



# ORDINANCE NO. 872 EXHIBIT C

WILSONVILLE  
OREGON

Ordinance No. 872 Exhibit C  
Annexation Findings

Delta Logistics Site Expansion

City Council  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	January 5, 2023
<b>Date of Report:</b>	December 20, 2022
<b>Application No.:</b>	ANNX22-0003 Annexation
<b>Request/Summary:</b>	City Council approval of a quasi-judicial annexation of approximately 9.17 acres for a warehouse/manufacturing building and associated site improvements.
<b>Location:</b>	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
<b>Owner/Applicant/ Petitioner:</b>	Delco Holdings, LLC, dba Delta Logistics, Inc. (Contacts: Vladimir Tkach, Igor Nichiporchik)
<b>Applicant's Representative:</b>	Mackenzie (Contact: Lee Leighton, AICP)
<b>Comprehensive Plan Designation:</b>	Industrial
<b>Zone Map Classification (Current):</b>	FD-20 (Future Development – 20 Acre)
<b>Zone Map Classification (Proposed):</b>	PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area)
<b>Staff Reviewer:</b>	Cindy Luxhoj AICP, Associate Planner
<b>Staff Recommendation:</b>	<u>Approve</u> the requested annexation.

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## 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	
Transportation Systems Plan	
Coffee Creek 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



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## **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)

<p><b>PDA 1.</b> The annexation ordinance will expire in 120 days without approval of a Stage 2 Final Plan for the subject property.</p>
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## 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.

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## 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.

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## **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.