

ORDINANCE NO. 519

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING A CERTAIN TRACT OF LAND ADJACENT TO INZA WOOD MIDDLE SCHOOL INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE FOR A NEW SCHOOL. THE SITE IS IDENTIFIED AS 20 ACRES ON SECTION 22, TAX LOT 2201, T3S-R1W, CLACKAMAS COUNTY, OREGON. WEST LINN/WILSONVILLE SCHOOL DISTRICT, APPLICANT.

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

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

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

WHEREAS, the annexation was considered by Panel B of the City Development Review Board and after a duly advertised public hearing held on March 27, 2000, the Development Review Board recommended to the City Council that the annexation be approved; and

WHEREAS, on April 17, 2000, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared as required by law, and the City Council having considered the reports, does hereby favor the annexation of the subject tract of land based on findings and conclusions attached hereto by reference as Exhibit 4 and Exhibit 5; and

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

WHEREAS, Clackamas County is processing a lot line adjustment contemporaneously herewith which affects the property to be annexed.

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

Section 1. The above recitals are adopted and incorporated herein as findings.

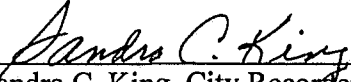
Section 2. The findings and conclusions incorporated in Exhibit 4 and Exhibit 5 are adopted and attached hereto and incorporated by reference herein as if fully set forth.

Section 3. The tract of land, described in Exhibit A and depicted on the attached map, is declared to be annexed to the City of Wilsonville.

Section 4. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 5. The effective date of this annexation ordinance shall be 30 days from April 17, 2000, provided however, this effective date shall be delayed until 30 days from the effective date of the Clackamas County lot line adjustment, if such approval is not approved and effective prior to April 17, 2000. The City Recorder shall enter any such delayed effective date upon this ordinance.

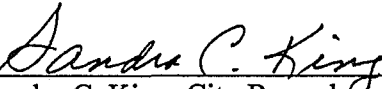
SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 17th day of April, 2000, commencing at the hour of 7 p.m. at the Wilsonville Community Center.


Sandra C. King, City Recorder

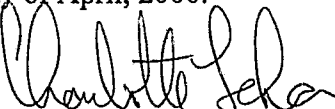
ENACTED by the City Council on the 17th day of April, 2000, by the following votes:

Yeas: -5-

Nays: -0-


Sandra C. King, City Recorder

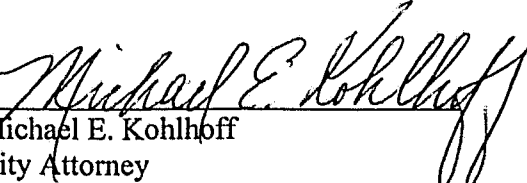
DATED and signed by the Mayor this 19th day of April, 2000.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

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

APPROVED AS TO FORM:


Michael E. Kohlhoff
City Attorney

LEGAL DESCRIPTION

20 ACRE PARCEL

BEING A PORTION OF TAX LOT 2201 (MAP 3-1W-22)
FOR THE WOOD MIDDLE SCHOOL SITE
WILSONVILLE, OREGON

JOB NO 4326

6/10/99 MAR

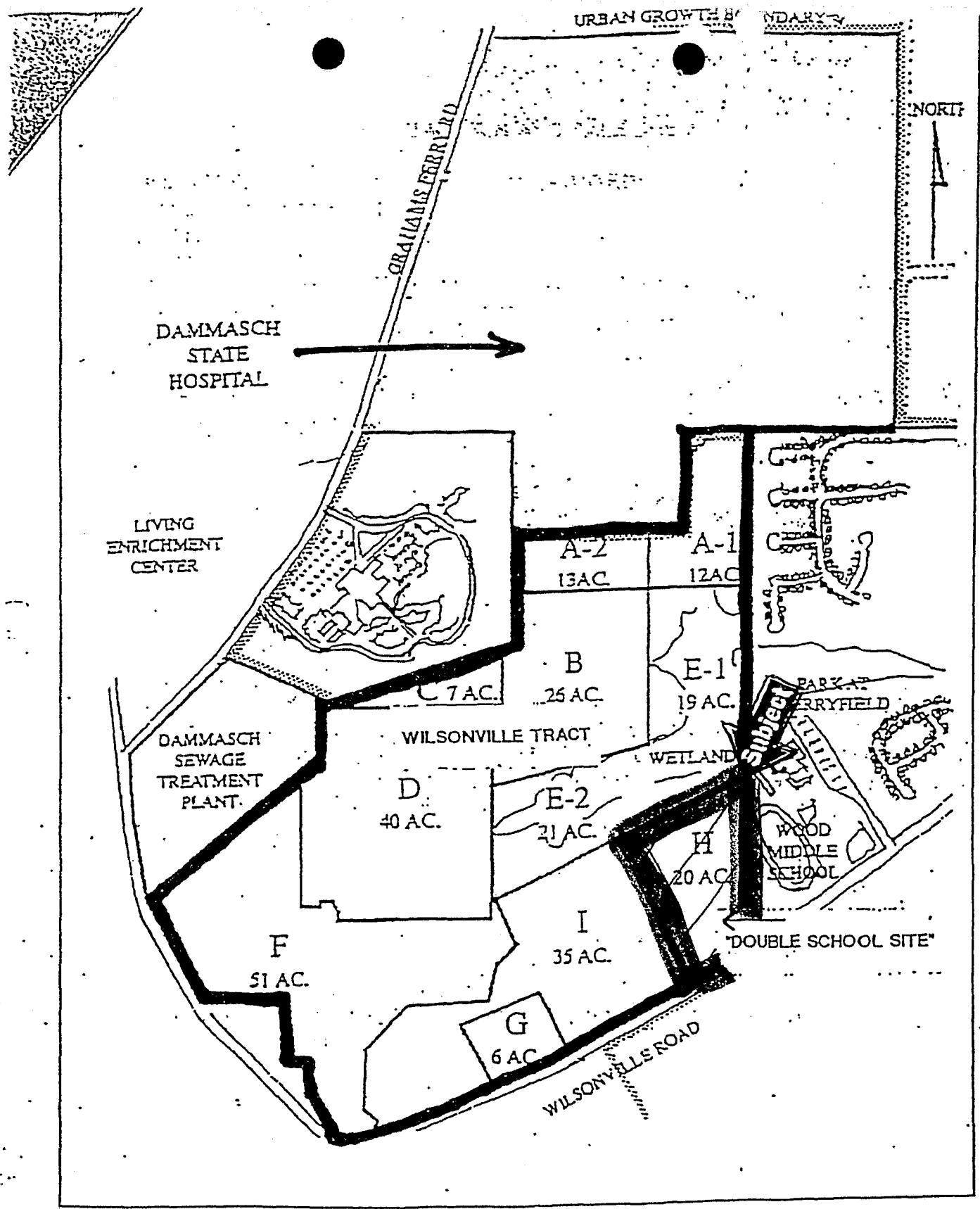
EXHIBIT "A"

A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF OREGON, RECORDED JULY 1, 1993, RECORDER'S FEE NO. 94-29363, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, T.3S., R.1W., W.M.; THENCE ALONG THE NORTH LINE THEREOF, S.89°37'45"W., 2,319.21 FEET TO A ¾" IRON PIPE INSIDE A 2" IRON PIPE; THENCE S.00°17'37"W., 127.61 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN FEE NO. 79-5357, CLACKAMAS COUNTY DEED RECORDS, AND THE TRUE POINT-OF-BEGINNING; THENCE ALONG THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF OREGON, RECORDED JULY 1, 1993, RECORDER'S FEE NO. 94-29363, CLACKAMAS COUNTY DEED RECORDS, S.00°17'37"W., 1,580.05 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WILSONVILLE ROAD (MARKET ROAD NO. 6) (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: THENCE 22.90 FEET ALONG THE ARC OF A 543.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°24'57" (THE LONG CHORD BEARS S.63°18'58"W., 22.89 FEET); THENCE S.64°31'27"W., 288.84 FEET; THENCE N.32°52'28"W., 1,200.45 FEET; THENCE N.56°36'30"E., 569.00 FEET; THENCE N.74°27'30"E., 271.50 FEET; THENCE N.32°31'00"E., 380.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 871,200 SQUARE FEET (20.00 ACRES) MORE OR LESS.

Ordinance 519

Exhibit A (1 of 2)



WEST LINN - WILSONVILLE "DOUBLE SCHOOL" SITE

RECOMMENDATION TO CITY COUNCIL

DEVELOPMENT REVIEW BOARD

PANEL B

Project Name: School Property Annexation/Zone Change
 Case File No: 00DB07
 Applicant/Owner: West Linn/Wilsonville School District
 Proposed action: Approval of annexation to the City of Wilsonville and Comprehensive Plan Map amendment of a 20 acre parcel and approval of Zone Map amendments on three parcels
 Property description: 20 acres on Section 22 - Tax Lots 2201 (Area A), Section 22A - Tax Lot 500 (Area B), and Section 22A - Tax Lot 600 (Area C), Clackamas County, Oregon
 Location: West of Inza Wood School and north of Fox Chase Subdivision

On March 27, 2000, at the meeting of the Development Review Board the following action was granted on the above referenced proposed development action:

- Recommendation that the City Council approve an annexation of a portion of Tax Lot 2201 (20 acres), approval of a Comprehensive Plan Map amendment on Tax Lot 2201 from *exclusive farm use to public lands* and Primary Open Space, and a Zone Map amendment for Tax Lots, 600 and 2201 from *exclusive farm use (efu) to public facility (pf)* zone. The site is located west of Inza Wood School on Tax Lots 2201, Section 22. The balance of the school property is on Tax Lots 500 and 600, Section 22A, T3S-R1W, Clackamas County, Oregon. West Linn/Wilsonville School District, applicant.
- City Council hearing on this item is scheduled for April 17, 2000.

Written decision is attached.

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville, Oregon, 97070, or phone 682-4960.

