DOR 24-1267-2016

Notice to Taxing Districts

ORS 308.225

Log# 85

OREGON DEPARTMENT OF REVENUE

Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

City of Woodburn
Economic and Development Services
270 Montgomery St.
Woodburn OR 97071

Description and Map Approved
November 10, 2016
As per ORS 308.225

☑ Description ☑ Map - Received from: Jim Hendryx
On: 10/17/2016, 11/2/2016

Prop Class = 101 491

This is to notify you that your boundary change in Marion County for:
ANNEX to CITY OF WOODBURN

ORD. #2539 (ANX 2016-02)(Bodunov)
COUNCIL BILL NO. 3017

From: 103-00-03-5
To: 103-03-03-5

has been: ☑ Approved 11/10/2016
☐ Disapproved

R13108 = 05-1W-08DA-04400
M321962 = 05-1W-08DA-04400

Notes: The revised documents received by DOR on 11-2-2016 are approved and should also be sent to the County Assessor and the Secretary of State.

The area to be annexed is enclosed by a hashed line and includes the adjacent portion of County Road No. 534 (Cooley Rd.)

Department of Revenue File Number: 24-1267-2016
Reviewed by: Elise Bruch, 503-302-8353
Boundary: ☑ Change ☐ Proposed Change

If you have not already done so, the approved version of the map(s), legal descriptions(s) and signed ordinance must also be filed with the County Assessor and Secretary of State

The change is for:
☐ Formation of a new district
☑ Annexation of a territory to a district
☐ Withdrawal of a territory from a district
☐ Dissolution of a district
☐ Transfer
☐ Merge
☐ Establishment of Tax Zone

Done:
5/3/2017
CMP

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL. This 14 day of October 20 16

Heather Pierson

CITY RECORDER, CITY OF WOODBURN

COUNCIL BILL NO. 3017

ORDINANCE NO. 2539

AN ORDINANCE ANNEXING 2.17 ACRES OF PROPERTY LOCATED AT 1385 COOLEY ROAD AND THE ADJACENT COOLEY ROAD RIGHT-OF-WAY INTO THE CITY OF WOODBURN AND DESIGNATING THE PROPERTY AS CITY OF WOODBURN RESIDENTIAL SINGLE-FAMILY (RS)

WHEREAS, the City considered application ANX 2016-02 requesting annexation of the real property described below into the City of Woodburn, and

WHEREAS, the Woodburn Comprehensive Plan and Zoning Map have established certain land uses within the City of Woodburn's Urban Growth Boundary; and

WHEREAS, pursuant to ORS 222.120 and Resolution 2083 the Woodburn City Council noticed and conducted a public hearing on ANX 2016-02 on September 12, 2016; **NOW, THEREFORE,**

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. That the subject real property owned by Alexsey and Juliana Bodunov and the adjacent Cooley Road right-of-way are depicted on the Exhibit Map for Annexation, which is attached as Exhibit "A."

Section 2. In reviewing ANX 2016-02, the City Council finds that no election is required because the legal requirements of ORS 222.125 (i.e., consent from all property owners and a majority of electors in the affected territory)have been met.

Section 3. Application ANX 2016-02 is granted and the subject real property and adjacent Cooley Road right-of-way depicted on the Exhibit Map for Annexation, attached as Exhibit "A," are annexed to the City of Woodburn.

Section 4. That the zoning designation of the subject real property is changed from Marion County Urban Transition 20 to City of Woodburn Residential Single-Family (RS) and the Woodburn Zoning Map is amended to reflect this change.

Section 5. That these land use actions are justified and explained by the Findings and Conclusions attached as Exhibit "B," which the City Council finds to be reasonable.

Approved as to form: _____ 9/22/2016
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council September 26, 2016

