

**ORDINANCE NO. 821**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 20 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST EAST OF BOECKMAN CREEK INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2400, 2600, AND 2700, AND PORTIONS OF TAX LOT 2300 AND BOECKMAN ROAD RIGHT-OF-WAY, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. JAMES H. WOLFSTON, JR., WEST LINN-WILSONVILLE SCHOOL DISTRICT, AND CITY OF WILSONVILLE, PETITIONERS.**

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

WHEREAS, the real property includes current and future right-of-way owned by the City of Wilsonville and the West Linn-Wilsonville School District that is to be included as a part of the future development of the property; and

WHEREAS, Kathleen E. Ludwig, an authorized signer for the West Linn-Wilsonville School District, Bryan Cosgrove, an authorized signer for the City of Wilsonville, and James H. Wolfston, Jr., together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, ORS 227.170 authorizes the annexation of territory based on consent of more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous 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 B of the Development Review Board considered the annexation and after a duly advertised public hearing held on May 31, 2018 unanimously recommended City Council approve the annexation; and

WHEREAS, on June 4, 2018, the City Council held a public hearing as required by Metro Code 3.09.050 and ORS 227.120; 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 18<sup>th</sup> day of June, 2018, and scheduled for a second reading at a regular meeting of the Council on the 2<sup>nd</sup> day of July, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

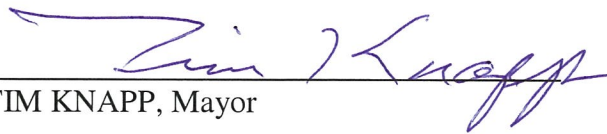
  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 2<sup>nd</sup> day of July, 2018 by the following votes:

Yes:5 No: 0

  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 2<sup>nd</sup> day of July, 2018.

  
TIM KNAPP, Mayor

**SUMMARY OF VOTES:**

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

**Attachments:**

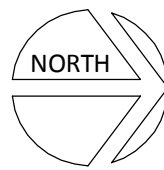
- Attachment 1 – Legal Description and Sketch Depicting Land/Territory to be Annexed
- Attachment 2 – Petition for Annexation
- Attachment 3 – Annexation Findings
- Attachment 4 – Development Review Board Panel B Resolution No. 352 Recommending Approval of Annexation

**SUBJECT PROPERTY BOUNDARY LEGAL DESCRIPTION**  
**FROG POND/MORGAN FARM**  
**PDG PROJECT NO. 338-001**

A PORTION OF THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD, 35.00 FEET FROM THE CENTERLINE THEREOF AND BEARING NORTH 00°21'20" WEST, 35.00 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 12; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING (4) COURSES; NORTH 89°47'16" EAST, 77.19 FEET; THENCE SOUTH 87°14'53" EAST, 96.69 FEET; THENCE NORTH 89°47'16" EAST, 446.00 FEET TO THE SOUTHEAST CORNER OF "PARCEL I" OF DEED DOCUMENT NO. 2010-042556 (CLACKAMAS COUNTY DEED RECORDS) AND THE SOUTHWEST CORNER OF "PARCEL I" DESCRIBED IN DEED DOCUMENT NO. 99-052396, SAID RECORDS; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND THE SOUTH LINE OF SAID DOCUMENT NO. 99-052396, NORTH 89°47'16" EAST, 28.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00°02'22" EAST, 827.97 FEET TO THE NORTH LINE OF SAID DOCUMENT NO. 99-052396; THENCE SOUTH 89°46'02" WEST ALONG THE NORTH LINE THEREOF, 28.00 FEET TO THE NORTHWEST CORNER THEREOF, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF SAID "PARCEL I" DESCRIBED IN SAID DEED DOCUMENT NO. 2010-042556; THENCE SOUTH 89°46'02" WEST ALONG THE NORTH LINE OF SAID "PARCEL I" AND THE NORTH LINE OF "PARCEL II", SAID DEED DOCUMENT, 1182.68 FEET TO THE NORTHWEST CORNER OF SAID "PARCEL II"; THENCE ALONG THE WEST BOUNDARY OF "PARCEL II" SOUTH 06°14'51" EAST, 142.86 FEET; THENCE CONTINUING ALONG SAID WEST BOUNDARY, SOUTH 19°14'51" EAST, 721.45 FEET TO THE SOUTH LINE OF THE RIGHT-OF-WAY DEDICATION RECORDED IN DEED DOCUMENT NO. 68-17894; THENCE ALONG THE SOUTH LINE OF SAID DEDICATION AND THE NORTH LINE OF BOECKMAN ROAD NORTH 89°30'03" EAST, 308.97 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 20.805 ACRES, MORE OR LESS.



