

**ORDINANCE NO. 539**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING A CERTAIN TRACT OF LAND FOR THE STATE OF OREGON COFFEE CREEK CORRECTIONAL FACILITY AND ADJACENT ROADS (CLAY, CAHLIN, AND THE SEGMENT OF GRAHAMS FERRY FRONTING THE CORRECTIONAL FACILITY), DAY ROAD AND A SEGMENT OF BOONES FERRY ROAD INTO THE CITY OF WILSONVILLE CITY LIMITS. THE SITE IS IDENTIFIED AS 119.68 ACRES ON TAX LOTS 500, 600, 700, 701 AND 702 OF SECTION 3AB; 800, 900 AND 1000 OF SECTION 3AA; 1300, 1301, 1400, 1500, 1600, AND 1601 OF SECTION 3A, T3S-R1W, WASHINGTON COUNTY, OREGON. THE CITY OF WILSONVILLE FOR THE STATE OF OREGON DEPARTMENT OF CORRECTIONS, APPLICANT.**

WHEREAS, annexation of the property of the State of Oregon Coffee Creek Correctional Facility and the adjacent roads (Clay, Cahlin, and the segment of Grahams Ferry fronting the correctional facility), Day Road and a segment of Boones Ferry Road, into the City of Wilsonville city boundaries has been proposed by the City of Wilsonville and consented to by the State of Oregon; and

WHEREAS, the City received written consent from a majority of electors in the territory proposed to be annexed and all the owners of land in the territory proposed to be annexed, as required by ORS 222.125; and

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

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection as provided for in ORS 222.125; and

WHEREAS, Washington County has approved the jurisdictional transfer of the aforementioned roads right-of-ways to the City, which transfer is being accepted by the City contemporaneously with the adoption of this ordinance; and

WHEREAS, the annexation was considered by Panel A of the City Development Review Board, File 01DB32, and after a duly advertised public hearing held on October 8, 2001, the Development Review Board recommended to the City Council that the annexation be approved; and

WHEREAS, the full record of the file in the Development Review Board proceedings, 01DB32, has been entered into the record of these proceedings before the City Council; and

WHEREAS, the property being annexed is depicted on attachment 1 of File 01DB32 and is legally described in attachment 2 of File 01DB32 which documents are marked Exhibits 1 and 2 respectively and attached hereto. The property is also identified as 119.68 acres on Tax Lots 500, 600, 700, 701 and 702 of Section 3AB; 800, 900 and 1000 of Section 3AA; 1300, 1301, 1400, 1500, 1600, and 1601 of Section 3A, T3S-R1W, Washington County, Oregon; and

WHEREAS, on November 5, 2001, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared as required by law and the City Council, having considered the reports, does hereby favor the annexation of the subject tract of land based on findings and conclusions set forth in Exhibit M, Response to New Information, and Exhibit A, Development Review Board adopted Staff Report, both of which are in the record file, 01DB32, and in the record of these proceedings; and

WHEREAS, the annexation is not contested by any necessary party; and

WHEREAS, Metro is contemporaneously processing an application for an Urban Growth Boundary amendment and Metro Jurisdictional Boundary amendment for the same state correctional facility property and road right-of-ways.

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

Section 1. The above recitals are adopted as findings and conclusions and incorporated by reference as though fully set forth herein, and specifically include the findings and conclusions set forth in Exhibit A and Exhibit M of File 01DB32 on record herein;

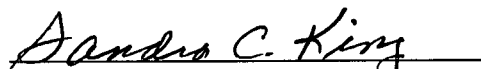
Section 2. The tract of land, depicted on Exhibit 1 (attached map labeled as Attachment 1 of File 01DB32 of record herein) and legally described in Exhibit 2 (Attachment 2 of File 01DB32 Legal Description of record herein) is declared and proclaimed to be annexed to the City of Wilsonville. Exhibits 1 and 2, attached hereto, are incorporated by reference as though fully set forth herein;

Section 3. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies and utilities required by Metro Code Chapter 3.09.050(g) and ORS 222.005 and 222.010. The annexation and any withdrawals which may occur by operation of law shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180;

Section 4. The City Council directs staff that in the event that satisfactory documentation is received by the City that a majority of the property owners, exclusive of the State of Oregon, within Area H of the Comprehensive Plan desire the Metro U.G.B to be amended and Area H be annexed into the City, staff should work with the affected property owners to develop a master plan for the area as a condition precedent to City support for amendment of the UGB and annexation. The master plan shall include, but not be limited to, identifying City zones, needed infrastructure, financing, and such phasing plan(s) as may be determined to assure that necessary infrastructure to support City development and public improvement standards will be concurrent and adequately financed in a timely manner.

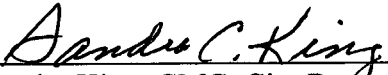
Section 5. The effective date of this annexation ordinance shall be 30 days from final adoption, November 19, 2001, provided however, this effective date shall be delayed until 30 days from the effective date of the Metro Urban Growth Boundary amendment and Metro Jurisdictional Boundary amendment, whichever comes last, if such approval is not approved and effective prior to November 19, 2001. The City Recorder shall enter any such delayed effective date upon this ordinance.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2001, and scheduled for a second reading at a regular meeting of the Council on the 19th day of November, 2001, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

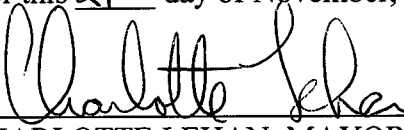
  
Sandra King, CMC, City Recorder

ENACTED by the City Council on the 19th day of November, 2001, by the following votes.

YEAS: -5- NAYS: -0-

  
Sandra King, CMC, City Recorder

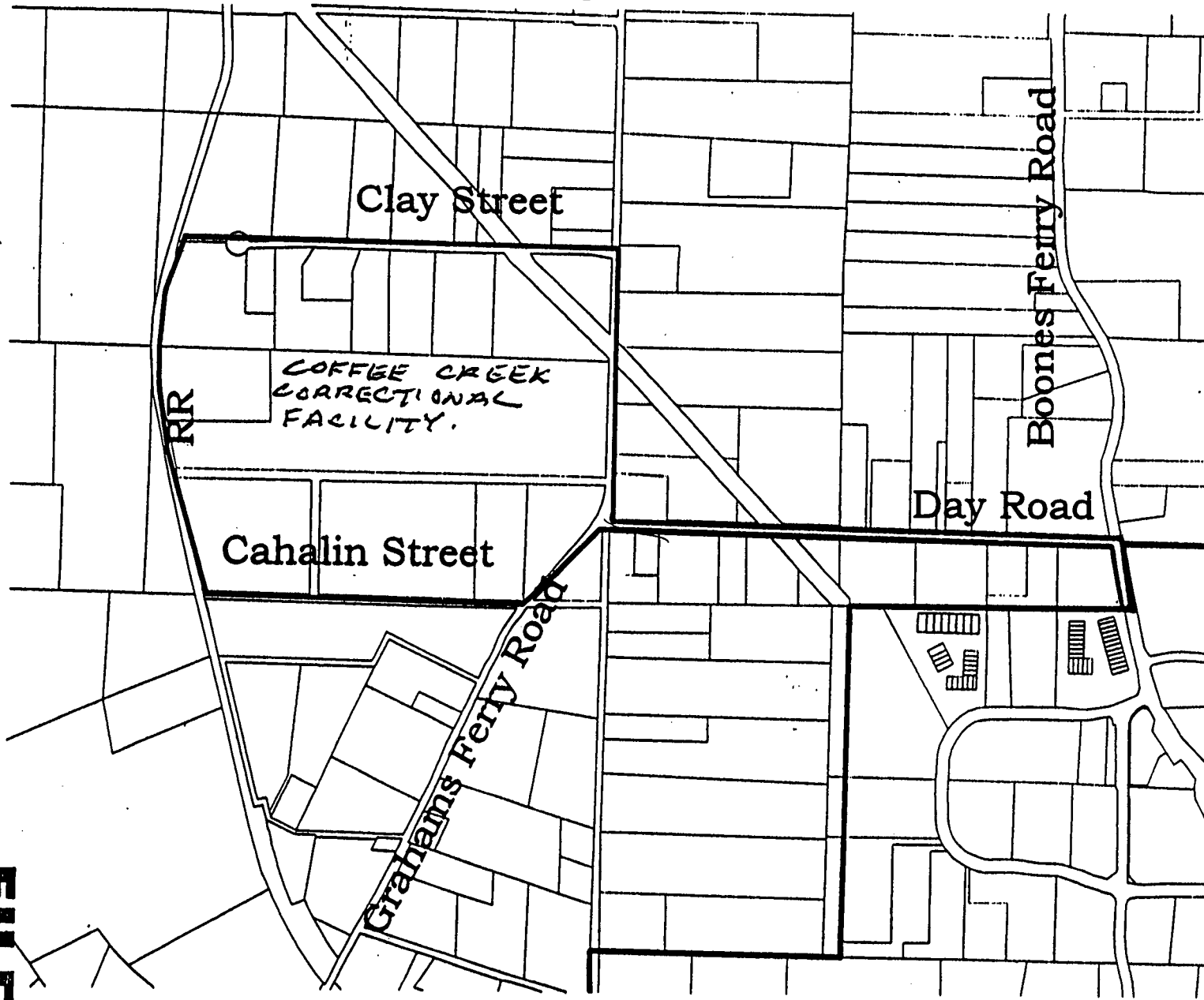
DATED and signed by the Mayor this 21<sup>st</sup> day of November, 2001.

  
CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

# City of Wilsonville



(46 of 135)

**FILE**  
010832  
3000

Attachment 1

EXH. 1

Map  
the Ci  
Planni  
March

www.mackaysposito.com

**MacKay & Sposito, Inc.**

ENGINEERS

SURVEYORS

PLANNERS

VANCOUVER

KENNEWICK



1703 Main Street Vancouver, WA 98660 (360) 695-3411 (503) 289-6726 PTL D (360) 695-0833 FAX

**LEGAL DESCRIPTION**  
**WOMENS PRISON AND INTAKE CENTER ANNEXATION**  
**WASHINGTON COUNTY, OREGON**

Real property lying in Washington County, Oregon being a portion of the Northwest quarter and the Northeast quarter and the Southeast quarter of Section 2, Township 3 South, Range 1 West of the Willamette Meridian and a portion of the North half of Section 3, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at the point of intersection of the West right of way line of Southwest Boone's Ferry Road (Market Road No. 24) with the South line of Tax Lot No. 400 (Recording No. 93006245), Assessor's Plat 3S 1 2B; thence along said West right of way line of Southwest Boone's Ferry Road Northerly 524 feet, more or less, to the point of intersection with the South right of way line of Southwest Day Road (County Road No. 470); thence along said South right of way line of Southwest Day Road Westerly 2,857 feet, more or less, to the point of intersection with the East right of way line of Garden Acres Road (County Road No. 470); thence Westerly 51 feet, more or less, to the Northeast corner of Lot 16 of Cahalin Acres as shown on the plat thereof recorded in Book 15 of plats at Page 35, records of said county, said point being on the West right of way line of said Garden Acres Road; thence along the North line of said Lot 16 Westerly 18 feet, more or less, to the Northwest corner of said Lot 16, said point being on the Easterly right of way line of Southwest Graham's Ferry Road; thence along the West line of said Lot 16 and the Easterly right of way line of said Southwest Graham's Ferry Road Southwesterly 520 feet, more or less, to the Southwest corner of said Lot 16; thence along the prolongation of the West line of said Lot 16 Southwesterly 60 feet, more or less, to a point on the South right of way line of Southwest Cahalin Road (County Road No. 1100); thence along said South right of way line of Southwest Cahalin Road Westerly 1,888 feet, more or less, to the point of intersection with the East right of way line of the Southern Pacific Railroad; thence along said East right of way line of the Southern Pacific Railroad Northerly 2,030 feet, more or less, to the point of intersection with the centerline of Ninth Street (now vacated) as shown on the plat of Tonquin, recorded in Book 4 of plats at Page 1, records of said county; thence along said centerline of Ninth Street Easterly 300 feet, more or less, to the point of intersection with the Westerly right of way line of Southwest Clay Street as shown on the record of survey for Riedel Environment Services recorded under SN 23614, records of said county; thence along the Westerly right of way line of

Page 1 of 2

**FILE**

010832

Attachment 2

(1 of 3)

said Southwest Clay Street Northeasterly 103 feet, more or less, to the North right of way of said Southwest Clay Street; thence along the North right of way of said Southwest Clay Street Easterly 2,123 feet, more or less, to the point of intersection with the West right of way line of Southwest Graham's Ferry Road (County Road No. 844); thence along the prolongation of said North right of way line of Southwest Clay Street Easterly 40 feet, more or less, to a point on the East right of way line of said Southwest Graham's Ferry Road; thence along said East right of way line of Southwest Graham's Ferry Road Southerly 1,538 feet, more or less, to the point of intersection with the North right of way line of Southwest Day Road (County Road No. 470); thence along said North right of way line of Southwest Day Road Easterly 2,871 feet, more or less, to the point of intersection with the West right of way line of Southwest Boone's Ferry Road (Market Road No. 24); thence along said West right of way line of Southwest Boone's Ferry Road Northerly 112 feet; thence perpendicular to the centerline of said Southwest Boone's Ferry Road Easterly 60 feet, more or less, to a point on the East right of way line of said Southwest Boone's Ferry Road; thence along said East right of way line of Southwest Boone's Ferry Road Southerly 688 feet, more or less, to the point of intersection with the Easterly prolongation of the South property line of Tax Lot No. 400 (Recording No. 93006245), Assessor's Plat 3S 1 2B; thence along said Easterly prolongation Westerly 87 feet, more or less, to a point on the West right of way line of said Southwest Boone's Ferry Road, said point being the point of beginning.

Containing approximately 119.68 acres.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael A. Cooney*  
OREGON  
OCTOBER 17, 1975  
MICHAEL A. COONEY  
1052

3/14/01

EXPIRES: 12-31-01

5  
8  
20  
M

WARRANTY DEED

93006245  
Washington County

JAN 26 1993

Dean A. Brown, Grantor, conveys and warrants to David C. Brown, Grantee, an undivided 1/6 interest in the following described real property in the County of Washington and State of Oregon:

Beginning at a point which is reached by running from the Northwest corner of the Northeast quarter of the Southwest quarter of Section 2, Township 3 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon, North 0° 17' West 451.7 feet; and thence North 89° 20' East 1240 feet to the Northwest corner of the tract herein described; thence continuing North 89° 20' East 341.0 feet to the center of Boone's Ferry Road; thence with said center of road, South 15° 46' East 546 feet; thence South 89° 20' West 486 feet; thence North 0° 17' West 527 feet to said place of beginning.

Prior to this deed, the subject property is owned by Grantee as to an undivided 5/6 interest and by Grantor as to an undivided 1/6 interest. This deed is intended to transfer the Grantor's entire 1/6 interest to Grantee. After this deed David C. Brown is the sole owner of the subject property.

The property is conveyed free of encumbrances except zoning ordinances, building and use restrictions, the rights of the public in and to that portion of the premises lying within the limits of streets, roads and highways.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify any approved uses.

The true consideration for this conveyance is none.

DATED this 20th day of January, 1993.

*Dean A. Brown*  
Dean A. Brown

STATE OF OREGON, County of Multnomah) ss.

Personally appeared the above named Dean A. Brown and acknowledged the foregoing instrument to be his voluntary act and deed.

After recording return to:  
Keller & Keller, P.C.  
P.O. Box 16745  
Portland, Oregon 97216  
Send tax statements to:  
David C. Brown  
9470 S.W. Day Road  
Eberwood, OR 97140



STATE OF OREGON }  
County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 93006245  
Rect: 93023 33.00  
01/26/1993 04:16:42PM

(3093)



## PLANNING DIVISION MEMORANDUM

**Date:** November 5, 2001  
**To:** Honorable Mayor and City Council  
**From:** Blaise Edmonds, Manager of Current Planning  
**Project Name:** City of Wilsonville and State Department of Corrections  
**Applicant/Owner:** City of Wilsonville and State Department of Corrections  
**Case File No. 01DB32**

**Proposed Action:** The Development Review Board recommends approval of the annexation of the entire Coffee Creek Corrections Facility site (including associated roads) to the City of Wilsonville.

Map acres: 119.68 acres.

Location: The subject territory is identified as being Tax Lots 500, 600, 700, 701, and 702 of Section 3AB; 800, 900, and 1000 of Section 3AA; 1300, 1301, 1400, 1500, 1600, 1601 of Section 3A, T3S-R1W, Washington County, Oregon,

### SUMMARY:

The City of Wilsonville and the State of Oregon Department of Corrections are seeking to annex to the City the entire Coffee Creek Correctional Facility site (119.68 acres), Day Road, part of SW Boones Ferry Road, and adjacent streets (Grahams Ferry Road, Clay Street and Cahalin Street). The subject territory is identified as being Tax Lots 500, 600, 700, 701, and 702 of Section 3AB; 800, 900, and 1000 of Section 3AA; 1300, 1301, 1400, 1500, 1600, 1601 of Section 3A, T3S-R1W, Washington County, Oregon, which is 119.68 acres. The subject territory is presently subject to the Washington County Comprehensive Plan and zoning requirements. The subject territory is zoned and planned for Manufacturing Agriculture Forestry (MAF) and Agriculture Forestry-5 (AF-5) in Washington County's Plan. The applicant will follow up with an application for Comprehensive Plan Map and Zone Map amendments, which require separate public hearings.

### RECOMMENDATION:

The Development Review Board Panel 'A' is recommending approval of the annexation request. Resolution 01DB32 is attached, which includes recommended conditions of approval.

As part of the Development Review Board motion to recommend approval, the Board recommends that the City Council respond to public testimony raised about bringing unincorporated properties that surround the subject annexation territory into the City of Wilsonville, which should include a master planning process. The Board recommends that Council explore appropriate timing and funding for such a process.

## **BACKGROUND:**

On October 8<sup>th</sup>, Development Review Board Panel 'A' approved the proposed annexation together with a positive recommendation to the City Council for approval.

The following background statement was prepared by the applicant: *"With the August 31, 2001 recommendation for approval by the METRO Hearings Officer of the City's UGB amendment, the applicant is requesting approval of the annexation of the entire Coffee Creek Corrections Facility site (including associated roads) to the City of Wilsonville. The subject territory is entirely owned by the State of Oregon, Department of Corrections, and no residents currently live on the site. The Department of Corrections has signed the forms authorizing the annexation. The City of Wilsonville has recently extended sewer and water lines to the corrections facility. Widening of the roads is underway. The applicant is requesting that the action approving the annexation not be effective until the date of approval by METRO of the Urban Growth Boundary (UGB CU O-3) currently pending. A legal description and map are attached hereto. Annexation will not result in any duplication of services. After annexation a Comprehensive Plan Amendment and Zoning Amendment for the property will be initiated. The Coffee Creek Corrections Facility was sited under State Statute 982 Oregon Statutes 1999 ORS 421, the so-called super siting authority. It was approved by Washington County Hearings Officer, Case #00-086SU/D on April 26, 2000."*

At the October 8<sup>th</sup> Development Review Board public hearing some of the public that testified requested that the public record stay open. The DRB left the record open for seven days to allow additional public testimony to the record and allowed seven additional days for the applicant to respond to the testimony. New testimony was received from those individuals and the applicant (Mr. Robert Hoffman representing the City) has responded in his memorandum dated October 19, 2001 herein attached.

Metro has approved the request from the City of Wilsonville and the Department of Corrections to bring the new Coffee Creek Correctional Facility into the urban growth boundary. The next step is Metro approval of its jurisdictional boundary, which is expected to occur on November 7<sup>th</sup>. Council approval of the proposed annexation should not take effect until the urban growth boundary process is completed.



PLANNING DIVISION MEMORANDUM

DATE: October 19, 2001  
TO: Honorable Mayor and City Council  
FROM: Robert G. Hoffman AICP  
RE: Response to new information submitted on Coffee Creek Correctional Facility site annexation Case File 01DB32

There were three people who submitted new information into the record regarding the proposed correctional facility site annexation, 1) Priscella M. McKoy, 2) Darren Pennington, and 3) Steve Schopp. My response to their testimony is as follows:

- 1) Ms. Priscella M. McKoy of 9630 SW Day Road submitted comments that:  
a) *"No sewer line exists in Day Road as Mr. Hoffman had stated."*

Response by Hoffman

Ms. McKoy is correct. No sewer currently exists on Day Road. However, an 18" water line has been installed on Day Road and a storm sewer line will be constructed as part of the Day Road improvements, according to the City Engineer. (See pg 53, 54 and 115 of 136 of the October 8, 2001 staff report.)

- b) *"Ms. McKay states that she lives at and owns tax lot 500 at 9630 SW Day Road, not DOC as stated in the record by David Cook"*

Response by Hoffman

9630 SW Day Road is located near Boones Ferry Road and is tax lot 500. However, this tax lot is on a different tax map than the prison site which also has a tax lot 500 on its separate tax map. There are many tax lot 500's.

**Exhibit M**



c) *Ms. McKoy is against the annexation and she wants to keep her Sherwood address.*

Response by Hoffman

These are not annexation approval criteria. Her tax lot 500 will remain outside the City of Wilsonville even after the prison site annexation and we do not know what will happen to addressing. That is a postal decision.

- 2) Mr. Darren Pennington of 10365 SW Day Road submitted a letter dated October 12, 2001 stating that
- a) *he has no additional information for the record to submit;*
  - b) *he supports requiring a master plan for the area with a detailed scope and timeline; and*
  - c) *he does not believe that the "cherry stem" of Day Road connection demonstrates pride but just convenience and self-interest.*

Response by Hoffman:

None of the above are approval criteria for annexation. The City of Wilsonville Comprehensive Plan on pg 95 regarding the area states that a "master plan for this neighborhood will be needed...." A "cherry stem" connection is a permissible method to meet contiguity requirements.

- 3) Steve Schopp of 10475 SW Helenius, Tualatin (located about 0.9 mile north of Day Road) submitted a number of items as his testimony which follows:
- a) *Mr. Schopp has excerpted sections from Metro's June 26, 2001 Staff Report and documents regarding the Urban Growth Boundary (UGB) amendment. He gives comments on these excerpts. In his cover note Mr. Schopp summarizes "I believe the information clearly shows a strong potential for the UGB amendments (as petitioned by the City) will be overturned."*

Response by Hoffman

The information regarding Metro's UGB amendment does not appear to be related to Wilsonville's annexation or its approval criteria (at least Mr. Schopp has not shown that it is). Furthermore, from his quotations and comments it is apparent that Mr. Schopp has not seen the documents submitted by the City of Wilsonville dated July 19, 2001 and July 30, 2001 which provide supplementary evidence regarding the UGB approval criteria. Without that material it is understandable that Mr. Schopp would wonder how the Hearings Officer made his findings and conclusions. The Metro action regarding the approval of the UGB amendment is not likely to be overturned.

b) *Mr. Schopp has submitted a copy of State Law from Chapter 982 (The so-called supersiting legislation) with highlighting.*

Response by Hoffman

The 982 bill was not listed by the City or used by the City of Wilsonville as approval criteria for annexation of the correctional facility site to the City of Wilsonville. Is Mr. Schopp proposing that it should be? It appears that he is attempting to contradict the Hearings Officer analysis and conclusion regarding the UGB Amendment at Metro. This matter is not before the City Council.

c) *Mr. Schopp submitted a copy with highlighting of the Metro Staff Report of September 24, 2001 (Revised Oct 4) regarding the UGB amendment. (This is a two page summary of the Hearings Officer Report.)*

Response by Hoffman

The summary staff report considered the Hearings Officer analysis of the original and supplementary evidence that the City submitted and the Hearings Officer Findings and Conclusions and Recommendations regarding the UGB Amendment of Metro. It does not appear that Mr. Schopp had access to the entire record of the case. Mr. Schopp does not make it clear how the Metro matter applies to the question of whether the City of Wilsonville's annexation meets approval criteria. I respectively submit that the UGB amendment does not apply.

d) *Mr. Schopp submits a copy of Staff Report to the Metro Hearings Officer of June 26 (pg 1-10)*

Response by Hoffman

The Staff Report to the Metro Hearings Officer is not one of the criteria for approval of the City annexation of the prison site. It does not apply. With the supplementary evidence submitted by the City on July 19, 2001 and July 30, 2001, the Hearings Officer Report regarding the record is very different. It is based on a different situation.

e) *Metro Hearings Officer Conclusions and Recommendations of August 31.*

Response by Hoffman

Same as above. This information does not apply to annexation approval criteria.

f) *Metro Hearings Officer Findings and Conclusions (highlighted)*

Response by Hoffman

Same as above. The information does not relate to annexation approval criteria and does not apply.

g) *Petition for major amendment to UGB by Keith and Jean Taylor, 25290 Grahams Ferry Road prepared by William Cox.*

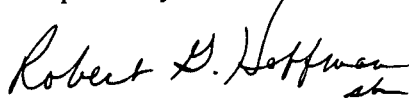
Response by Hoffman

The application submitted by Mr. Schopp for the record is for a Metro UGB amendment. It is not part of the City's annexation approval criteria. Whether or not this area should be annexed does not relate to whether the City's proposed annexation of the prison site meets the approval criteria. While the Taylor UGB amendment area may eventually make sense to be annexed, it does not relate to the City's proposed annexation of the prison site.

Conclusion regarding Mr. Schopp's new testimony

Mr. Schopp argues that with the information he has submitted it "clearly shows a strong potential for UGB Amendment (as petitioned by the City) will be overturned in courts." However, the information submitted by Mr. Schopp as his basis does not seem to consider the supplementary evidence the City submitted on July 19, 2001 and July 30, 2001. Attachment A of the Hearings Officer Recommended Findings and Conclusions (UGB Case #01-03) shows these two documents as items 24 and 26. The Hearings Officer clearly considered these documents in his Findings and Conclusions which Metro subsequently adopted. The UGB amendment is not likely to be overturned. The "new" information Mr. Schopp has submitted is not relevant to the City's proposed annexation. It is not part of the annexation approval criteria and Mr. Schopp has not shown it to be so.

Respectfully submitted,



Robert G. Hoffman AICP

Attachments:

1. Letter and attachments, July 19, 2001, City of Wilsonville to Metro
2. Letter and attachments, July 30, 2001, City of Wilsonville to Metro
3. Prison Amendment Process



July 19, 2001

Mr. Larry Epstein, Hearings Officer  
Metro  
600 NE Grand Av  
Portland OR 97230

Re: City of Wilsonville Case File 01-3

Dear Mr. Epstein:

This letter is intended to submit, within the seven-day extension period, new or supplementary material in support of the City of Wilsonville's application for Major Amendment of the Metro Urban Growth Boundary Case Number 01-3. The applicant has described the application as a very unique situation involving a state prison and intake facility and its service facilities which are already largely in place. It is clearly a State/Regional facility of significance of over 300,000 sq. ft of floor space housing over 1200 prisoners and with over 300 employees. We believe that the application should be viewed as a "special land need" and treated as such. The state legislature clearly intended it to be treated specially by establishing the super-siting legislation which the Governor followed in siting the prison. The prison is now "fact". It exists nearby but outside of Wilsonville's UGB and City limits. The City is providing sewer and water facilities and road improvements to service the facility under contract with the State and with agreement with the County. It is not clear how urban levels of service not covered by the agreement but needed to serve the prison will be funded if the site is not included in the UGB. An example of this situation would be a need for police services near the prison involving prison employees or visitors. The main purpose of the proposed UGB amendment is to formally recognize the prison as an urban use and to count the prisoners in State and Federal reimbursement formulas.

According to Metro 3.01.030 (b) Major Amendment Criteria (in part) "...If it can be demonstrated that factors 1 and 2 can be met, factors 3 through 7 are intended to assist in the decision as to which site is most appropriate for inclusion within the boundary through a balancing of factors..." The super-siting process including similar approval criteria has fully met each of these factors. Each of the seven factors are not treated equally under the criteria but are used in evaluating alternative sites and formulating conditions of approval.

Factor 1 relates to "Demonstrated need to accommodate long range urban population growth." We are hereby requesting that the evidence and findings supporting



the super-siting of the prison be made a part of the record, by reference, to support a positive finding regarding this and other factors. According to the press release quoted by staff in the staff report, the Governor stated that 40% of the prison population was from the Metro area (and thus it is contained within the Metro population forecasts.) Thus, 60% of the prison's population is from other areas of the State and is not within the Metro population forecasts and the Metro's land estimates are short by that amount. The super-siting process which the Governor followed under Chap 982 considered all locational criteria for the prison and the Governor concluded after an exhaustive process that the subject site was the best site that met the criteria (even though it is currently outside of the UGB). The Governor did not choose to split the prison for efficiency and cost reasons. Thus, 40% of the site is attributable to Metro population forecasts for the entire region. The remainder of the prison population comes from the rest of the State. The prison selection committee considered all reasonable sites and selected the subject site as best to meet the criteria. They considered all sites which Metro could find or which were nominated by individuals from within the Metro UGB and the Committee could not find an appropriate site within the current UGB which met all siting criteria as they defined them. The site selection record shows that the current site met all required criteria.

The Department of Corrections' Long-Range Plan which is an attachment to this letter clearly shows how the population need was arrived at. Metro population estimates only indirectly deal with this population need. As part of our original application at enclosure 2 is the Decision by Hearings Officer for Washington County regarding the prison. As part of the decision of April 26, 2000 of Washington County (Case File 00-086-SU/D) there is also testimony and other evidence outlining the need for the prison and its basis as a State/Regional Facility. On page 27 of the County Hearings Officer Findings, the Officer stated regarding a full width street for Clay Street that a ½ street is justified given "...the likelihood Wilsonville will ANNEX the site." (emphasis added). A previous UGB expansion near Wilsonville is the site of the Callahan Center and Dammasch State Hospital. This site was also a pre-existing state-owned facility which was approved by Metro under similar criteria and circumstances as the current petition. A UGB amendment to incorporate the prison within the Metro UGB boundary and eventual annexation to Wilsonville are steps all involved in the process (including Metro) fully expected. In further support of meeting Factor 1 as needed prisoner housing, the petitioner submits the Executive Summary, State of Oregon Long-Range Prison Construction Planning (February 1996), Exhibit 1. The record of the prison siting process of the State and County approval clearly show that Factor 1 (A) (B) (C) has been sufficiently complied with.

Factor 2 is regarding "Need for housing, employment and livability". According to the criteria description, the proponent may choose either subsection (A) or (B). Also the proposal may be regional or sub regional in scope. We are choosing subsection (A). Being a State prison serving the entire State, the proposed site is at least regional in scope. This is clearly supported by Exhibit 1. Factor 2 Subsection (A) relates to either housing or employment. The record for prison siting, incorporated hereby by reference, clearly shows that the prison is to meet unmet housing needs of the State's prison



population as defined by the Corrections Department. The employment at the prison is entirely to serve the needs of this population as defined by the Corrections Department. Additionally, this new corrections facility is not only designed under Measure 17 to employ the medium security women on site, but was also located close to Wilsonville's industrial center in order to provide employment opportunities to the minimum security inmates. In a very real sense, while adding to Wilsonville's population, the facility does so in a manner which aids Wilsonville's housing-to-employment imbalance. See attached Measure 17 excerpt, the State of Oregon Long-Range Construction Planning (February 1996), Exhibit 2. Wilsonville with its over 17,000 existing and over 30,000 future jobs was found to be a needed resource for meeting this requirement. State Goals 9 and 10 are interpreted to include prison population and their needs and services and the site aids in meeting these goals. Serving the prison is consistent with the intent of the goals. The site was selected and approved by a super-siting process under Chap 982 and included County and State hearings and was found to meet all State requirements. While Metro does not have explicit policies relating to prisons, it does have policies that an adequate level of all necessary facilities and services be available. In point of fact, the ORS 421.637 prison siting criteria as to whether necessary facilities and sewers are available was found to have been met by the Department of Corrections and the Governor (see prison siting record). Metro supported the subject site for the prison's location. Factor 2 (A) has been complied with.

Factors 3 through 7, according to paragraph (b) of 3.01.030 Major Amendment Criteria, are for evaluating which site is most appropriate for inclusion in the UGB. Since the prison already exists and was selected using State mandated selection criteria including all these factors under Chap 982, the so-called super-siting law, these factors are deemed to have been met, having already been considered in siting the prison. Conditions were added to the approvals of the State and County to ensure that the criteria had been met. The prison site already exists. Regarding orderly provision of services and efficiency of land uses, including environmental impacts and protections and agricultural lands, (as they relate to the area between the prison and the current city limits), the City of Wilsonville is committed to being a part of a master planning program for this area to ensure that its conservation and development of the general area is as positive as possible for all concerned. Factors 3 through 7 have been sufficiently complied with.

Together herewith is included a brief legal argument prepared by the Wilsonville City Attorney which is being submitted in support of the petition.

Thank you for the opportunity to present further information regarding this application.

Sincerely,



Robert G. Hoffman AICP

**Exhibits:**

1. **Executive Summary State of Oregon Long Range Construction Planning  
(February 1996)**
2. **Ballot Measure 17 – Long Range Construction Planning (February 1996)**
3. **Legal Brief by Wilsonville City Attorney**

**cc: Arlene Loble, Wilsonville City Manager  
Tim O'Brien, Metro  
John Rankin,  
William Cox**



July 19, 2001

Mr. Larry Epstein, Hearings Officer  
Metro  
600 NE Grand Avenue  
Portland, OR 97230

Re: City of Wilsonville, Case File 01-3

Dear Mr. Epstein:

Petitioner, City of Wilsonville, appreciates that this tribunal is being requested to make its determination under a unique set of circumstances. The petitioner has previously submitted its petition and submits its supplementary submission from Bob Hoffman herewith that Metro Factors 1, 2A and 3-7 have indeed been met. Typically, under ORS Chapter 195, an amendment of an urban growth boundary is requested in order to provide a needed supply of land for a variety of housing types and density ranges for a 20-year period which can be provided with urban services. Metro has developed its requirements for an urban growth boundary amendment with this over-riding state law in mind.

However, the need for types of prison housing, the density of the various types of prison housing, the location of the land supply and the provision of urban services is determined under the super-siting statutes which, in the main, preempts Chapter 195. Super-siting provisions, ORS 421.637 – ORS 421.657 were specifically provided for the siting of the Women's Facility and Intake Center, which is the subject of petitioner's application. ORS 421.637 provides for siting criteria and the siting determination by the Department of Corrections. ORS 421.643 provides that the Governor approves or disapproves the site selected. ORS 421.645 preempts certain land use laws for issuance of permits necessary for construction and operation of the facility. ORS 421.649 mandates the provisions of public services by the local provider. ORS 421.635(3) defines public services: "includes but is not limited to electric and telephone communications services, sewer and water systems, fire and life safety services and road improvements." These are public services necessary for urban development. The siting criteria of the availability of urban services for the Women's Facility and Intake Center was found to have been met and urban services have been directed to be supplied; therefore, precluding the need to re-determine this issue.

**Exhibit 3**



Moreover, the factual basis for the future need for this type of land supply for this type of housing and density range of prison siting has also been previously determined, in turn, supplying the basis for the super-siting process. See Exhibits 1 and 2 to Hoffman's supplementary submittal. However, Metro's criteria can be interpreted and applied *in pari materia* with the super-siting statutes. ORS 174.010 provides "where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all." ORS 174.020 provides "the intention of the Legislature is to be pursued if possible; and when a general and particular provisions are inconsistent, the latter is paramount to the former. So a particular intent shall control a general one that is inconsistent with it."

While Metro's staff report has not chosen to reconcile the Metro factors with the basis for the need for land for the correction facility and the availability of urban services for a UGB amendment basically due to preemption, petitioner believes the Metro Factors have been met and are reconcilable with the super-siting criteria and determination in keeping with ORS 174.010. The necessity under the Metro Factors to add a supply of land to meet the future housing types and density ranges includes corrections housing needs and is met by the findings and determinations of the super-siting statute. The petitioner's amendment adds a particular supply of land in the metropolitan urban area found necessary by the state to site and house a type of housing and density range in the form of the Women's Facility and Intake Center and to provide the urban services defined in 421.635(3). The siting in the metropolitan area helps fulfill the statewide Measure 17 economic policies that inmates should be working. The amendment simply conforms the urban growth boundary to the super-siting designation that this supply of land and this type of prison housing and density range and Measure 17 jobs fulfillment was necessary to serve the metropolitan area.

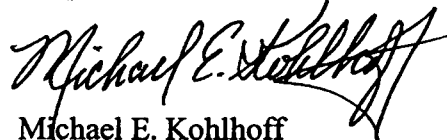
There is also some weight of precedence for such an after-the-fact amendment for a pre-existing state sited facility. The state had sited the Callahan Workmen's Compensation Center and the Dammasch Hospital facilities on lands outside of and prior to the urban growth boundary of Metro and the City of Wilsonville. Due to failing septic systems, the state sought a limited annexation into the City and to amend the urban growth boundary to obtain urban, public services. This annexation was authorized. See Metro Resolution 91-1496, September 26, 1991 (intent to amend the UGB); Portland Metropolitan Area Local Government Boundary Commission, Final Order, November 14, 1991.

Certainly, the Legislature, in mandating that public services must be provided to serve a sited corrections facility regardless of territorial limits, intended only to eliminate a potential obstacle to service, and not to eliminate a conforming territorial inclusion when services are being provided. Otherwise, the state would not support this

amendment. Inclusion in the urban growth boundary and annexation into Wilsonville ensures the continuation of these urban services. The fact there is no opposition to this amendment certainly suggests it also meets the public's common sense that the urban growth boundary should be amended.

Thus, the Metro Factors have been met through super-siting to meet the need of a supply of land for prison housing, including housing for an inmate/intake center and a women's medium and minimum security facility, that public urban services have been demonstrated to be available under the super-siting criteria, the Governor's order that the correction facility is needed to serve the metropolitan area and that it was sited in the metropolitan area. By applying the determinations and findings of the super-siting process to the Metro Factors, the Factors are met, albeit in an atypical manner. Approval of the application meets the provisions of ORS 174.010 to give affect to all relevant provisions. It meets the ORS 174.020 construction rule favoring the specific intent of the Legislature to use super-siting, placing this facility in the metropolitan area. Approval of the application supports a limited amendment for which there is prior precedent. Approval of the application provides a common sense, practical determination that urban services for the type and density range of this particular super-sited prison facility is best placed within the urban growth boundary.

Respectfully submitted,



Michael E. Kohlhoff  
City Attorney

mek:dp

cc: Tim O'Brien, Metro  
Mayor and City Council  
Arlene Loble, City Manager



July 30, 2001

Mr. Larry Epstein, Hearings Officer  
Metro  
600 NE Grand Av  
Portland Or 97230

Re: City of Wilsonville Case File 01-3  
Urban Growth Expansion Application  
Reply to July 17, 2001 letter of Darren Pennington and  
July 23, 2001 letter of John A. Rankin

Dear Mr. Epstein:

This letter is submitted as a response to letters submitted by Darren Pennington and John Rankin and is within the second seven-day period following the July 16, 2001 hearing.

We agree with and support Mr. Pennington's objective as stated in his closing paragraph, "... to encourage a master plan be developed that encompasses the entire area..." Given that the City of Wilsonville is the provider of urban services in the area, and that the basic infrastructure is now in place, we respectfully submit that the City of Wilsonville is the entity that should be responsible for coordinating that planning effort. We do, however, disagree with Mr. Pennington's assertion that leaving the subject properties out of the Urban Growth Boundary is the best way to achieve his stated objective. Once inside the UGB, the City intends to annex the prison site and the right-of-ways of those adjacent streets that are now being improved.

We agree with Mr. Pennington and Mr. Rankin that master planning of the general area surrounding the prison is desirable and will be pursued by Wilsonville. The City has repeatedly stated its commitment to complete that planning process. However, at the current time the entire area, including both the prison site and the streets that now contain urban services provided by the City, remains under the jurisdiction of Washington County. Inclusion of the prison site and related streets will help to establish the City's role in planning for this area.



Mr. Pennington has raised a new issue that Factor 3 and Factor 4 (Orderly Urbanization) and (Efficient Urbanization) of Metro criteria has not been adequately addressed. We will do that more completely than done in our submittal of July 18, 2001.

Factor 3 (Orderly Urbanization) needs to be balanced by Factor 4 (Efficient Urbanization). The prison is an urban use that already exists, sited under super-siting. When the prison begins to receive prisoners in fall of 2001, it will be receiving a wide range of urban services from the City of Wilsonville. The prison site may appear to be entirely separate from the current UGB and Wilsonville City limits. However, it is functionally attached to Wilsonville by sewer, water, storm sewer, and roads. The new facilities have been oversized beyond the needs of the prison, in order to ultimately provide service to the properties between the prison site and the City of Wilsonville. Thus, the actual development of the prison has been done in a manner that will facilitate "efficient utilization" of the area between the prison and Wilsonville. Factor 4, therefore, requires a balancing of other factors with Factor 3. The provision of expanded sewer, storm sewer, water, and roads, beyond the needs of the prison, will have the effect of reducing the costs of ultimately developing the intervening area. Expanding the UGB, as proposed, will aid in this process. Thus, Factors 3 and 4 have been sufficiently complied with.

Mr. Pennington has also raised the issue that each factor must be directly addressed beyond the "notwithstanding argument." Therefore, we will summarize our discussion and conclusion regarding each factor.

Factors 1 and 2 were previously addressed in the submittal of Robert G. Hoffman on July 18, 2001, during the 1<sup>st</sup> seven-day period after the public hearing. That submittal included attachments of the Corrections Department Study demonstrating the need for land to accommodate population growth. The legal brief submitted by City Attorney Mike Kohlhoff also supports findings that Factors 1 and 2 have been met.

(Factors 3 and 4 are discussed above.)

Factor 5 (Environment, Energy, Economy and Social Consequences). In siting the prison, no hazards needing correction or resources needing protection were identified. Site planning for the prison included maintaining a setback from power line easements, protection of a forested area on the prison site, and facilities to collect, detain, and reroute storm water (which was previously the source of frequent flooding in the neighborhood). The prison's storm sewer system was oversized to provide adequate drainage for excess storm water draining into the area from the north. See Attachment A "Oregon Department of Corrections Final Report for Day Road Site, September 15, 1999." Ballot Measure 17, approved by

Oregon voters some years ago, requires training programs for prisoners both on-site and off-site. Such a program has been developed. Wilsonville's businesses, including an estimated 18,000 jobs within two miles of the prison site, will be resources in that program. The prison provides over 400 jobs for prison staff, which are now being recruited throughout the general Metro area. Although there were obviously environmental, energy, economic, and social consequences of siting the prison at the Day Road site, that siting decision is no longer an issue. The environmental, energy, economic, and social consequences of including the prison site and related streets in the UGB at this time are expected to be minimal. Factor 5 has been met.

Factor 6 (Retention of Agricultural Land). Nothing about the proposed UGB expansion is expected to have adverse effects on agricultural lands. The entire area has been determined to be "exception lands," as defined in Statewide Planning Goal 3. The prison already exists. The road connections are already existing immediately adjacent to the prison site. No agricultural land is directly involved in the proposed UGB expansion. Day Road and Boones Ferry Road already exist and the proposed widenings will have no discernable effect on agricultural land. All road expansions will provide better access to the agricultural uses in the general area. The minimal roadway expansions are entirely on "exception land" as is all of the land surrounding the prison. See Attachment A "Oregon Department of Corrections Final Report for Day Road Site, September 15, 1999." Factor 6 has been sufficiently complied with.

Factor 7 (Compatibility of Proposed Urban Development on Nearby Agricultural Activities). As stated in the discussion of Factor 6, the entire area is "exception land." There are some agricultural activities existing nearby, such as landscape and horticultural farms and some field crops and truck farms. The proposed UGB expansion will not adversely affect these activities. Better storm water systems and widened roads will benefit the agricultural uses there through improved drainage and better access. There are no known problems to be created for agricultural uses by the proposed UGB expansion. See Attachment A "Oregon Department of Corrections Final Report for Day Road Site, September 15, 1999." Factor 7 has been sufficiently complied with.

Oregon State Goal 2 is met by the following:

Criteria (1). "The land need cannot be reasonably accommodated within the current boundary."

- The prison already exists outside the current boundary.
- The evidence for Factor 1 and 2 from the Oregon Department of Corrections shows that a need for this urban use (the prison) has already been established.



Lengthy study by the State of Oregon concluded that there were no appropriate prison sites within the Metro UGB.

Criteria (2). "The land need identified can be fully accommodated by the proposed amendment."

- The prison siting study identified only the subject site in the Portland area. The site selected meets this need as evidenced by the decision of the Governor and his site selection committee after exhaustive study.

Criteria (3). "Proposed uses are compatible with other uses or will be so rendered through measures."

- The prison exists, sited under the super-siting process. The prison project had a design process and numerous conditions of approval intended to assure that the prison would be as compatible as possible with surrounding uses. The 30+ ft. high berms and landscape features of the design are the most visible mitigation measures of the development.

Criteria (4). "The long-term consequences of the site as proposed are not significantly more adverse than if sited elsewhere."

- The super-siting of the prison reviewed hundreds of possible sites and the Governor and Site Selection Committee selected the subject site as most desirable including compatibility factors. No other choice is currently available. The prison already exists. There are no other areas known to exist on the perimeter of the UGB that have urban services and large urban uses such as the prison. There are no alternative siting options.

Criteria (d). Islanding? Clear transitions?

- No island is being created by the UGB amendment. The prison already exists.
- The roadway connections make the prison site contiguous to the City of Wilsonville.
- The roadway, sewer, storm sewer, and water services from Wilsonville to the prison will make conversion of the "exception lands" in the area easier to develop at urban densities and will make the cost of service for these areas lower since those facilities have been oversized and paid for by the City and Department of Corrections. Thus, the

UGB amendment will aid in correcting an existing problem area.

Criteria "Other Goals Affected?"

- None have been identified
- Metro's Regional Urban Growth Goals and Objectives (RUGGOs) require that an adequate level of services be available. The Department of Corrections has established that the proposal meets this requirement.

In the final analysis, the City of Wilsonville is seeking a common sense decision. The City is the provider of urban services to the subject properties. The City has agreed to take over maintenance of the subject streets. The City will annex the prison site and related street right-of-ways as soon as practicable after they have been added to the UGB. Although there remains no clear consensus about the future plans of the private property owners in the area (some want to be brought into the City limits and some do not) there is no such uncertainty from either Washington County (which wants the City to take over the streets) or the Oregon Department of Corrections (which wants the prison to be within the City limits). The City is committed to complete comprehensive planning for the area, and believes that such planning will be facilitated by having the prison site and the improved streets brought into the UGB.

The purpose of the Urban Growth Boundary is to separate urbanizable lands from rural lands. It makes no sense to leave the prison outside the UGB when it is already an urban use, receiving urban services. The inclusion of the improved streets serves the purpose of establishing contiguity between the prison site and the City limits; it also recognizes the City's commitment to take over the long-term maintenance of those streets.

If the prison could function without urban services, it could conceivably be considered as something other than an urban use. In reality, however, the prison is an urban use that is already receiving urban services from the City of Wilsonville. The State's super-siting process created this anomaly. The Statewide Planning Goals are in no way served or supported by leaving the prison outside the UGB.

As a further indication of the process, approval criteria, analysis and findings and conditions of that approval, we are hereby submitting a copy of the Oregon Department of Corrections "Final Report for Day Road Site, September 15, 1999" used in siting the prison. (Attachment A) A comparison of the selection criteria and conditions for the prison site with the UGB amendment criteria clearly shows

that each of the factors were considered and findings made to show that the selection criteria and thus the UGB amendment criteria have been complied with.

Thank you for the opportunity to respond to the new arguments and information submitted by Darren Pennington and John Rankin.

Sincerely



Robert G. Hoffman AICP  
City of Wilsonville

RGH:sh

Enclosure: Attachment A "Oregon Department of Corrections Final Report for Day Road Site, September 15, 1999"

Cc: Arlene Loble, City Manager  
Tim O'Brien, Metro  
John Rankin  
Darren Pennington  
William Cox

**Correctional Facility Site Amendment Process**

Process	Status
1. Amend Metro Jurisdictional Boundary	1. Hearing Scheduled at Metro for Nov 7
2. Amend Metro Urban Growth Boundary	2. Approved by Metro
3. Amend City Limits (Annexation)	3. Approved by DRB, City Council hearing scheduled for November 5
4. Amend Metro Framework Plan	4. ?
5. Amend City Comprehensive Plan	5. Future
6. Amend City Zoning	6. Future
7. Develop master plan for area near prison	7. City Comprehensive Plan Area "H" comments City to prepare master plan for area

**Attachment 3**

November 8, 2001

Steve Marks, Chief of Staff  
Governor's Office  
254 State Capitol Building  
Salem, OR 97310

Dear Steve,

First, let me congratulate you on your new position as Chief of Staff. I'm not sure if you are still the point person on land use issues, but I am responding to a letter you wrote while you were still Senior Policy Advisor. At the Wilsonville City Council's public hearing on the prison annexation last Monday we received your September 14<sup>th</sup> letter to Steve Wheeler regarding concurrent annexation of the properties north of Clay Street. I would be happy to discuss the concerns you raised, either with you or with Katy Coba, but I will go ahead and outline some of the complexities of the issue here.

As you may be aware, we are now finalizing the annexation of the prison and its surrounding roads in what appears to be an awkward, cherry stem approach. Actually, this is the second time we have done such an annexation, both times for existing, already urbanized, State-owned properties. In the case of the prison, its supersiting put it ahead of normal land-use patterns and in the case of Dammasch, the facility predated the incorporation of the City of Wilsonville and the existence of any UGB. It was/is logical to bring both properties into the boundary in order to properly service them with infrastructure.

In the case of Dammasch, the urbanized portion was annexed in 1991, but the intervening and surrounding properties (including another 40 acres of State property) did not come into the UGB until 1999, after a master plan had been approved for those properties. Those properties have still not been annexed into the City because critical infrastructure issues are still unanswered. While we don't expect the area around the prison to experience the same kind of delays the Dammasch planning area has, the procedure is apt to be similar.

Our policy has always been that an area needs to have a master plan for land use and provision of services before being annexed. As you note, master planning is an expensive and time-consuming process. In order for the City to make that investment, there needs to be a majority of property owners and residents in favor, and there needs to be a reasonable expectation of success.

The land around the prison includes three distinct planning areas:



- Area #1 is the remainder of the old Urban Reserve 42, which is roughly south of Day Road and bounded by the city, the prison, and the railroad tracks;
- Area #2 includes any properties north of Clay Street;
- Area #3 is made up of properties north of Day Road and south of the Clay Street line.

**Area #1** was a designated Urban Reserve before the prison issue came up so expectations and support for urbanization in that area also predate the prison. Sewer and water to the prison has been sized and planned to serve this area. Property owners in this area are working to meet the majority support threshold and we are committed to beginning the master planning process when they do. Master planning is likely to take a year and the annexation process, at least an additional year.

**Area #2** has quite different constraints. I agree with you that land use changes are usually best made at the back of properties rather than at the road. I suggested such a boundary line in our request of Metro in 1998 to expand UR42 to include all of the prison site and the properties on the north side of Clay Street. I received no support from the property owners on Clay Street for including them. On the other hand, the City of Tualatin was willing to accept the urban reserve expansion for the prison only if Metro imposed a restriction that Clay Street would become "the permanent northern boundary" of the City of Wilsonville. In a public hearing before the Metro Council I was asked if the City of Wilsonville would be agreeable to that restriction and I replied that we would.

For me personally and for the City of Wilsonville, the issue of our commitments is a serious matter. I have spoken with Mayor Lou Ogden recently and understand their concerns about incremental creep northward of Wilsonville's industrial zones toward Tualatin's residential zones. Tualatin is also trying to reserve right of way through that buffer zone for a connector road and their options are narrowing. In addition, in order to serve the prison most efficiently, sewer lines were run only as far north as Cahallin Street. Any route to reach the Clay Street properties would be a long, deep run, and most likely involve a lift station as well. Serving those eight properties (a total of 38 acres) would come at great expense.

Mayor Ogden has said that Tualatin would support breaching the Clay Street line only if it included master planning the whole area between Tualatin and Wilsonville. That represents over a mile of territory with very complex planning and transportation issues. If it were to move concurrently with master planning UR42, it would add multiple years, not to mention huge expense, to that process. Without Tualatin's support and a clear funding source for planning and infrastructure, the City of Wilsonville cannot support a northern expansion beyond Clay Street at this time.

**Area #3** is really the area in question. It has infrastructure challenges, though not as great as properties in Area #2. It borders Day Road, which will be an urban road and it would make sense to bring it in for that reason. It is south of Clay Street and does not

Steve Marks  
November 8, 2001  
Page 3

have the constraints of prior agreements. The wishes of the majority of property owners in this area are unclear however, and the City will not take the lead without clear support for annexation.

For all three areas, there is some benefit in letting the prison get under operation in order to see what the actual neighborhood impacts are. And, as you certainly recall, the primary basis for moving the prison site off of Dammasch was to preserve our last developable residential property for housing, given our serious jobs/housing imbalance. We cannot proceed with annexation of any more industrial lands until the Dammasch development is clearly moving forward. Considering the extensive public record on our jobs/housing ratios neither Metro nor DLCD is likely to look favorably on a request for more industrial land before the Dammasch infrastructure challenges have been met.

I would be happy to discuss these issues further with either you or Katy at your convenience. I hope you are enjoying your new position and maybe a larger office!

Sincerely,



Charlotte Lehan  
Mayor

Cc: Lou Ogden, Mayor of Tualatin  
Steve Wheeler, Tualatin City Manager  
Katy Coba, Governor's Senior Policy Advisor

Steve Marks  
November 8, 2001  
Page 3

have the constraints of prior agreements. The wishes of the majority of property owners in this area are unclear however, and the City will not take the lead without clear support for annexation.

For all three areas, there is some benefit in letting the prison get under operation in order to see what the actual neighborhood impacts are. And, as you certainly recall, the primary basis for moving the prison site off of Dammasch was to preserve our last developable residential property for housing, given our serious jobs/housing imbalance. We cannot proceed with annexation of any more industrial lands until the Dammasch development is clearly moving forward. Considering the extensive public record on our jobs/housing ratios neither Metro nor DLCD is likely to look favorably on a request for more industrial land before the Dammasch infrastructure challenges have been met.

I would be happy to discuss these issues further with either you or Katy at your convenience. I hope you are enjoying your new position and maybe a larger office!

Sincerely,



Charlotte Lehan  
Mayor

Cc: Lou Ogden, Mayor of Tualatin  
Steve Wheeler, Tualatin City Manager  
Katy Coba, Governor's Senior Policy Advisor

BCC: David Lake, DRB Member  
Dennis Mulvihille, Washington County

Sent both e-mail and traditional mail.



JOHN A. KITZHABER, M.D.  
GOVERNOR



September 14, 2001

Post/In	Date	# of pages
Fax Note		
To	STEVE SHOPP	
Fax#	503-681-6007	
From		
Phone#		

Steve Wheeler  
City Manager  
City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR 97062-7092

Dear Mr. Wheeler:

I am responding to your letter to the Governor regarding the request by the landowners' attorney, John Rankin, for support from the Tualatin City Council for state funding to conduct a master planning process for the area between the cities of Tualatin and Wilsonville. The Governor supports the owners' efforts to include these properties in the urban boundary expansion proposal and/or re-zoning these properties to industrial use (which includes the Coffee Creek Correctional Facility).

As you are aware, the extension of the Urban Growth Boundary (UGB), although not required by Senate Bill 686 (1999), was a central issue in the siting of the Coffee Creek facility from the local citizens' standpoint. The Governor initially supported, and continues to support, the inclusion of the properties on the north side of SW Clay Street within the UGB. This is based upon land use planning principles and not as alternative compensation for landowners. While roads are sometimes used as boundaries, a better case can be made for compatible zoning on both sides of this road.

Metro was willing to consider the requests of the parties for the extension of the boundary, which we continue to believe should be extended to the north side of SW Clay Street when the boundary is adjusted for the prison. It is now clear that such an adjustment by Metro will not be a simple matter.

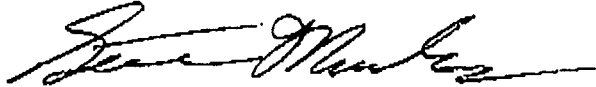
*Recd 11-5-01  
Mr. EATON.  
Re: ORB 539 Ask*

Steve Wheeler  
September 14, 2001  
Page Two of Two

We remain committed to the expansion of the UGB to include the properties on the north side of SW Clay Street and would be pleased to enter a discussion about the value and necessity of a master plan to achieve this goal. As you are aware, there is not an identified source of funds to develop a master plan for the area. The economic downturn will limit state options to fund or seek funding. Therefore, funding may be a significant limitation on the master planning concept

The Governor appreciates the City of Tualatin's input into this matter, and I look forward to working with you to better understand the City of Tualatin's concerns and request.

Sincerely,



Steve Marks  
Senior Policy Advisor

SM:lgw

c: Rep. Jerry Krummel

# DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville Local File No.: 01DB32  
(If no number, use none)

Date of Adoption: Nov. 19, 2001 Date Mailed: 11-26-01  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/25/01

- Comprehensive Plan Text Amendment
  - Land Use Regulation Amendment
  - New Land Use Regulation
  - Comprehensive Plan Map Amendment
  - Zoning Map Amendment
  - Other: Annexation
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

A Legislative annexation of 119.68 to the City of Wilsonville. The site to be annexed is the  
State of Oregon's Coffee Creek Correctional Facility and nearby roadways. The Department of Corrections  
has agreed to the annexation and authorized Wilsonville to represent it in the annexation.  
(A MEIRO, UGB and jurisdictional amendment are being processed by MEIRO contemporaneously).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plan Map Changed from: NA to \_\_\_\_\_

Zone Map Changed from: NA to \_\_\_\_\_

Location: NW of City of Wilsonville Acres Involved: 119.68

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1 through 14

Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.: \_\_\_\_\_

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: MEIRO, DOC

Washington County

Local Contact: Blaise Edmonds Area Code + Phone Number: 503-682-4960

Address: 3000 SW Town Center Loop East

City: Wilsonville OR Zip Code+4: 97070

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. **Submit TWO (2) copies the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.**

3. **Please Note: Adopted materials must be sent to DLCD not later than FIVE (5) working days following the date of the final decision on the amendment.**

4. **Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.**

5. **The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the "Notice of Adoption" is sent to DLCD.**

6. **In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.**

7. **Need More Copies? You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.**

November 26, 2001

Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

Re: Annexation, Local File No. 01DB32

Gentlemen:

I have enclosed two certified copies of Ordinance No. 539 adopted by the Wilsonville City Council at their November 19, 2001 City Council Meeting. This Ordinance annexes the 119.68 acres of land described as the State of Oregon's Coffee Creek Correctional Facility and nearby roadways into the City of Wilsonville.

Please contact me if you have questions or if you need additional information.

Sincerely,

Sandra C. King, CMC  
City Recorder

/sck

Enclosures

# D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville Local File No.: 01DB32  
(If no number, use none)

Date of Adoption: Nov. 19, 2001 Date Mailed: 11-26-01  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/25/01

- Comprehensive Plan Text Amendment
  - Land Use Regulation Amendment
  - New Land Use Regulation
  - Comprehensive Plan Map Amendment
  - Zoning Map Amendment
  - Other: Annexation
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

A Legislative annexation of 119.68 to the City of Wilsonville. The site to be annexed is the  
State of Oregon's Coffee Creek Correctional Facility and nearby roadways. The Department of Corrections  
has agreed to the annexation and authorized Wilsonville to represent it in the annexation.  
(A MEIRO, UGB and jurisdictional amendment are being processed by MEIRO contemporaneously).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plan Map Changed from: NA to \_\_\_\_\_

Zone Map Changed from: NA to \_\_\_\_\_

Location: NW of City of Wilsonville Acres Involved: 119.68

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1 through 14

Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.: \_\_\_\_\_

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: METRO, DCC

Washington County

Local Contact: Blaise Edmonds Area Code + Phone Number: 503-682-4960

Address: 3000 SW Town Center Loop East

City: Wilsonville OR Zip Code+4: 97070

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**SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

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