Submitted to the Mayor September 27, 2016

Approved by the Mayor September 28, 2016

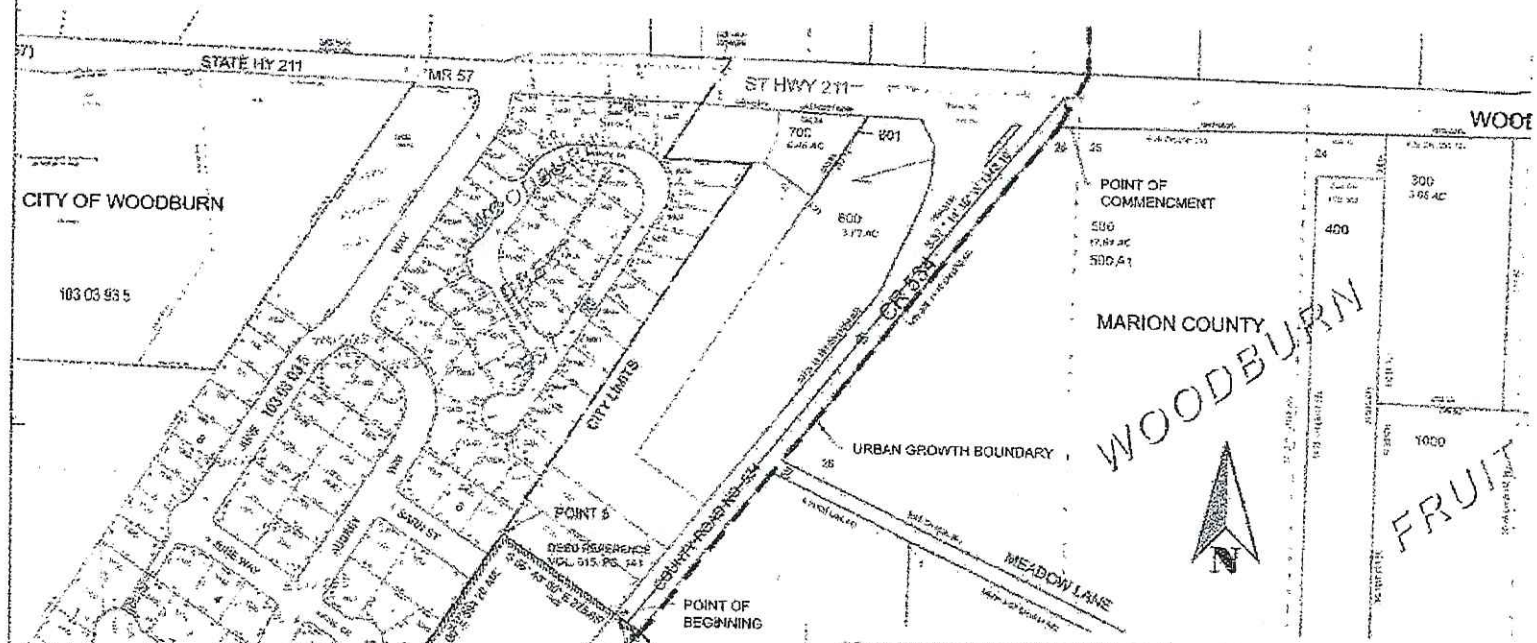
Filed in the Office of the Recorder September 28, 2016

Attest: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

Exhibit A

PROPERTY DESCRIPTION
1385 COOLEY ROAD
WOODBURN, OR 97071
SIZE: 2.17 ACRES TAXLOT 4400, 0.51 ACRES COOLEY ROAD R.O.W., TOTAL 2.68 ACRES
TAXLOT NUMBER: 051W08DA04400

DOR 24-P217-2016



PROPERTY LOCATED IN NE ¼, SE ¼, SECTION 8, TOWNSHIP 5S, RANGE 1W, WILLAMETTE MERIDIAN, MARION COUNTY, OREGON

LEGAL DESCRIPTION

BEGINNING AT THE POINT OF COMMENCEMENT, THE CENTERLINE OF COUNTY ROAD NO. 534 AND MARKET ROAD NO. 57 IN SECTION 8, TOWNSHIP 5 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON THEN SOUTH 37° 14' 15" WEST A DISTANCE OF 1342.10 FEET THEN NORTH 56° 43' 00" WEST A DISTANCE OF 30.08 FEET TO THE POINT OF BEGINNING OF THE AREA TO BE ANNEXED; THENCE SOUTH 56° 43' 00" EAST A DISTANCE OF 60.17 FEET TO POINT 2; THENCE SOUTH 37° 35' 15" WEST ALONG THE EASTERLY SIDE OF COUNTY ROAD NO. 534, A DISTANCE OF 385.33 FEET TO POINT 3; THENCE NORTH 62° 25' 00" WEST, A DISTANCE OF 301.53 FEET TO POINT 4; THENCE NORTH 32° 10' 00" EAST 394.29 FEET, MORE OR LESS, TO POINT 5, THE MOST WESTERLY CORNER OF A TRACT CONVEYED TO WILLIAM E. PARKER, ET UX BY DEED RECORDED APRIL 7, 1965, IN VOLUME 615, PAGE 141, DEED RECORDS FOR MARION COUNTY, OREGON; THENCE SOUTH 56° 43' 00" EAST, A DISTANCE OF 275.08 FEET ALONG THE SOUTH LINE OF SAID TRACT TO THE POINT OF BEGINNING OF THE AREA TO BE ANNEXED.