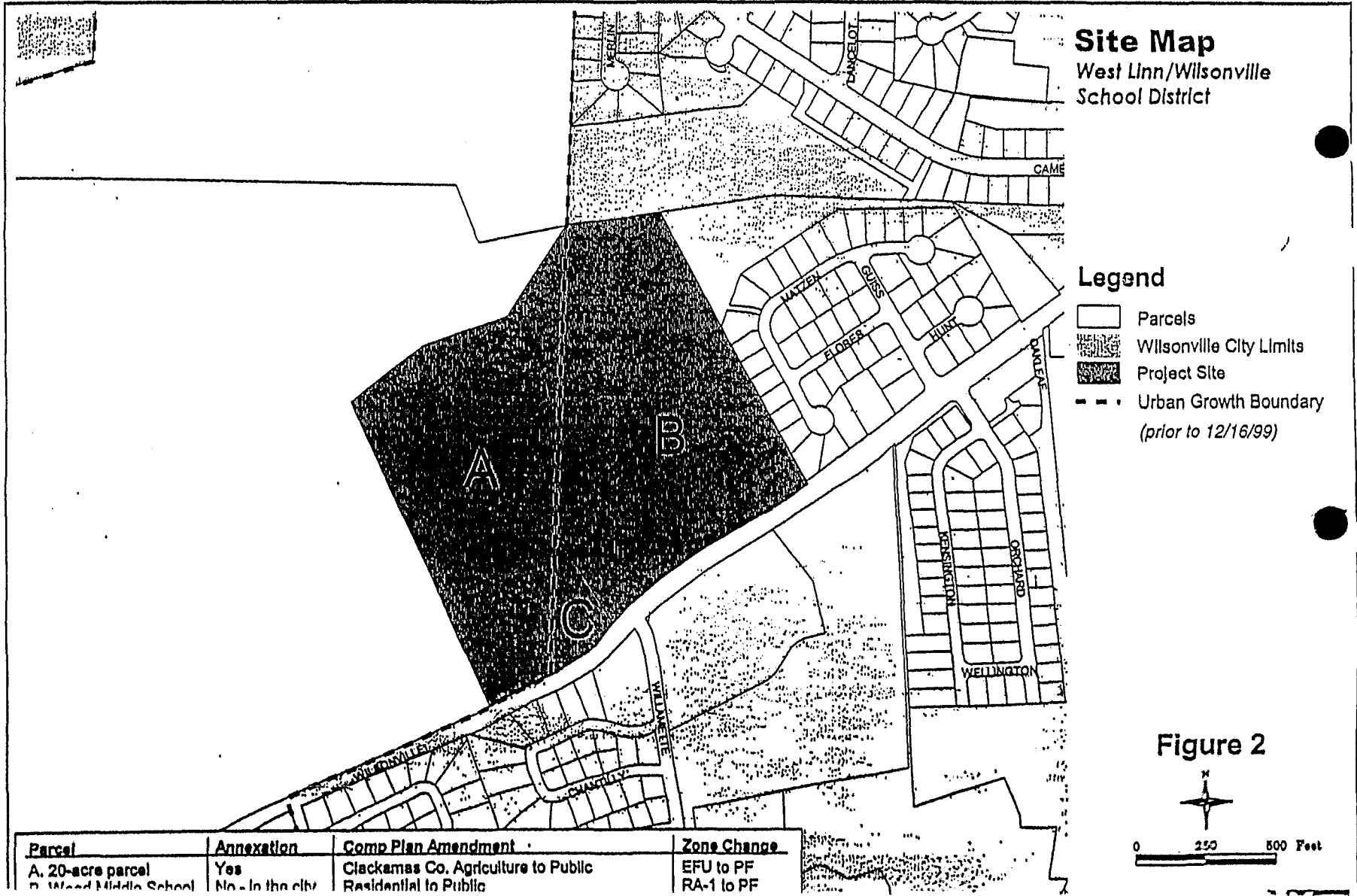
Attachments: Resolution No. 00DB07 including
 Exhibit A – Adopted Staff Report
 Exhibit B - Motion to approve

ORDINANCE 519



Exhibit 4

Pride



**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 00DB07**

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION INTO THE CITY OF WILSONVILLE OF A PORTION OF TAX LOT 2201 (20 ACRES), APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT ON TAX LOT 2201 FROM *AGRICULTURE TO PUBLIC LANDS AND PRIMARY OPEN SPACE*, AND APPROVE A ZONE MAP AMENDMENT FOR TAX LOT 2201 FROM *EXCLUSIVE FARM USE (EFU) TO PUBLIC FACILITY (PF) ZONE*; APPROVE A COMPREHENSIVE PLAN MAP AMENDMENT FROM *RESIDENTIAL TO PUBLIC LANDS* ON TAX LOT 600 AND APPROVE A ZONE MAP AMENDMENT FROM *RESIDENTIAL AGRICULTURE 1-ACRE MINIMUM (RA-1) TO PUBLIC FACILITY (PF) ZONE* ON TAX LOTS 500 AND 600. THE SITE IS LOCATED WEST OF INZA WOOD SCHOOL ON TAX LOTS 2201, SECTION 22. THE BALANCE OF THE SCHOOL PROPERTY IS ON TAX LOTS 500 AND 600, SECTION 22A, T3S-R12, CLACKAMAS COUNTY, OREGON. WEST LINN/WILSONVILLE SCHOOL DISTRICT, APPLICANT.

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 February 28, 2000, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on March 27, 2000, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

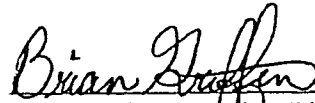
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A" with the findings, recommendations and Conditions of Approval contained therein and further authorizes the Planning Director to forward a recommendation of approval to the City Council for the following:

1. Tax Lot 2201, Section 22: (20 acres) Approve annexation into the City of Wilsonville, amend the Clackamas County Comprehensive Plan designation of

Agriculture to the City's Comprehensive Plan designation of Public and amend the official zoning designation from Exclusive Farm Use (EFU) to PF (Public Facility).

2. Tax Lot 500, Section 22A: (Wood Middle School) Amend the official zoning designation from RA-1 (Residential Agriculture - 1 acre minimum) to PF (Public Facility).
3. Tax Lot 600, Section 22A: (3 acres) Amend the City of Wilsonville Comprehensive Plan designation of Residential to Public and the official zoning designation from RA-1 (Residential Agriculture - 1 acre minimum) to PF (Public Facility).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 27th day of March 2000, and filed with the Planning Secretary on March 30, 2000.



Brian Griffin, Acting Chair Panel B
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Secretary

**PLANNING DIVISION
STAFF REPORT**

**Date: February 28, 2000
Revised March 27, 2000**

TO: Development Review Board Panel 'B'
PREPARED BY: Blaise Edmonds, Associate Planner
Keith Liden, applicant's planning consultant.

REQUEST: 00DB07. West Linn - Wilsonville School District. Proposed annexation of Area 'A', approve Comprehensive Plan Map amendment on Area 'A' and approve Zone Map amendments for Areas A, B and C.

SUMMARY

The school district is seeking to annex a portion of Tax Lot 2201 (20 acres) into the City of Wilsonville (Area A). Approve a Comprehensive Plan Map amendment on Tax Lot 2201 from Agriculture to Public Lands and Primary Open Space. Approve a Comprehensive Plan Map amendment on Tax Lot 600 from Residential to Public Lands (Area C). Approve a Zone Map Amendment from Exclusive Farm Use to Public Facility zone on a portion of Tax Lot 2201 (school property). Approve Zone Map amendment from Residential Agriculture -1-acre minimum to the Public Facility zone on Tax Lots 500 (Area B) and 600. The subject property is located west of Inza Wood school on Tax Lots 2201, Section 22. The balance of the property is on Tax Lots 500 and 600, Section 22A, T3S-R12, Clackamas County, Oregon.

Mr. Keith Liden, the applicant's planning consultant, has prepared findings, which meet the applicable goals, objectives and policies of the City of Wilsonville Comprehensive Plan. His report is found in Exhibit 'D' is included in this staff report as findings for approval for the proposed annexation of Area 'A', and support the proposed Comprehensive Plan Map amendment on Areas 'A' and 'C' and the proposed Zone Map amendment for Areas A, B and C to the Public Facility zone.

The applicant has requested annexation of Area 'A' and has met the ORS statutes for annexation of 20 acres (Area 'A') under the double majority procedures. The property owner has approved the annexation. There are no residents.

A major Southern Pacific gas line easement traverses the south area of the Inza Wood Middle School property, which would not impact the proposed primary school site.

The City requires traffic analysis of all new development to appraise trip generation, capacity and level of service. The City's traffic consultant, DKS Associates, has prepared a detailed traffic report. Since the school property involved in this request is located south of Boeckman Road it is not exempt from the traffic restriction at the Wilsonville Road/I-5 intersection. According to the DKS Traffic Report, "the proposed primary school would not significantly affect operating conditions on the surrounding roads and study intersections." Furthermore the traffic report indicates that "the relocation of the existing Wilsonville Primary School to the proposed reduces the number of PM peak hour I-5/Wilsonville Road interchange trips by 38 in the near term (Phase I). With build out of Phase I and II, the number of PM peak hour trips through the interchange would remain the same." Area 'A' in conjunction with the proposed primary school will have an acceptable traffic level and can be accommodated safely and without congestion for compliance with Subsection 4.139(4)(b) WC, up through the most probable intersections including the Wilsonville Interchange. Furthermore Ordinance #463 on page 21 of 23 provides that a project which 'provides essential government services, or public school facilities or public transportation facilities' is able to be approved even though trips go through the area of concern.

There were no "PF" conditions recommended by the City Engineer relative to the location, design and size of sanitary sewer and storm sewer.

The nearest waterline is the 6" waterline at the intersection of Wilsonville Road and Willamette Way East, which is approximately 370' from the SE corner of Area 'A'. In order to provide water and sanitary sewer to Area 'A' the school district would have to extend the lines. Furthermore, in Category 1(b) of the Public Facilities Water Strategy (Ordinance #514), the proposed primary school provides for essential governmental services and the project is allowed to go forward through the planning review process for a building permit.

