

ORDINANCE NO. 169-2017

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF DONALD PROPERTY PURSUANT TO ORS 222.125 AND ORS 222.120 AND ZONE CHANGE/COMPREHENSIVE PLAN MAP AMENDMENT FOR THE CITY OF DONALD

For Annexation File No. 2017-01 and Zone Change/Comprehensive Plan Map Amendment File No. 2017-01

WHEREAS, ORS 222.125 authorizes cities to annex contiguous territory when all of the owners of the subject property and not less than fifty percent of the electors, if any, residing in the property consent in writing to the annexation and file a statement of their consent with the legislative body and providing that public notice of the proposed annexation and a public hearing to consider the annexation is conducted as provided by ORS 222.120; and

WHEREAS, by Land Use Application dated January 5, 2017 the owner of the subject property, James P. and Marilyn P. Feller, having provided to the City the required consent (a copy of the application is attached hereto and by this reference incorporated herein as Exhibit "B"), and

WHEREAS, in compliance with ORS 222.120, the Donald City Council is not required to submit the annexation proposal to the electors of the city, and having fixed a date for public hearing before the legislative body at which time the electors of the City may appear and be heard on the question of annexation and the City having caused notice of the hearing to be published once each week for two successive weeks prior to the date of hearing in a newspaper of general circulation in the City and, in addition, having caused notice of the hearing to be posted in four public places in the City for a like period; and

WHEREAS, a public hearing pursuant to ORS 222.120(2) having been held by the Planning Commission on February 23, 2017 and by the Donald City Council on March 14, 2017.

NOW, THEREFORE, the City of Donald ordains as follows:

Section 1: The property proposed to be annexed is described in Exhibit "A" attached hereto and incorporated by this reference herein.

Section 2: The City of Donald having lawfully dispensed with the submission of this annexation to the electors of the City and having otherwise complied with the statutory requirements of ORS 222.120 and ORS 222.125, does hereby annex the property described on Exhibit "A" hereto to the City of

Notice to Taxing Districts

REC'D JUN 15 2017

DOR 24-1270-2017

ORS 308.225



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

City of Donald
City Administrator
PO Box 388
Donald OR 97020-0388

Description and Map Approved
June 12, 2017
As per ORS 308.225

[x] Description [x] Map - Received from: Heidi Bell
On: 6/1/2017

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

ORD. #169-2017 (Feller) (ANNEX. 2017-01)

has been: [x] Approved 6/12/2017
[] Disapproved

Department of Revenue File Number: 24-1270-2017
Reviewed by: Elise Bruch, 503-302-8353
Boundary: [x] Change [] Proposed Change

The change is for:
[] Formation of a new district
[x] Annexation of a territory to a district
[] Withdrawal of a territory from a district
[] Dissolution of a district

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

[] Transfer
[] Merge
[] Establishment of Tax Zone

Donald.

Section 3: The City Manager shall cause a certified true copy of this Ordinance to be transmitted to all persons to whom transmittal is required by statute.

Section 4: The property annexed by this ordinance shall be given a City of Donald zoning designation of Commercial (C) as described by the Donald Comprehensive Plan Designation and the Donald Development Ordinance.

Section 5: The first reading of this Ordinance was conducted on March 14, 2017. The second reading of this Ordinance was conducted on April 11, 2017 and was passed and adopted by the City Council on April 11, 2017 as follows:

<u>5</u>	AYES
<u>0</u>	NAYS
<u>0</u>	ABSTENTIONS

Section 6: This Ordinance shall be effective on the thirtieth day after the date of enactment below, as per City Charter X, Section 36.

SIGNED and **DATED** this 11th day of May, 2017


Richard Olmsted, Mayor

ATTEST:


Heidi Bell, City Manager

PASSED by the City Council: April 11, 2017

SIGNED by the Mayor: May 11, 2017

EFFECTIVE: May 11, 2017

LAND MARKERS SURVEYING
 4068 HUDSON AVE NE
 SALEM, OR 97301
 OFFICE (503) 581-0911



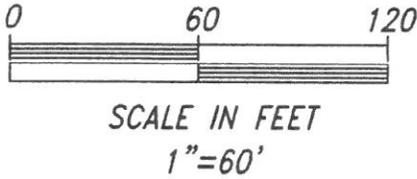
SITE PLAN

PREPARED FOR JAMES FELLER JOB # 17-033

DATE: MARCH 27, 2017

LOCATED IN THE NORTHWEST QUARTER OF
 SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 CITY OF DONALD, MARION COUNTY, OREGON