Community Development
Planning Division
270 Montgomery Street, Woodburn, Oregon 97071 • (503) 982-5246

FINDINGS AND CONCLUSIONS
ANX 2016-02

BACKGROUND AND PROPOSAL

The applicant requests annexation of a 2.7 acre parcel fronting Cooley Road, approximately 1,200 feet south of Highway 211 and 225 feet north of Audrey Way. The property is designated Low Density Residential on the Comprehensive Plan Map. The subject property is zoned Urban Transition 20 by Marion County. The site includes a single family dwelling and a manufactured dwelling used for medical hardship by a relative. Abutting properties within the City are zoned Residential Single-Family (RS) and are designated Low Density Residential on the Comprehensive Plan Map. There are several significant trees on the site. No wetlands or floodplains exist on this site.

The applicant and his family live on the property. Marion County approved a Conditional Use Permit (CUP) for a Medical Hardship in 2014. Under County provisions, the CUP is annually renewed upon medical verification (a physician's certificate) that the hardship remains. Similar verification would continue, should the property be annexed.

Prior to the Planning Commission's public hearing, notices were mailed to Marion County, the Woodburn Fire District, the Woodburn School District, and surrounding property owners. A public hearing notice was posted on the property and published in the Woodburn Independent. The Department of Revenue gave preliminary approval for the map and legal description on July 7, 2016.

The Planning Commission conducted a public hearing on Annexation ANX 2016-02 on August 25, 2016 and recommends that the City Council approve the annexation.

APPROVAL CRITERIA

Applicable criteria from the Woodburn Development Ordinance (WDO) are Sections: 1.01, 1.02, 1.103, 2.01, 4.01, 4.02, and 5.04. Additional relevant criteria are the goals and policies of the Woodburn Comprehensive Plan, and the standards of the Transportation System Plan (TSP).

ANALYSIS AND FINDINGS OF FACT

General Provisions

Findings: Per Section 5.04, annexations are Type IV decisions. Per Section WDO 4.01.02.D, the City Council is the decision-maker for Type IV decisions, after receiving a recommendation from the Planning Commission.

Conclusion: The application is correctly filed as a Type IV decision.

WDO 5.104.01 Annexation

Findings: Section 5.04.01.B requires a pre-application conference with the applicant. The pre-application conference was conducted on February 3, 2016.

Conclusion: The application complies with Section 5.04.01.B.

Findings: Section 5.04.01.C.1 requires compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation. The goals and policies of the Comprehensive Plan are discussed later in this report.

Findings: Section 5.04.01.C.2 requires that the territory to be annexed be contiguous to the City and either link to planned public facilities with adequate capacity to serve the existing and future development of the property, or guarantee that the present public facilities have adequate capacity to serve the existing and future development of the property. The property immediately borders the City limits, which are to the west. Water and sanitary sewer facilities extend to the property from the west (Barn Street). Storm and sewer facilities are located south at the Audrey/Cooley intersection. The Public Works Department notes that the existing public facilities have adequate capacity to the property as it presently exists. Ultimate development of the property will link to public facilities with capacity to serve the property's future needs.

Conclusion: The application complies with Section 5.04.01.C.2.

Findings: Section 5.04.01.C.3.a.1 provides that the territory to be annexed should be contiguous to the City on two or more sides. The term "should" is a discretionary term and subject to Council's review. The property is contiguous to the City on the west side, while compliance to the standard of "contiguous on two or more sides" would require neighboring properties to annex. The applicant contacted adjacent properties to determine interest in annexing. Adjacent property owners were not interested in annexing at this time.

Conclusion: The application complies with Section 5.04.01.C.3.a.1.

Findings: Section 5.04.01.C.3.a.2 provides that the annexation should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a five-year supply. The City annexed approximately 1 acre of residentially designated land in 2014. Few vacant developed lots exist in the City and the supply of vacant land available for development is limited. The subject property is adjacent to public utilities and is serviceable for development.

