

**Ordinance No. 743**  
**Annexation**  
**Villebois Phase 3 North “Calais at Villebois”**

**INDEX of RECORD**

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5. Council Exhibit A, Attachment 3: Annexation Findings, June 2, 2014.
6. Council Exhibit A, Attachment 4: Compliance Report Submitted with Petition
7. Council Exhibit A, Attachment 5 Development Review Board Panel A Resolution No. 277 recommending approval of the annexation

**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> June 2, 2014	<p><b>Subject:</b> Ordinance No. 743, Annexation of approximately 15.16 acres located southeast of the intersection of SW Grahams Ferry road and SW Tooze Road.</p> <p><b>Staff Members:</b> Daniel Pauly AICP, Associate Planner.</p> <p><b>Department:</b> Planning Division</p>
<b>Action Required</b>	<b>Development Review Board Recommendation</b>
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: June 2. <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: June 16 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable <p><b>Comment:</b> Following their review at the May 12th meeting, the Development Review Board, Panel A recommends approving the requested annexation.</p>

**Staff Recommendation:** Staff recommends that the City Council adopt Ordinance No. 743.

**Recommended Language for Motion:** I Move to Adopt Ordinance No. 744 on the 1<sup>st</sup> reading.

<b>PROJECT / ISSUE RELATES TO:</b> Comprehensive Plan, Zone Code and Villebois Master Plan.		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:** Approve or deny Ordinance No. 743 to annex approximately 15.16 acres at the southeast corner of SW Grahams Ferry Road and SW Tooze Road which will become a phase of Villebois.

**EXECUTIVE SUMMARY:** Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110th Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as

“Residential-Village” in anticipation of annexation concurrent with other applications to develop the property. The requested annexation brings the properties near the corner of Tooze Road and Grahams Ferry Road into the City concurrent with a request to develop the property. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election. During their May 12<sup>th</sup> meeting Development Review Board Panel A unanimously recommended the City Council approve the annexation.

**EXPECTED RESULTS:** Adoption of Ordinance No.743.

**TIMELINE:** The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180. Development of the property will likely begin in the Summer of 2015 or earlier.

**CURRENT YEAR BUDGET IMPACTS:** The annexation will expand the property tax base.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_, Date: \_\_\_\_\_, 2014

**LEGAL REVIEW / COMMENT:**

Reviewed by: MEK, Date: \_\_\_\_\_, 2014

**COMMUNITY INVOLVEMENT PROCESS:** The required public hearing notices have been sent.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY** Ordinance No. 743 will provide:

- Continued build-out of the Villebois Master Plan
- Expanded Property Tax Base

**ALTERNATIVES:** The alternatives are to approve or deny the annexation request.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

Exhibit A – Ordinance No. 743 and Attachments:

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed

Attachment 2 Signatures of Owners of Land and Electors within Territory to be Annexed

Attachment 3 Annexation Findings, June 2, 2014.

Attachment 4 Compliance Report Submitted with Petition

Attachment 4 Development Review Board Panel ‘A’ Resolution 277 Recommending Approval of Annexation

**ORDINANCE NO. 743**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 15.16 ACRES OF LAND LOCATED SOUTHEAST OF THE INTERSECTION OF SW GRAHAMS FERRY ROAD AND SW TOOZE ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1200, 1202, AND 1205 OF SECTION 15 T3S-R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, APPLICANT.**

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by owners of real property in the territory to be annexed;

WHEREAS, written consent has been obtained from all owners of land and electors in the territory proposed to be annexed; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Villebois Village Master Plan; 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 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, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on May 12, 2014 recommended City Council approve the annexation; and

WHEREAS, on June 2, 2014, 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 conditions attached hereto by reference as Exhibit A1-a and Attachment 3, Development Review Board's recommendation to City Council; and

WHEREAS, the annexation is not contested by any necessary party;

NOW, THEREFORE, THE CITY OF WILSONVILLE DOES ORDAIN AS FOLLOWS:

Section 1. The tract of land, described in Attachment 1 and depicted on the attached map (Attachment 2), is declared annexed to the City of Wilsonville.