At least a 25' wetland buffer (transition zone) should be maintained around the northeast corner of the premise. The 25' buffer or transition zone is the minimum allowed by the City. Staff is recommending that the wetlands and the transition zone be designated in Primary Open Space and conservation easement established to protect it.

RECOMMENDATION

Approve the proposed annexation of Area 'A' and the proposed comprehensive plan map designations/amendment and zone map designation/amendment. The development Review Board action is a recommendation to the City Council. The PF conditions of approval shall be provided to the City Council. Issues of storm drainage shall be addressed.

00DB07

Owner/applicant: West Linn Wilsonville School District

Review Criteria.

Zoning:

Section 4.012: Hearing procedures.
Section 4.008: Application procedures-general.
Section 4.120: Residential Agriculture 1-acre zone (RA-1) zone
Section 4.121: Public Facility (PF) zone.
Section 4.139(2): Stage I Preliminary Plan
Subsection 4.139(4)(b): Traffic "D" LOS.
Subsection 4.139(4)(c): Public facilities
Subsection 4.161: Protection of natural features
Subsection 4.167(2)(b): Access lanes.
Subsection 4.187(1)(c)(1 to 8): Zone changes and amendments - procedures.
Subsection 4.168: Sidewalks and bikeways.

Comprehensive Plan:

Comprehensive Plan Amendment Procedures on Pages 3, 4 and 5 of the Comprehensive Plan.

Policy 4.5.1: Primary and Secondary Open Space

Goal 1.1 - Encourage citizen participation (p. 7).

Goal - Growth Management (p. 9).

Objective 2.1.5 - Allow annexation which is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth (p. 10).

Goal 3.1 - Provide adequate public facilities and services (p. 16).

Objective 3.1 - Only develop where services can be provided (p. 16).

Policy 3.1.4 - New development shall be served by sanitary sewer (p. 18).

Policy 3.1.5 - The cost of service extensions shall be borne by the developer (p. 18).

Objective 3.2 - Public facilities should enhance the health, safety, educational and recreational aspects of urban living (p. 16).

Objective 3.6 - Provide school sites ahead of anticipated need (p. 17).

Policy 3.3. 12 - Pathways shall be provided according to the Pathway Master Plan (p. 24).

Policy 3.3.13 - Concrete sidewalks shall be provided along streets (p. 24).

Policy 3.4.5 - All development approvals shall include a storm drainage plan (P. 35).

Policy 3.7.2 - The city shall coordinate with the school districts for the planning, scheduling and construction of educational facilities (p. 37).

Policy 3.8.5 - The city shall coordinate with the school districts to encourage year-round recreational programs (p. 41).

Policy 3.8.6 - The Pathway Master Plan shall be designed to provide access between residences, parks, and schools (p. 42).

Goal 4.4 - Develop a city that helps preserve agricultural land outside the UGB (p. 81).

Goal 4.6 - Encourage identification and conservation of natural areas (p. 82).

Objective 4.4.9 - Ensure adequate storm drainage (p. 82).

Other Planning Documents:

Transportation Master Plan, July 12, 1991

Bicycle and Pedestrian Master Plan, Dec. 20, 1993

Parks and Recreation Master Plan

Ordinance No. 464 -Tree Preservation and Removal

Ordinance No. 514 – Public Facilities Water Strategy.

Submittal Date: January 3, 2000.

Annexation, Oregon Revised Statutes:

ORS 222.120: Procedures without election by electors; hearing; ordinance subject to referendum.

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

ORS 222.170: Effect of consent to annexation by territory; proclamation with and without city election.

PROPOSED FINDINGS CITY LIMITS BOUNDARY CHANGE PROPOSAL

Vicinity Information:

The territory is identified as being Tax Lot 2201 (Area 'A') in Section 22, Tax Lots 500 (Area 'B') 600 (Area 'C') in Section 22A, T3S, R1W, Clackamas County, Wilsonville, Oregon.

Annexation Location:

(The table and site information below was provided by the applicant)

The 20-acre parcel is presently subject to the Clackamas County Comprehensive Plan and zoning requirements. Although ODSL has agreed to sell it to the district, ODSL currently remains the legal owner of the tract. The 20-acre tract is part of a 190.25-acre property, which is all zoned EFU. The EFU zone has a minimum lot size requirement of 80 acres. The purchase of the 20-acres from ODSL will create a 170.25-acre parcel, which is over twice the minimum size standard.

<i>Vicinity</i>	<i>City</i>	<i>Designation</i>	<i>Zone</i>	<i>Land Use</i>
Subject Property				
3S 1W 22, TL 2201	No	Clackamas Co.	County EFU	Agriculture
20 acres acquired by school			Agriculture (now in permanent district)(Metro UGB)	
3S 1W 22A, TL 500	Yes	Wilsonville -	City - RA-1	Single family residence
(3 acres acquired by school district)			Residential	
3S 1W 22A, TL 600 (19.2	Yes	Wilsonville -	Wilsonville -	City - RA- I
Wood Middle School			Residential	
acre school site owned by school district)				
Surrounding Properties				
North	No	Clackamas Co. -	County EFU	Agriculture and wetland
		Agriculture		
East	Yes	Wilsonville -	City - PDR and R- I	Single family residences, Wood Middle School, open space
		Residential		
South	Yes/No	Wilsonville -	City - PDR and	Agriculture and single
		Residential and	County EFU	family residences
		Clackamas Co. -		
		Agriculture		
North		Clackamas Co. -	County EFU	Agriculture -
		Agriculture		no permanent improvements

**ORS 222.120, 222.125 and 222.170: BOUNDARY CHANGES; MERGERS
&
CONSOLIDATIONS.**

222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation,

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as Provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Health Division, prior to the Public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area -of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affective district is a district named is ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170 "owner" or "landowner" means the legal owner of record or where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

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 other-wise 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.

222.170 Effect of consent to annexation by territory; proclamation with and without city election.

(1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) *The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:*

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) *If the city legislative body has not dispensed with submitting the question to the annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. Real property that is publicly owned, is the right of way for a public utility telecommunications utility or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.*

Proposed Annexation of Area 'A'
(Proposed Findings prepared by staff)

1. The West Linn and Wilsonville School District has filed an application requesting that certain property Area 'A' to be annexed to the City. Upon receipt of the application the City of Wilsonville published and posted notice of the public hearing in accordance with Section 4.011. The Development Review Board action of this request is a recommendation to the City Council. In accordance with ORS 222.120(3), the office of the City Council will cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and will cause notices of the hearing to be posted in four public places in the city for a like period. The annexation is being processed under ORS 222.125 the so called "double majority" procedures. The school district has submitted evidence that the property owner approved the annexation and there are no residents on the property. Thus the requirements for double majority has been met.
2. Intensive development requires high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. In most cases, a single governmental agency is better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities. It is the intent of the

City of Wilsonville to provide the widest range of necessary services in a manner that encourages and provides planned well-ordered and efficient development patterns.

4. The proposed annexation (Area 'A') would not result in duplications in services. The proposed annexation (Area 'A') will assure adequate quality and quantity of public services.
5. The findings in this report will demonstrate that the proposed annexation (Area 'A') is consistent with the City of Wilsonville Comprehensive Plan and is in conformance with statewide planning goals. The City has considered the applicable Goals, Objectives and Policies of the Comprehensive Plan, and the timing, phasing and availability of services in reviewing the proposed annexation determination. Only when the Comprehensive Plan provides inadequate policy direction shall the City consider the statewide planning goals, which is not the case here.
6. Mr. Keith Liden, the applicant's planning consultant, has prepared findings, which meet the applicable goals, objectives and policies of the City of Wilsonville Comprehensive Plan. His report is found in Exhibit 'D' and are included in this staff report as findings for approval for the proposed annexation of Area 'A', and support the proposed Comprehensive Plan Map amendment on Area 'A' and the proposed Zone Map amendment for Areas A, B and C.
7. Area 'A' is not within or will be annexed to another city
8. Area 'A' is within a district that will not be included within or annexed to another district.
9. Area 'A' to be annexed contains 20 acres, is vacant. Area "A" is currently being used predominantly for an agricultural purpose in conjunction with the adjoining agriculture land to the west and north. The school district also owns the adjoining Inza R. Wood Middle School (Area 'B') and a 3-acre parcel (Area 'C'), which are within the City. The school district proposes to include the annexed property (Area 'A') to facilitate development of a new primary school.
10. On December 16, 1999, the Metro Council voted to amend the Mtero jurisdictional boundary and the Metro Urban Growth Boundary to include Urban Reserve No. 39, which includes Area 'A'. Upon annexation to the City the land is automatically annexed to Metro under ORS 199.510(2)(c). METRO has reviewed the amendment to the urban growth boundary and found that this land should be included within the UGB. Once that decision on urbanization is decided the City's concern is with the adequacy of services, not with whether this land should develop to urban uses. As part of this request, the City's Comprehensive Plan Map will be amended to reflect the METRO decision on the UGB.

11. Area 'A' is designated in the Exclusive Farm Use (EFU) District of Clackamas County. Lands to the north and west are also designated EFU.
12. The City of Wilsonville's Comprehensive Plan has been acknowledged by LCDC. The City has annexed all other lands within the urban growth boundary surrounding the city. The adjacent land within the city is designated Residential (Area 'C') and Public (Area 'B') on the Wilsonville Comprehensive Plan Map and are zoned RA-1. The school district expects to apply the City's PF zone on Areas A, B and C.
13. Area 'A' is not included within the Wilsonville Comprehensive Plan. However, the Master Street System and Function Classification Map in the City Plan identifies Wilsonville Road fronting the property as minor arterial.
14. A sanitary sewer line is approximately 370 feet east of the SE corner of Area 'A'. The cost of extending a sewer line is included in the school district's cost estimate for development of the proposed primary school.
15. The nearest waterline is the 6" waterline at the intersection of Wilsonville Road and Willamette Way East, which is approximately 370' from the SE corner of Area 'A'. In order to provide water and sanitary sewer to Area 'A' the school district would have to extend the lines. Furthermore, in Category 1(b) of the Public Facilities Water Strategy (Ordinance #514), the proposed primary school provides for essential governmental services and the project is allowed to go forward through the planning review process for a building permit.
16. The right of way for Wilsonville Road widening will be 64 to 90 feet wide with 5-foot wide sidewalks and 5' wide shoulder side bicycle lanes on both sides. The City will require the school district to dedicate additional right-of-way as a condition of approval of development permits. The City will also require the school district to widen and improve the street frontage along Area 'A' before occupancy of the proposed primary school. Including the entire project area within the City will avoid the need to coordinate city and county financing. The City has indicated that the improvement to Wilsonville Road is a higher priority than the county has in its Comprehensive Plan. The two jurisdictions also have somewhat different improvement standards.
17. Wilsonville contracts with the Clackamas County Sheriff Office for police protection.
18. The portion of Wilsonville north of the Willamette River including Area 'A' is within the Tualatin Valley Fire and Rescue district. Since the City is already in the District, this service will not be altered by the annexation.