Conclusions: The proposed annexation represents less than a one month supply of residential land at the rate of building that has occurred in Woodburn in the past five years. The application complies with Section 5.04.01.C.3.a.2.

Findings: Section 5.04.01.C.3.a.3 provides that the annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's Capital Improvement Program. The property abuts the City limits and utilities are available, or can be made available, to serve the property.

Conclusion: The application complies with Section 5.04.01.C.3.a.3.

Findings: Section 5.104.01.C.3.a.4 provides that the site should be feasible for development and extend the arterial/collector street pattern. The property is adjacent to existing residential development, is essentially flat, and is serviceable by public utilities. Cooley Road is designated as a Service Collector while Barn is a local street. Additional right-of-way and improvements would be provided upon development of the property.

Conclusion: The application complies with Section 5.04.01.C.3.a.4.

Findings: Section 5.04.01.C.3.a.5 provides that the annexation should fulfill a substantial unmet community need that has been identified by the City Council after a public hearing – such as park space and conservation of significant natural or historic resources. The annexation would address the need for additional residential land within the City. The last annexation of residential land occurred in 2014 and the City has few residential lots available for development.

Conclusion: The application complies with Section 5.04.01.C.3.a.5.

Findings: Section 5.04.01.D.1 provides that an annexation may be initiated by petition based on the written consent of one hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed. The annexation petition has been certified to be signed by one hundred percent of the owners. The applicant lives on the property with his family. Marion County permitted a temporary dwelling unit on the property under their medical hardship provisions. There are no resident electors.

Conclusion: The application complies with Section 5.04.01.D.1.

Findings: Section 5.14.01.E provides that an annexation shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process. The property is designated Low Density Residential on the Comprehensive Plan Map. The petitioner has not requested that either the Comprehensive Plan Map or the Zoning Map be amended.

Conclusion: The property would be zoned Residential Single-Family (RS) upon annexation, in accordance with Section 5.04.01.E.

Note: Compliance with Sections 2.02 (Single-Family Residential Zone), 3.01 (Street Standards), 3.02 (Utilities and Easements), 3.03 (Setback, Open Space and Lot Standards), 3.04 (Access), 3.05 (Off-Street Parking and Loading), 3.06 (Landscaping), 3.07 (Architectural Design), and 3.08 (Partition and Subdivision Standards) is not applicable to the annexation, and will be required when the property is developed.

Woodburn Comprehensive Plan

The annexation goals and policies of the Comprehensive Plan guide the shape and geographic area of the City within the Urban Growth Boundary, so that the City limits define a compact service area for the City, reflect a cohesive land area that is entirely contained within the City, and provide the opportunity for growth in keeping with the City's goals and capacity to serve urban development.

Findings: OAR 660-014-0070 requires that the annexation comply with all appropriate statewide planning goals, unless the acknowledged comprehensive plan controls the annexation. The property is within Woodburn's Urban Growth Boundary and upon annexation would be subject to Woodburn's Comprehensive Plan and Development Ordinance.

Conclusion: The proposed annexation complies with OAR 660-014-0070.

Findings: Policy G-2.1 requires an assessment of the proposed annexation's conformance with the City's plans, facility capacity, and impact on the community. The property is immediately adjacent to City limits and public infrastructure is available to serve the property. This report and the agency comments provide the required assessment.

Conclusion: The proposed annexation complies with Comprehensive Plan policy G-2.1.

Findings: Policy G-2.2 states that Woodburn will achieve more efficient utilization of land by incorporating all of the territory within the City limits that will be of benefit to the City, providing for the urban infill of vacant and underutilized property, fostering an efficient pattern of urban development in the City, maximizing the use of existing City facilities and

services, and balancing the costs of City services among all benefited residents and development. The property abuts the City limits and would utilize existing streets and utilities.

Conclusions: The proposed annexation maximizes the efficient use of existing City facilities and services, and is similar to infill development of vacant land. The proposed annexation complies with Comprehensive Plan policy G-2.2.

Findings: Policy G-2.3 states that Woodburn will use annexation as a tool to guide the direction, shape and pattern of urban development, smooth transitions in the physical identity and the development pattern of the community, and promote the efficient use and extension of City facilities and services. The proposed annexation would utilize existing streets and utilities and would not require the extension of City facilities and services.

Conclusion: The proposed annexation complies with Comprehensive Plan policy G-2.3.