Section 2. The findings, conclusions and conditions incorporated in Exhibit A1-a and 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 the first time at a meeting thereof on the 2<sup>nd</sup> day of June 2014, and scheduled the second reading on June 16, 2014 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Tim Knapp, Mayor

ATTEST:

APPROVED AS TO FORM:  
Michael Kohlhoff

\_\_\_\_\_  
Sandra C. King, City Recorder

\_\_\_\_\_  
City Attorney

Summary of Votes:

Mayor Knapp  
Councilor Goddard  
Councilor Starr  
Councilor Stevens  
Councilor Fitzgerald

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed  
Attachment 2 Signatures of Owners of Land and Electors within Territory to be Annexed  
Attachment 3 Annexation Findings, June 2, 2014.  
Attachment 4 Compliance Report Submitted with Petition  
Attachment 5 Development Review Board Panel A Resolution No. 277 recommending approval of the annexation



**EXHIBIT "A"**

January 20, 2014

**LEGAL DESCRIPTION**

Job No. 395-027

The land described in Document No. 2007-047567 and Document No. 73-30403, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of Tract "DD" of plat of "Tonquin Woods at Villebois No. 4";

thence along the northerly plat line of said plat, North 88°34'09" West, a distance of 37.22 feet to the POINT OF BEGINNING;

thence continuing along said northerly plat line, North 88°34'09" West, a distance of 862.08 feet to the Southeast corner of the property described in Document No. 2000-050326;

thence along the northeasterly line of said property, North 09°12'39" West, a distance of 166.59 feet to a point on the easterly right-of-way line of SW Grahams Ferry Road;

thence along said easterly right-of-way line, North 17°14'42" East, a distance of 15.88 feet to an angle point;

thence continuing along said easterly right-of-way line, North 21°00'47" East, a distance of 753.50 feet to a point on the southerly right-of-way line of SW Tooze Road;

thence along said southerly right-of-way line, South 88°34'09" East, a distance of 558.80 feet to the Northwest corner of the property described in Document No. 73-30518;

thence along the westerly line of said property, South 02°14'46" West, a distance of 483.82 feet to the Southwest property corner of said property;

thence along the southerly line of said property, South 88°22'03" East, a distance of 89.82 feet to a point on the westerly line of Parcel 2, Partition Plat No. 1994-182;

thence along said westerly parcel line, South 02°14'46" West, a distance of 404.88 feet to the POINT OF BEGINNING.

Containing 15.164 acres, more or less.

Basis of bearings being the plat of "Tonquin Woods at Villebois No. 4", Clackamas County Plat Records.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\395-027\08 Drawings\06 Survey\Legals\395027.Rumpf Zone Change.dwg - SHEET: Legal Desc Jan. 20, 14 - 2:42 PM tcj