PAGE 1 OF 1



REEL 1647,
 PAGE 421,
 MCDR

S.W. CORNER
 WN. H. REES
 DONATION
 LAND CLAIM
 NO. 61

POB

N14°05'00"E 280.00'
 249.91'

S71°25'30"E 230.00'
 199.91'

S14°05'00"W 127.21'

118+61.7' PC

30' 30'

DONALD-BUTTEVILLE RD. (MR 65)



S71°25'30"E 2930.65'

N71°25'30"W 121.33'
 DONALD RD. (MR 61)

C2

CURVE

2" CENTERLINE

NARRATIVE:
 The purpose of this map is to illustrate a proposed tract of land to be annexed into the City of Donald. All boundary information is from Marion County Surveys 29788 and 2473. No monuments were set for this map.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Troy E. Petersen
 OREGON
 JAN 10, 2006
 TROY E. PETERSEN
 61408

EXPIRES: 12/31/18

SIGNED: 03/27/17

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2834.79'	45.62'	45.62'	S14°32'40"W	0°55'20"
C2	72.31'	118.10'	105.40'	S61°47'25"W	93°34'10"

Exhibit AL

Land Markers Surveying

4068 Hudson Ave. NE

Salem, OR 97317

503-581-0911

March 28, 2017,

Job No. 2017-033

Description for James Feiler

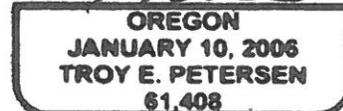
Area to be Annexed

A tract of land located in the Northwest quarter of Section 17, Township 4 South, Range 1 West of the Willamette Meridian, in the City of Donald, Marion County, Oregon, said tract being a portion of that tract of land granted to James Phillip Feller and Marilyn P. Feller in Reel 1647, Page 421, Marion County Deed Records and being more particularly described as follows:

Beginning at a point on the Northerly right-of-way of Donald Rd. (MR 61), said point being 2930.65 feet South 71°25'30" East and 30.09 feet North 14°05'00" East from the Southwest corner of the Wn. H. Rees Donation Land Claim Number 61 in Section 17, Township 4 South, Range 1 West of the Willamette Meridian, in the City of Donald, Marion County, Oregon; thence North 14°05'00" East 249.91 feet to the most Northerly corner of that tract of land described in Reel 1647, Page 421, Marion County Deed Records; thence South 71°25'30" East 199.91 feet to the Westerly right-of-way of Donald-Butterville Rd. (MR 65); thence South 14°05'00" West 127.21 feet to the beginning of a 2834.79 foot radius curve to the right; thence along the arc of said curve a distance of 45.62 feet, the long chord of which bears South 14°32'40" West 45.62 feet, to the beginning of a 72.31 foot radius curve to the right; thence along the arc of said curve a distance of 118.10 feet, the long chord of which bears South 61°47'25" West 105.40 feet, to the Northerly right-of-way of Donald Rd. (MR 61); thence North 71°25'30" West 121.33 feet to the point of beginning and containing 1.11 acres of land, more or less.



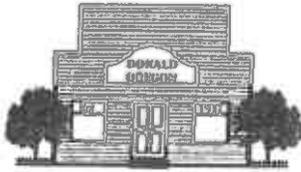
Troy Petersen



Expires 12-31-18

17033ANNEX

Exhibit AZ



CITY OF DONALD

10710 Main Street N.E. • P.O. Box 388 • Donald, OR 97020-0388

Phone 503-678-5543 • Fax 503-678-2750

www.donaldoregon.gov

Emergency pager for Water and Sewer: 503-301-6479

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

Resolution No. 429-16 requires a fee for land use applications. The City of Donald staff will collect the fee at the time of application.

This fee will cover the actual costs of technical services including but not limited to planning, engineering, legal, surveying and other related technical services. Administrative overhead shall be billed at 20% of the City's actual costs for technical services. In the event the actual costs of these services exceed the application fee, the applicant shall make payment of this deficiency within fifteen (15) days of notification by the City Manager. The City shall discontinue processing the application until the deficiency is paid.

