

ORDINANCE NO. 875

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 9.63 ACRES OF PROPERTY LOCATED AT 25540 SW GARDEN ACRES ROAD FOR DEVELOPMENT OF A CORPORATE HEADQUARTERS/FABRICATION FACILITY AND ASSOCIATED SITE IMPROVEMENTS.

WHEREAS, an application has been submitted by PCT NW Properties OR, LLC, dba Precision Countertops, Inc. – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 25540 SW Garden Acres Road, on Tax Lot 500, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon; and

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

WHEREAS, Robert Hausserman, Steve Mast, and Marcus Neff representing PCT NW Properties OR, LLC, representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, there are no electors located 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 questions 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 adoption unless a Stage 2 Final Plan for the subject area is approved by the City; and

WHEREAS, on March 20, 2023, 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:

- Section 1. Findings. The tract of land, described and depicted in Exhibit A, is declared annexed to the City of Wilsonville.
- Section 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. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council and read for the first time at a regular meeting thereof this 20th day of March, 2023, and scheduled the second reading on the 3rd day of April, 2023, 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 3rd day of April, 2023, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 3rd day of April, 2023.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Berry	Yes
Councilor Dunwell	Yes
Councilor Linville	Yes

EXHIBITS:

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

ORDINANCE NO. 875 EXHIBIT A

EXHIBIT “ “ ANNEXATION DESCRIPTION

Commencing at the quarter corner common to Section 2 and 3, Township 3 South, Range 1 West, of the Willamette Meridian;

Thence South 1° 20' 00" West, along the West line of said Section 2, 1322.25 feet to the intersection of said West line with the westerly prolongation of the North line of Lot 11 of Garden Acres and the True Point of Beginning;

Thence, leaving said West line, along said prolongation, South 88° 55' 06", 40.50 feet to the East right-of-way line of Southwest Garden Acres Road;

Thence, along said East right-of-way line, South 1° 20' 00" West, 0.80' to the South line of that tract deeded to Pioneer Hi-Bred International, recorded March 12th, 1985, Fee No. 8500845;

Thence, along said South line, South 87° 45' 34" East, 1280.29 feet to the Southeast corner of said Pioneer tract, being on the East Line of said Lot 11;

Thence, along the East line of said Lot 11, South 00° 36' 38" West, 304.06 feet to the Southeast corner thereof;

Thence, along the south line of said Lot 11, North 88° 54' 27" West 1283.98 feet, to the East right-of-way line of SW Garden Acres Road;

Thence, leaving said East right-of-way line, along the westerly prolongation of the South line of said Lot 11, North 88° 54' 27" West, 40.50 feet to the West line of said Section 2;

Thence along said West line; North 01° 20' 00" East, 330.50 feet to the Point of Beginning.

Containing 9.63 acres, more or less.