19. Land use Planning, Building Administration, and general governmental services are currently provided by Clackamas County - Upon annexation these services will be provided by the City.
20. Area 'A' is not served by a public storm water drainage system. The City Engineer will require on-site storm detention for the proposed primary school. The school district plans to direct the storm water run off into a water quality swale next to the northerly wetland.
21. The Proposal is consistent with regional, county, and city planning. The City in the same application is amending its Comprehensive Plan Map and Zoning Map to apply appropriate urban planning and zoning designations to Area 'A'. Zoning for Area B and C is being changed to the Public Facility zone. The amendments for Area 'A' must be adopted prior to development of the proposed primary school.

**COMPREHENSIVE PLAN MAP
And
ZONE MAP AMENDMENTS**

Zone Map Amendment. Proposed Public Facility (PF) zone for Areas A, B and C. Proposed Comprehensive Plan Amendment to apply the "Public Land" and "Primary Open Space" designations on Areas 'A' and 'C'.

22. Mr. Keith Liden, the applicant's planning consultant, has prepared findings, which are presented below, which meet the applicable goals, objectives and policies of the City of Wilsonville Comprehensive Plan. His report is found in Exhibit 'D' is included in this staff report for finding of approval for the proposed annexation of Area 'A', the City. The school district is seeking to annex a portion of Tax Lot 2201 (20 acres) into the City of Wilsonville (Area A). Approve a Comprehensive Plan Map amendment on Tax Lot 2201 from Agriculture to Public Lands and Primary Open Space. Approve a Comprehensive Plan Map amendment on Tax Lot 600 from Residential to Public Lands (Area C). Approve a Zone Map Amendment from Exclusive Farm Use to Public Facility zone on a portion of Tax Lot 2201 (school property). Approve Zone Map amendment from Residential Agriculture -1-acre minimum to the Public Facility zone on Tax Lots 500 (Area B) and 600. The applicant is not proposing a planned development or Stage I preliminary plan at this time.

**Relevant Planning Programs
Clackamas County Comprehensive Plan**

23. Mr. Liden's finding: The 20-acre parcel is presently subject to the Clackamas County Comprehensive Plan and zoning requirements. Although ODSL has agreed

to sell it to the district, ODSL currently remains the legal owner of the tract. The 20-acre tract is part of a 190.25-acre property, which is all zoned EFU. The EFU zone has a minimum lot size requirement of 80 acres. The purchase of the 20-acres from ODSL will create a 170.25-acre parcel, which is over twice the minimum size standard.

Wilsonville

24. The Wilsonville Comprehensive Plan, Zoning Code, and Official Zoning Map apply to this application. The relevant criteria are addressed later in this application.

Metro 2040 Concept Plan, Liden's findings:

25. Metro and the jurisdictions in the Portland Metropolitan Region have been actively working on the 2040 plan. Expansion of the Urban Growth Boundary (UGB) which responds to growth needs has proven to be a difficult element of the plan to implement. The 20-acre site was approved by the Metro Council to be designated as an Urban Reserve Area which is eligible to be included in the UGB when a need is shown.
26. The Metro Council initiated a process to consider including URA #39 within the UGB. On December 16, 1999, the Metro Council approved bringing URA #39 into the Metro District boundary and including it within the UGB.

West Linn-Wilsonville School District Long Range Facilities Plan, Liden's findings:

27. The West Linn-Wilsonville School District serves the cities of West Linn and Wilsonville as well as nearby unincorporated areas. The district adopted its Long Range School Facilities Plan in 1996. The plan is based upon full development in the district as it is presently zoned. The anticipated enrollment growth will result in a need for seven new schools plus high school expansion in the next 20 years. Five new primary schools constitute the majority of the future facility needs.
28. With the rapid growth in the district, pending amendments to the UGB, and potential shifts in family demographic trends, the district is already beginning to reevaluate the plan. Plan amendments are anticipated to retain its usefulness as a planning tool for the district and the communities which it serves.
29. The Long Range School Facilities Plan identifies three primary schools for the Wilsonville area which are Boeckman Creek, Wilsonville, and a new primary school located on the subject property. Following the adoption of the plan, the

district has determined that it is not advisable to continue to use Wilsonville School because it will be prohibitively expensive to maintain the building, the site is virtually surrounded by commercial development, and access to and from the school is inconvenient and potentially dangerous for children.

30. With the involvement of the community, the district proposes to abandon the Wilsonville School site and create a larger K-5 primary school facility on the subject property. It will be an 800-student facility designed around a central core with two 400-student wings.
31. Attendance boundaries for the entire school district will be modified to accommodate differences in growth across the district. The new primary school will include all of the present Wilsonville
32. Primary School attendance area plus the western portion of the Boeckman Creek Primary School attendance area. Approximately 500 of the 800 students will reside on the West Side of 1-5.
33. Although it is on the edge of the city, the proposed site serves the portion of the district, which lies west of the city limit. It is close to many of the students who will attend the school. Approximately 50 percent of the student body will be within one-half mile of the site when the school's attendance area is fully developed.

Public Facilities and Services, Liden's findings:

Transportation:

Streets

34. The existing streets in the immediate area are shown in Figures 1 and 2. Wilsonville Road, which is designated as a minor arterial, abuts the southern frontage of the entire site. The portion along Wood Middle School is fully improved with curb and sidewalks. The western portion of the site frontage is improved only with gravel shoulders. The road is planned to be improved with a 40-foot wide paved surface, bicycle lanes, curbs, planter strips, and sidewalks.

Transit

35. Transit service is provided by SMART Route 204, which provides regular weekday and reduced Saturday service on Wilsonville, Road between Willamette Drive (west edge of the city) and Stafford Road. SMART Route 203 also serves the site with connections to Ellingsen Road and Tri-Met Route 96 to Tualatin and Portland.

Pedestrian and Bicycle Routes

36. The sidewalk and pathway system in the area provides good connections between the site and surrounding neighborhoods. On-street bike lanes and separate bicycle routes are planned in the area to serve both commuting and recreational purposes. The site is planned to be linked with the pedestrian and bike route system, connecting area residences with the school. Because approximately 50 percent of the students will be within one-half mile of the site, walking and bicycling will be a feasible transportation alternative for many of them.

Public Utilities and Services

37. Upon annexation by the city of Wilsonville, the urban service providers will be as follows:

Water: Wilsonville

Sanitary sewer: Wilsonville

Storm sewer: Wilsonville

Police: Clackamas County Sheriff, under contract with Wilsonville

Fire: Tualatin Valley Fire and Rescue, under contract with Wilsonville

Schools: West Linn - Wilsonville School District

Parks: Wilsonville

Library/Government Services: Wilsonville

38. Because the territory proposed for annexation is rural land, no urban-level services are presently provided. However, urban services will be available to serve it upon its conversion to urban land. These services include the following:

37. Water. Water service will be provided by the city. The city has made special arrangements with the West Linn-Wilsonville School District to assure that adequate water will be available in spite of the city's current water shortage. The district has agreed to curtail water use during summer months in order to assist the community overall. Major pipeline improvements are planned for the coming fiscal year in order to serve the site.

38. Sanitary sewer. Sanitary sewer service will be provided by the city. Collection system improvements are planned to accommodate new school construction on the subject property. The city recently expanded and improved its wastewater treatment plant to accommodate community growth.

39. Storm drainage. Storm sewer service will be provided by the city. The subject property is located between two creeks and near a system of wetlands. A combination of on-site storm water detention and use of the natural drainage ways is expected to meet the storm sewer needs of the site. Flooding is not a problem in the area.

40. Transportation. The primary transportation provider is the city. This includes responsibility for improving and maintaining Wilsonville Road and other streets in the vicinity, as well as the provision of transit services through South Metro Area Rapid Transit (SMART), a city operation. Transportation services are also coordinated with Clackamas County (with continuing responsibility for the roads to the west of the subject property) and with the Oregon Department of Transportation (I-5 crosses Wilsonville Road approximately 1.5 miles to the east of the subject site).

41. Fire and Police. Fire protection services are provided to the subject property and all properties in the community by the Tualatin Valley Fire and Rescue District. The district operates under contract with the city with a fire station located on Kinsman Road, approximately one mile from the site.
42. Police services are provided to the subject property and all properties in the community by the Clackamas County Sheriff's Department. This service is provided under contract between the county and the city. The Clackamas County Sheriff's Department maintains a station in Wilsonville, with officers specifically assigned to the community. A Sheriff's lieutenant serves and the city's Chief of Police.
43. Schools. School services are and will continue to be provided to the site by the West Linn- Wilsonville School District. The proposed Dew primary school is intended to address current primary school capacity problems in Wilsonville. Boeckman Creek School is designed for 575 students, but the current enrollment is 648. Wilsonville School is designed to accommodate 550 students, and it presently has 547 students.

**CONSISTENCY WITH THE WILSONVILLE COMPREHENSIVE PLAN,
Findings Prepared by Keith Liden**

44. The relevant plan goals, objectives, and policies for this application are identified, followed by a response about how the proposed annexation of the 20-acre tract and the proposed Public Facilities plan and zone designations for the three parcels involved in this application are consistent with the Wilsonville Comprehensive Plan.

