

ORDINANCE NO. 662

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE *CLACKAMAS COUNTY – EXCLUSIVE FARM USE (EFU) ZONE* TO THE CITY *PUBLIC FACILITIES (PF) ZONE* AND, APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM THE *CLACKAMAS COUNTY - AGRICULTURE* DESIGNATION TO THE CITY - *PUBLIC LANDS* DESIGNATION AND DESIGNATING LIGHTING OVERLAY ZONE 1 FOR APPROXIMATELY 11.17 ACRES COMPRISING TAX LOT 2201 OF SECTION 22, T3S, R1W, CLACKAMAS COUNTY, OREGON. CITY OF WILSONVILLE ACTING AS AGENT FOR THE APPLICANT ROD WOJTANIK, METRO.

WHEREAS, the City of Wilsonville represented by Chris Neamtzu and acting as the agent for the Applicant, Rod Wojtanik of METRO have requested a Zone Map Amendment and a Comprehensive Plan Map Amendment for certain property described in attached Zoning Order DB08-0050; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with recommended conditions, to the Development Review Board dated January 30, 2009, wherein it reported that the requests are consistent with and meet requirements for approval of a Zone Map Amendment, Comprehensive Plan Map Amendment and designation of a Lighting Overlay Zone; and

WHEREAS, the Development Review Board Panel 'A' held a public hearing on these requests on February 9, 2009, and after taking testimony, gave full consideration to the matter and recommended approval of the requests; and

WHEREAS, the Wilsonville Planning Staff provided the Development Review Board the adopted staff report to City Council dated February 9, 2009 (Exhibit A1-b); and

WHEREAS, on March 16, 2009, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the staff recommended Zone Map Amendment and Comprehensive Plan Map Amendment and Lighting Zone description, of Tax Lot 2201 comprising approximately 11.17 acres, meets applicable approval criteria of the City's Land Development Code.

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

Section 1. Findings. The City Council adopts as findings, conclusions and conditions the foregoing recitals and the staff report in this matter labeled as Exhibit A1-b and Attachment 3, which Exhibit is attached hereto and incorporated herein as if fully set forth.

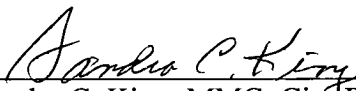
Section 2. Order.

A. The official City of Wilsonville Zone Map is hereby amended in Zoning Order: DB08-0050, attached hereto, from the Clackamas County - *Exclusive Farm Use (EFU)* zone to *Public Facilities (PF)* zone on Tax Lot 2201 of Section 22, T3S, R1W, Clackamas County, Oregon, as depicted in Zoning Order DB08-0050, the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

B. The official Lighting Zone map for the subject property is hereby designated Lighting Overlay Zone 1.

C. The official City of Wilsonville Comprehensive Plan Map is hereby amended from Clackamas County - *Agriculture* designation to City - *Public Lands* designation on Tax Lot 2201 of Section 22, T3S, R1W, Clackamas County, Oregon, as depicted in the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

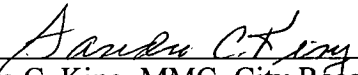
SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 16th day of March 2009, and scheduled the second reading on April 6, 2009 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6th day of April 2009, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7th day of April, 2009.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Ripple	Yes
Councilor Kirk	Yes
Councilor Nunez	Excused
Councilor Hurst	Yes

Attachments:

1. Zoning Order DB08-0050

Attachment 1. Legal description

Attachment 2: Map depicting Zone Map Amendment and Comprehensive Plan Map Amendment

Attachment 3: Conditions of Approval

Exhibit A1-b: Adopted Staff Report to Development Review Board, February 9, 2009

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Graham Oaks Nature Park**

In the matter of the application of)
City of Wilsonville)
acting as agent for the Applicant)
Rod Wojtanik, METRO,)
for a rezoning of land and amendment) **ZONING ORDER DB08-0050**
of the City Of Wilsonville)
Zoning Map incorporated in Section 4.102)
Of the City of Wilsonville)

The above-entitled matter is before the Council to consider the application of City of Wilsonville acting as agent for the Applicant Rod Wojtanik, METRO for a Zone Map Amendment (Case File 08DB-0050) and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

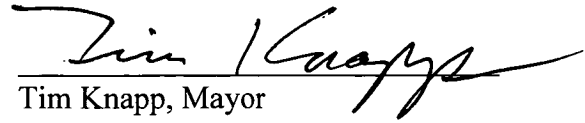
It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 2201 in Section 22, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Clackamas County Zoning Map as *Exclusive Farm Use – (EFU)*.

The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds that the application should be approved, and it is therefore,

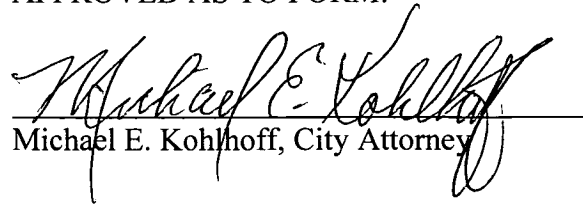
ORDERED that Tax Lots 2201 in Section 22, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to the City - *Public Facilities - (PF) Zone*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

It is further ORDERED that Tax Lots 2201 in Section 22, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby declared an amendment to the Wilsonville Lighting Overlay Zone Map as Lighting Overlay Zone 1 and shall appear as such from and after entry of this Order.

Dated this 6th day of April, 2009.


Tim Knapp, Mayor

APPROVED AS TO FORM:


Michael E. Kohlhoff, City Attorney

ATTEST:


Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description



Legal Description

Urban Growth Boundary Expansion Graham Oaks Nature Park

A tract of land situate in the northwest quarter of Section 22, Township 3 South, range 1 West, Willamette Meridian, being a portion of that certain tract of land described in Bargain and Sale Deed to Metropolitan Service District (Metro), recorded May 8, 2001 as Fee No. 2001-033484, Clackamas County Deed Records, more particularly described as follows:

Beginning at a point on the easterly line of said Metro property bearing South 33°05'31" East 706.64 feet from the northwest corner of that certain tract of land described in Statutory Warranty Deed to West Linn-Wilsonville School District, recorded November 29, 1999 as Fee No. 99-110481, Clackamas County Deed Records, thence continuing along said easterly line South 33°05'31" East 523.99 feet to a point on the centerline of re-aligned Wilsonville Road (County No. 1244) as shown on Survey No. SN2006-435, Clackamas County Survey Records; thence along said re-aligned centerline South 64°19'31" West 969.33 feet; thence leaving said centerline North 25°48'14" West 520.56 feet; thence North 64°23'08" East 902.86 feet to the **Point of Beginning**.

Containing 486,826 square feet (11.176 acres), more or less.

All as shown on Exhibit "B", attached hereto and by this reference made a part hereof.

Subject to covenants, conditions, reservations, restrictions, rights of way and easements of record, if any.

Prepared by me or under my direction on October 24, 2008.

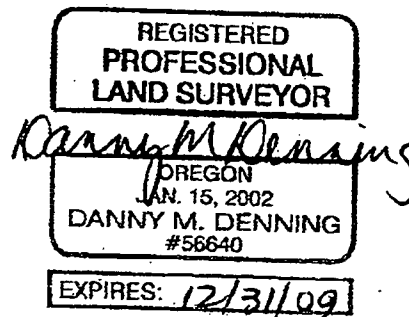


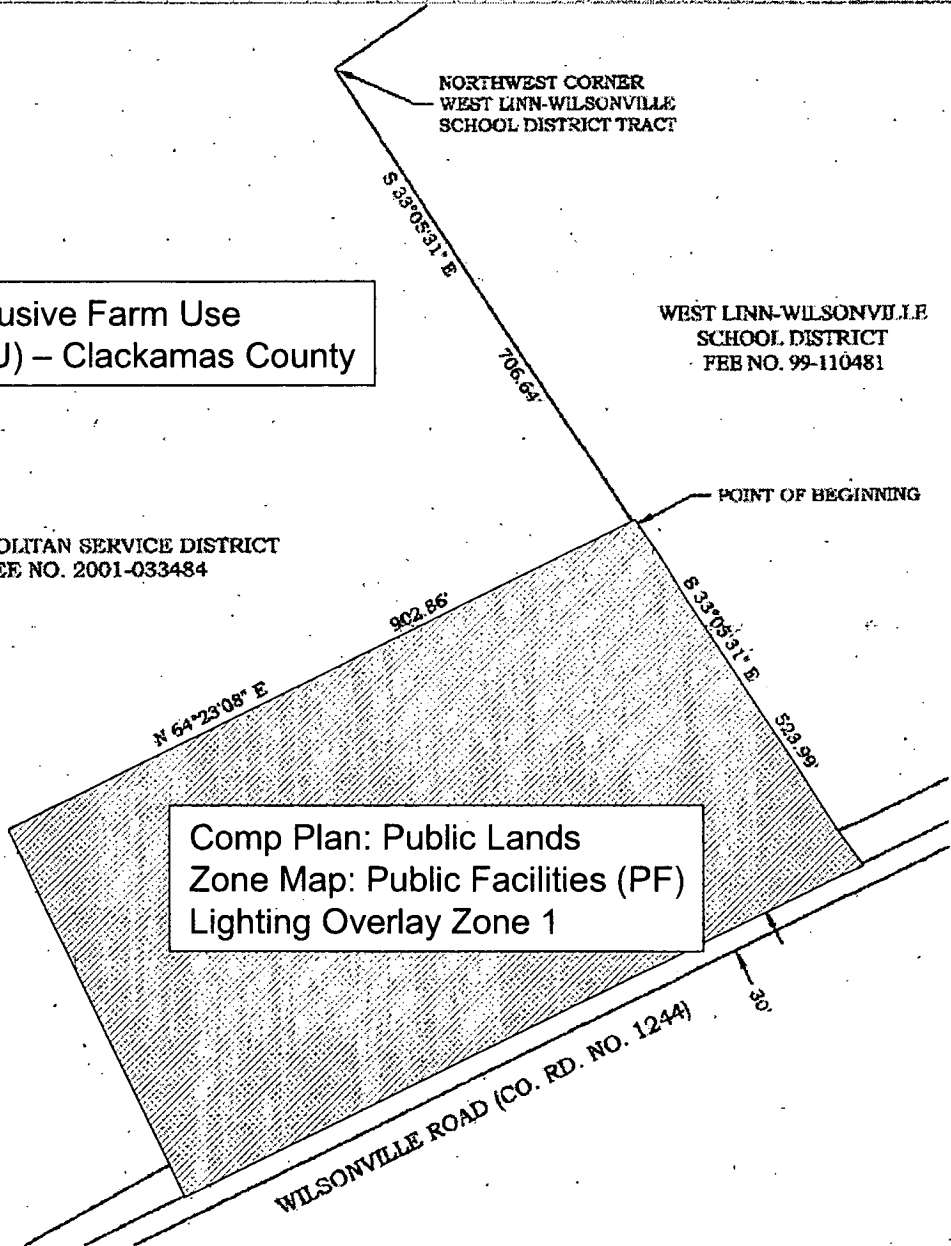


EXHIBIT 'B'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Exclusive Farm Use
(EFU) – Clackamas County

WEST LINN-WILSONVILLE
SCHOOL DISTRICT
FEE NO. 99-110481

METROPOLITAN SERVICE DISTRICT
FEE NO. 2001-033484



Comp Plan: Public Lands
Zone Map: Public Facilities (PF)
Lighting Overlay Zone 1

307272-UGB

kpff
 Consulting Engineers
 711 S.W. Fifth Avenue
 Suite 2300
 Portland, Oregon 97204
 503-237-8251

NW QTR SECTION 22, T. 3S., R. 1W., W.M.
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

DATE: 10/24/08
SCALE: 1" = 200'
CONTOUR INTERVAL: NA
PROJECT NO. 307272
SHEET: 1 OF 1



Proposed Conditions of Approval by application:

City Council
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>
PDB1. Approval of case file DB08-0050 (Request B) is contingent upon City Council approval of the request for Annexation, case file DB08-0049 (Request A).

Resolution No. 154(B)
Comprehensive Plan Map Amendment
Zone Map Amendment

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 154(B)
GRAHAM OAKS NATURE PARK
COMPREHENSIVE PLAN MAP AMENDMENT/ZONE MAP AMENDMENT**

A RESOLUTION OF THE DEVELOPMENT REVIEW BOARD PANEL A RECOMMENDING THAT THE CITY COUNCIL APPROVE A COMPREHENSIVE PLAN MAP AMENDMENT FROM CLACKAMAS COUNTY *AGRICULTURE* DESIGNATION TO THE CITY - *PUBLIC LANDS* DESIGNATION, AND A ZONE MAP AMENDMENT FROM CLACKAMAS COUNTY *EXCLUSIVE FARM USE (EFU) ZONE* TO THE CITY - *PUBLIC FACILITIES (PF) ZONE* ON 11.17 ACRES OF LAND WITHIN GRAHAM OAKS NATURE PARK. THE SITE IS LOCATED WEST OF BOONES FERRY PRIMARY SCHOOL ON TAX LOT 2201 OF SECTION 22, T3S-R1W, CLACKAMAS COUNTY, OREGON. METRO and CITY OF WILSONVILLE, APPLICANTS.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a report on the above-captioned subject dated January 30, 2009, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on February 9, 2009, at which time exhibits, together with findings were entered into the public record, and

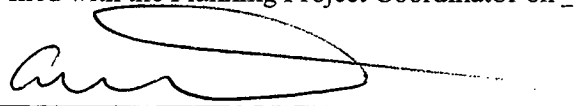
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A with findings and recommendations placed on the record herein, and recommends that the City Council approve a Comprehensive Plan Map Amendment to *Public Lands* and a Zone Map Designation to *Public Facilities* on 11.17 acres requested in Case File DB08-0050 and adopts the staff report attached hereto as Exhibit A, with findings and recommendations contained therein, consistent with said recommendations. A City Council hearing date is set for February 18, 2009.

ADOPTED by the Development Review Board Panel A of the City of Wilsonville at a regular meeting thereof this 9th day of February 2009 and filed with the Planning Project Coordinator on

February 13, 2009.



Eric Postma, Chair Panel A
Wilsonville Development Review Board

Attest:


Sally Hartill, Planning Project Coordinator

**Exhibit A1-b
STAFF REPORT
WILSONVILLE PLANNING DIVISION
Graham Oaks Nature Park
DEVELOPMENT REVIEW BOARD PANEL 'A'
QUASI-JUDICIAL PUBLIC HEARING**

(AMENDED AND ADOPTED FEBRUARY 9, 2009)

(Note: additional language in bold, italic text; deleted language struck through)

HEARING DATE: February 9, 2009
DATE OF REPORT: January 30, 2009

APPLICATION NO.'S:

- a. DB08-0049: Class 3 Annexation
- b. DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment
- c. DB08-0051: Site Design Review
- d. DB08-0052: Type C Tree Removal Plan

APPLICANT: Rod Wojtanik, Landscape Architect – METRO

OWNER: METRO

APPLICANT'S REPRESENTATIVE: Chris Neamtzu, AICP, Long Range Planning Manager – City of Wilsonville

REQUEST: The applicant(s) (Rod Wojtanik, METRO and Chris Neamtzu, City of Wilsonville) are requesting approval of the necessary Site Development Permit applications to develop Tax Lot 2201 of Section 22, Clackamas County. This proposal seeks to annex 11.17 acres of land to develop the Graham Oaks Nature Park. Annexation is requested so urban services such as sanitary sewer service and potable water can be provided to a picnic shelter and restroom. The site will have a Comp. Plan Map designation of Public Lands and Zone Map designation of Public Facilities (PF). The proposal includes site design review of the shelter/restroom, landscape, tree removal, and signage

LOCATION: The 11.17 -acre parcel is located at 11825 SW Wilsonville Road, immediately west of the CREST Center and Boones Ferry Primary School, as depicted on the map below (See Vicinity Map on Page 2).

LEGAL DESCRIPTION: Tax Lot 2201, Township 3 South, Range 1 West, Section 22, Clackamas County, Oregon.

LAND USE DESIGNATIONS: Existing: Clackamas County – Agricultural
Proposed: *Wilsonville – Public Lands*

ZONING DESIGNATIONS: Existing: Clackamas County – Exclusive Farm Use (EFU)
Proposed: *Wilsonville – Public Facilities (PF)*

STAFF REVIEWERS: Kristy Lacy, Blaise Edmonds, Steve Adams, Don Walters and Kerry Rappold

REQUESTED ACTION:

The Development Review Board is being asked to review concurrent applications proposing annexation and development of a portion of Tax Lot 31W22_02201 (approximately 11.17 acres) to develop park amenities such as: parking, restrooms/storage and picnic facilities for the 250-acre Graham Oaks Nature Park. The applicant is submitting requests for:

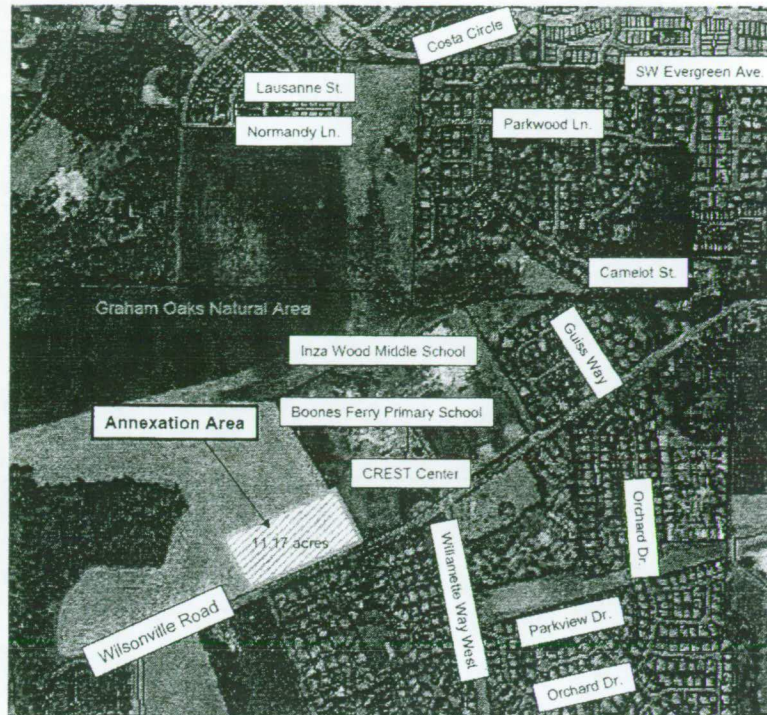
- A. DB08-0049: Class 3 Annexation
- B. DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment
- C. DB08-0051: Site Design Review
- D. DB08-0052: Type C Tree Removal Plan

APPLICABLE CRITERIA:

Planning and Land Development Ordinance: Sections 4.008-4.035; 4.136; 4.155; 4.156; 4.167; 4.171; 4.175-4.179; 4.197; 4.198; 4.300; 4.400- 4.450; 4.600-4.640; 4.700; 4.800. **Other Planning Documents:** Oregon Statewide Planning Goals (as applicable); Oregon Revised Statutes; Comprehensive Plan; Transportation Systems Plan; Storm Water Master Plan; Bicycle and Pedestrian Master Plan; Parks and Recreation Master Plan.

STAFF RECOMMENDATION: Approve the request for the 11.17-acre annexation and park amenities including parking, restrooms/storage and picnic facilities for the 250-acre Graham Oaks Nature Park.

VICINITY MAP:



SUMMARY / BACKGROUND (AS SUPPLIED BY THE APPLICANT):

“Metro acquired the site with proceeds from the 1995 Greenspaces Bond Measure from the State of Oregon in 2001. The Bond Measure program was adopted by the voters of the Portland Metropolitan area to acquire and protect natural areas and improve water quality and habitat throughout the region. The original acquisition area was 230 acres and was formerly known as the Wilsonville Tract. An additional 20 acres was obtained in July 2008 from the State of Oregon through the 2006 Natural Areas Bond program to increase the size of the park to 250 contiguous acres.

A master plan for development of the site as a nature park was completed by the City and Metro in 2004. This plan included a substantial public involvement process and was adopted by the city’s Parks and Recreation Advisory Board, Planning Commission, City Council as well as the Metro Council. The master plan called for extensions of the Tonquin Regional Trail through the site, connections to CREST, and a spur trail system to provide public access to the Arrowhead Creek wetland complex, Legacy, Indian Plum and Pristine Creeks and development of a “gateway” to the park that provides picnic shelters, a restroom and a parking lot. The proposed section of the Tonquin Regional trail will roughly bisect the site in a north/south direction and will provide trail connections to the urbanized areas located to the north at Villebois, secondary trails east to the Park at Merryfield/Wood Middle School/Boones Ferry Primary and enhanced pedestrian crossings of Wilsonville Road at Willamette Way West for Fox Chase and Rivergreen to the south.

After completion of the master plan for the site an extensive restoration plan was developed to transition the site from agricultural use to a native pre-settlement state. The site is home to the following rare and valued species: Oregon oak, western red cedar, northern red-legged frog and the western bluebird. Over 150,000 trees, shrubs, native grasses, forbes and trees were planted in 2007. The planting scheme will recreate oak savanna, shrub/scrub, oak woodlands and native grasslands throughout the site. Existing wetland complexes are planned to be enhanced to complete restoration of the natural ecosystems. Besides the re-vegetation efforts, Metro has continued to remove invasive species from the closed canopy mixed conifer forest known as Legacy Creek and in several identified wetland complexes. The Legacy Creek

portion of the site is a mixed species forest that contains Oregon white oak, Oregon ash, Douglas fir, big-leaf maple and beaked hazelnut.

The site is currently being designed and engineered for construction of a nature park beginning in the summer of 2009. Preliminary design has been completed to define the location of the gateway for the site that includes a small parking area, restroom, picnic area and interpretive signage. The driveway entrance will be located off of SW Wilsonville Road and is aligned with SW Willamette Way West.”

ISSUES:

1. CREST Center and Tonquin Regional Spur Trails:

It should be noted that approval of the proposed project is limited to the 11.17 acres subject to annexation as well as a small portion of the Merryfield Trail. The West Linn – Wilsonville School District, or current property owner, will be responsible for applying for changes to the CREST Center while METRO, or the current property owner, will be responsible for applying to Clackamas County for those areas outside of the city limits.

CONCLUSIONS AND RECOMMENDATIONS:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. Although not comprehensive in nature, in most cases, Staff finds that the analysis satisfactorily demonstrates compliance with the City’s Comprehensive Plan and the Planning & Land Development Ordinance. The Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings and modified by proposed Conditions of Approval. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed applications (DB08-0049 through DB08-0052) and with the following conditions:

CONDITIONS OF APPROVAL FOR REQUEST ‘B’:

The application and supporting documents are hereby adopted for approval with the following conditions:

PD = Planning Division Conditions BD = Building Division Conditions PF = Engineering Conditions NR = Natural Resources Conditions TR = SMART/Transit Conditions FD = Tualatin Valley Fire and Rescue Conditions	A. DB08-0049: Class 3 Annexation B. DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment C. DB08-0051: Site Design Review D. DB08-0052: Type C Tree Removal Plan
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Planning Division Conditions:	
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>	
PDB1.	Approval of case file DB08-0050 (Request B) is contingent upon City Council approval of the request for Annexation, case file DB08-0049 (Request A).

Building Division Conditions:	
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>	
No Conditions.	

Engineering Division Conditions:	
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>	
No Conditions.	

Natural Resources Division Conditions:	
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>	
No Conditions.	

SMART/Transit Division Conditions:	
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>	
No Conditions.	

Tualatin Valley Fire and Rescue Conditions:	
<i>Request B – DB08-0050: Comprehensive Plan Map Amendment and Zone Map Amendment</i>	
No Conditions.	

MASTER EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the master exhibits list that includes exhibits for Planning Case Files DB08-0049 through DB08-0052.

A. Staff's Written and Graphic Materials:

A1. STAFF REPORT:

- a. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request A, Conclusionary Findings for Request A
- b. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request B, Conclusionary Findings for Request B
- c. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request C, Conclusionary Findings for Request C
- d. Findings of Fact for Requests A through D, Proposed Conditions of Approval for Request D, Conclusionary Findings for Request D

A2. NOTICE TO THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

A3. Memorandum to the DRB dated February 9, 2009

A4. Meeting Minutes of the November 13, 2008 Wilsonville Parks & Recreation Advisory Board Meeting

A5. Staff PowerPoint

B. Applicant's Written and Graphic Materials:

B1. APPLICATION

B2. DESIGN REVIEW APPLICATION (NARRATIVE)

B3. APPLICANT'S EXHIBITS

- a. Exhibit 1 – Legal Description
- b. Exhibit 3 – UGB Expansion Application (Order No. 08-049)
- c. Exhibit 4 – Metro Notice of UGB Expansion
- d. Exhibit 5 – Traffic Waiver Request
- e. Exhibit 6 – Clackamas County Notice of Land Use Application
- f. Exhibit 7 – Gate Specifications
- g. Exhibit 8 – Clackamas County Notice of Decision
- h. Exhibit 9 – Type C Tree Removal Plan
- i. Exhibit 11 – Taxlots within 275' of Graham Oaks Nature Park
- j. Exhibit 12 – Metro Council Notice of Public Hearing.
- k. Exhibit 13 – 2004 Master Plan – Graham Oaks Nature Park

B4. SUPPLEMENTAL SUBMITTAL

- a. Letter of Transmittal dated 12-30-08
- b. Tabulation of Land Area
- c. Exterior Materials Sample (9 pages and 5 physical samples)
- d. Existing and Proposed Comp Plan Map
- e. Existing and Proposed Zone Map
- f. Memorandum re: Completeness Review – Lighting (including lighting cut sheets)
- g. Zoning Overview and UGB Expansion Map

B5. PLAN SET (Reduced size and full size):

Plan Sheets

- Cover Sheet (Design Review – 50% Construction Documents)
- G1.03 Plazas & Spur Trails Sheet Layout
- L1.01 City of Wilsonville Improvements Sheet Layout
- L1.02 Signage Plan
- C2.01 Gateway Plan: Overall Grading Plan
- C2.02 Gateway Plan: Utilities

- C2.03 Gateway Plan: Parking Details
- L2.01 Gateway Layout & Materials Plan
- L2.02 Gateway Planting Plan
- L2.03 Gateway Irrigation Plan
- A2.01 Restroom Building Picnic Shelter
- L3.01 Spur Trails Layout & Planting Plan
- L3.02 Gateway Spur Trail Layout & Materials Plan Planting Plan
- L3.03 Merryfield Trail Layout & Materials Plan Planting Plan
- L4.01 North Tonquin Trailhead Wetland Overlook Layout & Materials Plan
- L4.02 Lone Oak Plaza South Tonquin Trailhead Layout & Materials Plan
- L4.03 Merryfield Overlook Tonquin Trailhead Layout & Materials Plan
- L5.01 Construction Details
- L5.03 Construction Details
- L5.04 Construction Details
- L6.01 CREST Improvements

B6. Applicant's PowerPoint

C. Development Review Team Correspondence:

- C1. Memo from Community Development Director re: Graham Oaks Nature Park Traffic Study Waiver Request; dated 01/07/09.
- C2. Memo from D. Walters; Building Plans Examiner; dated 01/21/09.
- C3. Memo from Kerry Rappold, Natural Resources Program Manager; dated 01/28/09.
- C4. E-mail from Steve Adams, Deputy City Engineer; dated 01/29/09

D. General Correspondence:

- D1. Letters (neither For nor Against): None submitted
- D2. Letters (In Favor): None submitted
- D3. Letters (Opposed): None submitted

FINDINGS OF FACT

1. Statutory Timeline:

The statutory 120-day time limit applies to this application. The application was received on November 13, 2008. On December 30, 2008 the applicant submitted additional materials. On January 16, 2009, the application was deemed complete. The City must render a final decision for the request, including any appeals, by **May 16, 2009**.

2. Adjacent land uses:

Compass Direction	Zone:	Existing Use:
North:	V	Villebois Subdivision – Residential
South:	PDR-4	Fox Chase Subdivision – Residential
East:	PF	Boones Ferry Primary School & CREST Center
West:	EFU	Clackamas County – Graham Oaks Nature Area

3. Natural Characteristics: The site contains approximately 250 acres of forest, wetlands and newly planted areas that are being restored. To date, over 150,000 native plants in size distinct habitat types have been planted on the site to return the vegetation to pre-European settlement patterns. There is an existing network of social trails that are located throughout the site. These trails are used by the surrounding neighborhoods and CREST for educational purposes. The site is located approximately 2,500 feet north of the Willamette River. CREST, Boones Ferry Primary School and Wood Middle School are located east of the site and are owned and operated by the West Linn-Wilsonville School District.

4. Streets: The subject corner property is fronted on the south by Wilsonville Road. Wilsonville Road is constructed to current standards. Two access points from Wilsonville Road will be provided as a part of this project; one to accommodate a Public Works required vector truck access/driveway off of Wilsonville Road onto the Tonquin Trail and one on the west edge of the site that will provide access to the gateway. The proposed access on the west edge of the site will align with Willamette Way West located south across Wilsonville Road. Although the site will be provided automobile access, most park users are likely to either enter on foot or by bicycle because of the trail and the proximity of the neighborhood. No other access can be provided to the subject site.

5. Review Procedures: The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

GENERAL INFORMATION

SECTION 4.008. APPLICATION PROCEDURES - IN GENERAL.

The applicant is requesting the necessary site development permit applications to develop Tax Lot 2201 of Section 22, Clackamas County. The applicant proposes to annex 11.17 acres of land to develop the Graham Oaks Nature Park. Annexation is requested so urban services such as sanitary sewer service and potable water can be provided to a picnic shelter and restroom.

SECTION 4.009. WHO MAY INITIATE APPLICATIONS.

The application has been submitted by Rod Wojtanik, Landscape Architect for METRO, with the help of his consultant, Chris Neamtzu, AICP, Long Range Planning Manager for the City of Wilsonville. The subject site is owned by METRO. The applicant has signed the development application demonstrating permission of the property owner for submission of the application. This provision is met.

SECTION 4.034. APPLICATION REQUIREMENTS.

Following is documentation, by request, of the standards and procedures appropriate to each application.

REQUEST B
DB08-0050: COMPREHENSIVE PLAN MAP AMENDMENT
AND
ZONE MAP AMENDMENT
CONCLUSIONARY FINDINGS

COMPREHENSIVE PLAN
Plan Amendments

This Plan has been designed to provide some flexibility in interpretation in an effort to be market-responsive and to minimize the need for Plan amendments. However, since it is impossible and impractical to allow for all possible combinations of land development proposals, it is probable that occasional Plan amendments will be necessary. In addition, economic and social conditions change over time, as do land use laws. Therefore, Plans must be periodically reviewed to consider changed circumstances. As noted above, periodic review of local Plans is also required by state law.

The Planning Commission, Development Review Board, and City Council all provide the public with opportunities to comment on non-agenda items at each regularly scheduled public meeting. Any interested person has the opportunity to suggest changes to the Comprehensive Plan that those decision-making bodies may wish to consider. The Commission, DRB, or Council may initiate a Plan amendment, by motion, as prescribed in #1, below.

- 1. Who May Initiate Plan Amendments? An amendment to the adopted Plan may be initiated by:
 - a. The City Council*
 - b. The Planning Commission (for legislative amendments) or Development Review Board (for quasi-judicial amendments); or*
 - c. Application of the property owner(s) or contract purchaser(s) affected or their authorized agents, as specified in #2, below.**

B1. Metro, the regional government and property owner, is proposing a modification to the City's Comprehensive Plan Map to add 11.17 acres of the 250-acre Graham Oaks Nature Park to the City of Wilsonville in the 'Public Lands' category. This provision is therefore satisfied.

- 2. Application for Plan Amendments:
An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City Council, DRB, or Planning Commission, as noted in #1, above, shall be accompanied by a Plan Amendment Fee.*

B2. An application and associated fee for an amendment to the Plan maps or text was submitted by the applicant as demonstrated in Exhibit B1. This provision is therefore satisfied.

- 3. The Consideration of Plan Amendments:
 - a. Amendments to the maps or text of the Comprehensive Plan shall only be considered by the City Council after receiving findings and recommendations from the Planning Commission (legislative) or Development Review Board (quasi-judicial) at their regular or special meetings.**

B3. The applicant's submitted findings (See Exhibit B2) together with this report shall serve as the findings and recommendation, respectively, to the Development Review Board. Staff is recommending conditional approval to annex 11.17 acres of land into the City. The proposed recommendation will be reviewed by the DRB and forwarded to the City Council for review and approval. The application is quasi-judicial as it is a site specific proposal. Evidentiary public hearings before the DRB and City Council have been scheduled for February 9, 2009 and February 18, 2009, respectively.

b. Amendments must be initiated as provided in this section, sufficiently in advance of the first evidentiary hearing on the proposal to allow adequate time for providing public notice and preparing a staff report on the proposal. The first evidentiary hearing is usually the first public hearing held by the Planning Commission or Development Review Board on the proposal.

B4. The application was received on November 13, 2008. On December 30, 2008 the applicant submitted additional materials. On January 16, 2009, the application was deemed complete. A public hearing before the DRB and City Council are scheduled for February 9, 2009 and February 18, 2009, respectively. This application is being reviewed in conformance with state timelines; therefore, this provision is satisfied.

c. This Plan, and each of its elements, is always open for amendments that consider compliance with the Statewide Planning Goals and Plans of Metro. Amendment and revision for compliance with the above regional Goals, Objectives, and Plans shall be consistent with any re-opening of local Plans as approved by the Land Conservation and Development Commission (LCDC).

This provision is not to be construed as waiving any legal rights which the City may have to challenge the legality of a regional Goal, Objective or Plan provision.

B5. The proposed amendment to annex 11.17 acres was submitted by the property owner, METRO, in conformance with the Statewide Planning Goals. A detailed discussion of the Statewide Planning Goals can be found beginning on page 3. Notice to the Oregon Department of Land Conservation and Development was submitted on December 12, 2008 (See Exhibit A2). This provision is therefore satisfied.

d. The Planning Commission or City Council may conduct a public hearing at any time to consider an amendment to the Plan text or Plan map when the Commission or Council finds that the consideration of such amendments are necessary to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said text or Plan map.

B6. The proposed amendment to annex 11.17 acres and amend the Comprehensive Plan and Zone Maps was submitted by the property owner, METRO. A hearing for consideration of such amendment was scheduled before the DRB on February 9, 2009 and the City Council on February 18, 2009. A discussion regarding the goals and implementation measures of the Comprehensive Plan can be found in this document.

4. Standards for approval of Plan Amendments.

In order to grant a Plan amendment, the City Council shall, after considering the recommendation of the Development Review Board (quasi-judicial) or Planning Commission (legislative), find that:

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.*

B7. As demonstrated in the findings found in this staff report, the proposal is in conformance with the applicable review criteria of the ORS, Statewide Planning Goals, Metro Code, City's Plan and Code.

- b. The granting of the amendment is in the public interest.*

B8. The development of 11.17 acres as part of the city from a 250-acre nature park is in the public interest by providing permanently protected open space and quality passive recreational nature-based experiences close to neighborhoods.

- c. The public interest is best served by granting the amendment at this time.*

B9. The development of the site with urban services provided by the City of Wilsonville is the appropriate and environmentally responsible way to serve the site with water and sanitary sewer, as opposed to rural development in the county which would include septic systems and freshwater wells that could impact water quality, groundwater resources, as well as the soil of the site.

- d. The following factors have been adequately addressed in the proposed amendment:*

- *the suitability of the various areas for particular land uses and improvements;*
- *the land uses and improvements in the area;*
- *trends in land improvement;*
- *density of development;*
- *property values;*
- *the needs of economic enterprises in the future development of the area;*
- *transportation access;*
- *natural resources; and*
- *the public need for healthful, safe and aesthetic surroundings and conditions.*

B10. Staff concurs with the applicant's finding that, *"The site is suitable as a nature park due to its significant natural resource values and diverse habitat types, which is evidenced by the site being purchased as regional open space by Metro. The use is appropriate and compatible with surrounding residential land uses due to the passive recreational focus, and hours of operation of dawn to dusk."*

B11. With regard to trends in land improvement, people locate where they are allowed and where they have access to their place of work, shopping, schools, and recreation. The development of 11.17 acres as part of the city from a 250-acre nature park is in the public interest by providing permanently protected open space and passive recreation close to existing and proposed neighborhoods e.g. Fox Chase, Park at Merryfield and Villebois.

B12. Staff concurs with the applicant's statement that *"The proposed use is good for surrounding land values in that parks generally add value to homes in residential neighborhoods when compared to homes in neighborhoods that do not contain parks or open space."*

B13. Metro acquired the site with proceeds from the 1995 Greenspaces Bond Measure from the State of Oregon in 2001. The Bond Measure program was adopted by the voters of the Portland Metropolitan area to acquire and protect natural areas and improve water quality and habitat throughout the region. Due to the protected status, development of the site is limited to passive or park uses. The proposal includes plans to develop the property with a "gateway" to the park that provides picnic shelters, a restroom and a parking lot thereby seeing the fulfillment of available economic enterprises for the site.

B14. The development plan that accompanies the annexation request provides a needed connection between surrounding neighborhoods and the school site immediately surrounding the subject site. Staff concurs with the applicant statement that, “*by providing connections between neighborhoods to existing schools...improves the off-street access to transportation by providing a shared use pathway.*”

B15. The proposed plan protects and enhances the natural resource values of the site while providing needed transportation connections.

B16. Staff concurs with the applicant’s statement that “The public needs for healthful, safe and aesthetic surroundings will be provided through good site planning, quality landscape architecture and a thoughtful approach to on-going maintenance.”

e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.

B17. Metro staff has initiated a public hearing process with the Metro Council to approve a Metro jurisdictional boundary adjustment to allow the proposed 11.17 acres to be added to the city; therefore, the proposed amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.

5. Public Notice Requirements.

B18. A notice of public hearing for the Development Review Board and City Council was published in the local newspaper, posted in three conspicuous public places and mailed to owners of property within 250 feet of the subject site on January 20, 2009; 20 days prior to the DRB hearing. Notice was given to the Department of Land Conservation and Development (see exhibit A2). Such notices exceeded the required noticing requirements set forth in this section.

Goal 1.1 *To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.*

Policy 1.1.1 *The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.*

Implementation Measure 1.1.1.a *Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions have been made.*

Implementation Measure 1.1.1.b *Support the Planning Commission as the City’s official Citizens Involvement Organization with regular, open, public meetings in which planning issues and projects of special concern to the City are discussed and resultant recommendations and resolutions are recorded and regularly reported to the City Council, City staff, and local newspapers. The Planning Commission may schedule special public meetings as the Commission deems necessary and appropriate to carry out its responsibilities as the Committee for Citizen Involvement.*

B19. The applicant has provided findings demonstrating compliance with this provision. Staff concurs with the applicant that the criterion has been satisfied by a master planning and adoption process. The applicant provided a summary outline of the process. Listed below is an excerpt from the applicant findings demonstrating compliance with this provision.

- *“Substantial public input was conducted as part of master plan development over the course of 2003/4.*
- *On October 13, 2008 Metro and City Staff met with neighbors at the Park at Merryfield to present the 50% CD set, walk the site, solicit input and coordinate efforts. Trial alignments were revised based on the input received at this meeting.*
- *On November 12, 2008 the Planning Commission was given a presentation on the plans in a regularly scheduled meeting open to the public and input solicited.*
- *On November 13, 2008 the Parks and Recreation Advisory Board hosted a public open house where plans were shared with the public.*
- *Public hearings with both the Development Review Board and the City Council will be conducted as part of the land use review of the project.”*

Goal 1.2 *For Wilsonville to have an interested, informed, and involved citizenry.*

Policy 1.3 *The City of Wilsonville shall coordinate with other agencies and organizations involved with Wilsonville’s planning programs and policies.*

Implementation Measure 1.3.1.b *Where appropriate, the City shall continue to coordinate its planning activities with affected public agencies and private utilities. Draft documents will be distributed to such agencies and utilities and their comments shall be considered and kept on file by the City.*

B20. The proposed plan is a coordinated effort between METRO and the City of Wilsonville. Furthermore, notice was submitted to other affected public agencies and private utilities. No comments were received from the affected agencies.

Goal 3.1: *To assure that good quality public facilities and services are available with adequate capacity to meet community needs, while also assuring that growth does not exceed the community’s commitment to provide adequate facilities and services.*

Policy 3.1.1 *The City of Wilsonville shall provide public facilities to enhance the health, safety, educational, and recreational aspects of urban living.*

Implementation Measure 3.1.1.a The City will continue to prepare and implement master plans for facilities/services, as sub-elements of the City’s Comprehensive Plan. Facilities/services will be designed and constructed to help implement the City’s Comprehensive Plan.

Implementation Measure 3.1.1.c Developments shall continue to be required to extend services/facilities to the far side of the subject property – assuring that the adjacent properties have access to those services/facilities. It is noted that unusual existing circumstances may necessitate creative solutions for the extension of services/facilities.

B21. The applicant proposes to annex 11.17 acres of land out of the 250-acre Graham Oaks Nature Park so that urban infrastructure can be provided to the site in the form of sanitary sewer and potable water. The utilities are needed for the developed portion of the site, which includes an irrigation system

for native plantings, sanitary sewer service for a two stall unisex restroom with storage, and potable water for a picnic shelter with drinking fountain and the restroom. The proposed plan provides for the extension of services/facilities while enhancing the recreational aspects of urban living thereby implementing this policy.

Policy 3.1.2 *The City of Wilsonville shall provide, or coordinate the provision of, facilities and services concurrent with need (created by new development, redevelopment, or upgrades of aging infrastructure).*

Implementation Measure 3.1.2.a *Urban development will be allowed only in areas where necessary facilities and services can be provided.*

B22. Necessary facilities and services such as sanitary, storm and water can be provided to the site with a modest extension of existing facilities. An 8" sanitary sewer line is located east of the site in the parking lot of the Boones Ferry Primary School. There is also an existing line on the south side of Wilsonville Road. No public stormwater tie in is proposed for the project as the site has been designed with Low Impact Development (LID) practices. In the event of a large storm event (100-year), the on-site system will overflow into the landscape west of the parking lot toward the Legacy Creek drainage basin on-site. There is an existing 18" water line adjacent to the site along Wilsonville Road. The proposal is to extend a line into the site with two water meters, one for irrigation and the other for the restroom and potable water for the drinking fountain. For sanitary sewer Metro is proposing the use of a private duplex pump system to pump the effluent from the restroom on-site to an existing sanitary sewer manhole on the Boones Ferry Primary School property where it will gravity feed to the treatment plant. Due to the long distance of the run (>1,000 lineal feet) and the flat nature of the grades, gravity feeding the line to the public sewer system was not financially feasible. A sanitary sewer line easement will be obtained by Metro from the West Linn/Wilsonville School District. The School District is a willing partner on the sanitary sewer improvements necessary for Graham Oaks. This policy and implementation measure are thereby met.

Policy 3.1.11 *The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.*

Implementation Measure 3.1.11.a *Identify and encourage conservation of natural, scenic, and historic areas within the City.*

Implementation Measure 3.1.11.b *Provide an adequate diversity and quantity of passive and active recreational opportunities that are conveniently located for the people of Wilsonville.*

Implementation Measure 3.1.11.d *Continue the acquisition, improvement, and maintenance of open space.*

B23. The creation of a 250-acre passive use nature park and moreover the annexation of a portion of the park to provide necessary services supports this policy and related implementation measures.

...

Implementation Measure 3.1.11.f *Maintain and develop the current park system for centralized community-wide park facilities, but emphasize the future acquisition of small parks in localized areas.*

B24. The development of the Graham Oaks site will provide a community wide park facility. The park is centrally located to provide a needed connection from neighborhoods north, south and east of the development to and from a major arterial and school site. This implementation measure is thereby met.

Implementation Measure 3.1.11.h Protect residents from bearing the cost for an elaborate park system, excessive landscape maintenance, and excessive public facility costs.

B25. The funding for development of this park is provided by the 2006 Open Spaces Bond Measure, which a majority of voters of the region passed. The bond measure will protect residents from bearing the cost for the park thereby meeting this measure.

Implementation Measure 3.1.11.i Develop limited access natural areas connected where possible by natural corridors for wildlife habitat and watershed and soil/terrain protection. Give priority to preservation of contiguous parts of that network which will serve as natural corridors throughout the City for the protection of watersheds and wildlife.

Implementation Measure 3.1.11.j Identify areas of natural and scenic importance and where appropriate, extend public access to, and knowledge of such areas, to encourage public involvement in their preservation.

Implementation Measure 3.1.11.k Protect the river-connected wildlife habitat.

Implementation Measure 3.1.11.l Encourage the interconnection and integration of open spaces within the City and carefully manage development of the Willamette River Greenway.

Implementation Measure 3.1.11.m Provide for legal public access to the river only through and within the City parks, right-of-ways, easements, or other public property.

B26. Staff concurs with the applicant's finding that "The site plan provides a balance between human use and natural resource preservation and restoration. There are many portions of the site that will not have public access due to steep slopes and the sensitive nature of the habitat. Public access will be provided to appropriate portions of the site, consistent with natural resource management strategies and the adopted master plan. While trails will enter the site, the river connected corridors will remain in tact as part of the proposal, and the wildlife will be able to still traverse the site with a minimum amount of intrusion. The location of the site integrates nicely with the existing neighborhood park to the east and other Metro owned property to the south, providing for publically owned wildlife corridors in both directions." This policy and implementation measure are thereby met.

Implementation Measure 3.1.11.o Individual park and recreational sites, as defined by the parks and open space standards and classification system will be developed according to the following priorities:

B27. On September 17, 2007 the City adopted a Parks and Recreation Master Plan. Graham Oaks was identified as a part of that plan. In particular the plan encouraged partnership with Metro. This application is the result of a partnership with METRO and the implementation of the Graham Oaks Master Plan (see Exhibit B3.k.). The adoption of the Parks and Recreation Master Plan and moreover development of Graham Oaks satisfied this implementation measure.

- 1. Where possible, facilities within a park should be adjusted to meet the needs and desires of the local residents and the characteristics of the site. Park and/or recreational facilities in demand and least supply should receive the highest priorities.*

B28. The applicant has provided findings that “The Graham Oaks Nature Park property has a long and rich history including proposals for a golf course, a land fill, numerous development proposals and the Oregon Garden.” Staff concurs with the applicant’s statement that “The City of Wilsonville has long envisioned the property’s protection and has advocated for its restoration and public use for many years.” The subject site is home to many rare and valued species including Oregon oak, western red cedar, northern red-legged frog and the western bluebird. The plan calls for the development of a “gateway” to the park that provides picnic shelters, a restroom and a parking lot. The gateway has been sited to respect the natural characteristics and take advantage of the vistas. This provision is therefore satisfied.

- 2. *Parks should be planned to insure maximum benefit to the greatest number of local residents. For this reason, acquisition and development of community level parks should be given the highest park priority.***

B29. The park master plan called for extensions of a regional trail through the site; the Tonquin Regional Trail. The trail will provide connections to the neighboring CREST Center, a spur trail system to provide public access to the Arrowhead Creek wetland complex, Legacy, Indian Plum and Pristine Creeks. With the ongoing development of the Tonquin Regional Trail this portion provides a valuable link for those developments surrounding the site and the City as a whole. This provision is therefore satisfied.

- 3. *Development of additional neighborhood Parks will have a lower priority for public funding. To assure localized benefit, development and maintenance of neighborhood parks shall continue to be accomplished through homeowner associations.***

B30. The proposal is for a public park not a private neighborhood park; therefore this provision is not applicable. It should be noted that the funding for development of this park is provided by the 2006 Open Spaces Bond Measure, which a majority of voters of the region passed. The bond measure will protect residents from bearing the cost for the park thereby meeting this measure.

- 4. *Small neighborhood parks have the lowest development priority and should be supplied at public expense only if an area is determined to be isolated from access to other parks, or where space is extremely limited, and the park is supported by the adjacent neighborhood. Maintenance of such parks should be assigned to a homeowners' association or other neighborhood organization. Small neighborhood parks tend to benefit a very localized population. It is, therefore, the intent of these standards to assign, where possible, the financial burden of maintenance and even development to those that benefit the most. In addition, a significant factor affecting maintenance costs is one of transporting equipment from park to park. Therefore, by concentrating public maintenance efforts to a few community parks, efficient use of maintenance dollars can be maximized.***

B31. The proposal is for a small portion of a greater regional park not a small neighborhood park; therefore this provision is not applicable.

- 5. *Provision of regional park facilities will only be considered as an interjurisdictional project; and should have a low priority unless unusual circumstances arise.***

B32. Development of the Graham Oaks Nature Park is a collaborative effort between the City of Wilsonville and METRO, the property owner. The area of annexation represents 11.17 acres of the greater 250-acre park. Annexation of the property is necessitated by the need for utilities to service the

proposed restrooms. Due to the circumstances surrounding needed utilities priorities for annexation have risen.

6. *The City will encourage dedication or acquisition of land for parks and other public purposes in excess of lands needed to satisfy immediate needs.*

B33. The proposal is for the annexation and development of approximately 11.17 acres of the Graham Oaks Nature Park. The proposed 11.17 acre annexation supports a number of Statewide Planning Goals that are discussed in this report. The public need that is being met is related to the provision of permanently protected open space and natural resource areas, passive recreational trails and interaction with wildlife and nature close to existing and future neighborhoods. The passive recreational trails include a portion of the Tonquin regional trail. This and other trails meet the need to create a safe route to school for children at Villebois and the Park at Merryfield Subdivisions as they navigate to Wood Middle School, or Boones Ferry Primary. For these reasons Staff is supportive of the acquisition and finds it to meet the immediate needs of residents.

Implementation Measure 3.1.11.r The City shall continue to work on cooperative arrangements with the school districts to encourage provision of adequate year-round recreational programs and facilities, and to eliminate unnecessary overlap of facilities. Joint ventures in providing facilities and programs should be carefully considered in order to maximize the use of public funds in meeting local needs.

Safe and convenient access to park and recreation facilities is an important factor in a successful park system. The pedestrian/bicycle/equestrian paths are essentially an element of the City's transportation system and policies regarding their development are included in the Transportation Systems Plan. Pathways do, however, also serve a recreational function and are, therefore, referenced in this element. This is particularly true with respect to coordination/alignment of proposed pathways with park and recreational facilities, including schools.

B34. Staff concurs with the applicant's statement that "The West Linn/Wilsonville School District has been a partner in establishing the vision for the Graham Oaks site and has participated in the site planning for many years. The proximity of the CREST facility, Wood Middle School and Boones Ferry Primary School to the site provide an amazing opportunity to coordinate outdoor education in a real nature setting and to utilize the Graham Oaks property as an outdoor learning center and classroom." Furthermore, the District's landscape architect has coordinated with Metro's design team to integrate the plans for CREST development into the overall development plans at Graham Oaks. This implementation measure it therefore satisfied.

Goal 4.1: To have an attractive, functional, economically vital community with a balance of different types of land uses.

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.c Provide a buffer use or transition zone between urban and adjacent agricultural areas.

Implementation Measure 4.1.5.d Conserve and create open space throughout the City for specified objectives.

B35. The applicant has provided summary findings to state that "Acquisition of the Graham Oaks site by Metro has preserved this open space in perpetuity, protecting the area from incompatible development. The park use at the edge of the UGB, in effect provides a significant buffer between urban uses and agricultural areas." Staff concurs with this statement and finds that conservation of the Graham Oaks site

meets the specific objective of providing a buffer between urban and adjacent agricultural areas while conserving natural resources and providing passive recreational amenities. This provision is therefore satisfied.

Implementation Measure 4.1.5.g Encourage identification and conservation of natural scenic and historic areas within the City.

B36. The proposal includes plan to annex and enhance a portion of the Graham Oaks Nature Park while preserving natural resources. This provision is therefore satisfied.

Implementation Measure 4.1.5.j Ensure that open space conforms to the characteristics of the land, type of land use, adjacent land uses and City needs.

B37. The proposal is to annex approximately 11.17 acres of the 250-acre Graham Oaks Nature Park. The request to annex land into the city for purposes of constructing a nature park. Metro is requesting annexation of 11.17 acres of land currently in Clackamas County into the City of Wilsonville so that urban services can be provided to the restroom, picnic shelter and parking lot at the Graham Oaks Nature Park. A primary concern for the development of the park is to preserve and enhance existing natural resources. The site has a long history centered on preserving the open space. The subject site provides a good buffer between the existing school site to the east, residential and open space to the north and farm lands to the west. It is the professional opinion of Staff that the open space conforms to the unique features of the land and adjacent land uses and provides provisions for public park space.

Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

B38. One of the main features of the site is the Tonquin Regional Trail. The Tonquin Trail is part of the regional system of trails and will connect the region, particularly the Tualatin River National Wildlife Refuge. The site plan provides a balance between human use and natural resource preservation and restoration. Public access will be provided to appropriate portions of the site, consistent with natural resource management strategies and the adopted master plan. While trails will enter the site, the river connected corridors will remain in tact as part of the proposal, and the wildlife will be able to still traverse the site with a minimum amount of intrusion. This provision is therefore satisfied.

Implementation Measure 4.1.5.l Identify areas of natural and scenic importance and give them priority in selection of public open space. Where legal rights of access have been acquired, extend public access to, and knowledge of such areas, in order to encourage public involvement in their preservation.

B39. The applicant has provided summary findings that "The Graham Oaks Nature Park property has a long and rich history including proposals for a golf course, a land fill, numerous development proposals and the Oregon Garden. The City of Wilsonville has long envisioned the property's protection and has advocated for its restoration and public use for many years."... "In 2001, the 230 acre (now 250 acres due to a purchase in 2008) property was purchased by Metro as part of the 1995 Greenspaces Bond Measure, and over 2003- 2004 was master planned in partnership between Metro, the City, the West Linn/Wilsonville School District and the community under the *Wilsonville Tract Master Plan and Natural Resources Management Plan*."... "In 2007/08 the site was restored by Metro with the planting of nearly 150,000 native plants and shrubs in six distinct plant communities including most notably oak savanna. In 2007, the region passed a second Greenspaces bond measure which provided funding to

design, engineer and construct improvements at the site.” It is the professional opinion of Staff that this history demonstrates the identification and priority in selection of the public open space.

Implementation Measure 4.1.5.s Ensure adequate storm drainage.

B40. Storm drainage will be provided through low impact development practices. In particular, pervious pavers, an eco-roof and bio swales. In a 100-year event, overflow from the developed portion of the site will be directed to the restoration areas northwest of the parking lot, percolating into the soil as it heads toward Legacy Creek consistent with natural drainage patterns. This provision is therefore satisfied.

Implementation Measure 4.1.5.v Require all future utilities to be placed underground, other than storm drainage facilities.

B41. As stated before, storm drainage will be provided through low impact development practices. In particular, pervious pavers, an eco-roof and bio swales. In a 100-year event, overflow from the developed portion of the site will be directed to the restoration areas northwest of the parking lot, percolating into the soil as it heads toward Legacy Creek consistent with natural drainage patterns. With the exception of storm drainage, no above ground utilities are proposed. The proposed method of sanitary and storm water disposal are indicated on the proposed site plans (See Exhibit B5, Sheet C2.02).

Implementation Measure 4.1.5.y Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process shall be designated as one or more overlay zones on the City Zoning Map.

B42. The applicant has provided summary findings that “The area proposed to be annexed into the city does not contain any significant Goal 5 natural resources.” Furthermore, the request to annex 11.17 acres of land to the City will not impact any identified Goal 5 natural resources. While the site does contain significant natural resources, none are affected as part of this land use request.

Implementation Measure 4.1.5.z Protected natural resources within the Significant Resource Overlay Zone are intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:

- 1. Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process and are included in the Significant Resource Overlay Zone.***
- 2. Water quality resource areas as defined by Metro’s Title 3 of the Urban Growth Management Functional Plan.***

B43. While a portion of the Graham Oaks site contains areas within the Significant Resource Overlay Zone, the proposed area of annexation does not; therefore this provision is not applicable.

Implementation Measure 4.1.5.ff Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system. It is not the intent of this Measure to encourage unsightly and unsafe open ditches. Rather, open drainage systems should be designed to accent natural creeks and drainage channels and provide an attractive natural area-like appearance.

B44. The applicant has provided summary findings and graphic materials demonstrating that the proposal incorporates numerous low impact development practices for storm water. Pervious pavers, an eco-roof and bio swales will assist in the management of on-site stormwater. In a 100-year event, overflow from the developed portion of the site will be directed to the restoration areas northwest of the parking lot, percolating into the soil as it heads toward Legacy Creek consistent with natural drainage patterns. This provision is therefore satisfied.

Implementation Measure 4.1.5.gg Minimize the impact of urban development on adjacent rural and agricultural lands. A combination of open space and low density land use designation may be employed.

B45. Conservation of the Graham Oaks site provides a buffer between urban and adjacent agricultural areas while conserving natural resources and providing passive recreational amenities. This provision is therefore satisfied.

Implementation Measure 4.1.5.ii Sign standards have been established to control the visual impact of signs on the community and minimize sign clutter.

B46. A detailed discussion regarding signage can be found on page 3.

Implementation Measure 4.1.5.oo In reviewing all major residential, commercial, industrial and public facility uses, the City shall coordinate with DEQ to insure compliance with the Portland AQMA Plan and standards as well as other applicable regional, State and Federal air, water and environmental quality standards.

B47. Notice of the proposed application was sent to DEQ. To date the City has received no correspondence from DEQ.

DEVELOPMENT CODE

Section 4.197. Zone Changes and Amendments To This Code – Procedures.

(.02) *In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:*

A. *That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125 (.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and [Amended by Ord 557, adopted 9/5/03]*

B48. The application was submitted consistent with the requirements set forth in Section 4.008 which requires that, Quasi-judicial zone changes be processed pursuant to Section 4.197; Quasi-judicial changes to the map or maps of the Comprehensive Plan be processed pursuant to Section 4.198; and Annexations be processed pursuant to Section 4.700. A detailed discussion regarding each application/section can be found in this report on pages 3 and 3 respectively.

B. *That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and*

B49. As is evidenced in this staff report, the request to annex land into the city for purposes of constructing a nature park support numerous provisions of the City's Comprehensive Plan as it relates to open space, natural resource preservation and passive recreational experiences for citizens. For example:

- a. Policy 3.1.11 states, "The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands." A detailed discussion on this Policy can be found beginning on page 3.
- b. Policy 4.1.5 states, "Protect valuable resource lands from incompatible development and protect people and property from natural hazards." A detailed discussion on this Policy can be found beginning on page 3.

C. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text; and [Amended by Ordinance No. 538, 2/21/02.]

B50. The applicant is proposing a Comprehensive Plan Map designation of Public Lands; therefore, this provision is not applicable.

D. That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and

B51. The City's Engineering Division has reviewed the proposal compared to current infrastructure Capacity and has made a preliminary determination that the water line in Wilsonville Road contains adequate capacity necessary to serve the restroom, irrigation and drinking fountain designed in the plan, and that the sewer system has capacity to accommodate the 2 restrooms. Stormwater management will be handled on-site through low impact development practices, and no tie-in to the City system is proposed. Sidewalks and trails will be provided adjacent to the site along Wilsonville Road, crosswalks across Wilsonville Road to Willamette Way West will be provided as will east bound left turn pockets to the site. Improvements to the street frontage will be provided with the project consistent with Engineering Division Public Facility (PF) conditions PFC18, PFC22, PFC23, PFC24, PFC25 and PFC26 of case file #DB08-0051.

E. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone and

B52. The portion of Graham Oaks Nature Park to be annexed does not contain areas mapped as a Significant Resource Overlay Zone area; therefore this provision is not applicable.

F. That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and

B53. The applicant has provided summary findings that, "Metro currently has the funding to construct the park, and the City has funds contributing to the project as well. It is the intent to construct the park over the Summer/Fall of 2009."

G. *That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.*

B54. The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report and subject to appropriate conditions of approval.

(.03) *If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.*

B55. Affirmative findings can be made on all applicable criteria listed above; therefore, Staff is recommending that the Development Review Board approved the proposed map amendment together with proposed conditions of approval.

(.04) *City Council action approving a change in zoning shall be in the form of a Zoning Order.*

B56. A Zoning Order outlining the proposed change in zoning will be forwarded to the City Council at the February 18, 2009 hearing.

(.05) *In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.*

B57. METRO as the property owner has requested a change in the zoning. Following approval of the zone change, City Staff will send a Notice of Decision and conditions of approval for acceptance. This provision is satisfied.

Section 4.198. *Comprehensive Plan Changes - Adoption by the City Council.*

(.01) *Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:*

A. *That the proposed amendment meets a public need that has been identified;*

B58. The public need that is being met is related to the provision of permanently protected open space and natural resource areas, passive recreational trails and interaction with wildlife and nature close to existing and future neighborhoods. The passive recreational trails include a portion of the Tonquin regional trail. This and other trails meet the need to create a safe route to school for children at Villebois and the Park at Merryfield Subdivisions as they navigate to Wood Middle School, or Boones Ferry Primary. For these reasons Staff is supportive of the acquisition and finds it to meet the immediate needs of residents.

B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;

B59. Identified needs include permanent protection of open space and natural resource areas, passive recreational trails and interaction with wildlife and nature close to existing and future neighborhoods. The proposed amendment provides a buffer between existing urban and agricultural lands while protecting natural resources and providing opportunities to interact with wildlife. It is the professional opinion of Staff that the proposed amendment does in fact meet and exceed the public need to protect open space and natural resource areas while providing recreation. Furthermore, the proposed amendment provides a needed link in the Tonquin Regional Trail which is a regional trail envisioned to connect the Tualatin River Wildlife Refuge in Sherwood to the Willamette River and the Willamette River Greenway in Wilsonville.

C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and

B60. The proposed 11.17 acre annexation at the nature park supports a number of Statewide Planning Goals that can be found beginning on page 3 of this report.

D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.

B61. The proposed addition to the city limits is not in conflict with any other provision of the Comprehensive Plan, but rather advances many of the goals and policies as demonstrated in this report.

(.02) Following the adoption and signature of the - Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.

B62. A City Council hearing has been set for February 18, 2009. This provision is therefore satisfied.

(.03) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.

B63. Notice of the Council's consideration of the matter was publish and submitted on January 20, 2009. This provision is therefore satisfied.

(.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.

B64. As evidenced by this report, Staff is recommending approval of the proposed comprehensive plan map and zone map amendments. A hearing is scheduled before the City Council on March 2, 2009.

(.05) In cases where a property owner or other applicant has requested an amendment to the Comprehensive Plan map and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the Comprehensive Plan map shall be changed.

B65. Following approval, City Staff will send a Notice of Decision and conditions of approval for acceptance. This provision is satisfied.

Section 4.136. PF - Public Facility Zone.

(.01) Purpose: *The PF zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses permitted in the PF Zone are schools, churches, public buildings, hospitals, parks and public utilities. Not all of the uses permitted in this zone are expected to be publicly owned.*

(.02) Uses Permitted Outright:

I. Trails and pathways

J. Parks

B66. The proposal includes a request for a comprehensive plan map and zone map amendment to the City's Public Facility (PF) zone. The park would contain trails and pathways, picnic shelters, restrooms and associated park amenities. These uses are outright permitted uses in the PF zone. This provision is therefore satisfied.

(.04) Dimensional Standards:

- A. Minimum Lot Size: One (1) Acre** *The minimum lot area may be reduced upon a finding that the resulting parcel is compatible with the adjoining property in that it does not impair the development of any adjoining property, does not adversely affect the value of adjoining property, and does not adversely affect the public health, safety, or welfare.*
- B. Minimum front and rear yard setbacks: Thirty (30) feet. Minimum sideyard setback: ten (10) feet.**
- C. Minimum street frontage: Seventy-five (75) feet.**
- D. Maximum height: thirty five (35) feet.**

B67. The 11.17 acre subject site is part of a larger 166.74 acre parcel (T3S, R1W, Section 22, Tax Lot 2201) both of which exceed the minimum lot size. The setback to the restroom and shelter are over 200' from the public right of way which satisfies the setback requirements of the zone; the street frontage is over 3000' along Wilsonville Road with 969 lineal feet of frontage on Wilsonville Road being included in the annexation request; and the height of the shelter and restroom building are well below the maximum 35' height requirement. These provisions are therefore satisfied.

(.05) Off-Street Parking Requirements: As provided in Section 4.155.

B68. A detailed discussion regarding off-street parking requirements can be found under Section 4.155 in Request C. It should be noted that Staff concurs with the applicant's finding that "The parking standards of the WC (Section 4.155) do not include a specific requirement for nature park development." The applicant goes on to state that Metro has now completed one nature park, Mount Talbert and in their experience the proposed amount of parking at Graham Oaks, 27 stalls, will be adequate for visitors to the site. It should also be noted that the applicant has provided provisions for a bus pull out that can accommodate two buses. This provision is therefore satisfied.

(.06) Signs: As provided in Section 4.156

B69. Pursuant to Section 4.156(.10)A. Signs necessary to locate and direct the public to City premises, or other governmental premises are permitted. Pursuant to Section 4.156(.03)A.1. governmental signs authorized by the City or other units of government having jurisdiction within the City, i.e. METRO are exempt from a sign permit. The applicant has provided summary findings that "No advertising features are proposed" while this may be true in the sense that the proposed signage does not seek to advertise the park in a commercial sense it does seek to provide identification for the park. The proposal includes one (1) identifying monument sign at the entrance to the site as well as several directional, wayfinding and rules signs throughout the site that are designed to acquaint and orient the visitor. Exhibit L1.02 provides a graphic depiction of proposed signs. Staff finds that the monument sign is necessary to locate and direct the public to a governmental premise; therefore, it is exempt. In addition to the monument sign, Staff finds that the directional and wayfinding signs will not be visible from off-site locations and pursuant to Section 4.156(.04)B.10 are exempt from a sign permit. The size, location, design, color, texture, lighting and materials of all of the signs are consistent with not only one another, but consistent with other Metro Regional park facilities. The signs have been designed to complement items found in nature as well as the proposed structures. This provision is therefore satisfied.

(.07) Corner Vision: As provided in Section 4.176

B70. The subject site is not by definition a "corner lot". The Engineering Division, however, will examine vision clearance specific to the site entrance in more detail in the Public Works Permit. See condition of approval PFC15 and PFC16 of case file #DB08-0051.

(.08) Special Regulations:

A. All principal and conditional uses shall be subject to Section 4.400 through 4.450 (Site Design Review) of the Wilsonville Code.

B71. Site Design Review of the picnic shelter and restroom, landscape architecture and planting plan are sought as part of this application. A detailed Site Design Review of these elements can be found in Request C of case file #DB08-0051.

OREGON'S STATEWIDE PLANNING GOALS

1. Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

B72. The applicant has provided a summary finding that there was a substantial amount of citizen involvement that went into the development of the Master Plan for Grahams Oaks Park in 2003/4. More recently Metro and City Staff engaged the most impacted adjacent property owners (along Merlin Court) in the Park at Merryfield regarding the proposal and met (October 13, 2008) in the field to share the plans and walk the proposed trail alignments. There was also a public open house on November 13, 2008 where the 50% construction documents were presented. Notice of the open house meeting was provided to property owners within an average of 1000' of the boundaries of the subject site and was noticed in the Boones Ferry Messenger which is mailed to every home in the City. The notice was also posted on the City's and Metro's web site. The public hearings with the DRB and City Council are additional opportunities for citizens to comment on the proposal. Surrounding property owners within 250 feet of

the subject site have been notified of these meetings, and the public hearing notices were published in the Wilsonville Spokesman. This goal is thereby met.

2. ***Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

B73. This goal is direction to the City regarding process and policy framework it is not specific to this proposal. This goal is not applicable.

3. ***Agricultural Lands: To preserve and maintain agricultural lands.***

B74. The applicant has provided summary findings and Staff concurs that "In 2007, large portions of the subject site were transformed from non-irrigated farm land to a large scale natural area restoration with the planting of over 150,000 plants in 6 distinct habitat types including Oregon white oak savanna. The proposal to add 11.17 acres to the city limits and develop a nature park will not impact an existing agricultural operation and is not in conflict with Goal 3". Furthermore, the park is at the edge of the UGB and provides a significant buffer between urban uses and agricultural areas. This goal is satisfied.

4. ***Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.***

B75. The 11.17 acres proposed for annexation do not include native trees other than the recently planted seedlings. The seedlings are part of a long term restoration project. The applicant has provided summary findings that "There are no plans to log or manage the site for timber production." Forest lands will not be impacted as a result of the proposal to annex 11.17 acres of the site to the city and develop a nature park; therefore, this goal is met.

5. ***Natural Resources, Scenic and Historic Areas, and Open Spaces: To conserve open space and protect natural and scenic resources.***

B76. The request to annex 11.17 acres of land to the City will not impact any identified Goal 5 natural resources. Rather the proposal seeks to protect a native restoration area. Goal 5 is met.

6. ***Air, Water, and Land Resources Quality: To maintain and improve the quality of the air, water, and land resources of the state.***

B77. Staff concurs with the applicant's finding that "The restoration of the site and development of a nature park using Low Impact Development practices will assist to maintain and improve water and air quality in the vicinity." Goal 6 is met.

7. ***Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.***

B78. The subject site is not a know area subject to natural disasters and/or hazards; therefore Goal 7 is not applicable.

8. *Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

B79. The development of 11.17 acres as part of the city from a 250-acre nature park is in the public interest by providing permanently protected open space and quality passive recreational nature-based experiences and miles of trails in a hierarchy of trail types, including the Tonquin regional trail. The Tonquin Regional Trail which is a regional trail envisioned to connect the Tualatin River Wildlife Refuge in Sherwood to the Willamette River and the Willamette River Greenway in Wilsonville. The development of a 250-acre nature park will greatly enhance the passive recreational experiences of the citizens of the State of Oregon. The project is supportive of Goal 8 by enhancing the off-street trail and recreational system.

9. *Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

B80. Economic activity involves the use of scarce resources in the provision of goods to satisfy unlimited wants. It is a measure for meeting the problem of making a living or work performed against wage or remuneration. One could argue that the proposal will result in the protection of a scarce natural resource while providing for a desire to interact with nature. The small amount of development would even result in job creation for creation and maintenance of the park. From a functional standpoint, however, the proposal is not what would typically be viewed as an economic development in the traditional sense; however, the proposal will not have a negative impact on Goal 9.

10. *Housing: To provide for the housing needs of the citizens of the state.*

B81. The proposal does not provide for additional housing, however, it also does not have a negative impact on Goal 10. In fact, the proposal provides a much needed link in the regional Tonquin Trail which could potentially provide a positive impact on the developability of surrounding lands.

11. *Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

B82. The applicant proposes to annex 11.17 acres of land out of the 250-acre Graham Oaks Nature Park so that urban infrastructure can be provided to the site in the form of sanitary sewer and potable water. The utilities are needed for the developed portion of the site, which includes an irrigation system for native plantings, sanitary sewer service for a two stall unisex restroom with storage, and potable water for a picnic shelter with drinking fountain and the restroom. The City of Wilsonville is the closest city and its boundaries are proximate to the site. There is an existing network of utilities which provide for the most efficient and orderly arrangement of public facilities and services. Goal 11 is met.

12. *Transportation: To provide and encourage a safe, convenient and economic transportation system.*

B83. The applicant has provided summary findings that "The development of the trail network on site will include over a mile of the Tonquin regional trail, which is a shared use, multi-modal pathway that will facilitate the use of alternative modes of transportation, particularly bicycles." This and other trails meet the need to create a safe route to school for children at Villebois and the Park at Merryfield

Subdivisions as they navigate to Inza Wood Middle School, or Boones Ferry Primary. This project supports Goal 12 by providing safe, convenient and economic alternate modes of transportation.

13. Energy Conservation: To conserve energy.

B84. The applicant has provided summary findings that “The restroom facility is proposed to be served with a photovoltaic panel for energy production, which will transfer surplus energy back to the electricity grid. The restroom is also designed to incorporate energy efficient LED lighting and Solatube sky lights.” Staff concurs with the applicants’ assertion that the overall sustainable elements of the project support Goal 13 by conserving energy beyond traditional design.

14. Urbanization: To provide for the orderly and efficient transition from rural to urban land use.

B85. The applicant has provided summary findings to state that “Acquisition of the Graham Oaks site by Metro has preserved this open space in perpetuity, protecting the area from incompatible development. The park use at the edge of the UGB, in effect provides a significant buffer between urban uses and agricultural areas.” The project supports Goal 14 by an efficient buffer or transition between urban and rural uses.

OREGON REVISED STATUTES (ORS)

**Chapter 222 - City Boundary Changes; Mergers; Consolidations; Withdrawal
222.111 Authority and procedure for annexation.**

B86. ORS 222 111(2) provides that a proposal for annexation of territory to a City may be initiated by the legislative body of the City, on its own motion, or by a petition to the legislative body of the City by owners of real property in the territory to be annexed. Metro is the property owner and has initiated the request to annex a portion of the nature park to the City.

222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation.

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

B87. ORS 222.125 permits the legislative body of the city to waive holding an election on the question of annexation within the area proposed to be annexed if all of the owners of land in the territory consent in writing to the annexation. The proposal for annexation was submitted by the owners of land (METRO). The applicant has submitted a written request and consent to annex the approximately 11.17 acres described in the applicant’s submittal. As allowed by ORS 222.125 the City Council may by ordinance set the final boundaries of the area to be annexed. Staff proposes conditional approval of the proposed annexation as evidenced by this staff report.

B88. *As a part of the annexation of this property, the subject site will require inclusion to the recently adopted Lighting Overlay Zone Map. The applicant has not specifically requested*

inclusion in a particular zone; however, due to the passive nature of the park and zoning of similar parks, i.e. Memorial Park, Staff is recommending Lighting Zone 1. This will be effectuated by the adoption by City Council.