NOT TO SCALE

DEED DOCUMENT  
NO. 85-019621  
142.86  
"PARCEL I"

"WEHLER ESTATES"  
LOT 3  
LOT 4

DEED DOCUMENT  
NO. 2016-066617

S19°14'51"E  
721.45'

DEED DOCUMENT  
NO. 2010-042556  
"PARCEL II"

DEDICATED  
RIGHT-OF-WAY AREA  
PER DEED DOCUMENT  
NO. 88-17894

N89°30'03"E 308.97'

N00°21'20"W  
35.00'

DEED DOCUMENT  
NO. 2017-011403

POINT OF  
BEGINNING

N89°47'16"E  
77.19'

"ARBOR CROSSING"

12

S87°14'53"E 96.69'

BOECKMAN ROAD

N89°47'16"E 446.00'

N89°47'16"E 28.00'

1182.68'  
S89°46'02"W

DEED DOCUMENT  
NO. 2003-083133

S89°46'02"W  
28.00'

DEED DOCUMENT  
NO. 2010-042556  
"PARCEL I"

N00°02'22"E 827.97'

DEED DOCUMENT  
NO. 99-052396  
"PARCEL I"

PDG JOB NO.:  
338-001

DATE:  
07/16/18

SCALE:  
NTS

### EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



9020 SW WASHINGTON SQUARE RD  
SUITE 170  
PORTLAND, OREGON 97223  
p 503.641.8311  
f 844.715.4743  
www.pd-grp.com

ANNEXATION EXHIBIT  
LOCATED IN THE SOUTHEAST AND SOUTHWEST  
QUARTERS OF SECTION 12, TOWNSHIP 3 SOUTH,  
RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,  
CLACKAMAS COUNTY, OREGON

**ANNEXATION  
PETITION SIGNERS**




**NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.**

SIGNATURE	PRINTED NAME	I AM A: *			PROPERTY ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT #	¼ SEC	T	R		
	James H. Wolfston Jr	X			7331 SW Boeckman Road	2400	12D	3S	1W	N/A	
	James H. Wolfston Jr	X			7331 SW Boeckman Road	2700	12D	3S	1W	N/A	
	James H. Wolfston Jr	X			7447 SW Boeckman Road	2400	12D	3S	1W	N/A	
		X			Boeckman Road Right-of-way	n/a	12D	3S	1W	N/A	
Representing City of Wilsonville <i>[Signature]</i>	Bryan Cosgrove										4.26.2018

\* PO =Property Owner  
RV =Registered Voter  
OV =Owner And Registered Voter

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		PO	RV	OV		LOT #	1/4 SEC	T	R		
	James H. Wolfston	X			7331 SW Boeckman Road	2400	12D	3S	1W	N/A	2/2/18
	James H. Wolfston	X			7331 SW Boeckman Road	2700	12D	3S	1W	N/A	2/2/18
	James H. Wolfston Jr	X			7447 SW Boeckman Road	2400	12D	3S	1W	N/A	2/2/18

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	James H. Wolfston Jr	X			7331 SW Boeckman Road	2700	12D	3S	1W	N/A	
	James H. Wolfston Jr	X			7447 SW Boeckman Road	2400	12D	3S	1W	N/A	
<i>Kathleen E. Ludwig</i>	Kathleen E. Ludwig	X			7151 SW Boeckman Road	2300	12D	3S	1W	N/A	<i>3/29/2018</i>
Representing West Lin-Wilsonville Clackamas School District #3.											

\* PO =Property Owner  
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OV =Owner And Registered Voter