Hourly Rate for Land Use Services: Zoning confirmations, interpretations of development code criteria, land use compatibility statements or other services/assistance related to the development ordinance not list shall be the responsibility of the interested party/applicant. Services requiring in excess of fifteen (15) minutes of staff time shall require a deposit with the City of \$125 to cover staff time. Time/fees in excess of the deposit shall be the responsibility of the interested party and billed to them as such.

The following are types of charges and amounts per hour. *The Contracted Service provider fees are subject to change, and may also include their hired staff time.*

City Planner	\$ 79.00
City Engineer	\$120.00
City Attorney	\$200.00

I have read this information and understand that the land use fee is a deposit and the application may cost more.


Applicant Signature

1.5.2017
Date

Exhibit B1



CITY OF DONALD

10710 Main Street N.E. • P.O. Box 388 • Donald, OR 97020-0388

Phone 503-678-5543 • Fax 503-678-2750

www.donaldoregon.gov

Emergency pager for Water and Sewer: 503-301-6479

Office Use Only:

Permit No. _____

Date _____

Fee _____

LAND USE ACTION APPLICATION

Donald Development Code Section 3.1

Applicant:

JAMES P. FELLER
Name

5071 EAGLETON WAY
Mailing Address

GRANITE BAY CA 95746
City State Zip

916.521.9424
Phone Fax

jim@doublefmanagement.com
Email

Property Owner:
(if different than Applicant)

JAMES P. & MARILYN P. FELLER
Name

SAME AS APPLICANT ABOVE
Mailing Address

City State Zip

Phone Fax

Email

Contractor:
(if applicable)

NA
Name

Mailing Address

City State Zip

Phone Fax

Email

Location:

Street Address: 21005 BUTTEVILLE RD NE AURORA, OR 97002

Map and Tax Lot No: 041W17 BLOO400 R10939

Legal Description: SEE ATTACHED

Property Size: 1.12 ACRES

Existing Structure/Use: SINGLE FAMILY RESIDENCE- RENTAL HOME
METAL POLE BARN- STORAGE

Exhibit B2

Description: Comp. Plan Designation: COMMERCIAL
Current Zoning: UFT

Proposed Action: ANNEX & ZONE CHANGE

Purpose and Description of Proposed Action:
ANNEX THE PROPERTY INTO THE CITY OF DONALD, CHANGE ZONING FROM UFT TO GENERAL COMMERCIAL TO PREPARE THE PROPERTY FOR DEVELOPMENT

Number of proposed parcels/lots: 1

Are you applying for an Expedited Land Division?

Yes (If yes, attach a written description of how the proposal satisfies ORS 197.360)
 No

Applicant Name: _____ Phone: _____

Applicant Mailing Address: _____

Site Address: _____

Signature Print Name Date

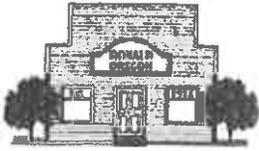
Authorization and Finalization Signatures

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge. I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request. I understand that the filing fee is nonrefundable and that I am responsible for all additional costs of processing this application in excess of the filing fee, including but not limited to, all planning, engineering, city attorney, and city administration fees and costs. I understand that no final application approval shall be given and/or building permit shall be issued until all actual costs for processing this application are paid in full.

Applicant's Signature [Signature] Date 1.5.2017

Owner's Signature [Signature] Date 1.5.2017

See Attached: Supplemental Materials



CITY OF DONALD

Supplemental Materials Must Be Submitted With Application

In order to complete the processing of this application, the City of Donald requires that all pertinent material required for review of the application is submitted at the time application is made along with the application fee. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete. The submittal requirements relative to the application may be obtained from the specific sections of the Donald Development Ordinance pertaining to the application but include, at a minimum, those items outlined below.

In submitting this application, the applicant must be prepared to give evidence and information which will justify the request and satisfy all the required applicable criteria. The filing fee must be paid at the time of submission. This fee in no way assures approval of the application.