OVERALL CONCLUSION

The proposed annexation meets the requirements of the Woodburn Comprehensive Plan and Development Ordinance.

At the time of this annexation, Marion County had issued a Conditional Use Permit based upon a medical hardship for the existence of a residence on the property for a person with an infirmity. With annexation, the health hardship will be treated as a non-conforming use subject to the following:

1. Annually, a doctor of medicine or licensed psychologist shall sign a statement indicating the physical or mental condition that prevents the person(s) with the infirmity from providing the basic self-care needed to live on a separate lot. The statement shall also attest that the physician or licensed psychologist is convinced the person(s) with the infirmity must be provided the care so frequently or in such a manner that the caretaker must reside on the same premises.

2. The residence occupied by the person(s) with the infirmity shall be removed at such time as the person(s) with the infirmity no longer reside(s) on the lot.

An agreement to remove one of the residences within 60 days of the date the person(s) with the infirmity no longer reside(s) on the lot shall be signed by the property owner and those providing the care.

3. The use shall be subject to review every year and shall meet the above criteria in order to qualify for renewal.

WOODBURN
OREGON
Incorporated 1889

RECEIVED
OCT 19 2016
MARION COUNTY
ASSESSOR

October 14, 2016

Marion County Assessor
P.O. Box 14500
Salem, OR 97309

Re: 1385 Cooley Road Annexation (ANX 2016-02) Alexsey Bodunov

On September 26, 2016, the Woodburn City Council adopted Ordinance No. 2539 annexing a parcel of property abutting the City limits located at 1385 Cooley Road and the adjacent Cooley Road right-of-way.

Enclosed for filing is a certified copy of the ordinance which includes the legal description and map of the area, along with the Petition for a Consent Annexation signed by the property owner. The effective date of the ordinance is October 28, 2016.

If you have any questions or need additional information, please contact me at (503) 980-6318.

Sincerely,

Heather Pierson

Heather Pierson

City Recorder

Enclosures

Office of the City Recorder
270 Montgomery Street • Woodburn, Oregon 97071
Ph. 503-982-5210 • Fax 503-982-5244

PETITION FOR A CONSENT ANNEXATION AND WAIVER OF TIME LIMIT

PURSUANT TO ORS 222.125

Woodburn case: ANX _____ Assessor's map and tax lot: Tax # R13108

Number of property owners: 2 Number of electors residing on the property: 1

This petition must be signed by all owners of the subject property. If the owner is a corporation or an estate, the person signing must be authorized to do so. This petition must also be signed by not less than 50 percent of the electors (registered voters) residing on the property.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year but desire to annex to have City services. Therefore, we agree to waive the one-year time limitation on this petition to annex established by Oregon Revised Statutes 222.173, and further agree that this contract shall be effective: ☒ indefinitely ☐ until _____ (date).

Printed name	Signature	Date
Alexsey Bodunov	[signature]	1-25-15

Mailing address: 1385 Cooley Rd
Woodburn OR 97071

I am: ☒ an owner of the property ☐ an elector (registered voter) residing on the property