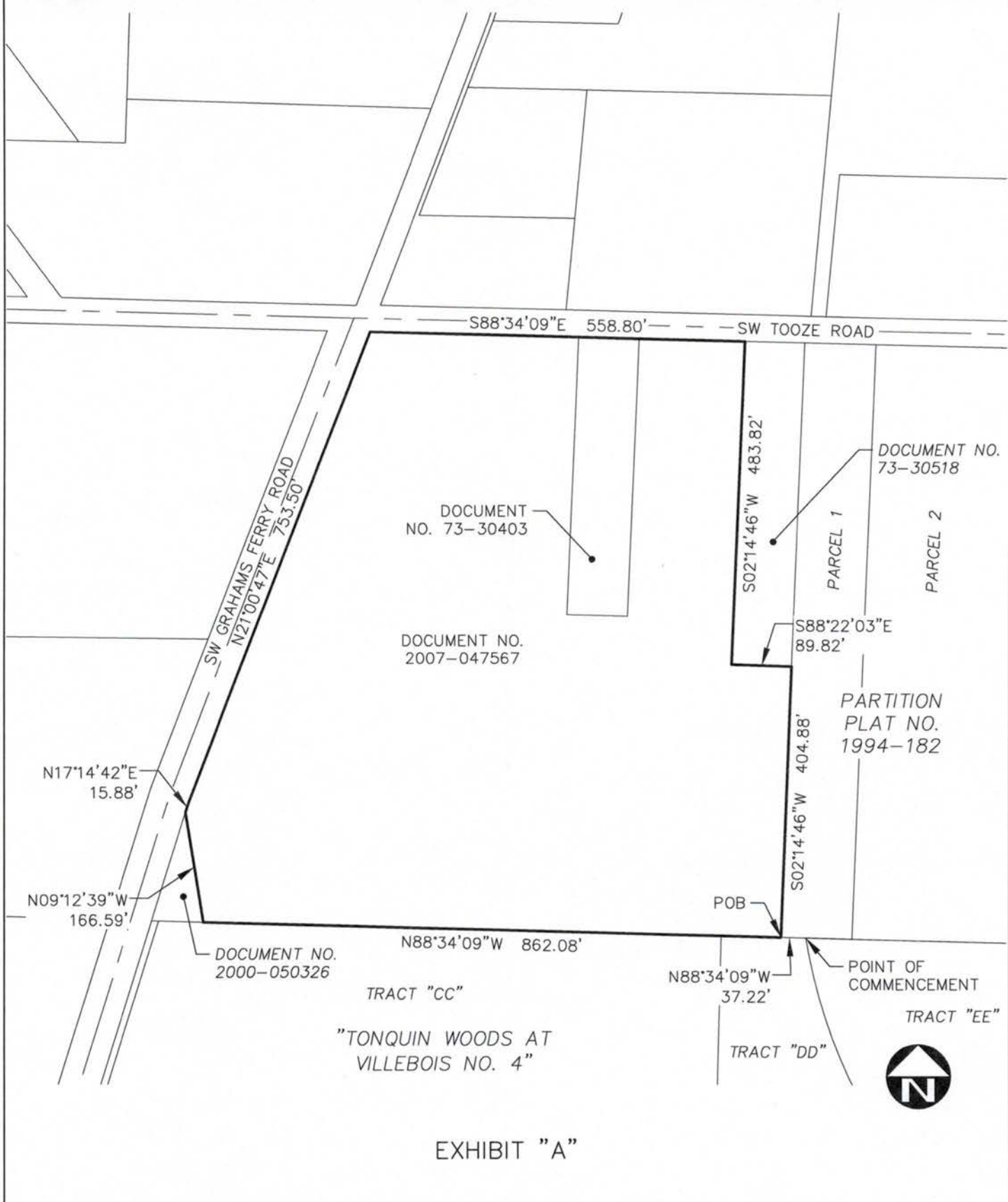


EXHIBIT "A"

DRAWN BY: CLL DATE: 1/20/14  
 REVIEWED BY: TCJ DATE: 1/20/14  
 PROJECT NO.: 395-027  
 SCALE: 1"=200'  
 PAGE 2 OF 2



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
 [F] 503-941-9485





Ordinance No. 743 Attachment 3  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*Polygon Northwest Company*  
*“Calais at Villebois”*  
**Annexation**

**CITY COUNCIL**  
**QUASI-JUDICIAL PUBLIC HEARING**

**HEARING DATE**                      June 2, 2014

**DATE OF REPORT**                      May 23, 2014

**APPLICATION NOS.:**                      DB14-0009 Annexation

**REQUEST/SUMMARY:** The City Council is being asked to review annexation of land that will be developed as a 84-lot residential subdivision, and associated parks and open space and other improvements.

**LOCATION:** Southeast corner of SW Grahams Ferry Road and SW Tooze Road. The properties are specifically known as Tax Lots 1200, 1202, and 1205, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**PROPERTY OWNERS:**     Wayne Rembold, Rembold Co., and Charles & Carolyn Taber

**APPLICANT:**                      Fred Gast, Polygon NW Company

**APPLICANT’S REP.:**            Stacy Connery AICP, Pacific Community Design, Inc.

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**STAFF REVIEWERS:** Daniel Pauly AICP, Associate Planner

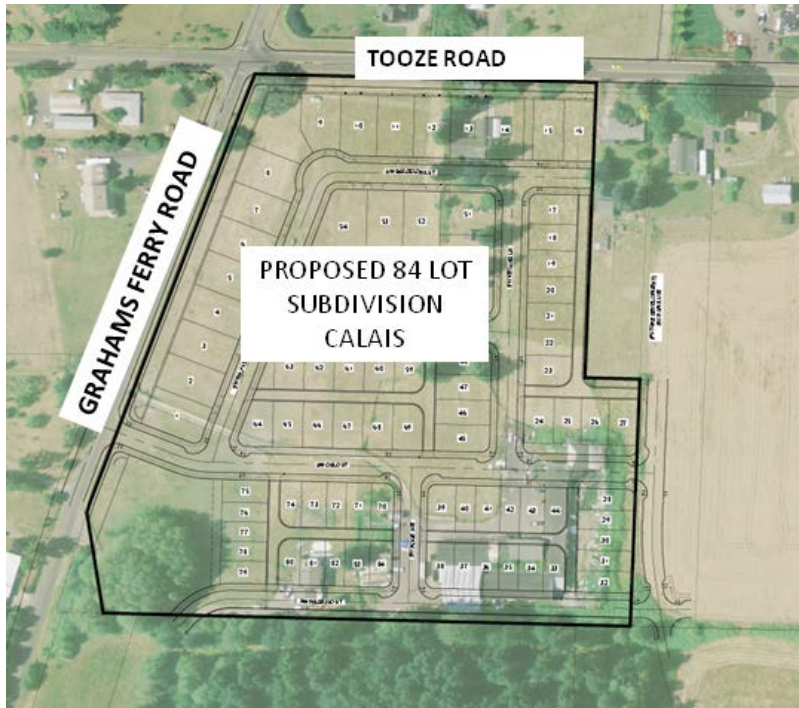
**DRB RECOMMENDATIONS:** Annex the land as requested

