought into City limits before the Public Land designation, PF and SROZ zones can be applied.

The West Linn – Wilsonville School District (owner and applicant) is seeking to annex the subject 40 acre property. Annexation will enable review of Site Development Permits for public schools and a city park. Regarding annexation of Advance Road and SW 60th Avenue right-of-way for needed street improvement to serve the subject school property and future city park the City Engineering Division is requiring in condition of approval PFA 1: "Applicant shall enter into a Development Agreement with the City that clarifies

the responsibilities and estimated costs of preparing legal descriptions and the required paperwork for annexing Advance Road from the current City limits through 60th Avenue.”

Development Code

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation

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. Both bodies conduct public hearings for the request.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial this is a site specific, owner/applicant initiated request, it is a quasi-judicial application. and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

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

Finding: These criteria are satisfied.

Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered as a quasi-judicial application. Staff recommends the City Council, upon the DRB’s recommendation, declare the subject property annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

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: The subject property referenced herein is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner (there are no electors), and has submitted a petition with the required information consistent with the UGB.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

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 applicable requirements in state statute are met including the fact the subject property is within the UGB, is contiguous to the east side of the city, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

A7. 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: There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject property is the petitioner and thus have consented in writing to annexation. There are no electors or residential dwellings within the territory to be annexed.

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

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: The territory to be annexed is all owned by the West Linn – Wilsonville School District, has petitioned and consented to annexation in writing. There are no electors or residential dwellings within the territory 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.

A10. Engineering Division condition of approval PFA 1 is requiring the applicant to annex right-of way for future street improvements along Advance Road. PFA 1 states: "Applicant shall enter into a Development Agreement with the City that clarifies the responsibilities and estimated costs of preparing legal descriptions and the required paperwork for annexing Advance Road from the current City limits through 60th Avenue."

Finding: With proposed condition PFA 1 necessary street ROW will be annexed to meet the City's Transportation Master Plan.

Explanation of Finding: The area requested to be annexed and including necessary street right-of way must be developed consistent with the City's Transportation Master Plan.

Oregon Statewide Planning Goals

A11. Review Criteria: The goals include: citizen involvement, land use planning, natural resources and open spaces, recreational needs, economic development, housing, public facilities and services, and transportation.

Finding: On pages 20 - 22 of Exhibit B1 the applicant has prepared response findings to Statewide Planning Goals. These criteria are satisfied.

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

SUMMARY FINDING FOR REQUEST (A):

The proposed Annexation meets all applicable requirements and its approval may be recommend to the City Council.