# Ordinance No. 821 Attachment 2

## SUBJECT PROPERTY BOUNDARY LEGAL DESCRIPTION

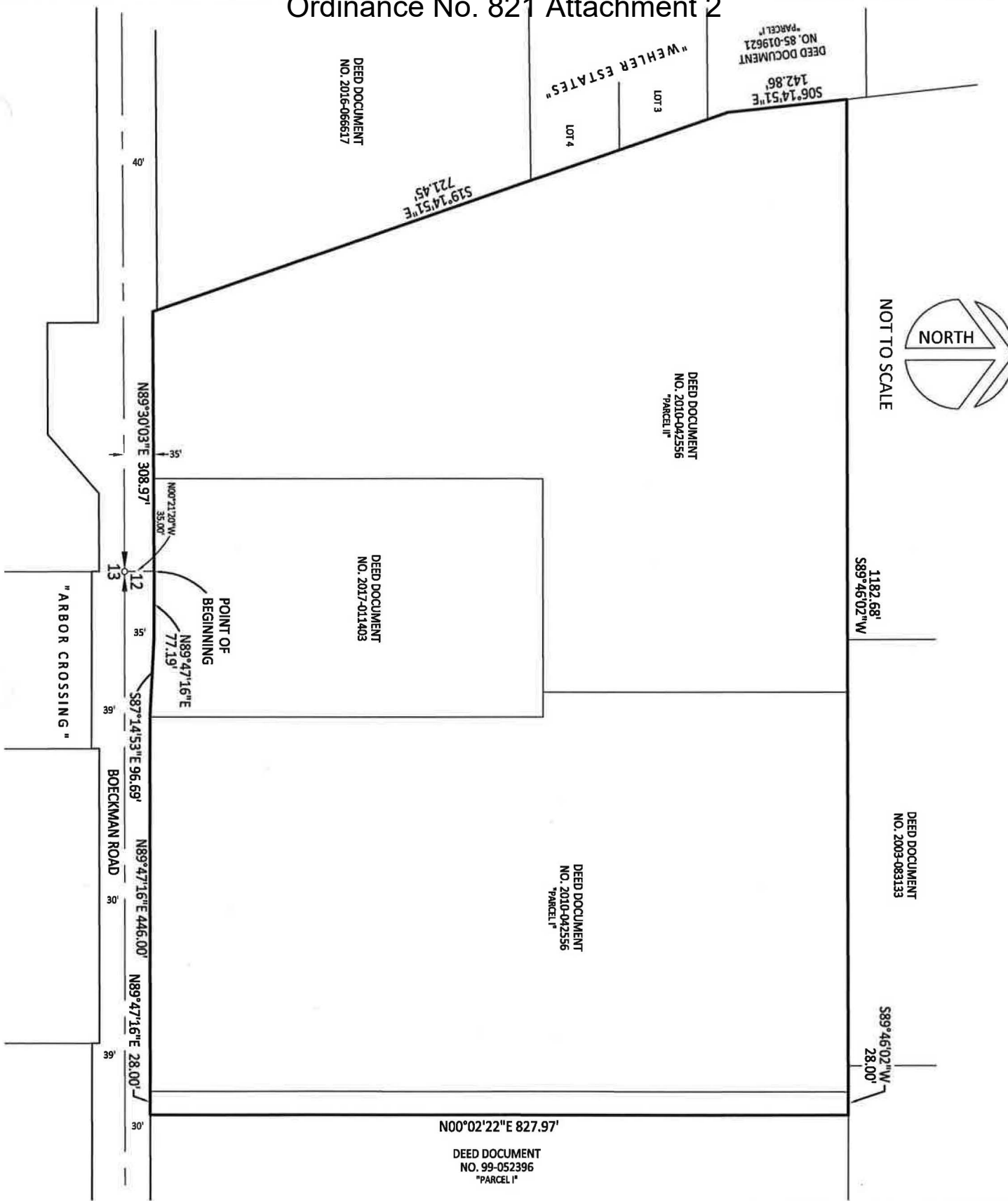
FROG POND

PDG PROJECT NO. 338-001

A PORTION OF THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Ordinance No. 821 Attachment 2



PDC JOB NO.:  
338-001

DATE:  
04/24/18

SCALE:  
NTS

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



PIONEER DESIGN GROUP, INC.

9020 SW WASHINGTON SQUARE RD  
SUITE 170  
PORTLAND, OREGON 97223  
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f 844.715.4743  
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ANNEXATION EXHIBIT  
LOCATED IN THE SOUTHEAST AND SOUTHWEST  
QUARTERS OF SECTION 12, TOWNSHIP 3 SOUTH,  
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CLACKAMAS COUNTY, OREGON

# Ordinance No. 821 Attachment 2

**PDG**  
 PIONEER DESIGN GROUP, INC.  
 9020 SW WASHINGTON SQUARE RD  
 SUITE 170  
 PORTLAND, OREGON 97223  
 P 803.841.8311  
 F 844.715.4743  
 WWW.PD-PGP.COM

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

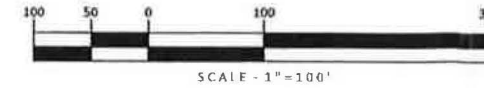
OREGON  
 JULY 11, 2000  
 MICHAEL H. HARRIS  
 57863

VALID UNTIL 6-30-19

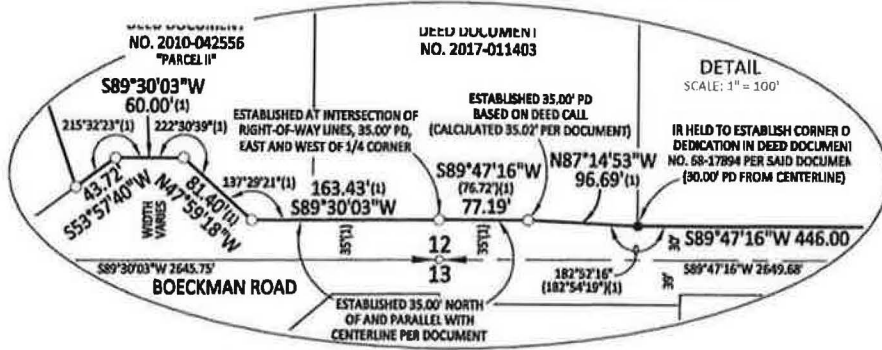


## RECORD OF SURVEY

LOCATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 12,  
 TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,  
 CLACKAMAS COUNTY, OREGON  
 PREPARED AT THE REQUEST OF JIM WOLFSTON  
 DATE: NOVEMBER, 2017  
 PIONEER DESIGN GROUP JOB NO. 338-001  
 SHEET 1 OF 1



CLACKAMAS COUNTY SURVEYOR  
 DATE RECEIVED: \_\_\_\_\_  
 DATE ACCEPTED/FILED: \_\_\_\_\_  
 SURVEY NUMBER: \_\_\_\_\_



### NARRATIVE

THE PURPOSE OF THIS SURVEY IS LOCATE THE PERIMETER BOUNDARY OF THE LAND DESCRIBED IN DEED DOCUMENT NUMBERS 2010-042556 AND 2017-011403, CLACKAMAS COUNTY DEED RECORDS, TO ESTABLISH THE BOUNDARY OF A FUTURE SUBDIVISION PLAT, "MORGAN FARMS". THE BEARINGS NOTED ON THIS SURVEY ARE BASED ON THE LINE BETWEEN THE MONUMENTS MARKING THE SOUTHEAST AND SOUTH CORNERS OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST. THE BEARING ON THIS LINE WAS HELD AS SOUTH 89°47'16" WEST PER THE "ARBOR CROSSING" AND "ARBOR CROSSING NO. 2" SUBDIVISION PLATS.

THE NORTH LINE OF THE SUBJECT PROPERTY WAS ESTABLISHED USING A BEST FIT LINE THROUGH THE FOUND MONUMENTS SHOWN ALONG THIS LINE, UNLESS NOTED OTHERWISE, THESE MONUMENTS ARE LOCATED WITHIN 0.08' OF THIS LINE AS SHOWN. THIS LINE WAS THEN EXTENDED WEST TO INTERSECT THE EAST LINE OF DEED DOCUMENT NO. 85-019621. THIS LINE IS DESCRIBED IN NUMEROUS RECORDS AS BEING 858 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SECTION 12.

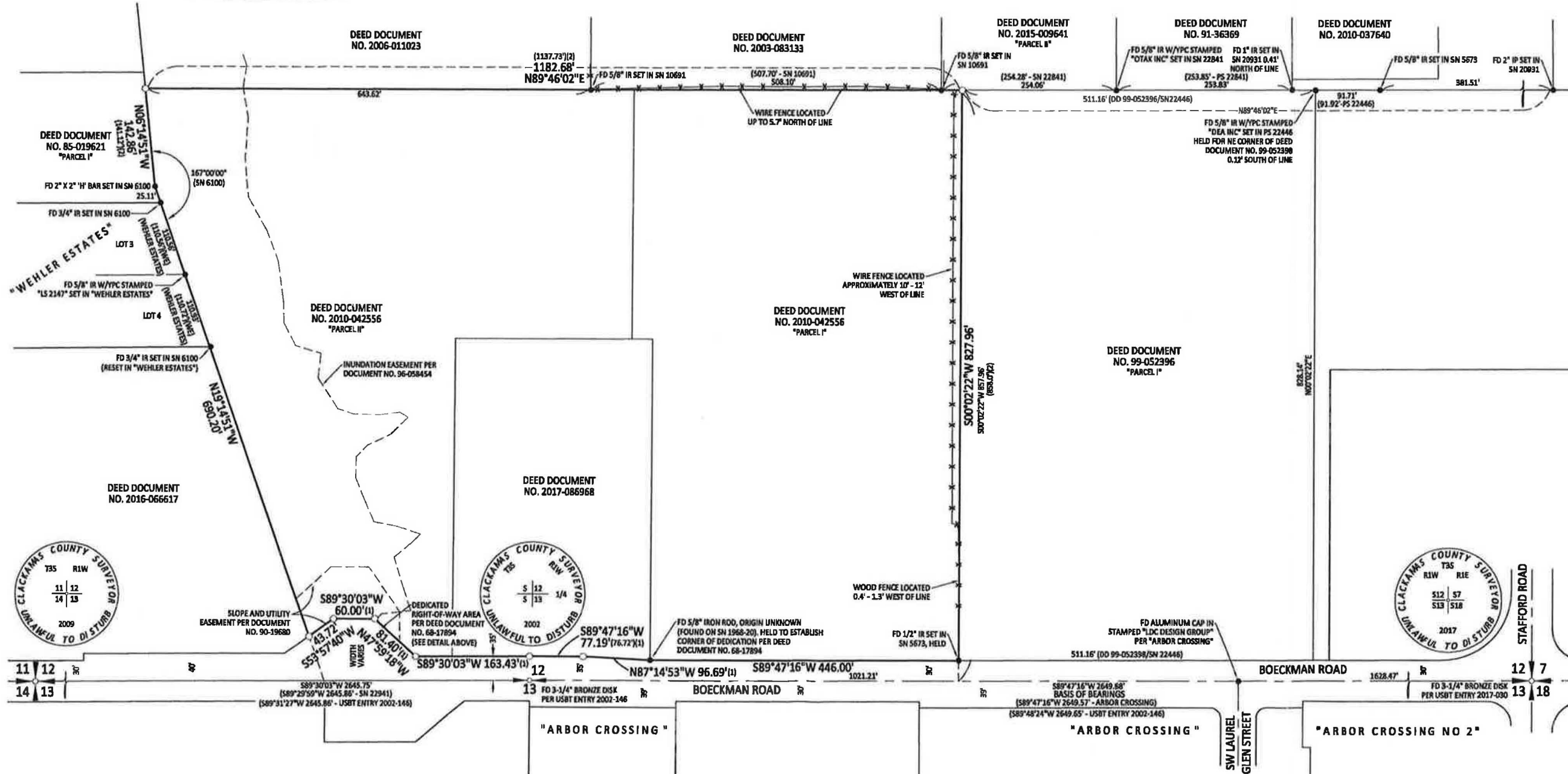
THE EAST LINE OF DEED DOCUMENT NO. 2010-042556 WAS ESTABLISHED, PER THIS DEED, ALONG THE WEST LINE OF THE ADJOINING LAND TO THE EAST DESCRIBED IN DEED DOCUMENT NO. 99-052396. THE SOUTHWEST CORNER OF DEED DOCUMENT NO. 99-052396 WAS ESTABLISHED HOLDING THE 1/2" IRON ROD SET IN SN 5673 ON THE NORTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD. THE NORTHWEST CORNER OF DOCUMENT NO. 99-052396 WAS ESTABLISHED 511.16 FEET, PER SAID DOCUMENT, WESTERLY OF THE DEED MONUMENT SET IN SN 22446 TO MARK THE NORTHEAST CORNER OF THIS PARCEL. THE 1/2" IRON ROD FOUND ON PREVIOUS SURVEYS MARKING THIS CORNER WAS SEARCHED FOR BUT NOT FOUND.

THE SOUTH LINE OF THE SUBJECT PROPERTY WAS ESTABLISHED ALONG THE NORTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD. PER BOOK 691, PAGE 566, SAID RECORDS, THIS LINE WAS ESTABLISHED 30.00 FEET NORTHERLY OF THE SECTION LINE BETWEEN SECTIONS 12 AND 13 (T.3S./R.1W.). MONUMENTS MARKING THE SOUTHEAST, SOUTH AND SOUTHWEST CORNERS OF SAID SECTION 12 WERE SURVEYED TO ESTABLISH THIS SECTION LINE AND CENTERLINE. THE BOUNDARY OF THE LAND DEDICATED FOR RIGHT-OF-WAY PURPOSES IN DEED DOCUMENT NO. 68-17894 WAS ESTABLISHED RELATIVE TO THE CENTERLINE OF BOECKMAN ROAD HOLDING THE MONUMENT MARKING THE SOUTH QUARTER CORNER OF SECTION 12, THE DISTANCE OF 35.00 FEET FROM SAID CENTERLINE, AND RECORD DISTANCES FROM SAID DEED.