**APPLICABLE REVIEW CRITERIA**

<b>DEVELOPMENT CODE</b>	
<b>Section 4.700</b>	<b>Annexation</b>
<b>OTHER CITY PLANNING DOCUMENTS</b>	
<b>Comprehensive Plan</b>	
<b>REGIONAL AND STATE PLANNING DOCUMENTS</b>	
<b>Metro Code Chapter 3.09</b>	<b>Local Government Boundary Changes</b>
<b>Metro Function Plan Titles 1,2,3,6 and 7</b>	
<b>ORS 222.111</b>	<b>Authority and Procedures for Annexation</b>

<b>ORS 222.120</b>	<b>Procedure without Election by City Electors</b>
<b>ORS 222.125</b>	<b>Annexation by Consent of All Land Owners and Majority of Electors</b>
<b>ORS 22.170</b>	<b>Effect of Consent to Annexation by Territory</b>
<b>Statewide Planning Goals</b>	

**Vicinity Map**



**BACKGROUND/SUMMARY:**

**Annexation (DB14-0009)**

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110<sup>th</sup> Avenue remain outside the City. The City’s Comprehensive Plan already designates these properties as “Residential-Village” in anticipation of annexation concurrent with other applications to develop the property. The requested annexation brings the properties near the corner of Tooze Road and Grahams Ferry Road into the City concurrent with a request to develop the property. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election.

**CONCLUSION AND CONDITIONS OF APPROVAL:**

Staff and the DRB have reviewed the applicant’s analysis of compliance with the applicable criteria. This Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings.

**FINDINGS OF FACT:**

1. The statutory 120-day time limit applies to this application. The application was received on January 31, 2014. On February 28, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on March 31, 2014, the Applicant submitted new materials. On April 22, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 20, 2014
2. Surrounding land uses are as follows:

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Open Space
West:	Clackamas County RRFF5	Grahams Ferry Road/ Rural Residential

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
- LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
- LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

- DB07-0054 et seq – SAP-North
- DB07-0087 et seq – PDP-1N, Arbor at Villebois
- DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW

4. 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.

## CONCLUSIONARY FINDINGS, REQUEST C: DB14-0009 ANNEXATION

The applicant's findings in Section IIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

### Comprehensive Plan

#### *Annexation and Boundary Changes*

##### *Implementation Measure 2.2.1.a.*

1. **Review Criteria:** "Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

##### *Implementation Measure 2.2.1.e.*

2. **Review Criteria:** "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:" Listed 1 through 5.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

#### *Compact Urban Development Implementation Measures*

##### *Implementation Measure 4.1.6.a. and c.*

3. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

"The "Village" Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject site is included in the "Residential-Village" Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the "Village" Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included

with a concurrent Preliminary Development Plan application for Phase 3 of SAP North. The site must be brought into City limits before the V zone can be applied.

### Development Code

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

4. **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.  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

#### ***Section 4.700 Annexation***

5. **Review Criteria:** This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

### Metro Code

#### ***Chapter 3.09 Local Government Boundary Changes***

6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) 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, Villebois Village Concept Plan, and Villebois Village Master Plan.

**Oregon Revised Statutes**

***ORS 222.111 Authority and Procedure for Annexation***

7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the applicable requirements in state statute are met 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 100% of electors within the annexed area have provided their consent in writing.

***ORS 222.120 Procedure Without Election by City Electors***

8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) 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 facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

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

9. **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:** All property owners and 100% of electors within the annexed area have provided their consent in writing. 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, 10, 11, 12, 13***

10. **Review Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).



**SUPPORTING COMPLIANCE REPORT  
ANNEXATION TO CITY OF WILSONVILLE**

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## I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

### URBAN GROWTH MANAGEMENT - IMPLEMENTATION MEASURES

#### IMPLEMENTATION MEASURE 2.2.1.A.

Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

**Response:** The Comprehensive Plan states:

- *Figures provided by Metro in 1996 indicated that Wilsonville had more than three jobs for each housing unit within the City.*
- *Based on Metro's (1981) regional growth allocation statistics, Wilsonville's population was projected to grow to 15,600 by the year 2000. In the same time period, the City's economic growth was expected to generate a total of 14,400 jobs. Those projections proved to be surprisingly accurate. In fact, Wilsonville's population in 2000 approached the 15,600 figure, and the number of jobs exceeded the 14,400 figure.*

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the subject site. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the *Villebois Village Master Plan* evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the *Master Plan* analyzes compliance of the Villebois circulation system with the City's Transportation Systems Plan. The *Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and Transportation Systems Plan. Concurrent applications for a SAP North Amendment and for PDP 3N have been submitted. PDP 3N (see Notebook Section III) includes a *Preliminary Utility Plan* and *Circulation Plan*. PDP 3 North is consistent with the concurrent SAP North Amendment, as further described in the PDP 3N Compliance Report (see Notebook Section IIIB), and is therefore, generally consistent with the *Master Plan*. Therefore, the proposed annexation is generally consistent with future planned public services and the capacity of public facilities.

#### IMPLEMENTATION MEASURE 2.2.1.E

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.

**Response:** The *Villebois Village Master Plan* set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 3 of SAP - North (see Notebook Section III). Public facilities and services proposed with PDP 3 North are generally consistent with the *Villebois Village Master Plan* and the City's Finance Plan and Capital Improvements Plan. Therefore, adequate public facilities and services will be available within the subject area.

**2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.**

**Response:** The availability of sufficient land was demonstrated by the adoption of the *Villebois Village Master Plan*, which plans for the development of the 480-acre Villebois Village area. At the time of *Master Plan* approval, Villebois Village was found to have a wide range of residential choices. Annexation of the subject area to the City will allow development to occur that is consistent with the *Master Plan* and that provides the anticipated housing choices.

**3. Statewide Planning Goals.**

**Response:** Compliance with Statewide Planning Goals is addressed in Section V of this report.

**4. Applicable Metro Plans;**

**Response:** Compliance with Metro Code 3.09 is addressed in Section III of this report.

**5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.**

**Response:** The site is located within the UGB, but is not currently within city limits. Annexation of the site is necessary to allow build out consistent with the *Villebois Village Master Plan*.

**COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES**

**IMPLEMENTATION MEASURE 4.1.6.A**

Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.

**IMPLEMENTATION MEASURE 4.1.6.C**

The "Village" Zone District shall be applied in all areas that carry the Residential - Village Plan Map Designation.

**Response:** The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included with a concurrent Preliminary Development Plan application for Phase 3 of SAP - North. The site must be brought into City limits before the V zone can be applied.

## **II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE**

### **SECTION 4.008 APPLICATION PROCEDURES - IN GENERAL**

**(.01)** The general application procedures listed in Section 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

**K. Annexations, pursuant to Section 4.700**

**Response:** The proposed land use action is an annexation. Compliance with Section 4.700 and other applicable sections of the City of Wilsonville Land Development Ordinance are addressed below.

### **SECTION 4.030 JURISDICTION AND POWERS OF PLANNING DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR**

**(.01)** Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

**11.** Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.

**Response:** Daniel Pauly, Associate Planner, indicated during a phone conversation on September 26, 2013 that the proposed annexation is subject to a quasi-judicial process.

### **SECTION 4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD**

**(.01)** As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

**K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.**

**(.02)** Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.

**Response:** The proposed annexation is subject to a quasi-judicial process. Therefore, it is subject to initial review before the Development Review Board.

**SECTION 4.033 AUTHORITY OF CITY COUNCIL**

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

F. Review of requests for annexations to the City of Wilsonville.

**Response:** The Applicant understands that the City Council has the final authority to act on this request for annexation to the City of Wilsonville.

**SECTION 4.700 PROCEDURES RELATING TO THE PROCESSING OF REQUESTS FOR ANNEXATION AND URBAN GROWTH BOUNDARY AMENDMENTS**

(.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities. [Amended by Ordinance No. 538, 2/21/02.]

- A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.
- B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.
- C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.
- D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.