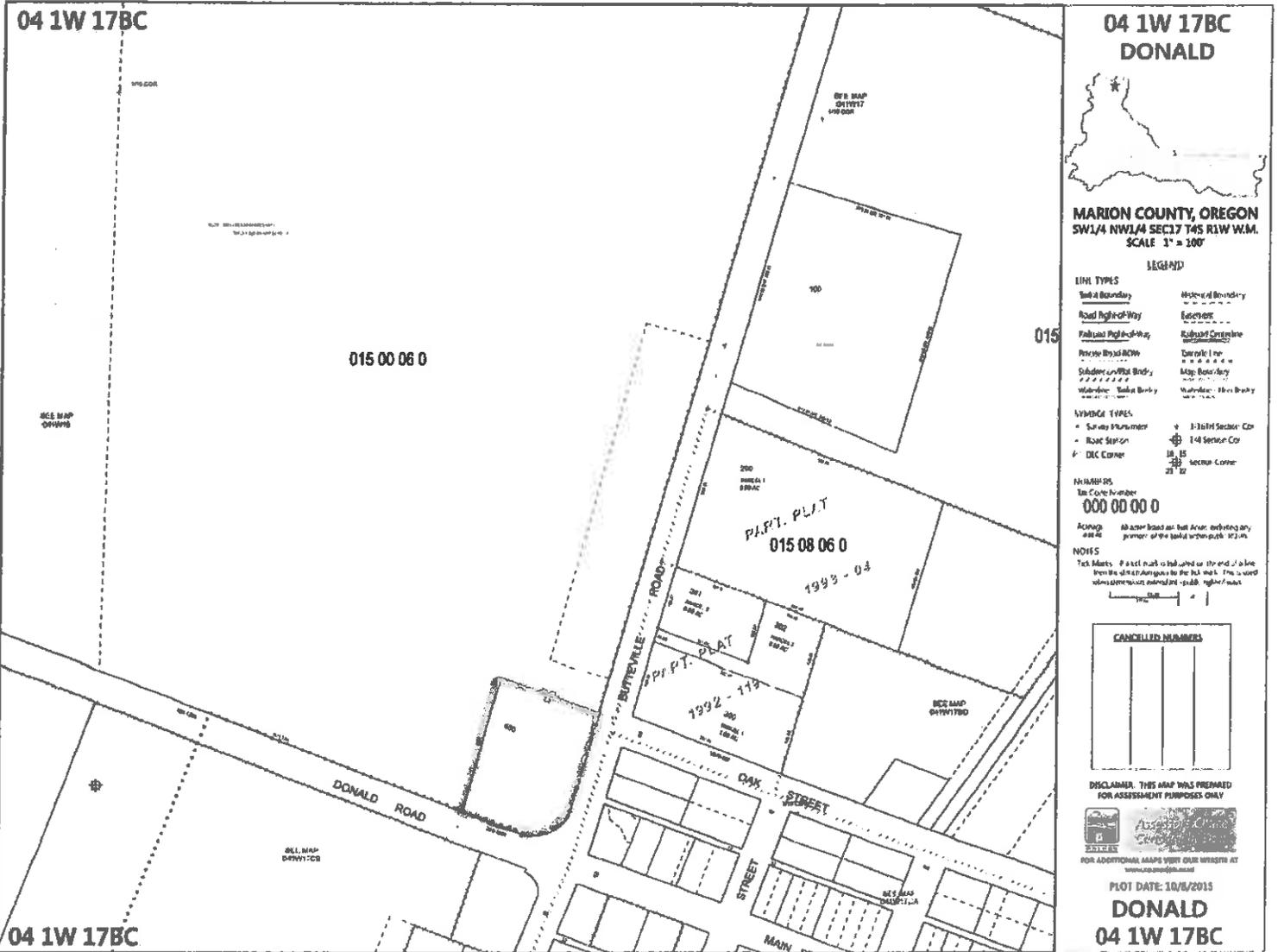
Submit one paper copy and one electronic version of the following:

- A brief statement describing how the proposed action satisfies the required findings criteria contained in the Land Development Ordinance for the action requested. (Mark "Exhibit A").
- NA Plans, with dimensions, of the proposed action (if applicable). These would include vicinity maps, plot plans, development plans, etc. For maps larger than 11x17, include 10 copies (Mark "Exhibit B").
- An accurate list of names and addresses of all owners of property within 100 feet of all boundaries for a Type I action and 200 feet of all boundaries for a Type II or Type III action. The applicant assumes notification problems associated with notification lists which are more than 30 days old. (Mark "Exhibit C").
- A copy of the applicable County Assessor's map. (Mark "Exhibit D").
- Applicable existing conditions and proposed development plan information. (Mark "Exhibit E")