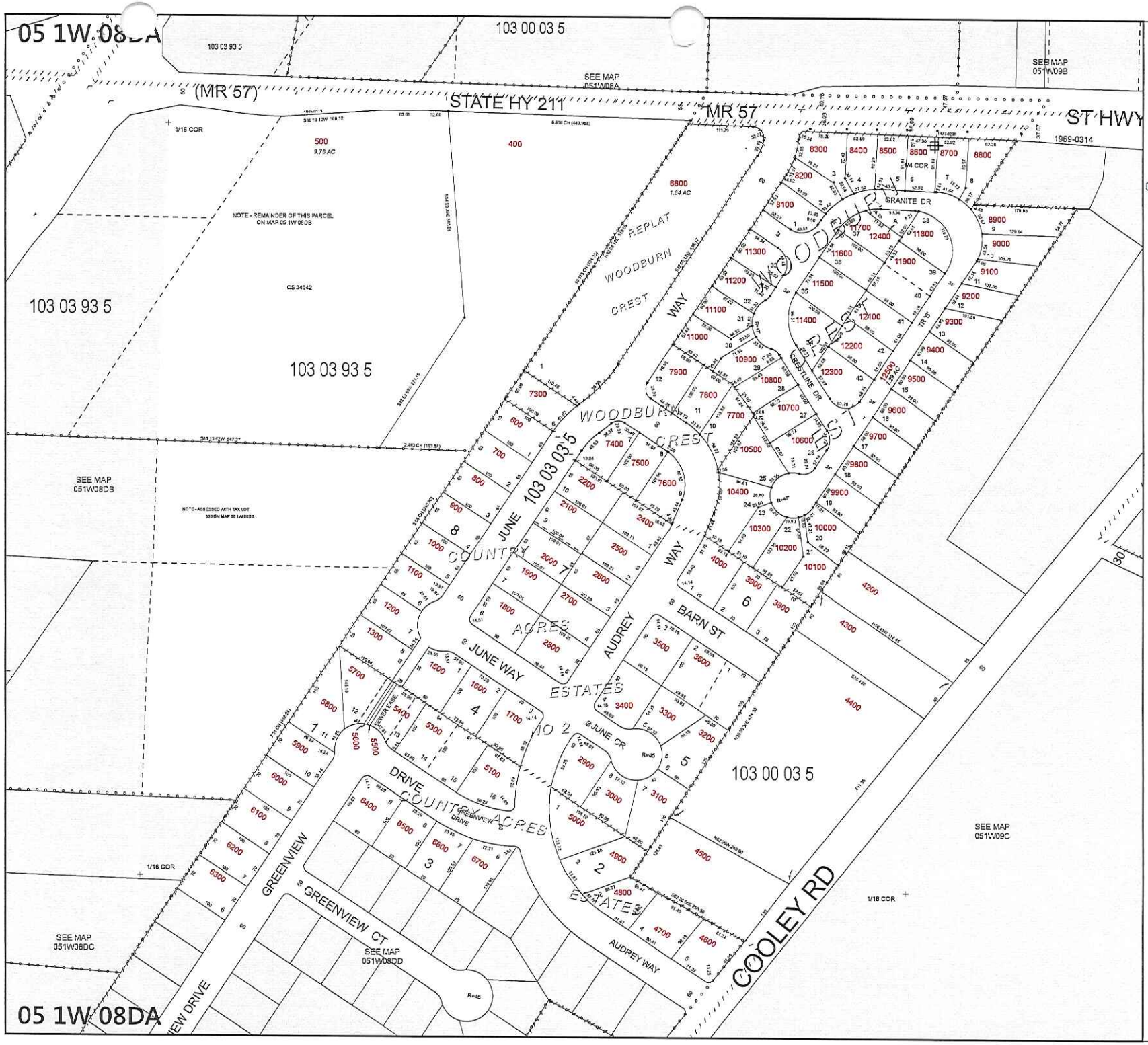
Printed name	Signature	Date

Mailing address: _____

I am: ☒ an owner of the property ☐ an elector (registered voter) residing on the property

9-9-2013

☆ RECD ☆
APR 18 2016
ECONOMIC DEVELOPMENT SERVICES DEPARTMENT



05 1W 08DA
WOODBURN

MARION COUNTY, OREGON

NE1/4 SE1/4 SEC8 T5S R1W W.M.

SCALE 1" = 100'

LEGEND

LINE TYPES

- Taxlot Boundary
- Historical Boundary
- Road Right-of-Way
- Easement
- Railroad Right-of-Way
- Railroad Centerline
- Private Road ROW
- Taxcode Line
- Subdivision/Plat Bndry
- Map Boundary
- Waterline - Taxlot Bndry
- Waterline - Non Bndry

SYMBOL TYPES

- Survey Monument
- 1/16TH Section Cor.
- Road Station
- 1/4 Section Cor.
- DLC Corner
- Section Corner

NUMBERS

Tax Code Number

000 00 00 0

Acreage 0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

100, 200, 300, 301, 1400, 2001, 2300, 3700, 4100, 6900, 7000, 7100, 7200, 8000, 12000

