

ORDINANCE NO. 832

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 24 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD JUST NORTH OF BOECKMAN ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1800, 1902, 1903, 2000 AND 2200 AND A PORTION OF STAFFORD ROAD RIGHT-OF-WAY, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. KATHLEEN E. LUDWIG, CLIFTON MOLATORE, BRENDA L. MELUM, LYNETTE E. EATON, THEODORE W. EATON, ROBERT KESSLER, BONNIE KESSLER, AND DIANE HILLIER, PETITIONERS.

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

WHEREAS, Kathleen E. Ludwig, an authorized signer for West Linn-Wilsonville School District, Lynette E. Eaton and Theodore W. Eaton, authorized signers for Joint Revocable Trust of Theodore and Lynette Eaton, Clifton Molatore, an authorized signer for 27687 Stafford Road LLC, and Brenda Melum, an authorized signer for Community of Hope ELCA, together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, Lynette E. Eaton, Theodore W. Eaton, Bonnie Kessler, Robert Kessler, and Diane Hillier, 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 February 11, 2019 unanimously recommended City Council approve the annexation; and

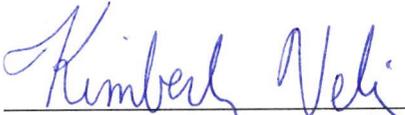
WHEREAS, on March 4, 2019, the City Council held a public hearing as required by Metro Code 3.09.050; and

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 tract of land, described and depicted in Attachment 1, is 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.

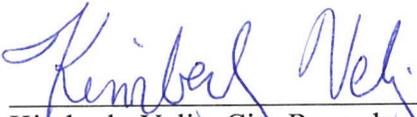
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of March, 2019, and scheduled for a second reading at a regular meeting of the Council on the 18th day of March, 2019, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.



Kimberly Veliz, City Recorder

ENACTED by the City Council on the 18th day of March, 2019 by the following votes:

Yes: 5 No: 0



Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 18th day of March, 2019.


TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor West	Yes

Attachments:

1. Attachment 1 – Legal Description and Sketch Depicting Land/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. 360 Recommending Approval of Annexation

EXHIBIT A
LEGAL DESCRIPTION
STAFFORD MEADOWS PHASE 2 AND 3 ANNEXATION AREA
October 5, 2018 (Otak #18806)

Those properties described in the following deeds recorded as Document Numbers 98-125139, 99-094345, 2006-019465, 2016-072238, and that property described as Parcel II in Document Number 99-052396, all of Clackamas County Records, along with that portion of S.W. Stafford Road adjoining said properties, in the southeast one-quarter of Section 12, Township 3 South, Range 1 West, and in the southwest one-quarter of Section 7, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, the exterior boundary of said properties being described as follows:

BEGINNING at a point on the east line of the southeast one-quarter of said Section 12, said POINT OF BEGINNING being on the centerline of said S.W. Stafford Road, North 01°40'13" East a distance of 30.00 feet from the southeast corner of said Section 12;
thence North 88°35'30" West a distance of 217.21 feet;
thence along the lines of said Document Number 99-094345 property and the southerly extension thereof through the following two courses:
North 01°38'35" East a distance of 313.96 feet;
and North 88°38'13" West a distance of 277.22 feet;
thence along the west lines of said Document Number 99-094345, 2016-072238, and 2006-019465 properties, North 01°40'51" East a distance of 514.26 feet to a point on the south line of said Document Number 98-125139 property;
thence along said south line, North 88°35'30" West a distance of 464.07 feet to the northeast corner of said Parcel II;
thence along the lines of said Parcel II through the following three courses:
South 01°40'35" West a distance of 398.74 feet;
North 88°35'30" West a distance of 540.50 feet;
and South 01°38'47" West a distance of 429.26 feet to a point on the north right of way line of S.W. Boeckman Road 30.00 feet from, when measured at right angles to, the centerline thereof;