- (.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. This course of action may be:
  - A. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
    - 1. Take no action;
    - 2. Declare the subject property, or some portion thereof, to be annexed;
    - 3. Set the matter for election of the voters residing within the affected territory; or
    - 4. Set the matter for election of City voters.
- (.05) The City Council may adopt a development agreement with owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

**RESPONSE:** The Applicant requests annexation of areas within the City's UGB. Annexation of contiguous property within the UGB is within the authority of the City of Wilsonville as prescribed by State Law. The proposed annexation is consistent with the Comprehensive Plan as the subject site has a Comprehensive Plan designation of Residential - Village and as demonstrated in Section I of this report. Additionally, the site is included in the *Villebois Village Master Plan*.

This report provides a written description of the request and demonstrates compliance with applicable criteria. The attached exhibits include a legal description and sketch, which depict the proposed annexation area. This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. City staff has determined that the proposed annexation is subject to a quasi-judicial review process. Therefore, it is subject to a public hearing before the DRB and City Council.

### III. METRO CODE

#### CHAPTER 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES

##### 3.09.020 DEFINITIONS

- I. “Minor boundary change” means an annexation or withdrawal of territory to or from a city or district or from a county to a city. “Minor boundary change” also means an extra-territorial extension of water or sewer service by a city or a district. “Minor boundary change” does not mean withdrawal of territory from a district under ORS 222.520.

**Response:** Annexation is requested from territory within Clackamas County to the City of Wilsonville. Therefore, the proposed annexation is defined as a “minor boundary change” and Metro Code Chapter 3.09 applies to this request.

##### 3.09.040 REQUIREMENTS FOR PETITIONS

- A. A petition for a boundary change must contain the following information:
  1. The jurisdiction of the reviewing entity to act on the petition;
  2. A map and legal description of the affected territory in the form prescribed by the reviewing entity;
  3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
  4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

**Response:** This application serves as the petition for a boundary change of city limits and requests approval by the City of Wilsonville. A legal description and sketch is attached in Notebook Section IIC. Notebook Section IIB includes property ownership and elector information, including names and mailing addresses. A copy of the signed petition (see Notebook Section IIB) demonstrates that all property owners and all of the electors within the territory proposed to be annexed have provided their consent in writing. Compliance with ORS 222.125 is addressed in Section IV of this report. In addition, a copy of the check for City annexation fee plus the Metro annexation fee is provided in Notebook Section IC.

##### 3.09.050 HEARING AND DECISION REQUIREMENTS FOR DECISIONS OTHER THAN EXPEDITED DECISIONS

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:
  - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
  - 2. Whether the proposed boundary change will result from the withdrawal of the affected territory from the legal boundary of any necessary party;
  - 3. The proposed effective date of the boundary change.
- B. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- C. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of Section 3.09.045.

**Response:** This report includes analysis demonstrating compliance with the City’s Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. Compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

**3.09.045 EXPEDITED DECISIONS**

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

**Response:** The proposed annexation is subject to a quasi-judicial process, per phone conversation with Daniel Pauly on September 26, 2013. Quasi-judicial annexation applications are subject to public hearing before the Development Review Board and City Council. Therefore, an expedited decision is not applicable to this request. However, in accordance with Metro Code 3.09.050(C), the criteria and factors set forth in subsections (D) and (E) are applicable. Pursuant to Section 3.09.050(C), compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

- D. To approve a boundary change through an expedited process, the city shall:
  - 1. Find that the change is consistent with expressly applicable provisions in:
    - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
    - b. Any applicable annexation plan adopted pursuant to ORS 195.205;



- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

**Response:** There is not an applicable urban service agreement adopted pursuant to ORS 195.065, annexation plan adopted pursuant to ORS 195.205, or cooperative planning agreement adopted pursuant to 195.020(2).

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

**Response:** The *Villebois Village Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and the Transportation Systems Plan. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 3 of SAP - North (see Notebook Section III). Therefore, future development of the subject site will comply with public facility plans as applicable.

- e. Any applicable comprehensive plan;

**Response:** Compliance with the City's Comprehensive Plan is addressed in Section I of this report.

- f. Any applicable concept plan; and

The Villebois Village plan area, including the subject site, is designated as "Residential - Village" on the Comprehensive Plan Map. The V Zone District is applied to Residential - Village areas in implementation of the *Villebois Village Master Plan*. The proposed annexation is required before the V Zone can be applied to the site and prior to site development. A Zone Change application is submitted concurrently in Notebook Section V. An application for PDP 3 North is submitted concurrently (see Notebook Section III) and is consistent with the concurrent SAP North Amendment. Therefore, the proposed annexation is consistent with the *Master Plan*.

## 2. Consider whether a boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;
- b. Affect the quality and quantity of urban services; and
- c. Eliminate or avoid unnecessary duplication of facilities or services.