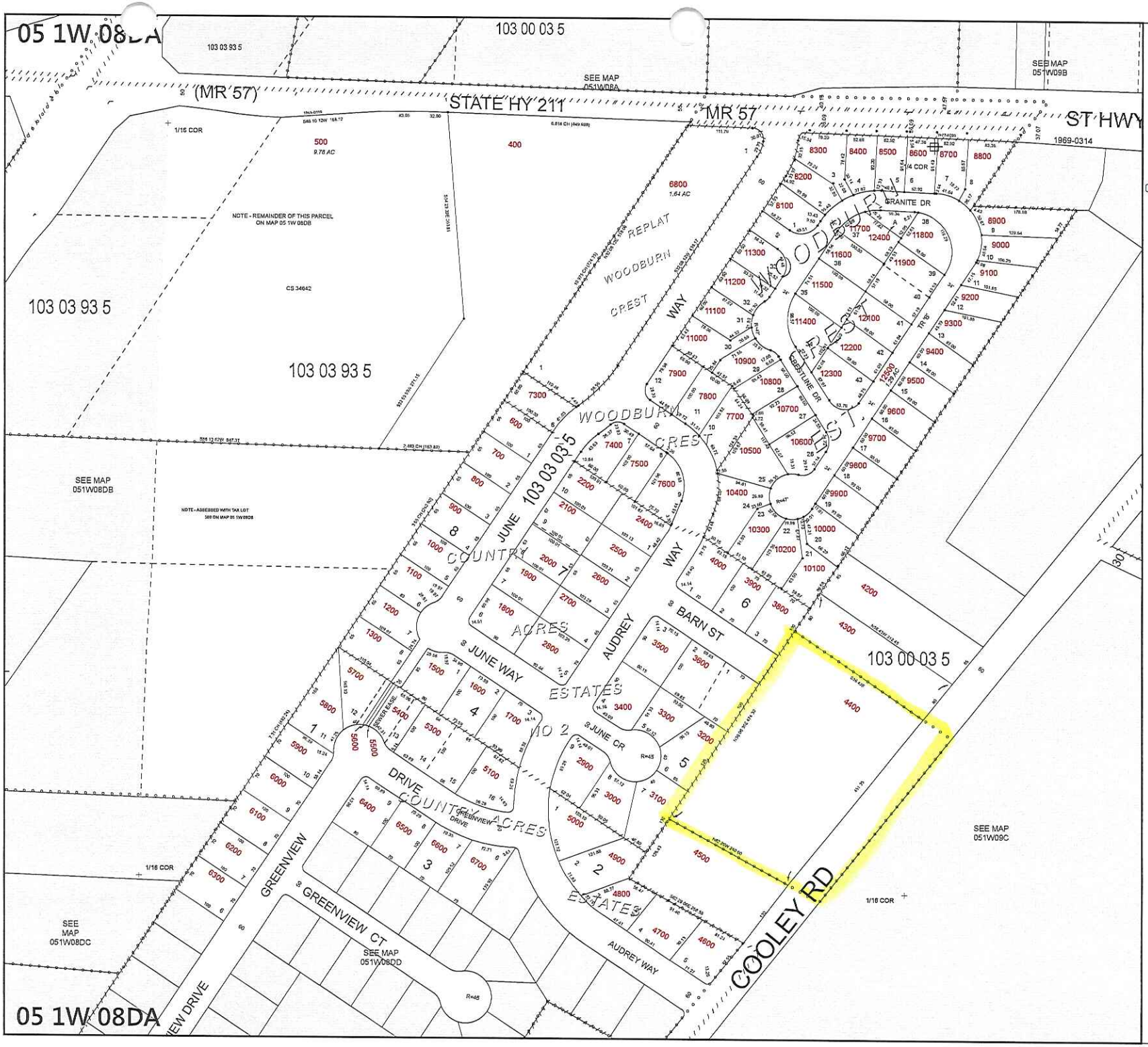
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 7/6/2016

WOODBURN
05 1W 08DA



05 1W 08DA
WOODBURN

MARION COUNTY, OREGON

NE1/4 SE1/4 SEC8 T5S R1W W.M.

SCALE 1" = 100'

LEGEND

LINE TYPES

- Taxlot Boundary
- Historical Boundary
- Road Right-of-Way
- Easement
- Railroad Right-of-Way
- Railroad Centerline
- Private Road ROW
- Taxcode Line
- Subdivision/Plat Bndry
- Map Boundary
- Waterline - Taxlot Bndry
- Waterline - Non Bndry

SYMBOL TYPES

- Survey Monument
- 1/16TH Section Cor.
- Road Station
- 1/4 Section Cor.
- DLC Corner
- Section Corner

NUMBERS

Tax Code Number

000 00 00 0

Acreage 0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

100, 200, 300, 301, 1400, 2001, 2300, 3700, 4100, 6800, 7000, 7100, 7200, 8000, 12000

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 5/3/2017

WOODBURN
05 1W 08DA