Ordinance No. 832 Attachment 1

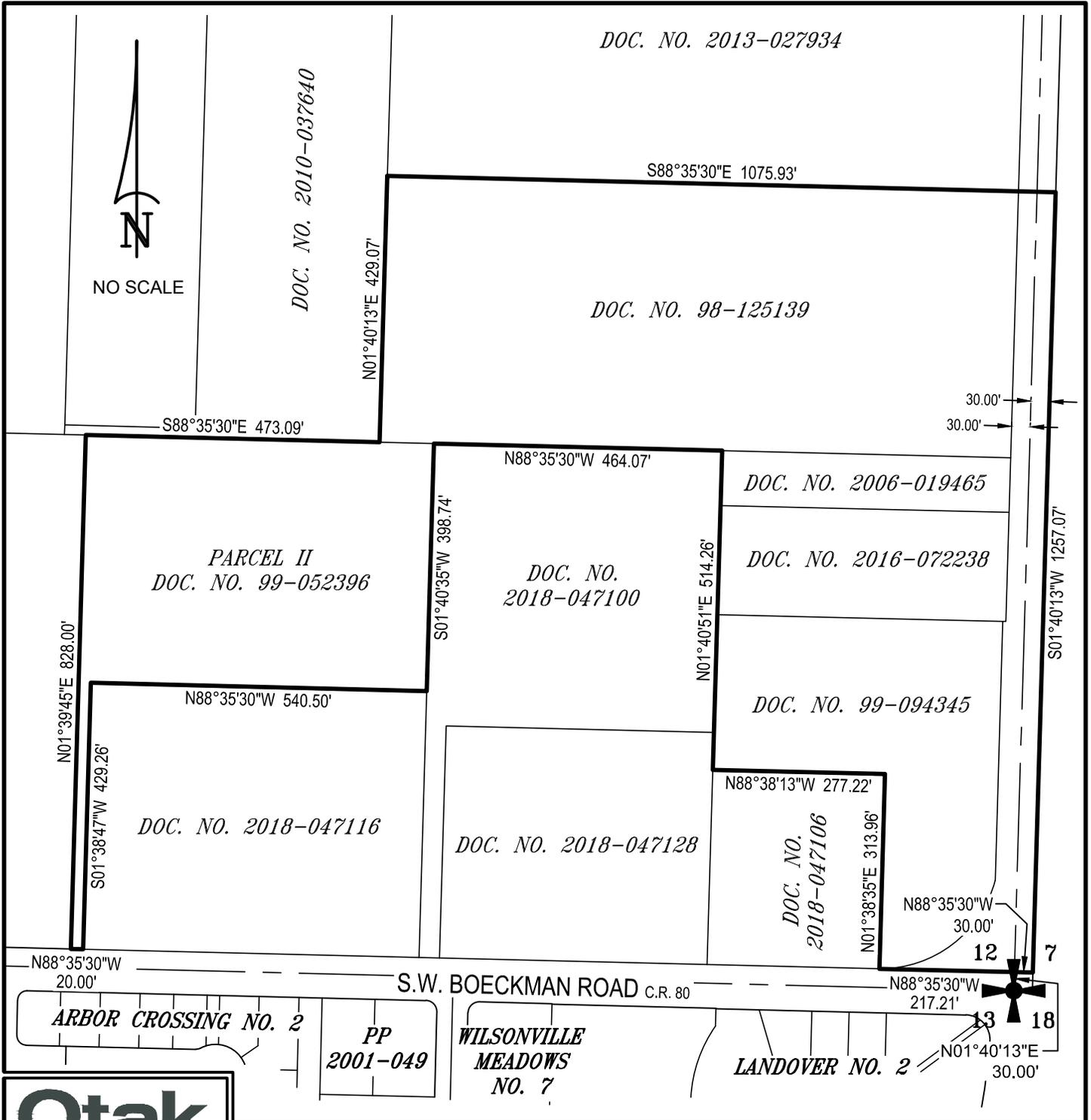
thence along said north right of way line, North 88°35'30" West a distance of 20.00 feet to the west line of said Parcel II;
thence along the lines of said Parcel II through the following two courses:
North 01°39'45" East a distance of 828.00 feet;
and South 88°35'30" East a distance of 473.09 feet to the southwest corner of said Document Number 98-125139 property;
thence along the west line of said Document Number 98-125139 property, North 01°40'13" East a distance of 429.07 feet;
Thence along the north line of said Document Number 98-125139 property and the easterly extension thereof, South 88°35'30" East a distance of 1075.93 feet to a point on the east right of way line of said S.W. Stafford Road;
thence along said east right of way line, South 01°40'13" West a distance of 1257.07 feet;
thence North 88°35'30" West a distance of 30.00 feet to the POINT OF BEGINNING.

Contains 23.90 acres, more or less.

Bearings based on the Oregon State Plane Coordinate System, NAD83, North Zone.



Ordinance No. 832 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 PHASE 2 & 3 ANNEXATION
 IN THE SOUTHEAST ONE-QUARTER OF SECTION 12
 TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
 CLACKAMAS COUNTY, OREGON

OCTOBER 5, 2018

Ordinance No. 832 Attachment 2

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

I hereby certify that the attached petition contains the names of the owners¹ (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 Kevin Clarke
TITLE Cartographer II
DEPARTMENT Assessment & Taxation
COUNTY OF Clackamas
DATE 10/8/18



¹ 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. 832 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 Jennifer Wessels
TITLE Deputy clerk
DEPARTMENT Elections
COUNTY OF Clackamas
DATE 10-10-18





Ordinance No. 832 Attachment 3
Annexation Findings

Frog Pond Meadows 74-Lot Single-Family Subdivision

City Council
Quasi-Judicial Public Hearing

Hearing Date: March 4, 2019
Date of Report: February 15, 2019

Application No.: DB18-0060 Annexation

Request/Summary: City Council approval of quasi-judicial annexation of approximately 24 acres concurrently with proposed development as a single-family subdivision consistent with the Frog Pond West Master Plan.

Location: West side of Stafford Road, north of Boeckman Road. The property is specifically known as Tax Lots 1800, 1902, 1903, 2000, and 2200, and a portion of Stafford Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

**Owners/Electors/
Petitioners:** Kathleen E. Ludwig, Clifton Molatore, Brenda L. Melum, Lynette E. Eaton, Theodore W. Eaton, Robert Kessler, Bonnie Kessler, and Diane Hillier

Applicant: Dan Grimberg, West Hills Development

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

Comprehensive Plan Designation: Residential Neighborhood, Public

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

Zone Map Classification (Proposed Concurrent with Annexation): RN (Residential Neighborhood), PF (Public Facility)

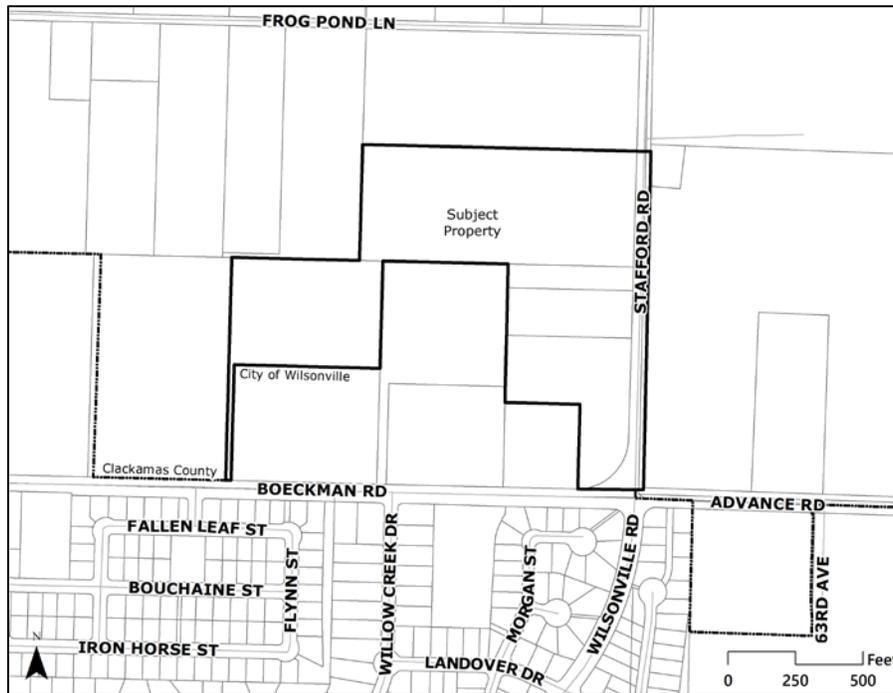
Staff Reviewer: Kimberly Rybold, AICP, Associate Planner

Staff/DRB 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	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West 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 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 proposed 15-acre subdivision is the third development proposal, following the 44-lot Stafford Meadows subdivision to the south and the 78-lot Morgan Farm subdivision to the west. The subdivision will connect to Stafford Meadows, blending together as one cohesive neighborhood.

This application also includes the Community of Hope Church and property owned by the West Linn-Wilsonville School District. The existing church will remain, with the westernmost 0.69 acres partitioned and included within the Frog Pond Meadows subdivision. In return, the applicant will transfer Tract M of the previously approved Stafford Meadows subdivision to the church. The application also proposes partitioning the easternmost 1.5 acres of the West Linn-Wilsonville School District property on Boeckman Road to be included within Frog Pond Meadows, with the remaining portion planned for a future park. Combined with adjacent Stafford Road right-of-way, the applicant proposes the annexation of approximately 23.9 acres into the City of Wilsonville.

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

Conclusion and Conditions of Approval:

Staff has reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends the City Council annex the subject property with the following condition:

Request: DB18-0060 Annexation

<p>PDA 1. 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>

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: DB18-0015 Annexation

As described in the Findings below, the request meets the applicable criteria or will by Conditions 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 for 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 Stage 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 Frog Pond 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, 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 Before Public Hearing
ORS 222.170

A12. All property owners and a majority of electors within the annexed area have provided their consent in writing. 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. 832 Attachment 4

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 360

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) AND PUBLIC FACILITY (PF) FOR APPROXIMATELY 23.9 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD JUST NORTH OF BOECKMAN 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, TENTATIVE PARTITION PLAT (CHURCH PROPERTY), TENTATIVE PARTITION PLAT (SCHOOL PROPERTY), TYPE C TREE PLAN, WAIVER TO MINIMUM LOT SIZE, WAIVER TO MINIMUM FRONT SETBACK, AND ABBREVIATED SRIR REVIEW FOR A 74-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1800, 1902, 1903, 2000 AND 2200 AND A PORTION OF STAFFORD ROAD RIGHT-OF-WAY OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, 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 February 4, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 11, 2019, 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 February 4, 2019, 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 (DB18-0060 and DB18-0061) for:

DB18-0062 through DB18-0068, DB19-0002, DB19-0003, SI18-0006; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver to Minimum Lot Size, Waiver to Minimum Front Setback, and Abbreviated SRIR Review for an 74 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 11th day of February, 2019 and filed with the Planning Administrative Assistant on February 12, 2019. 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 – Acting Chair, Panel A
Wilsonville Development Review Board

Ordinance No. 832 Attachment 4

Attest:



Shelley White, Planning Administrative Assistant