Goal 1.1 - Encourage citizen participation (p. 7).

45. The district has involved the community in the planning for the proposed primary school. In addition, the normal city notification process and public hearings regarding the application will satisfy this goal.

Goal - Growth Management (p. 9).

Objective 2.1.5 - Allow annexation which is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth (p. 10).

46. Because of the substantial growth in Wilsonville and the deficient Wilsonville School facility, the district has worked with city residents, city officials, and other agencies to provide a new primary school on the subject property. The existing primary schools in Wilsonville have enrollments which reach or exceed their design capacities. The annexation, plan amendment, and zone change are necessary steps to provide improved and enlarged educational facilities.

Goal 3.1 - Provide adequate public facilities and services (p. 16).

Objective 3.1 - Only develop where services can be provided (p. 16).

47. The city indicated that sanitary sewer, storm sewer, water, transportation facilities, transit, police, fire, parks, and library are available and adequate to serve the proposed school.

Policy 3.1.4 - New development shall be served by sanitary sewer (p. 18).

48. Sanitary sewer is available for the property. During site design review, specific plans for providing the necessary line extensions and/or connections shall be reviewed and approved by the city.

Policy 3.1.5 - The cost of service extensions shall be borne by the developer (p. 18).

49. The district intends to pay its fair share for utility line extensions.

Objective 3.2 - Public facilities should enhance the health, safety, educational and recreational aspects of urban living (p. 16).

50. One of the key public facility assets for any community is its educational system. The proposed primary school will provide improved educational opportunities with a new facility and improved location. *Staff note: The City is discussing with the school district but not resolved yet, especially funding the School district is considering in their design.*

Objective 3.6 - Provide school sites ahead of anticipated need (p. 17).

51. Prior to adopting the Long Range School Facilities Plan, the district understood the need to develop a new primary school on the west side of 1-5. The district began working with the city, ODSL, Clackamas County, and Metro beginning in 1995 to secure adjacent to Wood Middle School the 20-acre site.

Policy 3.2.1 - This is a lengthy policy, which indicates that water lines must be extended according to the Water Service Plan, and that line extensions must include the full property frontage (p. 19).

52. Water lines will be extended to the site as required by the city during site design review. The city is working to resolve water capacity shortages during summer months. The city has approved the use of city water for the school provided that fields will not be irrigated during periods of peak demand. It is important to note that water for the fields is very desirable to utilize them fully throughout the year, but it is not necessary.

Policy 3.3.2 - Appropriate building setbacks shall be maintained from arterial streets, and driveways and intersections shall be minimized (p. 21).

53. These and other site development issues will be addressed during the city's site design review process which will be required following approval of this application.

Policy 3.3.8 - the relevant portions of this policy call for: evaluating transportation impacts of new development; minimizing traffic congestion at 1-5 interchanges; reducing

the number and length of home-to-work trips; and supplying programs to reduce traffic impacts (p. 23).

54. The city traffic engineer, DKS and Associates, has evaluated the traffic impact of the school on Wilsonville Road and the 1-5 interchange. The key issue in this area of the city is the afternoon peak hour traffic volume on Wilsonville Road/1-5 interchange. DKS concluded that the school will not increase peak hour volumes at the interchange because:

- Wilsonville Primary School will be closed;
- The new school will be located approximately one mile west of Wilsonville Primary School;
- The students will be dismissed for the day before the afternoon peak hour; and
- The majority of the students attending the school reside on the west side of 1-5.

Staff note: In addition "essential services and public schools are bale to be approved under Ord. 463)

Policy 3.3.12 - Pathways shall be provided according to the Pathway Master Plan (p. 24).

55. There a number of sidewalks and pathways which allow easy access between Wood Middle School and nearby residential neighborhoods. These and other site development issues will be addressed during the city's site design review process which will be required following approval of this application. The district intends to supplement the existing system as appropriate.

Policy 3.3.13 - Concrete sidewalks shall be provided along streets (p. 24).

56. These and other site development issues will be addressed during the city's site design review process, which will be required following approval of this application.

Policy 3.4.5 - All development approvals shall include a storm drainage plan (P. 35).

57. The city has indicated that adequate storm drainage can be provided. These and other site development issues will be addressed during the city's site design review process, which will be required following approval of this application. Staff note: It is unlikely that the City will require on site detention to handle a 25-year storm event.

Policy 3.7.2 - The city shall coordinate with the school districts for the planning, scheduling and construction of educational facilities (p. 37).

58. The district has worked with the city staff and representatives from service agencies to determine the adequacy of all services and facilities needed to support the school. As indicated above, all services can be provided efficiently. Specific methods to provide facility improvements and connections will be evaluated and approved during the site design review process, which will follow this application.

Policy 3.8.5 - The City shall coordinate with the school districts to encourage year-round recreational programs (p. 41).

59. The West Linn-Wilsonville School District has and will continue to work with the city to make its school facilities available to the community during non-school hours. There will be no change in current policy for the new primary school. Staff note: It is likely that the City has been discussing the possibility of a recreation center at this site but these are still on going.

Policy 3.8.6 - The Pathway Master Plan shall be designed to provide access between residences, parks, and schools (p. 42).

60. As noted above, a system of sidewalks and pathways presently serves the area, and the district intends to improve this system as appropriate. The details about how this should be done shall be addressed during the site design review process.

Goal 4.4 - Develop a city that helps preserve agricultural land outside the UGB (p. 81).

61. The 20-acre portion of the site to be annexed, is presently zoned EFU. The school will take this area out of agricultural use. However, adverse impacts to agricultural activities in the area will be minimized because:

- The remaining 170.25 acres of the 190.25-acre parcel owned by ODSL represents a viable agricultural tract which is over twice the minimum parcel size of 80 acres.
- The school will provide some buffer area between urban uses to the east and remaining farming activities to the west.
- A wetland to the north of the 20-acre parcel will provide a natural buffer from farm use to the north.
- The location of the primary school adjacent to Wood Middle School will allow for more efficient use of land for accessory facilities which can be shared, such as driveways, parking, and play fields. Efficient use of land will in turn reduce the need for future expansions of the UGB.

Goal 4.6 - Encourage identification and conservation of natural areas (p. 82).

62. The 20-acre site to be annexed does not include the wetland area to the north. The school and related improvements will provide sufficient buffer areas between the developed portions of the site and the wetland. This will be reviewed thoroughly during site design review.

Objective 4.4.9 - Ensure adequate storm drainage (p. 82).

63. As noted above adequate storm drainage facilities can be provided. Specific techniques for constructing these facilities shall be evaluated by the city during site design review.

ZONE MAP AMENDMENT

Additional findings prepared by planning staff.

64. The school district is seeking a Zone Map Amendment from the County Exclusive Farm Use zone to the City Public Facility (PF) zone upon annexation. The purpose of 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. The applicant is not proposing a planned development or Stage I preliminary plan at this time.
65. The proposed Zone Map Amendment is intended to serve as an administrative procedure to evaluate the conversion of nonurban land and urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in zoning ordinance. As set forth in Section 4.187 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development review Board must at a minimum, adopt findings addressing Criteria 1 - 7.

Criterion 1:

"The application is submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.138."

Response Finding:

66. The application was submitted in accordance with the procedures set forth in Section 4.008.

Criterion 2:

"The proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives of the Comprehensive Plan."

Response Finding:

67. The applicant's findings 44 to 60 address the Comprehensive Plan Map designations and with the Comprehensive Plan Goals, Policies and Objectives, which are included into this

report for findings of approval. The City Council will apply the City comprehensive plan and zoning designations.

Criterion 3:

"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 Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text.

Response Findings:

68. Criterion 3 is not applicable to Areas 'A' and 'B'. However, Area 'C' is designated "Residential" 1 to 3 du/ac. At this time the school district is not proposing to demolish the house and convert the property into higher intense use.

Criterion 4:

That the existing primary facilities, i.e., roads and sidewalks, water, sewer and storm 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 shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

Response Findings:

69. A sanitary sewer line is approximately 370 feet east of the SE corner of Area 'A'. The nearest waterline is the 6" waterline at the intersection of Wilsonville Road and Willamette Way East, which is approximately 370' from the SE corner of Area 'A'. In order for the City to provide water for the proposed primary school under the Public Facilities Water Strategy (Ordinance #514), the school district may transfer water service from Wilsonville Primary School on SW Boones Ferry Road to the proposed primary school site. Wilsonville Primary School will be abandoned and sold for private development. However, the Public Facility Water Strategy, Ordinance #514 provides that 'development which provides for essential government services or public water facilities is category 1 which may go forward under the water conservation plan.
70. There is no public storm drainage system serving Area 'A'. On site storm detention is required. The applicant plans to direct storm water run off to water quality swales next to the wetland at the North Side of the property.

Criterion 5:

That the proposed development does not have a significant adverse effect upon Primary Open Space or natural hazard, and/or geologic hazard. When Primary Open Space or natural hazard, and/or geologic hazard are located on or about the proposed development, the Planning Commission shall use appropriate measure to mitigate and significantly reduce conflicts between the development and identified hazard or Primary Open Space.

Response Finding:

71. Staff recommends that the wetland on the North Side of the property of Area 'A' together with a 25' wide buffer is designated Primary Open Space. The applicant is proposing to construct water quality swales to detain storm water run off from impacting the wetland.

Criterion 6:

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.

Response Finding:

72. The school district intends to begin construction as soon as Spring, 2000.

Criterion 7:

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.

Response Findings:

73. The school district will follow up an application for Stage II Final Plan and Site and Design Plans, which will require a separate public hearing to determine if Criterion 7 will be met. Staff is of the professional opinion that it can be developed in full compliance with all applicable standards or reasonable conditions can be applied to ensure compliance.