**Response:** The *Villebois Village Master Plan* includes implementation measures that require the provision of public facilities and services to be adequate, timely, orderly, economic, and not be unnecessarily duplicated. Currently, Specific Area Plan - North provides public services, including: transportation, rainwater management; water; sanitary sewer; fire and police services; recreation, parks and open spaces; education; and transit. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 3 of SAP - North (see Notebook Section III). Public facilities and services proposed with PDP 3 North are generally consistent with the *Villebois Village Master Plan*, the concurrent SAP - North Amendment, and the City's Finance Plan and Capital Improvements Plan. Therefore, the boundary change will comply with these standards.

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

**Response:** The subject site is territory located within the UGB. Therefore, the city may annex the territory in accordance with this Section.

#### IV. OREGON REVISED STATUTES

##### ORS 222.111 AUTHORITY AND PROCEDURE FOR ANNEXATION

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 (Authority and procedure for annexation) to 222.180 (Effective date of annexation) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915), the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

**Response:** The area of proposed annexation is within the UGB and is contiguous to the city. The subject property is entirely within Clackamas County. Therefore, the proposed city boundary includes territories that may be annexed per ORS 222.111.

- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

**Response:** This proposal for annexation of territory to the City of Wilsonville has been initiated by owners of real property within the territory to be annexed. A copy of the application signed by property owners is provided in Notebook Section IB.

- (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

**Response:** This standard is not applicable. During the pre-application conference or subsequent correspondence regarding this application, City staff has not indicated whether the provisions of this section apply to the proposed annexation.

- (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).

**Response:** The subject properties are not located within a domestic water supply district, water control district, or sanitary district, as named in ORS 222.510. Therefore, this Section does not apply.

- (5) The legislative body of the city shall submit, except when not required under ORS 222.120 (Procedure without election by city electors), 222.170 (Effect of consent to annexation by territory) and 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 (Procedure without election by city electors) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

**Response:** The proposed annexation is not subject to an election by electors as all owners of land and 100% of the electors within the territory proposed to be annexed have provided their consent in writing. A copy of the signed petition is provided in Notebook Section IIB. A copy of the application, signed by property owners, is provided in Notebook Section IB. Compliance with ORS 222.120 is addressed below.

#### **ORS 222.120 PROCEDURE WITHOUT ELECTION BY CITY ELECTORS**

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall

cause notices of the hearing to be posted in four public places in the city for a like period.

- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
  - a. Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
  - b. Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), prior to the public hearing held under subsection (2) of this section; or
  - c. Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), owner or landowner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcels 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.

**Response:** City Charter does not require an election for this request. Per Section 4.700 and correspondence with Planning Staff, the proposed annexation is subject to

a Class III quasi-judicial review process, which requires a public hearing before the DRB and public hearing(s) before the City Council.

As demonstrated below, this annexation request is submitted in compliance with ORS 222.125 (Annexation by consent of all owners of land and majority of electors). All owners of the land as well as 100% of the electors within the subject area have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB).

A legal description and sketch of the proposed annexation area is provided in Notebook Section IIC.

The territory proposed to be annexed to the City is not located within a sanitary district or water control or water supply district as named in ORS 222.465. Additionally, the site is not located within a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district). Future development of the site will have access to City water, storm, sewer, and parks services. Therefore, ORS 222.465 and ORS 222.510 are not applicable.

#### **ORS 222.125 ANNEXATION BY CONSENT OF ALL OWNERS OF LAND AND MAJORITY OF ELECTORS**

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.

**Response:** All owners of the land, who are also 100% of the electors within the subject area, have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB). A copy of a legal description and sketch for the proposed annexation is provided in Notebook Section IIC.

## **V. OREGON STATEWIDE PLANNING GOALS**

### **Goal 1: Citizen Involvement**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Response:** The City of Wilsonville has an established public notice and hearing process for quasi-judicial applications. Once this annexation request is accepted as complete, the City will begin this public notification and citizen involvement process. Therefore, this request is consistent with Goal 1.

### **Goal 2: Land Use Planning**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

**Response:** The City of Wilsonville is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing that plan. Section III of this report demonstrates that the proposed amendment is in compliance with the goals and policies of the City of Wilsonville Comprehensive Plan, as applicable to the proposed annexation.

**Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

**Response:** Agricultural land is defined in Goal 3 to exclude all land within an acknowledged urban growth boundary. The site is within an acknowledged urban growth boundary. Therefore, Goal 3 is not applicable to this request.

**Goal 4: Forest Lands**

*To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**Response:** The subject site does not include any lands acknowledged as forest lands. Therefore, Goal 4 is not applicable to this request.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**Response:** The City of Wilsonville is already in compliance with Goal 5 as the required inventories and policy implementation occurred with adoption of the Significant Resource Overlay Zone. Villebois Village preserves SROZ areas with the provision of open space areas. In addition, development within Villebois Village is required to comply with SROZ standards. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan* and compliance with SROZ standards. Therefore, the proposed annexation is consistent with Goal 5.

**Goal 6: Air, Water and Land Resources Quality**

*To maintain and improve the quality of the air, water and land resources of the state.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Development within Villebois protects water and land resources by providing protection for areas of steep slopes and natural resources and by not encroaching into these areas. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Hazards**

*To protect people and property from natural hazards.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 7. No development is located in areas identified as natural hazards within the subject site. Goal 7 is not applicable as no areas subject to natural hazards are included in the proposed annexation area.

**Goal 8: Recreational Needs**

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Response:** The City's Comprehensive Plan has been acknowledged to be in compliance with Goal 8. The Destination Resort provisions of this Goal are not applicable to this request or to the City of Wilsonville. The *Villebois Village Master Plan* provides park and open spaces that total approximately 25% of the gross area of Villebois. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 8.

**Goal 9: Economic Development**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 9. Villebois Village was planned with land uses to be a complete community, including a mixed-use Village Center with residential, office, retail and/or employment uses, surrounded by at least 2,300 residential units. The concurrent application for PDP 3N (see Notebook Section III) demonstrates the provision of a mix of single-family residential dwellings within the subject site, which is generally consistent with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 5.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 10. The City is currently conducting a Housing Needs Analysis to meet Goal 10 Periodic Review requirements and to project housing needs over the next 20 years.

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the site. The concurrent application for PDP 3N (see Notebook Section III) demonstrates the provision of a mix of single-family residential dwellings within the subject site that is generally consistent with the *Master Plan*. The proposed annexation will allow the site to develop with residential land uses, as directed by this Comprehensive Plan and land use policies. Therefore, this petition for annexation is consistent with Goal 10.

**Goal 11: Public Facilities and Services**

***To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 11. The *Villebois Village Master Plan* includes implementation measures to ensure site development complies with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan, and Transportation Systems Plan. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 11.

**Goal 12: Transportation**

***To provide and encourage a safe, convenient and economic transportation system.***

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 12. The *Villebois Village Master Plan* includes implementation measures related to transportation to ensure compliance with the City's Transportation Systems Plan. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 12.

**Goal 13: Energy Conservation**

***Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.***

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 13. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan* and development standards as applicable to energy conservation. Therefore, the proposed annexation is consistent with Goal 13.

**Goal 14: Urbanization**

***To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

**Response:** The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 14. Section III of this report demonstrates that the proposed amendments are consistent with the applicable urbanization policies of the City of Wilsonville Comprehensive Plan. Therefore, the proposed annexation is consistent with Goal 14.

Goal 15 (Willamette River Greenway) is not applicable to this request as the site is not near the Willamette River. Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), and Goal 18 (Beaches and Dunes) are not applicable to this request as the site is not located near the coast or any of these coastal resource areas.



## **VI. PROPOSAL SUMMARY & CONCLUSION**

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Comprehensive Plan and Planning & Land Development Ordinance, Metro Code, ORS 222, and Statewide Planning Goals for the requested annexation. Therefore, the applicant requests approval of this petition.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 277**

**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 VILLAGE (V) AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH, PRELIMINARY DEVELOPMENT PLAN FOR SAP-NORTH PDP-3, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, FINAL DEVELOPMENT PLAN FOR LINEAR GREENS AND PARKS AND SRIR REVIEW FOR AN 84-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1200, 1202, 1205 AND 2995, OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY-APPLICANT.**

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated May 5, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 12, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and


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

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 5, 2014, 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, as applicable, City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0009 and DB14-0010) for:

DB14-00011, DB14-0013 through DB14-0016, and SI14-0003 Preliminary Development Plan, SAP Refinements, SAP Amendment, Tentative Subdivision Plat, Type C Tree Plan, Final Development Plan, and Significant Resource Impact Report for a 84-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12<sup>th</sup> day of May, 2014 and filed with the Planning Administrative Assistant on May 15, 2014. 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).

  
Mary Fierros Bower Chair, Panel A  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant