

ORDINANCE NO. 872

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 9.17 ACRES OF PROPERTY LOCATED AT 9710 SW DAY ROAD FOR DEVELOPMENT OF A WAREHOUSE/MANUFACTURING BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

WHEREAS, an application has been submitted by Delco Holdings, LLC, dba Delta Logistics, Inc. – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 9710 SW Day Road, on Tax Lots 600 and 601, Section 2B, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon; and

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

WHEREAS, Vladimir Tkach representing Delco Holdings, LLC, representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, there are no electors located within the annexation area; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of all owners of land and a majority of electors within the territory and enables the City Council to dispense with submitting the questions of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Coffee Creek Industrial Area; and

WHEREAS, the land to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, pursuant to Section 4.700 of the Development Code the City Council shall review quasi-judicial annexation requests in the Coffee Creek Industrial Design Overlay District without prior review or recommendation by the Development Review Board where concurrent with a quasi-judicial zone map amendment request as specified in Section 4.197 (.02) A; and

WHEREAS, pursuant to Section 4.700 of the Development Code this annexation ordinance expires 120 days from its effective date unless a Stage 2 Final Plan for the subject area is approved by the City; and

WHEREAS, on January 5, 2023, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings and conclusions.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

- Section 1. Findings. The tract of land, described and depicted in Exhibit A, is declared annexed to the City of Wilsonville.
- Section 2. Determination. The findings and conclusions incorporated in Exhibit C are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council and read for the first time at a regular meeting thereof this 5th day of January, 2023, and scheduled the second reading on the 19th day of January, 2023, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 19th day of January, 2023, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 19th day of January, 2023.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

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

EXHIBITS:

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

ORDINANCE NO. 872 EXHIBIT A



6950 SW Hampton St., Ste. 170
 Tigard, OR 97223-8330
 Ph.: (503) 941-9585
 Fax: (503) 941-9640
 www.weddlesurveying.com

April 13, 2021

Job No. 19-5727

LEGAL DESCRIPTION FOR ANNEXATION



EXHIBIT "A"

A tract of land for Annexation purposes in the S.W. 1/4 and the N.W. 1/4 of Section 2, Township 3 South, Range 1 West, W.M., Washington County, Oregon, described as follows:

Being all of that tract of land described in Statutory Quitclaim Deed to Delco Holdings, LLC recorded January 19, 2021 as Document No. 2021-006744, Washington County Records, more particularly described as follows:

Beginning at the Northwest corner of Lot 4 of "Edwards Business Industrial Park", thence along the Easterly right-of-way line of the Bonneville Power Administration Keeler-Oregon City No. 2 transmission line (100.00 feet wide), North 00°25'43" West, 92.96 feet to an angle point therein;

Thence continuing along said Easterly right-of-way line, North 44°39'31" West, 139.80 feet to a point in the Easterly line of that tract of land described in Statutory Warranty Deed to Don L. Smith, recorded February 4, 2005 as Document No. 2005-012635, Washington County Records;

Thence along the Easterly line of said Smith tract, North 00°38'06" West, 297.10 feet to the Southerly right-of-way line of S.W. Day Road, 37.00 feet from centerline;

Thence along said Southerly right-of-way line, North 89°34'05" East, 844.33 feet to a point in the Westerly line of that tract of land described in Statutory Warranty Deed to Newco Oregon Inc., recorded August 9, 2017 as Document No. 2017-063075, said County Records;

Thence leaving the Southerly right-of-way line of said S.W. Day Road, South 00°20'45" East, 490.09 feet to the Northerly line of Lot 2 of said "Edwards Business Industrial Park" in the City Of Wilsonville;

Thence along the North line of said Lot 2, the North line of "Commerce Circle Condominiums" and the North line of Lot 4 of "Edwards Business Industrial Park", South 89°33'25" West, 745.04 feet to the Point of Beginning.

Containing therein 9.17 acres, more or less.

The Basis of Bearing for this description is per Survey No. 33753, Washington County Survey Records.

ORDINANCE NO. 872 EXHIBIT A

S.W. DAY ROAD

N 89°34'05" E 844.33'

EXHIBIT 'B'
CITY ANNEXATION
IN THE S.W. 1/4 AND THE N.W. 1/4
SECTION 2, T.3S., R.1W., W.M.
WASHINGTON COUNTY, OREGON



SCALE: 1" = 100'
APRIL 13, 2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael Rennick

OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718

EXPIRES: DECEMBER 31, 2022

DOC. NO. 2005-012635
N 00°38'06" W 297.10'

N 44°39'31" W 139.80'
N 00°25'43" W 92.96'

POINT OF BEGINNING

"EDWARDS BUSINESS INDUSTRIAL PARK"

S 89°33'25" W 745.04'

"COMMERCE CIRCLE CONDOMINIUMS"

LOT 2



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.net

JOB NO. 5727

S 00°20'45" E 490.09'
DOC. NO. 2017-063075

ORDINANCE NO. 872 EXHIBIT B

PETITION TO ANNEX TERRITORY INTO CITY OF WILSONVILLE

We, the undersigned owner(s) of the property described below and in the attached Legal Description and elector(s) residing at the referenced location hereby petition for and give consent to annexation of the property to the City of Wilsonville. We understand that the City will review this request in accordance with Chapter 4.700 of the City of Wilsonville Planning and Land Development Ordinance, Oregon Revised Statutes (ORS) Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

9710 SW Day Rd, Washington County OR, 97140

3S102B 0600, 0601

ADDRESS

TAX MAP/ LOT NUMBER

SIGNATURE

[Handwritten Signature]
Vladimir Tkach for: Delco Holdings LLC, an Oregon Limited Liability Corporation

I am a:

- Property Owner
- Voter Registered at Address

PRINTED NAME

Vladimir Tkach

DATE

4/03/2021

ADDRESS

TAX MAP/ LOT NUMBER

SIGNATURE

I am a:

- Property Owner
- Voter Registered at Address

PRINTED NAME

DATE

ADDRESS

TAX MAP/ LOT NUMBER

SIGNATURE

I am a:

- Property Owner
- Voter Registered at Address

PRINTED NAME

DATE



ORDINANCE NO. 872 EXHIBIT B
WASHINGTON COUNTY
OREGON

**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

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

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

Tax lot number(s): 3S102B00600/ 601

DIVISION: ELECTIONS
COUNTY: WASHINGTON
DATE: November 16, 2021
NAME: Angie Muller
TITLE: Senior Administrative Specialist

 Angie Muller
(Signature of Election Official)



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

Annexation certification sht rev4-043009

ORDINANCE NO. 872 EXHIBIT B

CERTIFICATION OF PROPERTY OWNERSHIP

FOR PETITION TO ANNEX TERRITORY INTO CITY OF WILSONVILLE

9710 SW Day RD, Washington County, OR 97140
Address (See attached Legal Description)

3S 1 02B 00600, 00601
Tax Map/Lot Numbers

I certify that the attached petition for annexation of the described territory to the City of Wilsonville contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

*Owner means the owner of the title to real property or the contract purchaser of the real property.

TED FOSTER
Printed Name

GIS TECH
Title


Signature

11/12/21
Date

CARTOGRAPHY
Department

Washington County, Oregon
County

ANNEXATION CERTIFIED

BY TF

NOV 12 2021

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



ORDINANCE NO. 872 EXHIBIT C

WILSONVILLE
OREGON

Ordinance No. 872 Exhibit C
Annexation Findings

Delta Logistics Site Expansion

City Council
Quasi-Judicial Public Hearing

Hearing Date:	January 5, 2023
Date of Report:	December 20, 2022
Application No.:	ANNX22-0003 Annexation
Request/Summary:	City Council approval of a quasi-judicial annexation of approximately 9.17 acres for a warehouse/manufacturing building and associated site improvements.
Location:	9710 SW Day Road. The property is specifically known as Tax Lots 600 and 601, Section 2B, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon
Owner/Applicant/ Petitioner:	Delco Holdings, LLC, dba Delta Logistics, Inc. (Contacts: Vladimir Tkach, Igor Nichiporchik)
Applicant's Representative:	Mackenzie (Contact: Lee Leighton, AICP)
Comprehensive Plan Designation:	Industrial
Zone Map Classification (Current):	FD-20 (Future Development – 20 Acre)
Zone Map Classification (Proposed):	PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area)
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff Recommendation:	<u>Approve</u> the requested annexation.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.700	Annexation
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
Coffee Creek Master Plan	
<u>Regional and State Law and Planning Documents:</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

Vicinity Map



Background / Summary:

The subject area has long been rural/semi-rural adjacent to the growing City of Wilsonville. Metro added the 216 +/- gross acre area now known as the Coffee Creek Industrial Area to the Urban Growth Boundary in 2002 to accommodate future industrial growth. To guide development of the area, the City of Wilsonville adopted the Coffee Creek Industrial Master Plan in 2007. In 2018, the City adopted the Coffee Creek Industrial Area Form-based Code and accompanying Pattern Book for future development in Coffee Creek. Annexation of the 9.17-acre subject property will enable development consistent with the Coffee Creek Master Plan.

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

Conclusion and Conditions of Approval:

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

Request: Annexation (ANNX22-0003)

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

Findings of Fact:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information**Application Procedures-In General**
Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application
Section 4.009

The owners of all property included in the application signed the application forms. Delco Holdings, LLC, dba Delta Logistics, Inc., initiated the application with their approval.

Request A: Annexation (ANNX22-0003)**Comprehensive Plan****Allowed Annexation**
Implementation Measure 2.2.1.a.

A1. The land proposed for annexation is located within the UGB and within the Coffee Creek Master Plan area. This area has been identified for industrial development and the applicant proposes to construct public services including roadway improvements, necessary infrastructure, and utility services to the site in accordance with City of Wilsonville standards.

Annexation Review Standards
Implementation Measure 2.2.1.e.

A2. Metro and the City of Wilsonville have identified the Coffee Creek area for industrial and employment land uses. The City has undertaken years of planning work to adopt zoning and other regulations to guide and direct such annexation, development, and land use. The applicant responds to applicable approval standards, guidelines, and criteria to demonstrate that the proposal is consistent with all the applicable Metro and State policies, plans, and regulations. The project will be developed with public facilities and services as identified in the City's Capital Improvement Plan, and which are adequate to serve the site. The project type and use matches the goals and objectives of the City within the Coffee Creek Industrial Area.

Development Code

Authority to Review Annexation

Subsections 4.030 (.01) A. 11, 4.031 (.01) K, and 4.033 (.01) F.

- A3.** The subject annexation request has been determined to be quasi-judicial and is being reviewed by the City Council consistent with these subsections.

Annexation

Section 4.700

- A4.** The applicant has met all submittal requirements and procedures described in this Section including submission of a petition, legal descriptions describing the land to be annexed, an analysis of the relationship with the Comprehensive Plan, state statutes, Statewide Planning Goals, and Metro plans.

Annexations in the Coffee Creek Industrial Design Overlay District

Subsection 4.700 (.02) A.

- A5.** The subject property is located within the Coffee Creek Industrial Design Overlay District and the applicant requests an annexation concurrently with a quasi-judicial Zone Map amendment consistent with the requirements of Subsection 4.197 (.02) A. The annexation will be reviewed by City Council without prior review or recommendation by the Development Review Board. The ordinance adopting the annexation request states that the annexation expires 120 days after adoption unless a Stage 2 Final Plan receives final approval for the area subject to annexation. A Public Hearing is currently scheduled for January 23, 2023, for the Stage 2 Final Plan to be reviewed by the Development Review Board.

Metro Code

Local Government Boundary Changes

Chapter 3.09

- A6.** A public hearing was scheduled within 45 days of completeness. Notice has been mailed and posted on the property 20 days prior to the hearing and includes the required information. The decision will be mailed to Metro and other required parties. A petition has been submitted including property owner information, jurisdictional information, and a legal description of the property.

Oregon Revised Statutes

Authority and Procedure for Annexation
ORS 222.111

A7. The owners of the property have initiated the annexation. An election is not required pursuant to ORS 222.120.

Procedure Without Election by City Electors
ORS 222.120

A8. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

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

A9. All property owners and a majority of electors within the territory proposed to be annexed 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, 11, 12, 13

A10. The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Coffee Creek Master Plan, both of which have been found to meet the Statewide Planning Goals.