THE WEST LINE OF THE DEED DOCUMENT NO. 2010-042556 WAS ESTABLISHED HOLDING MONUMENTS SET IN SN 6100 AS SHOWN. THE PORTION OF THIS LINE NORTH OF THE ANGLE POINT, BEING MARKED BY THE 2" X 2" "H BEAM", WAS ESTABLISHED HOLDING THE RECORD ANGLE OF 149°06'59" PER SN 6100.

### LEGEND

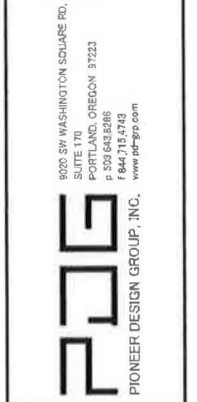
- FOUND MONUMENT AS NOTED.
- SET 5/8" X 30" IRON ROD W/YPC STAMPED "PIONEER DESIGN"
- FD FOUND
- IR IRON ROD
- IP IRON PIPE
- PD PERPENDICULAR DISTANCE FROM THE CENTERLINE OF BOECKMAN ROAD
- W/YPC WITH YELLOW PLASTIC CAP
- FENCE AS NOTED
- WE WEHLER ESTATES
- (####) RECORD DATA PER SOURCE NOTED
- DD DEED DOCUMENT NUMBER, CLACKAMAS COUNTY RECORDS
- (1) RECORD DATA OR CALCULATED DATA PER DEED DOCUMENT NO. 68-17894
- (2) RECORD DATA PER DEED DOCUMENT NO. 2010-042556