Subsection 4.139 (4)(b) of the Wilsonville Code sets forth traffic criteria for planned development. Subsection 4.139 (4)(b) states:

"The location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

74. The City requires traffic analysis of all new development to appraise trip generation, capacity and level of service. The City's traffic consultant, DKS Associates, has prepared a detailed traffic report. Since the school property involved in this request is located south of Boeckman Road it is not exempt from the traffic restriction at the Wilsonville Road/I-5 intersection. According to the DKS Traffic Report, "the proposed primary school would not significantly affect operating conditions on the surrounding roads and study intersections." Furthermore the traffic report indicates that "the relocation of the existing Wilsonville Primary School to the proposed reduces the number of PM peak hour I-5/Wilsonville Road interchange trips by 38 in the near term (Phase I). With build out of Phase I and II, the number of PM peak hour trips through the interchange would remain the same." The proposed primary school will have an acceptable traffic level and can be accommodated safely and without congestion for compliance with Subsection 4.139(4)(b) WC, up through the most probable intersections including the Wilsonville Interchange. The PM peak hour trips could be transferred from Wilsonville Primary School to the proposed new primary school site on SW Boones Ferry Road which may restrict future redevelopment or use of Wilsonville Primary School as there is zero (0) PM peak hour trips remaining at the intersection of SW Boones Ferry Road and Wilsonville Road. Approval of Stage II Final Plan for the proposed Primary School could lock in the PM peak hour trips. However, Ordinance 3 464 on page 21 of 23 explicitly allows approval of those developments which "provides essential governmental services or public school facilities or transportation facilities". Thus WC 4.139(4)(b) is met.

Furthermore, Section 4.167WC Street improvement standards requires:

"(1) Except as specifically approved by the Planning Commission, all street and access improvements shall conform to the Street System Master Plan, together with the following standards:

(a) All street improvement shall conform to the Public Works Standards and shall provide for the continuation of principal streets through specific developments to adjoining properties or subdivisions.

(b) All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side."

Response Findings:

75. The Transportation Master Plan (Figure 20) identifies Wilsonville Road that is adjacent to the property as minor arterial 'E' design classification. Wilsonville Road along the frontage of Area 'A' is not constructed to meet the full public works standards. The city will be requesting the necessary dedications to meet the standards including bicycle lanes, traffic lights and sidewalks.

Driveways:

76. The proposed driveway to serve the proposed primary school site (Area 'A') would intersect with Wilsonville Road and Willamette Way East. Inza middle school has driveway access at Wilsonville Road. The intersection is proposed to align with Willamette Way East.

Sidewalks / Bikeways:

Section 4.167 of the Zoning Code requires:

"All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

- E. *"Within a Planned Development the Planning Commission may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary."*

Furthermore, the Bicycle and Pedestrian Master Plan identifies Wilsonville Road as bicycle route.

77. Regarding the above, 5' wide sidewalk and a 5' wide shoulder side bicycle lane are required along Area 'A' fronting Wilsonville Road.

COMPREHENSIVE PLAN AMENDMENTS

Pages 3, 4 and 5 of the City Comprehensive Plan describe plan amendment procedures.

- 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 Development Review Board at their regular or special meetings In February, August, October and December.*

- b. *Amendments must be initiated as provided in this section at least 60 days prior to the month in which they are to be considered by the Planning Commission.*

Response finding:

78. This application does not involve changing the current City Comprehensive Plan Map designations but simply applying City Comprehensive Plan Map designations on property (Area 'A') that was recently brought in the City Urban Growth Boundary. Therefore, the criteria a and b do not apply but the City Council will review this request in February. However, City Council has approved treating the action as an emergency by motion on February 24, 2000.
- c. *In addition, the Development Review Board and City Council shall hold a public hearing in the month of February, 1983, for the Purpose of conducting a comprehensive review of the goals and text of this plan. The Planning Commission and City Council shall hold such Plan review hearings regularly for this purpose at three- year intervals thereafter.*

Response finding:

79. Criterion 'c' does not apply to this request since the City Council authorized reipt of a comprehensive plan at any time during the next year.
- d. *This Plan, and each of its elements, shall be opened for amendments that consider compliance with the Goals and Objectives and Plans of the Metropolitan Service District (Metro) or its successor, on an annual basis, Annual amendment and revision for compliance with the above regional Goals, Objectives and Plans shall be consistent with any schedule for re-opening of local Plans approved by the Land Conservation and Development Commission.*

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

Response finding:

80. Criterion 'd' does not apply to this request.
- d. *Notwithstanding the foregoing provisions, The Council may conduct a Public hearing at any time to consider an amendment to the Plan text or Plan Map when the 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.*

Response finding:

81. The City Council will be conducting a public hearing in February consistent with citerion 'a' on February 28, 2000.
4. Standards for Approval of Plan Amendments.

In order to grant a plan amendment the City Council shall find that:

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

Response finding:

82. Findings 44 to 63 meet the above criterion 'a'.

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

Response finding:

83. Findings 27 to 32 meet the above criterion 'b'.

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

Response finding:

84. Findings 27 to 32 meet the above criterion 'c'.

- d. *The factors in ORS 215.005 were consciously considered. These factors include the various characteristics of the areas in the City; the of the suitability of the various areas for the particular land uses and improvements; the land uses and improvements in the areas, 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.*

Response finding:

85. Findings 1 to 78 meet the above criterion 'd'. In addition, since the City has adopted a Comprehensive Plan this section no longer applies.

86. Mr. Keith Liden, the applicant's planning consultant, has prepared findings, which meet the applicable goals, objectives and policies of the City of Wilsonville Comprehensive Plan. His report is found in Exhibit 'D' and are included in this staff report as findings of approval for the proposed annexation of Area 'A', the proposed Comprehensive Plan Map amendment on Area 'A from the County - Exclusive Farm Use to the City - Public Lands use designation.

Conclusion

The school district is seeking a Zone Map Amendment from the County Exclusive Farm Use zone to the City Public Facility (PF) zone. The applicant is not proposing a planned development or Stage I preliminary plan at this time.

Mr. Keith Liden, the applicant's planning consultant, has prepared findings, which meet the applicable goals, objectives and policies of the City of Wilsonville Comprehensive Plan. His report is found in Exhibit 'D' is included in this staff report as findings for approval.

The applicant has met the ORS statutes for annexation of 20 acres (Area 'A').

The City requires traffic analysis of all new development to appraise trip generation, capacity and level of service. The City's traffic consultant, DKS Associates, has prepared a detailed traffic report. Since the school property involved in this request is located south of Boeckman Road it is not exempt from the traffic restriction at the Wilsonville Road/I-5 intersection. According to the DKS Traffic Report, "the proposed primary school would not significantly affect operating conditions on the surrounding roads and study intersections." Furthermore the traffic report indicates that "the relocation of the existing Wilsonville Primary School to the proposed reduces the number of PM peak hour I-5/Wilsonville Road interchange trips by 38 in the near term (Phase I). With build out of Phase I and II, the number of PM peak hour trips through the interchange would remain the same." Area 'A' in conjunction with the proposed primary school will have an acceptable traffic level and can be accommodated safely and without congestion for compliance with Subsection 4.139(4)(b) WC, up through the most probable intersections including the Wilsonville Interchange. In addition Ordinance # 463 specifically allows approving public school facilities regardless of trips.

There were no "PF" conditions recommended by the City Engineer relative of the location, design and size of sanitary sewer and storm sewer.

The nearest waterline is the 6" waterline at the intersection of Wilsonville Road and Willamette Way East, which is approximately 370' from the SE corner of Area 'A'. In order to provide water and sanitary sewer to Area 'A' the school district would have to extend the lines. Furthermore, in Category 1(b) of the Public Facilities Water Strategy (Ordinance #514), the proposed primary school provides for essential governmental services and the project is allowed to go forward through the planning review process for a building permit.

At least a 25' wetland buffer (transition zone) should be maintained around the northeast corner of the premise. The 25' buffer or transition zone is the minimum allowed by the City. Staff is recommending that the wetlands and the transition zone be designated in Primary Open Space.

00DB07

**Proposed Conditions of Approval
(Recommended by the DRB March 27, 2000)**

Italic letters = Revised or new words.

1. *This action approves an annexation of a portion of Tax Lot 2201 (20 acres) into the City of Wilsonville (Area A). Approve a Comprehensive Plan Map amendment on Tax Lot 2201 from Agriculture to Public Lands and Primary Open Space. Approves a Comprehensive Plan Map amendment on Tax Lot 600 from Residential to Public Lands (Area C). Approves a Zone Map Amendment from Exclusive Farm Use to Public Facility zone on a portion of Tax Lot 2201 (school property). Approves a Zone Map amendment from Residential Agriculture -1-acre minimum to the Public Facility zone on Tax Lots 500 (Area B) and 600. The subject property is located west of Inza Wood school on Tax Lots 2201, Section 22. The balance of the property is on Tax Lots 500 and 600, Section 22A, T3S-R12, Clackamas County, Oregon. The applicant is not proposing a planned development or Stage I preliminary plan at this time.*
2. This action approves "Public Lands" designation on property identified as being a portion of Tax Lot 2201 (Area 'A') in Section 22A, T3S, R1W, Clackamas County, Wilsonville, Oregon. The wetland at the northerly tip of Area 'A' and a 25' buffer shall be designated Primary Open Space on the Comprehensive Plan Map and a conservation easement established for the 25' buffer zone.
3. The applicant shall file a lot line adjustment with Clackamas County Surveyor's office to reflect the boundaries of Area 'A'. Area 'A' shall have the same ownership as Area 'B' (Tax lot 500) on the land deeds to show contiguous ownership.
4. The applicant shall provide the City metes and bounds description of the annexed territory (Area 'A').
5. The applicant shall provide 15 copies of all the application submittal documents for the City Council public hearing.
6. The applicant shall show on the Conditional Use and Site and Design Plans for the proposed primary school a 5' wide sidewalk and a 5' wide shoulder side bicycle lane along the entire frontage of Area 'A' and 'C' fronting Wilsonville Road and shall dedicate the road right-of-way as required by the City Engineer. The proposed sidewalk and bicycle lane shall transition with the sidewalk and bicycle lane improved along Area 'B'.

EXHIBITS
00DB07

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.

- A. Findings and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents
- E. City Engineer's Report was not provided at the DRB meeting.
- F. Wetlands delineation.
- G. Letter ODOT
- H. Letter West Linn – Wilsonville School District 2/17/2000
- I. Memo to Mayor Lehan-Oct.22,1999
- J. DKS Traffic Report
- K. METRO Order 99-830 UGB adjustment.
- L. Blaise Edmonds' display showing Area A, B, C in relation to surroundings

Public Hearing:

B. **00DB07 - West Linn/Wilsonville School District.** Approve the annexation of Tax Lot 2201 (20 acres) into the City of Wilsonville. The DRB also recommends approval of a Comprehensive Plan Map amendment on Tax Lot 2201 from Agriculture to Public Lands and Primary Open Space, and approve a Zone Map amendment from EFU to PF and approve a Zone Map amendment for Tax Lots 500, and 600 from RA-1 to Public Facility Zone, and approve a Comprehensive Plan Map amendment from Residential to Public Lands on Tax Lot 600. The Development Review Board action will be a recommendation to City Council, which will hold an additional public hearing on this item. The site is located west of Inza Wood School and north of Fox Chase Subdivision on Tax Lots 500, 600, 2201, Section 22A and 22, T3S-RIW, Clackamas County, Oregon. Staff: Blaise Edmonds

Brian Griffin stated that issues which need to be addressed at a subsequent hearing are the storm drainage and parking on this site.

Blaise Edmonds referred to City Engineer's PF Conditions - Exhibit E - which has not yet been provided. The first paragraph on Page 28 of 73 reflects this Exhibit and should be so noted. (Engineering Report will be provided for subsequent hearings.)

Acting Chair Griffin called for proponents, opponents, and neutral speakers. (none) Discussion on the conditions of approval was called for. (none)

The public hearing closed at 7:48 p.m.

Joan Kelsey referred to Finding 81 on Page 26 of 73, correcting the date of the hearing before City Council to April 17, 2000.

Brian Griffin asked if there were a possibility of extending the sidewalk down to the west end of the neighborhood on the north side of the highway, to provide a connection for the people on that side of the community to walk over to the school. Bob Hoffman stated that is a County road and the property is owned by the State; their permission would be needed. The City Engineer is working out a detailed cross section for the widening of Wilsonville Road. It would be appropriate to ask for that to be done.

Acting Chair Griffin called for a motion.

Mark Laughman moved to approve the (recommendation to City Council on File 00DB07-West Linn/Wilsonville School District) with the addition of PF Conditions of Approval prior to hearing at City Council, and requesting that the issues of drainage and parking for the site be addressed. Bob Pearce seconded the motion. The motion passed 4-0. (Robin Warren had recused himself from the proceedings.)

March 31, 2000

Robert G. Hoffman, Senior Planner
30000 SW Town Center Loop E
Wilsonville Oregon 97070

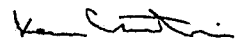
Re: School District Annexation Report

Dear Bob,

Enclosed is a staff report and findings relating to the West Linn/Wilsonville School District annexation. This document focuses primarily on the Metro Code requirements. As you can see, however, it is difficult to address the criteria in the Metro Code without covering a wider range of topics.

Please let me know if you have questions or need additional information.

Sincerely,



Kenneth S. Martin

Encl

ORDINANCE 519

Exhibit 5

PROPOSAL NO. XXXXXX - CITY OF WILSONVILLE - Annexation

Petitioners: Property Owners / Voters: West Linn-Wilsonville School District, ODSL

Proposal No. XXXXXX was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

The territory to be annexed is located on the west edge of the City, on the north edge of Wilsonville Road west of its intersection with Willamette Way East. The territory contains 20 acres and is vacant.

REASON FOR ANNEXATION

The applicant desires annexation to obtain city services to facilitate development of a primary school on this land and on adjacent School District property within the City.

OWNERSHIP/LAND DIVISION

The area to be annexed is a part of a larger (190.25 acres) parcel owned by the Oregon Division of State Lands (ODSL). The Division of State Lands has agreed to sell the 20 acre parcel (area to be annexed) to the School District but that parcel must first be legally created via a lot line adjustment or partition. This is being handled by the property owner in a separate action. The legal land owner at the time of processing this annexation is ODSL.

CRITERIA FOR DECISION-MAKING

METRO CODE

There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria which must be used by all cities within the Metro boundary.

The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and

conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party¹ is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

CITY CODE

There are no City Code provisions dealing directly with annexation.

¹ Necessary party (as defined in the Metro Code) means: any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, and any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for the provision of an urban service to the affected territory.

LAND USE PLANNING

SITE CHARACTERISTICS

The area to the west and north of the territory to be annexed is in agricultural use. To the south is residential property and on the east is the School District's existing Wood Middle School.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). Annexation into Metro's jurisdictional boundary and inclusion in the UGB occurred by action of the Metro Council on December 16, 1999.

Regional Framework Plan

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted one functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07. and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards and mandated adoption of water quality standards. The Functional Plan was reviewed and found not to contain any directly applicable criteria for boundary changes.

The Regional Framework Plan And Boundary Changes. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens,

both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in the UGB, a decision which has already been made relative to this property. The policy does not give direction on the more specific notion of annexation into a city following its designation as Urban.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of a city's boundary.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was reviewed and found not to contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

CLACKAMAS COUNTY PLANNING

The Metro Code states that the City Council's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans." Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

The Clackamas County Comprehensive Plan is the applicable plan for this area. The general plan designation for this site is Agriculture. No County Plan and zone change has been done following the inclusion of this territory in the UGB. Therefore the County Plan document still shows this area as Agriculture with an EFU (Exclusive Farm Use) zoning designation.

Policy 1.0 under URBANIZATION in the Land Use section of the County Comprehensive Plan states:

Coordinate with The Metropolitan Service District (Metro) in designating urban areas within Metro's jurisdiction . . . Recognize the statutory role of Metro in maintenance of and amendments to the regional growth boundary.

ADDITIONAL CLACKAMAS COUNTY PLANNING INFORMATION

The Clackamas County Comprehensive Plan consists of the 1992 Comprehensive Plan which includes various maps, the Mt. Hood Community Plan as amended and city-county growth management agreements (also called urban planning area agreements - UPAA's). The Plan is implemented by the County zoning and subdivision ordinances.

The chapters in the Comprehensive Plan consist of: Background; Issues; Summary of Findings and Conclusions; Goals; and Policies. Each chapter has been searched for materials concerning annexations. Sections of these elements which speak directly to the issue of annexation have been reviewed to decide whether the current proposal is consistent with them.

Citizen Involvement is the title of Chapter 2 of the Comprehensive Plan. Policy 6.0 states:

- *Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

The combination of statutory and Metro notice requirements on annexations are consistent with this policy. On this annexation four notices were posted and affected units of government were notified. Owners of surrounding properties were sent notices. Notice of the hearing was published twice.

Chapter 3 of the Clackamas County Comprehensive Plan, *Natural Resources and Energy*, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and Conservation. All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included in the subsections on water (identifying various river conservation areas), aggregate resources and scenic & resource areas. None of these maps show any of these elements on the site to be annexed.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *Agriculture*.

Among the Urbanization Goals listed in Chapter 4 is the following:

- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*

Public Facilities and Services are covered in Chapter 7 of the County Plan. The following policies of this chapter are related to annexation decisions.

POLICIES

* * *

Sanitary Sewage Disposal

* * *

4.0 Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.

* * *

6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.

* * *

Water

* * *

- 12.0 *Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.*
- 13.0 *In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional lands.*
- 14.0 *Encourage development in urban areas where adequate urban water facilities already exist.*

* * *

Street Lighting

- 27.0 *Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary.*

Urban Growth Management Agreement

The City and the County are required to have an *Urban Growth Management Agreement* which is an adopted part of their Comprehensive Plans. Under the City-County Urban Growth Management Agreement both parties recognize a Dual Interest Area (DIA) around the City within which both jurisdictions have a particular interest. The area to be annexed is within this identified DIA. The City agrees to notify the County of significant City-initiated actions in this area, including annexations. The City has notified the County as required.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the City is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11, in coordination with other service providers in the area.

The Agreement goes on to say:

3. *Development Proposals in Unincorporated Area*

* * *

- B. *The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB . . .*

* * *

4. City and County Notice and Coordination

* * *

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

The required notice was provided to the County.

CITY PLANNING

The City Plan says little about annexations. At the time the Plan was drafted only 25% of the existing City was developed and the City boundary and regional Urban Growth Boundary were virtually the same.

Section II of the Comprehensive Plan, Urban Growth Management, states one Objective as:

Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

Section III of the Wilsonville Comprehensive Plan, Public Facilities and Services, divides services into two categories – Primary Facilities and Services and Complementary Facilities and Services. The first category includes sanitary sewer, water, fire, police, roads and storm drainage. Complementary services include schools, libraries, parks & recreation, mass transit, telephone and utilities.

Under the heading *Schools and Educational Services* the Plan says:

. . . Current services provided by the districts are adequate and provisions are being made for new or expanded facilities where existing capacities have been exceeded.

Policy 3.7.2 states in part:

. . . The City shall continue to coordinate with the school districts for the planning, scheduling and construction of needed educational facilities.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which

governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in Clackamas County.

Sewers. The City provides sanitary sewer service including both treatment and collection. The nearest sanitary sewer line is 370 feet east of the southeast corner of the area to be annexed. The School District will fund the extension of this line as part of the costs of constructing the new primary school.

Water. The City has a 6 inch water line located 370 feet from the southeast corner of the property. This line will be extended by the School District to serve the new school. The City and the District have agreed to certain conditions, including curtailment of use during critical summer months, in order to deal with the City's current water shortages. Also major line improvements in the system which are planned and funded for this fiscal year will improve service to this area.

Storm Sewerage. The area to be annexed will be served by a combination of on-site retention and natural drainage provided by two nearby creeks and nearby wetlands.

Fire Protection. This territory is currently within Tualatin Valley Fire & Rescue as is the City of Wilsonville. The annexation will have no effect on this service.

Police. The territory is currently served by the Clackamas County Sheriff's Department. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .5 officers per thousand population for local law enforcement services.

The City provides police protection via a contract for additional service with the Clackamas County Sheriff's Office. This expanded service will be available to the site upon annexation.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

RECOMMENDATION

The Proposed Findings and Reasons for Decision attached in **Exhibit A** cover the criteria which need to be considered under Metro Code 3.09. Some of these conclusions depend upon information and analysis done in the City Staff Report for the Development Review Board which is part of the record on this annexation.

FINDINGS

Based on the study and the public hearing the Commission found:

1. Proposal No. XXXXXX was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).
2. The territory to be annexed is located on the west edge of the City, on the north edge of Wilsonville Road west of its intersection with Willamette Way East. The territory contains 20 acres and is vacant.
3. The applicant desires annexation to obtain city services to facilitate development of a primary school on this land and on adjacent School District property within the City.
4. The area to be annexed is a part of a larger (190.25 acres) parcel owned by the Oregon Division of State Lands (ODSL). The Division of State Lands has agreed to sell the 20 acre parcel (area to be annexed) to the School District but that parcel must first be legally created via a lot line adjustment or partition. This is being handled by the property owner in a separate action. The legal land owner at the time of processing this annexation is ODSL.
5. There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria which must be used by all cities within the Metro boundary.

The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.

3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

6. There are no City Code provisions dealing directly with annexation.
7. The area to the west and north of the territory to be annexed is in agricultural use. To the south is residential property and on the east is the School District's existing Wood Middle School.
8. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). Annexation into Metro's jurisdictional boundary and inclusion in the UGB occurred by action of the Metro Council on December 16, 1999.

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted one functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07. and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards and mandated adoption of water quality standards. The Functional Plan was reviewed and found not to contain any directly applicable criteria for boundary changes.

The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in the UGB, a decision which has already been made relative to this property. The policy does not give direction on the more specific notion of annexation into a city following its designation as Urban.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of a city's boundary.

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changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

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Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

9. The Metro Code states that the City Council's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans." Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

The Clackamas County Comprehensive Plan is the applicable plan for this area. The general plan designation for this site is Agriculture. No County Plan and zone change has been done following the inclusion of this territory in the UGB. Therefore the County Plan document still shows this area as Agriculture with an EFU (Exclusive Farm Use) zoning designation.

Policy 1.0 under URBANIZATION in the Land Use section of the County Comprehensive Plan states:

Coordinate with The Metropolitan Service District (Metro) in designating urban areas within Metro's jurisdiction . . . Recognize the statutory role of Metro in maintenance of and amendments to the regional growth boundary.

The Clackamas County Comprehensive Plan consists of the 1992 Comprehensive Plan which includes various maps, the Mt. Hood Community Plan as amended and city-county growth management agreements (also called urban planning area agreements - UPAA's). The Plan is implemented by the County zoning and subdivision ordinances.

The chapters in the Comprehensive Plan consist of: Background; Issues; Summary of Findings and Conclusions; Goals; and Policies. Each chapter has been searched for materials concerning annexations. Sections of these elements which speak directly to the issue of annexation have been reviewed to decide whether the current proposal is consistent with them.

Citizen Involvement is the title of Chapter 2 of the Comprehensive Plan. Policy 6.0 states:

- *Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

The combination of statutory and Metro notice requirements on annexations are consistent with this policy. On this annexation four notices were posted and affected units of government were notified. Owners of surrounding properties were sent notices. Notice of the hearing was published twice .

Chapter 3 of the Clackamas County Comprehensive Plan, *Natural Resources and Energy*, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and Conservation. All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included in the subsections on water (identifying various river conservation areas), aggregate resources and scenic & resource areas. None of these maps show any of these elements on the site to be annexed.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *Agriculture*.

Among the Urbanization Goals listed in Chapter 4 is the following:

- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*

Public Facilities and Services are covered in Chapter 7 of the County Plan. The following policies of this chapter are related to annexation decisions.

POLICIES

* * *

Sanitary Sewage Disposal

* * *

4.0 *Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.*

* * *

6.0 *Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.*

* * *

Water

* * *

12.0 *Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.*

13.0 *In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional lands.*

14.0 *Encourage development in urban areas where adequate urban water facilities already exist.*

* * *

Street Lighting

27.0 *Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary:*

10. The City and the County are required to have an *Urban Growth Management Agreement* which is an adopted part of their Comprehensive Plans. Under the City-County Urban Growth Management Agreement both parties recognize a Dual Interest Area (DIA) around the City within which both jurisdictions have a particular interest. The area to be annexed is within this identified DIA. The City agrees to notify the County of significant City-initiated actions in this area, including annexations. The City has notified the County as required.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11, in coordination with other service providers in the area.

The Agreement goes on to say:

3. *Development Proposals in Unincorporated Area*

* * *

B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB . . .

* * *

4. *City and County Notice and Coordination*

* * *

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

The required notice was provided to the County.

11. The City Plan says little about annexations. At the time the Plan was drafted only 25% of the existing City was developed and the City boundary and regional Urban Growth Boundary were virtually the same.

Section II of the Comprehensive Plan, Urban Growth Management, states one Objective as:

Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

Section III of the Wilsonville Comprehensive Plan, Public Facilities and Services, divides services into two categories – Primary Facilities and Services and Complementary Facilities and Services. The first category includes sanitary sewer, water, fire, police, roads and storm drainage. Complementary services include schools, libraries, parks & recreation, mass transit, telephone and utilities.

Under the heading *Schools and Educational Services* the Plan says:

. . . Current services provided by the districts are adequate and provisions are being made for new or expanded facilities where existing capacities have been exceeded.

Policy 3.7.2 states in part:

. . . The City shall continue to coordinate with the school districts for the planning, scheduling and construction of needed educational facilities.

12. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in Clackamas County.
13. The City provides sanitary sewer service including both treatment and collection. The nearest sanitary sewer line is 370 feet east of the southeast corner of the area to be annexed. The School District will fund the extension of this line as part of the costs of constructing the new primary school.
14. The City has a 6 inch water line located 370 feet from the southeast corner of the property. This line will be extended by the School District to serve the new school. The City and the District have agreed to certain conditions, including curtailment of use during critical summer months, in order to deal with the City's current water shortages. Also major line improvements in the system which are planned and funded for this fiscal year will improve service to this area.
15. The area to be annexed will be served by a combination of on-site retention and natural drainage provided by two nearby creeks and nearby wetlands.
16. This territory is currently within Tualatin Valley Fire & Rescue as is the City of Wilsonville. The annexation will have no effect on this service.
17. The territory is currently served by the Clackamas County Sheriff's Department. Subtracting out the sworn officers dedicated to jail and corrections services, the

County Sheriff provides approximately .5 officers per thousand population for local law enforcement services.

The City provides police protection via a contract for additional service with the Clackamas County Sheriff's Office. This expanded service will be available to the site upon annexation.

18. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Commission determined:

1. Metro Code 3.09.050 (d)(4) requires consistency with directly applicable standards and criteria for boundary changes contained in the Regional Framework Plan or any functional plan. The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Council notes that two public hearings were held on this matter and that extensive notice of those hearings was given including: 1) posting of notices in the vicinity of the annexation; 2) mailed notice to necessary parties; 3) two published notices; 4) notice to surrounding property owners. The Council concludes these hearings and notices are consistent with this section of the Regional Framework Plan. The balance of the Regional Framework Plan contains no decision-making criteria directly applicable to boundary changes.
2. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;"

The Council has reviewed the acknowledged Clackamas County Comprehensive Plan which currently applies to this site and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Chapter 2 of the County Comprehensive Plan calls for an emphasis on citizen participation. The Council concludes that the extensive notice given on this proposal makes it compatible with this section of the Plan. The Council finds general consistency between this proposed action and the *Urbanization* chapter of the County Plan. Specifically the City coordinated with Metro in designating this as an urban area and recognized Metro's role in amending the UGB.

The *Public Facilities* chapter of the County Plan also contains requirements with which the Council believes this proposal is consistent. With annexation to the City, the County is insuring ". . . that sewerage facilities in Clackamas County are developed and maintained by the appropriate . . . city." (Policy 4.0 under the subheading of Sanitary Sewerage Disposal). By annexing to Wilsonville, which can provide a full range of services, the proposal is also in accord with Policy 13.0 under the subheading Water. This requires ". . . water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities . . ." The action also is consistent with Policy 14.0 which requires the County to, "Encourage development in urban areas where adequate urban water facilities already exist."

3. With regard to Metro Code 3.09.050 (d)(2) the Council finds that this proposal is consistent with the Clackamas County - City of Wilsonville UGMA which requires the City to notify the County of any annexation decisions. The Commission notes that the record states the County was notified of this proposal.
4. As noted in Conclusion No. 2 above, the Metro Code calls for boundary changes to be consistent with comprehensive plans.

The Council concludes that the annexation is consistent with the City's Plan as well as the County Plan. Specifically the Council notes that the extensive notice requirements particularly emphasizing notice to city residents, is consistent with the City Plan's emphasis on citizen involvement.

The Council also finds that the School District has provided sufficient information demonstrating the need for this site for a primary school. This is in accord with the City Plan objective allowing annexation when services are adequate and a need for immediate urban growth has been demonstrated (Section II, Comprehensive Plan.)

5. Metro Code 3.09.050 (d) (1) requires the Council's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 12 there are no such plans or agreements in place. Therefore the Council finds that there are no inconsistencies between these plans/agreements and this annexation.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services. The Council concludes that the City's services are adequate to serve this area, based on Findings 13-18 and that therefore the proposed change promotes the timely, orderly and economic provision of services.

7. Metro Code 3.09.050(d)(6) mandates the primary criterion for judging a boundary change when the boundary change is to Metro. This boundary change is not to Metro and therefore the Council finds that this criterion does not apply here.
8. The last criterion mandated by the Metro Code is consistency with other applicable criteria under state and local law. The Council has examined state and local laws in its investigation, staff reports and hearings and finds no other applicable criteria beyond those listed above.