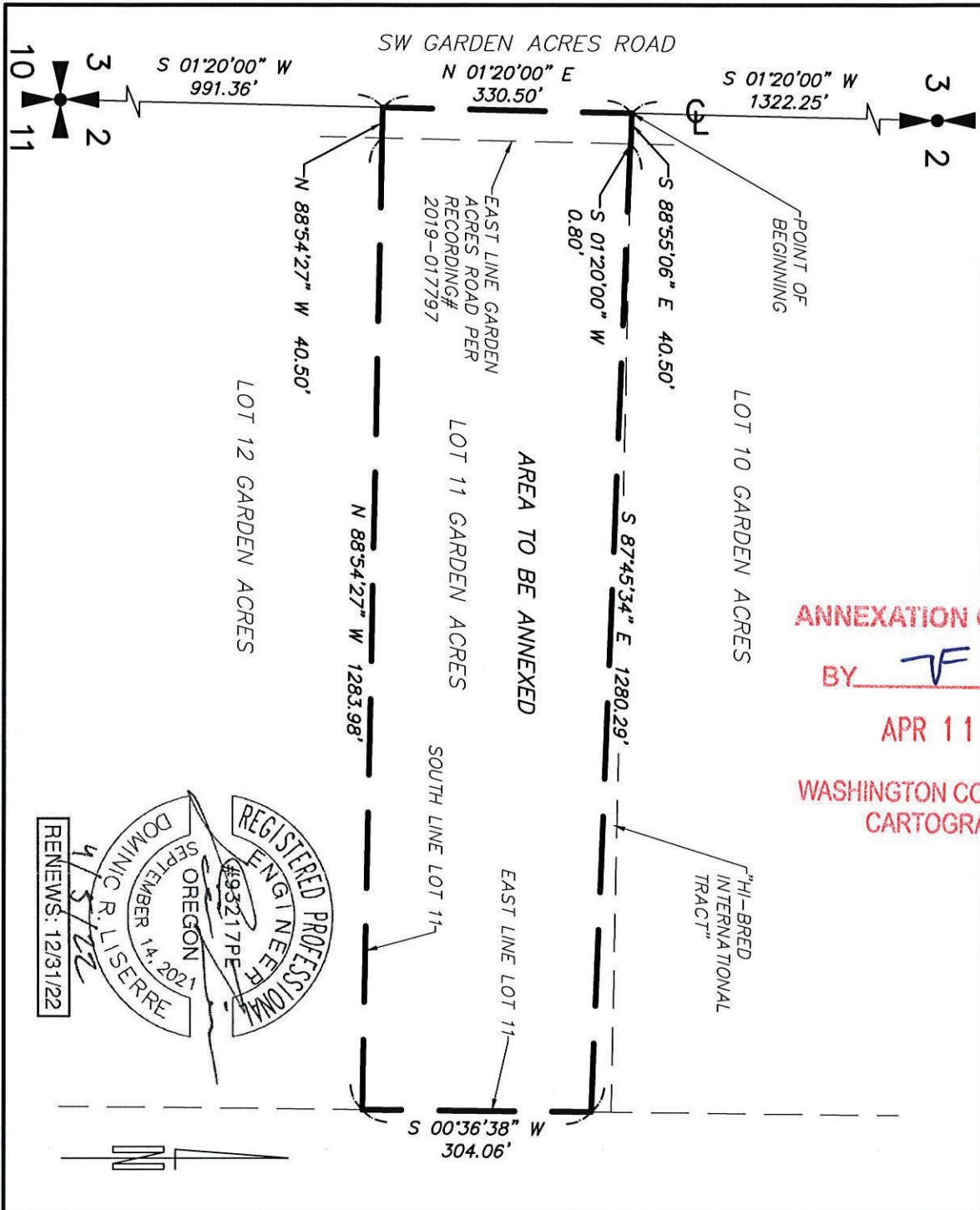
ANNEXATION CERTIFIED

BY TF

APR 11 2022

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

ORDINANCE NO. 875 EXHIBIT A



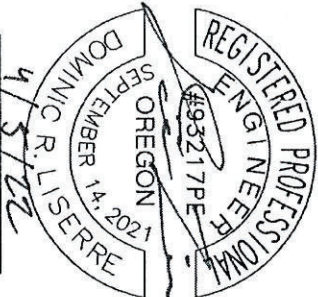
ANNEXATION CERTIFIED

BY TF

APR 11 2022

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

RENEWS: 12/31/22



PLS ENGINEERING Engineering - Surveying - Planning 604 W. Evergreen Blvd., Vancouver, WA 98660 PH: (360) 944-6519 Fax: (360) 944-6539	EXHIBIT 'A' FOR ANNEXATION LOCATED IN THE W 1/2 OF THE W 1/2 OF SECTION 2 T. 3 S., R. 1 W., W.M. WASHINGTON COUNTY, OREGON	SCALE: <u>N.T.S.</u> JOB NO. <u>3308</u> DATE: <u>04-05-2021</u> DWG FILE: <u>3308L1</u> DRAWN BY: <u>JG</u>
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ORDINANCE NO. 875 EXHIBIT B



PETITION SIGNERS

To: Wilsonville City Council (Wilsonville Oregon)

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Wilsonville.

Signature	Printed Name	Address	I AM A: *			Property Description
			PO	RV	OV	
	PCT NW Properties OR, LLC	25540 SW Garden Acres Rd, Sherwood, OR 97140				9.33 Acres (406,231 SF)
<i>Robert Hausserman</i>	Robert Hausserman, Manager		X			
<i>Steven Mast</i> <small>Steven Mast (Apr 1, 2022 10:13 PDT)</small>	Steve Mast, Manager		X			
<i>Marcus Neff</i> <small>Marcus Neff (Apr 1, 2022 09:59 PDT)</small>	Marcus Neff, Manager		X			

- * PO = Property Owner
- RV = Registered Voter
- OV = Owner and Registered Voter

ORDINANCE NO. 875 EXHIBIT B









Petition Signers

Final Audit Report

2022-04-01

Created:	2022-04-01
By:	Robert Hausserman (robert.h@precisioncountertops.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAII7XmrcTkvc73aOgCAICXTrBg3qocYoX

"Petition Signers" History

-  Document created by Robert Hausserman (robert.h@precisioncountertops.com)
2022-04-01 - 4:53:51 PM GMT- IP address: 204.195.39.92
-  Document emailed to Marcus Neff (marcus.neff@precisioncountertops.com) for signature
2022-04-01 - 4:56:10 PM GMT
-  Document emailed to Steven Mast (steve.m@precisioncountertops.com) for signature
2022-04-01 - 4:56:10 PM GMT
-  Email viewed by Marcus Neff (marcus.neff@precisioncountertops.com)
2022-04-01 - 4:57:33 PM GMT- IP address: 74.82.228.19
-  Document e-signed by Marcus Neff (marcus.neff@precisioncountertops.com)
Signature Date: 2022-04-01 - 4:59:18 PM GMT - Time Source: server- IP address: 74.82.228.19
-  Email viewed by Steven Mast (steve.m@precisioncountertops.com)
2022-04-01 - 5:13:14 PM GMT- IP address: 67.139.75.130
-  Document e-signed by Steven Mast (steve.m@precisioncountertops.com)
Signature Date: 2022-04-01 - 5:13:35 PM GMT - Time Source: server- IP address: 67.139.75.130
-  Agreement completed.
2022-04-01 - 5:13:35 PM GMT

ORDINANCE NO. 875 EXHIBIT B



CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the Owners ¹ (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: TED FOSTER
Title: GIS TECH
Department: CARTOGRAPHY
County of: WASHINGTON
Date: 4/11/22

ANNEXATION CERTIFIED

BY TF

APR 11 2022

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

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 owner, 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 the land in the territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ORDINANCE NO. 875 EXHIBIT B



WASHINGTON COUNTY
OREGON

CERTIFICATION OF REGISTERED VOTERS FOR ANNEXATION PURPOSES*

I hereby certify that the attached petition for the annexation of the territory listed herein to the CITY OF WILSONVILLE contains, as of the date listed, the following information:

- 3 Number of signatures of individuals on petition.
- 0 Number of active **registered voters** within the territory to be annexed.
- 0 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 3S102C000500 _____

DIVISION: ELECTIONS
COUNTY: WASHINGTON
DATE: April 12, 2022
NAME: Angie Muller
TITLE: Senior Administrative Specialist

 Angie Muller
(Signature of Election Official)



*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009



Ordinance No. 875 Exhibit C
Annexation Findings

Precision Countertops

City Council
Quasi-Judicial Public Hearing

Hearing Date:	March 20, 2023
Date of Report:	March 7, 2023
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Application No.:	ANNX22-0004 Annexation
Request/Summary:	City Council approval of a quasi-judicial annexation of approximately 9.63 acres for a corporate headquarters and fabrication facility and associated site improvements.
Location:	25540 SW Garden Acres Road. The property is specifically known as Tax Lot 500, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon
Owner/Applicant/ Petitioner:	PCT NW Properties OR, LLC, dba Precision Countertops, Inc. (Contact: Robert Hausserman)
Applicant's Representative:	MDG Architecture/Interiors (Contact: Simone O'Halleran)
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:	Cindy Luxhoj AICP, Associate Planner
Staff Recommendation:	<u>Approve</u> 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 9.63 acres of property will enable development consistent with the Coffee Creek Master Plan.

All property owners in the annexation area have consented in writing to the annexation. There are no electors residing on the subject property.

Conclusion and Conditions of Approval:

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

Request: Annexation (ANNX22-0004)

PDA 1. The annexation ordinance will expire in 120 days without approval of a Stage 2 Final Plan for the subject property.

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 and initiated the application.

Request A: Annexation (ANNX22-0004)**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 Section 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 2 Final Plan receives final approval for the area subject to annexation. A Public Hearing is currently scheduled for March 27, 2023, for the Stage 2 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 the request meets the applicable requirements in State statute including the facts that all property owners consent in writing to the annexation. There are no electors residing on the subject property. 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 within the territory proposed to be annexed have provided their consent in writing; there are no electors residing on the subject property. 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 of which have been found to meet the Statewide Planning Goals.