# Ordinance No. 821 Attachment 2

EXISTING TREE TABLE											
POINT #	DESC.-DBHI	POINT #	DESC.-DBHI	POINT #	DESC.-DBHI	POINT #	DESC.-DBHI	POINT #	DESC.-DBHI	POINT #	DESC.-DBHI
5128	DE-48	6262	DE-48	8063	DE-18	8114	EV-30	8154	EV-8	8216	DE-10
5129	EV-24	6264	DE-12	8064	DE-36	8115	DE-8	8165	DE-14	8217	DE-8
5130	DE-24	6265	DE-12	8065	EV-10	8116	DE-8	8166	DE-12	8218	DE-20
5133	DE-28	6266	DE-12	8066	DE-16	8117	DE-8	8167	DE-16	8219	EV-22
5134	DE-24	6267	DE-18	8067	DE-10	8118	DE-6	8168	DE-12	8220	EV-46
5135	DE-9x12	7572	DE-6	8068	DE-8	8119	EV-26	8169	DE-14	8221	EV-48
5136	DE-36	7573	DE-6	8069	DE-20	8120	EV-26	8170	DE-14	8222	EV-22
5137	EV-18	7574	DE-8	8070	DE-10	8121	DE-12	8171	DE-26	8223	DE-8
5138	EV-18	7575	DE-2X8	8071	DE-12	8122	DE-6	8172	EV-12	8224	DE-14
5139	EV-18	7576	DE-6	8072	EV-18	8123	DE-8	8173	EV-12	8225	DE-10
5140	DE-60	7577	DE-8	8073	EV-18	8124	EV-22	8174	EV-10	8226	DE-8
5205	DE-8	7578	DE-6	8074	EV-22	8125	EV-34	8175	EV-8	8227	DE-22
5206	DE-18	7579	EV-24	8075	EV-18	8126	DE-14	8176	EV-8	8228	DE-14
5207	DE-16	7580	DE-6	8076	EV-18	8127	DE-10	8177	EV-6	8229	DE-30
5234	EV-14	7581	EV-24	8077	EV-28	8128	EV-32	8178	EV-14	8230	DE-18
5235	EV-14	7582	EV-10	8078	EV-12	8129	DE-8	8179	EV-10	8231	DE-10
5236	EV-10	7583	DE-6	8079	EV-12	8130	DE-8	8180	EV-14	8232	DE-16
5237	EV-12	7584	DE-6	8080	EV-26	8131	DE-6	8181	EV-12	8233	EV-45
5362	DE-6	7585	EV-30	8081	EV-36	8132	EV-30	8182	EV-14	8234	EV-6
5363	EV-10	7586	DE-6	8082	EV-28	8133	EV-22	8183	EV-14	8235	DE-8
5480	DE-6	7587	DE-6	8083	EV-20	8134	DE-8	8184	EV-12	8236	DE-8
5481	DE-8	7588	DE-12	8084	EV-26	8135	DE-8	8185	EV-10	8237	DE-8
5482	DE-8	7589	DE-10	8085	EV-26	8136	DE-12	8186	DE-26	8238	DE-10
5483	DE-10	7590	EV-36	8086	EV-28	8137	DE-6	8187	DE-20	8239	DE-10
5484	DE-14	7630	EV-28	8087	EV-18	8138	DE-6	8188	DE-48 STUMP	8240	DE-8
5485	DE-8	7631	EV-28	8088	EV-18	8139	DE-8	8191	DE-8	8241	DE-26
5486	DE-8	7632	EV-12-18	8089	EV-22	8140	DE-8	8192	DE-26	8242	DE-10
5695	EV-24	7633	EV-16-18-10	8090	EV-30	8141	EV-12	8193	DE-24	8243	DE-14
5696	EV-36	7634	EV-16-8-12-12	8091	EV-30	8142	DE-18	8194	DE-8	8244	DE-10
5697	EV-26	7635	EV-14	8092	EV-28	8143	DE-20	8195	DE-18	8245	DE-18
5698	EV-36	7636	EV-14	8093	DE-14	8144	DE-16	8196	DE-38	8246	DE-20
5699	EV-18	7637	EV-12	8094	DE-6	8145	EV-14	8197	DE-10	8247	DE-12
5700	EV-24	7638	EV-10	8095	DE-6	8146	EV-6	8198	DE-8	8248	DE-8
5701	EV-24	7639	EV-10	8096	DE-8	8147	EV-18	8199	DE-6	8249	DE-8
5702	EV-48	7640	EV-8	8097	EV-6	8148	EV-15	8200	DE-10	8250	DE-20
5703	EV-48	7641	EV-6	8098	EV-16	8149	EV-8	8201	DE-12	8251	DE-20
5861	EV-24	7642	EV-8	8099	EV-8	8150	NEZ-19	8202	DE-24	8252	DE-40
5876	DE-18	7643	EV-8	8100	EV-14	8151	EV-16	8203	DE-10	20020	DE-14
5877	DE-16	7653	DE-34	8101	EV-8	8152	EV-6	8204	DE-32		
5878	DE-24	8050	DE-24	8102	EV-34	8153	EV-8	8205	DE-16		
5994	EV-48	8051	EV-26	8103	EV-32	8154	EV-18	8206	DE-14		
6119	DE-36	8052	DE-8	8104	DE-8	8155	EV-6	8207	DE-8		
6157	DE-24	8053	DE-8	8105	EV-14	8156	EV-12	8208	DE-6		
6158	DE-18	8054	DE-8	8106	EV-18	8157	EV-12	8209	DE-10		
6159	DE-8	8055	DE-8	8107	EV-18	8158	EV-14	8210	DE-26		
6160	DE-20	8056	DE-20	8109	EV-12	8159	EV-14	8211	EV-32		
6161	DE-20	8057	DE-28	8110	DE-10	8160	EV-10	8212	EV-16		
6162	DE-36	8058	DE-38	8111	EV-22	8161	DE-14	8213	DE-16		
6165	DE-30	8059	DE-22	8112	DE-10	8162	DE-24	8214	DE-38		
6166	DE-30	8062	DE-10	8113	DE-8	8163	DE-12	8215	DE-18		

## EXISTING CONDITIONS AND DEMOLITION PLAN



PIONEER DESIGN GROUP, INC.  
www.pdgpp.com

FROG POND  
CITY OF WILSONVILLE, OREGON

Designed By: BA Date: 07/2017  
 Drawn By: TCC Date: 07/2017  
 Reviewed By: BA Date: 07/2017  
 Project No.: 338-001 REF.  
 Horiz. Scale: N/A  
 Vert. Scale: N/A  
 3/31/2017 10:48:00 AM

Project: FROG POND  
 No.: 338-001  
 Type: PLANNING  
 Sheet:

2A of XX



Ordinance No. 821 Attachment 3  
Annexation Findings

Morgan Farm 82-Lot Single-Family Subdivision

City Council  
Quasi-Judicial Public Hearing

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**Hearing Date:** June 18, 2018  
**Date of Report:** June 1, 2018

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**Application No.:** DB18-0015 Annexation

**Request/Summary:** City Council approval of quasi-judicial annexation of approximately 20 acres concurrently with its proposed development as a single-family subdivision consistent with the Frog Pond West Master Plan.