Office Use Only:	
Application Received by _____	Date _____
Planning Dept. Review by _____	Date _____
Public Works Review by _____	Date _____
Engineer Review by _____	Date _____
Legal Review by _____	Date _____
Fire Dept. Review by _____	Date _____
School Dist. Review by _____	Date _____
Marion Co Sheriff Office Review by _____	Date _____
Level of Decision	
Staff Approval by _____	Date _____
Planning Commission Approval _____	Public Hearing Date _____
Council Approval - 1 st Public Hearing Date _____	2 nd Public Hearing Date _____

Exhibit B4

EXHIBIT D



04 1W 17BC
DONALD



MARION COUNTY, OREGON
SW 1/4 NW 1/4 SEC 17 T4S R1W W.M.
SCALE 1" = 200'

LEGEND

LINE TYPES	Symbol	Symbol
Taxlot Boundary	—	Assessed Boundary
Road Right-of-Way	—	Easement
Palisade Right-of-Way	—	Subdiv. Original
Private Road ROW	—	Drainage Line
Subdiv. Original Bdry	—	Map Boundary
Waterline	—	Waterline
		Waterline

SYMBOL TYPES

Survey Monument	+	1/4 Section Cor
Road Station	—	1/4 Section Cor
DKC Corner	⊗	Section Corner

NUMBERS

Tax Lot Number
000 00 00 0

Acres: 0.0000 (All acre based on full acre, including any portion of the parcel within path 102.00)

NOTES

Tax Maps: Parcel maps included on the end of a line from the date of change to the full map. This is used when a parcel map is not available.



CANCELLED NUMBERS

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.marioncountymap.com

PLOT DATE: 10/6/2015

DONALD
04 1W 17BC

Beginning at a point which is south 71 25 East 3159.42 feet from the Southwest corner of the William H. Rees Donation Land Claim No. 61 and running thence North 71 25' West, along the centerline of Donald Road (Market Road No. 61), 230 feet; thence North 14 30' East parallel with the centerline of Donald-Butteville Road (Market Road No. 65) 280 feet, to a point; thence South 71 25' East, parallel with the centerline of Donald Road (Market Road No. 61), 230 feet to a point on the centerline of Donald-Butteville Road; thence South 14 30' West along said centerline, 280 feet to the point of beginning. Save and Except that portion conveyed to Marion County by Deed recorded October 19, 1983, in Reel 324, Page 1090 Microfilm Records of said County.



Property Information

Property Information Tax Summary Assessment Information Map Property Value Probable County

Search Results for R10939

Owner Name FELLER,JAMES PHILLIP & FELLER,MARILYN P	Property ID Number R10939
Owner Address 5071 EAGLETON WY GRANITE BAY, CA 95746	Situs Address 21005 BUTTEVILLE RD NE AURORA, OR 97002
Alternate Account Number 1-40772250	Neighborhood NOR.RUR - RURAL, NOR RUR
Map Tax Lot 041W17BC00400	Levy Code Area 01500060 - AURORA FD
Get Map	Tax Rate 10.4421

Property Description

Property Class 451 (RURAL IMPROVED, EFU, SA, TC, FT ZONING, 20 AC. AND UNDER, NOT SPEC. ASSD.)	Zoning UT-20
Property Code F31 - FARM SFR, CLASS 3, ONE STORY ONLY	Miscellaneous Code
Related Accounts by Map Tax Lot	Linked Accounts

Mortgage Agent-Lender

Exemption	Mortgage Account Number
Tax Roll Description ACRES 1.12, 84-85: 1.12 ACRES PERM DISQ FARM/FOREST FOR NFD BY ORS 215.236, CU#83-36	Expiration Date

Year Built 1930	Acreage 1.12
Split/Sub Account R10972	Split/Sub Account Message 09/21/1983 - MERGE

Special Account Information - Last Certified Year (2015)

Parcel Information

#	Buyer (Name & Address)	Seller (Name & Address)	Sales Info	Deed Info
1	FELLER,JAMES PHILLIP & FELLER,MARILYN P 5071 EAGLETON WY GRANITE BAY, CA 95746	FELLER,JAMES P 399 IRONWOD TERRANCE WOODBURN, OR 97071	\$0	01/04/99 16470421 BS
2	FELLER,JAMES P 399 IRONWOD TERRANCE WOODBURN, OR 97071	FELLER,AMELIA R	09/14/87 \$10,794 06	05740169 RD

ID	Type	Acres	Sq Ft	Market Value
L1	PDL - PERM DQS LAND	1.12		\$116,140
L2	OSD - ON SITE DEVELOPMENT			\$40,000