**Location:** North side of Boeckman Road, east of Boeckman Creek. The property is specifically known as Tax Lots 2400, 2600, and 2700, and portions of Tax Lot 2300 and Boeckman Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

**Owners/Petitioners:** James Wolfson, West Linn-Wilsonville School District, City of Wilsonville

**Applicant:** James Wolfston

**Applicant's Rep.:** Ben Altman, Pioneer Design Group

**Comprehensive Plan Designation:** Residential Neighborhood

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

**Zone Map Classification (Proposed Concurrent with Annexation):** RN (Residential Neighborhood)

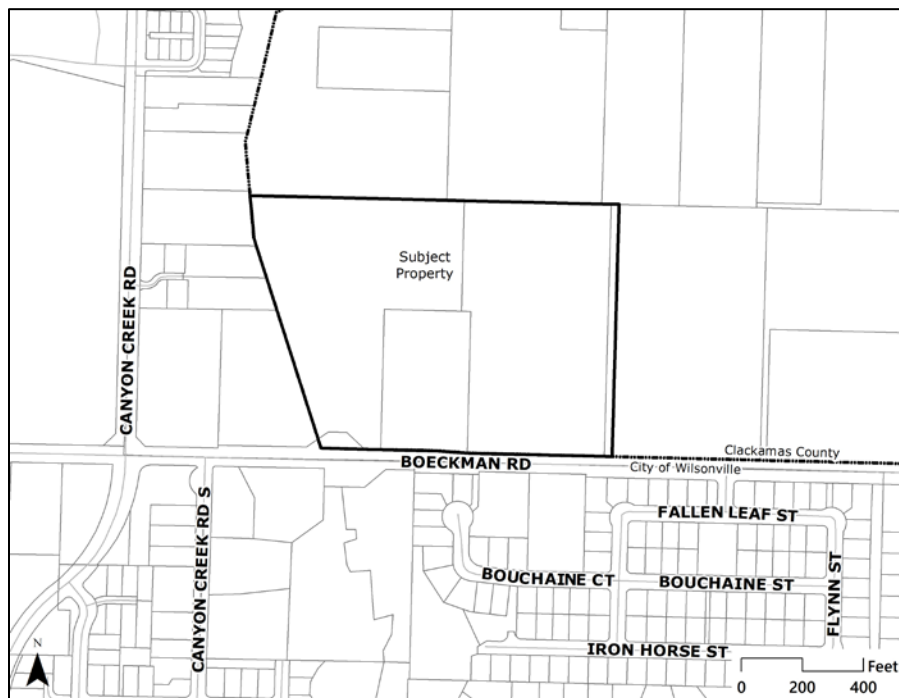
**Staff Reviewer:** Kimberly Rybold, AICP, Associate Planner

**Staff/DRB Recommendation:** Approve the requested annexation.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.700	Annexation
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
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	
<b><u>Regional and State Law and Planning Documents</u></b>	
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 area of the proposed 20-acre annexation will be the second development, following the 44-lot Stafford Meadows subdivision to the east, consistent with the Frog Pond West Master Plan. The subdivision will be the first of many envisioned to blend together as one cohesive neighborhood.

All property owners 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:

<p><b>PDA 1.</b> 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>
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## 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. Pahlisch Homes 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 Morgan Farm 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 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 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 owning more than half of the land to be annexed representing more than half of the assessed value of the real property 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. 821 Attachment 4**

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 352**

**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) FOR APPROXIMATELY 20 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST EAST OF BOECKMAN CREEK, 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, TYPE C TREE PLAN, SRIR REVIEW, AND SROZ BOUNDARY VERIFICATION FOR AN 82-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2400, 2600, AND 2700, AND PORTIONS OF TAX LOT 2300 AND BOECKMAN ROAD RIGHT-OF-WAY OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. BEN ALTMAN, PIONEER DESIGN GROUP – REPRESENTATIVE FOR JIM WOLFSTON – OWNER / 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 24, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on May 31, 2018, 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 24, 2018, 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 (DB18-0015 and DB18-0016) for:

DB18-0017 through DB18-0021, SI18-0003 and SI18-0004; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, SRIR Review, and SROZ Boundary Verification for an 82 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 31<sup>st</sup> day of May, 2018 and filed with the Planning Administrative Assistant on June 4, 2018. 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)*.

  
Richard Martens, Chair, Panel B  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant