

**ORDINANCE NO. 520**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT ON TAX LOT 2201 FROM AGRICULTURE TO PUBLIC LANDS AND PRIMARY OPEN SPACE, AND APPROVING A ZONE MAP AMENDMENT ON TAX LOT 2201 FROM EXCLUSIVE FARM USE (EFU) TO PUBLIC FACILITY (PF) ZONE, and APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT ON TAX LOT 600 FROM RESIDENTIAL TO PUBLIC LANDS AND A ZONE MAP AMENDMENT ON TAX LOTS 500 AND 600 FROM RESIDENTIAL AGRICULTURE I-ACRE MINIMUM (RA-1) TO PUBLIC FACILITY (PF) ZONE. THE SITE IS LOCATED ON TAX LOTS 2201, SECTION 22 AND ON TAX LOTS 500 AND 600, SECTION 22A, T3S-R12, CLACKAMAS COUNTY, OREGON. WEST LINN/WILSONVILLE SCHOOL DISTRICT, APPLICANT.**

WHEREAS, the West Linn/Wilsonville School District has requested a Comprehensive Plan amendment and a Rezoning of the property described in Exhibit A and staff drawing labeled Exhibit L; and

WHEREAS, the Development Review Board, Panel B, held a hearing on this request, gave full consideration to the matter and after taking testimony, recommended approval of the request with conditions on March 27, 2000; and

WHEREAS, the Wilsonville Planning Staff and Development Review Board, Panel B, have analyzed the request and have reported that the request is consistent with and meets requirements for approval of a Comprehensive Plan Amendment and Rezoning and have recommended approval; and

WHEREAS, Wilsonville Planning Staff reports that the Clackamas County Planning office and the Wilsonville Planning Director are simultaneously processing a lot line adjustment to separate the 20-acre parcel from the Division of State Land (DSL) tract and add it to the Inza Wood Middle School site; and

WHEREAS, The Wilsonville City Council on April 17, 2000, held a public hearing regarding the above described matter, took testimony and concluded that the proposed

Comprehensive Plan Amendment and Rezoning met the approval criteria as evidenced by Development Review Board action and staff report adopted March 27, 2000 (Exhibit 4); and

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

1. The City Council adopts the above-recited findings as findings of fact and incorporates them by reference and also adopts as findings the Development Review Board's recommendation and staff report adopted March 27, 2000 attached hereto as Exhibit 4.
2. The Comprehensive Plan is hereby amended to show the Wilsonville City Limits and Urban Growth boundary as including the subject 20-acre parcel.
3. The Comprehensive Plan Land Use Map is hereby amended to show Tax Lots 500, 600 and 2201 described above as public lands except for the triangular northerly portion determined by the Division of State Lands to be wetlands in which case the wetlands shall be Primary Open Space (POS) as indicated in Condition #2 of the Development Review Board's action of March 27, 2000 (Exhibit 4).
4. Zoning Order 00DB07 is approved changing the zoning for the subject 20-acre parcel on Tax Lot 2201 from Exclusive Farm Use (EFU) to Public Facility (PF) and the adjacent parcels on Tax Lot 500-Inza Wood Middle School 19.24 acre parcel, and the 2.99 acre parcel on Tax Lot 600 from Residential Agricultural – 1 acre minimum to (PF) Public Facility zone.
5. The Comprehensive Plan amendment and Rezoning shall be effective on the date of the annexation.

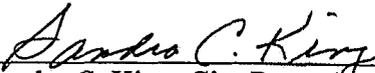
SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 17<sup>th</sup> day of April, 2000, commencing at the hour of 7 p.m. at the Wilsonville Community Center.

  
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Sandra C. King, City Recorder

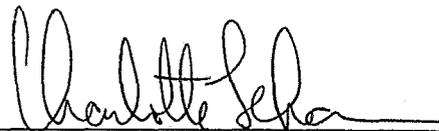
ENACTED by the City Council on the 17<sup>th</sup> day of April, 2000, by the following votes:

Yeas: -5-

Nays: -0-

  
Sandra C. King, City Recorder

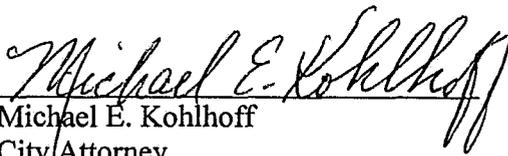
DATED and signed by the Mayor this 19<sup>th</sup> day of April, 2000.

  
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

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
**West Linn/Wilsonville School District** )  
for a rezoning of land and amendment of ) **ZONING ORDER 00DB07**  
the City of Wilsonville Zoning Map )  
incorporated in Section 4.102 of the )  
Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of West Linn/Wilsonville School District for a zone change and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code, and

It appearing to the Council that the property which is the subject of this application is described as follows:

- Tax Lot 2201, Section 22, T3S-R1W, Clackamas County, Oregon, and such property has heretofore appeared on the official Zoning Map zoned as follows: *Exclusive Farm Use (EFU)*
- Tax Lot 500, Section 22, T3S-R1W, Clackamas County, Oregon, and such property has heretofore appeared on the official Zoning Map zoned as follows: *Residential Agricultural – 1 acre minimum (RA-1)*
- Tax Lot 600, Section 22, T3S-R1W, Clackamas County, Oregon, and such property has heretofore appeared on the official Zoning Map zoned as follows: *Residential Agricultural – 1 acre minimum (RA-1)*

The City Council having heard and considered all matters relevant to the application, including the Development Review Board’s resolution and minutes, finds that the application should be approved, and

IT IS THEREFORE ORDERED that the property above-described is hereby rezoned as follows:

- Tax Lot 2201 – *Public Facilities (PF) Zoning*
- Tax Lot 500 – *Public Facilities (PF) Zoning*
- Tax Lot 600 – *Public Facilities (PF) Zoning*

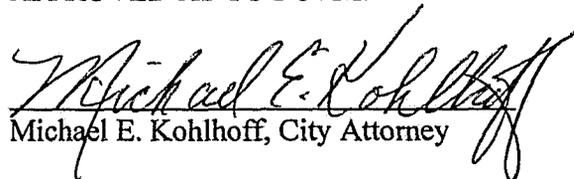
and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

The property subject to this Zoning Order is also subject to the Order of the City Council in respect thereto made.

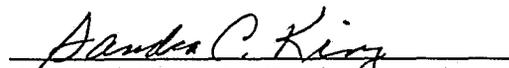
Dated: This 17<sup>th</sup> day of April, 2000.

  
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CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael E. Kohlhoff, City Attorney

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, CMC, City Recorder

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

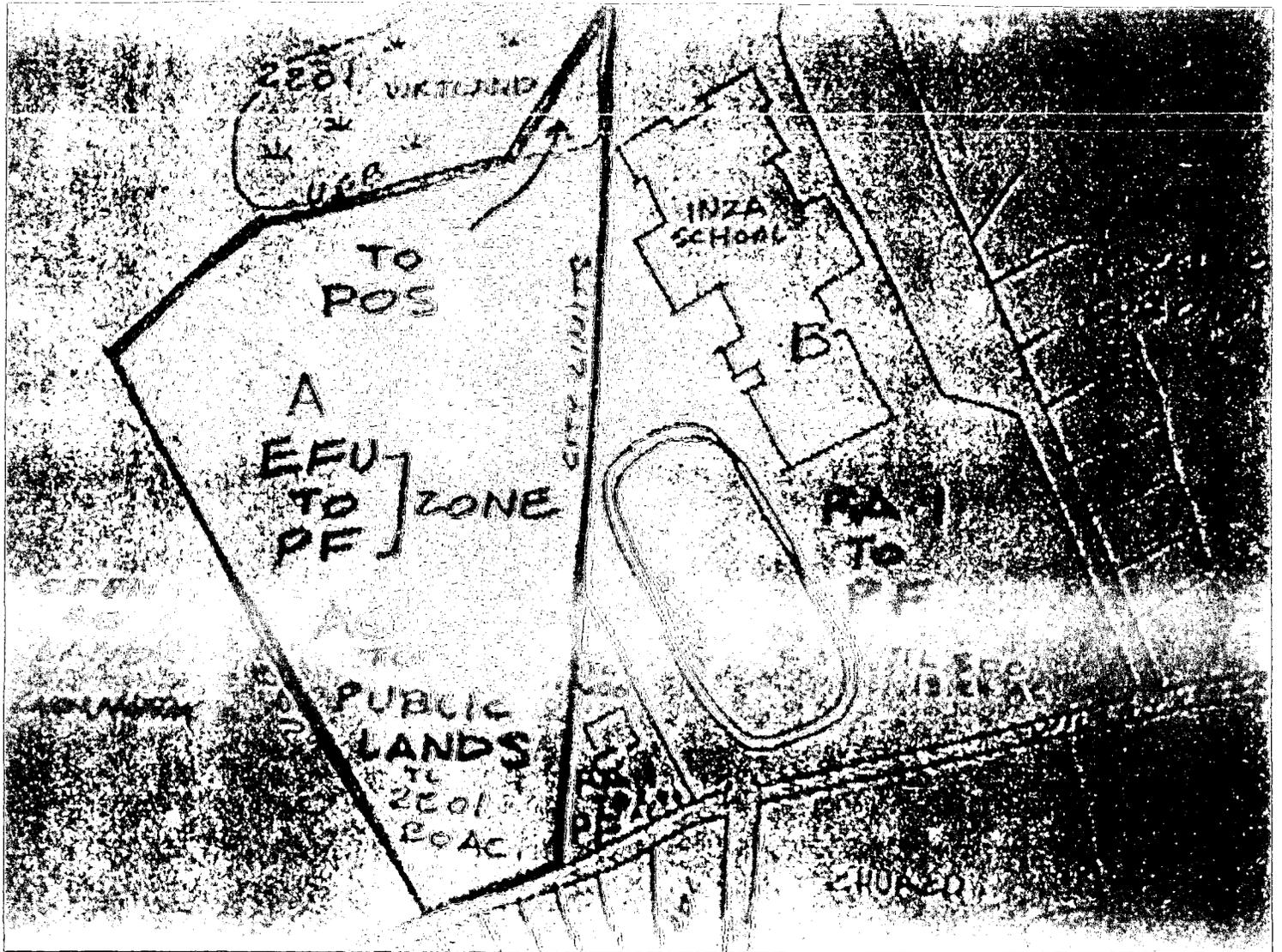
EXHIBIT "A"

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 ¼" 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 520

EXHIBIT A



ORDINANCE 520

STAFF EXHIBIT L

## 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 520**



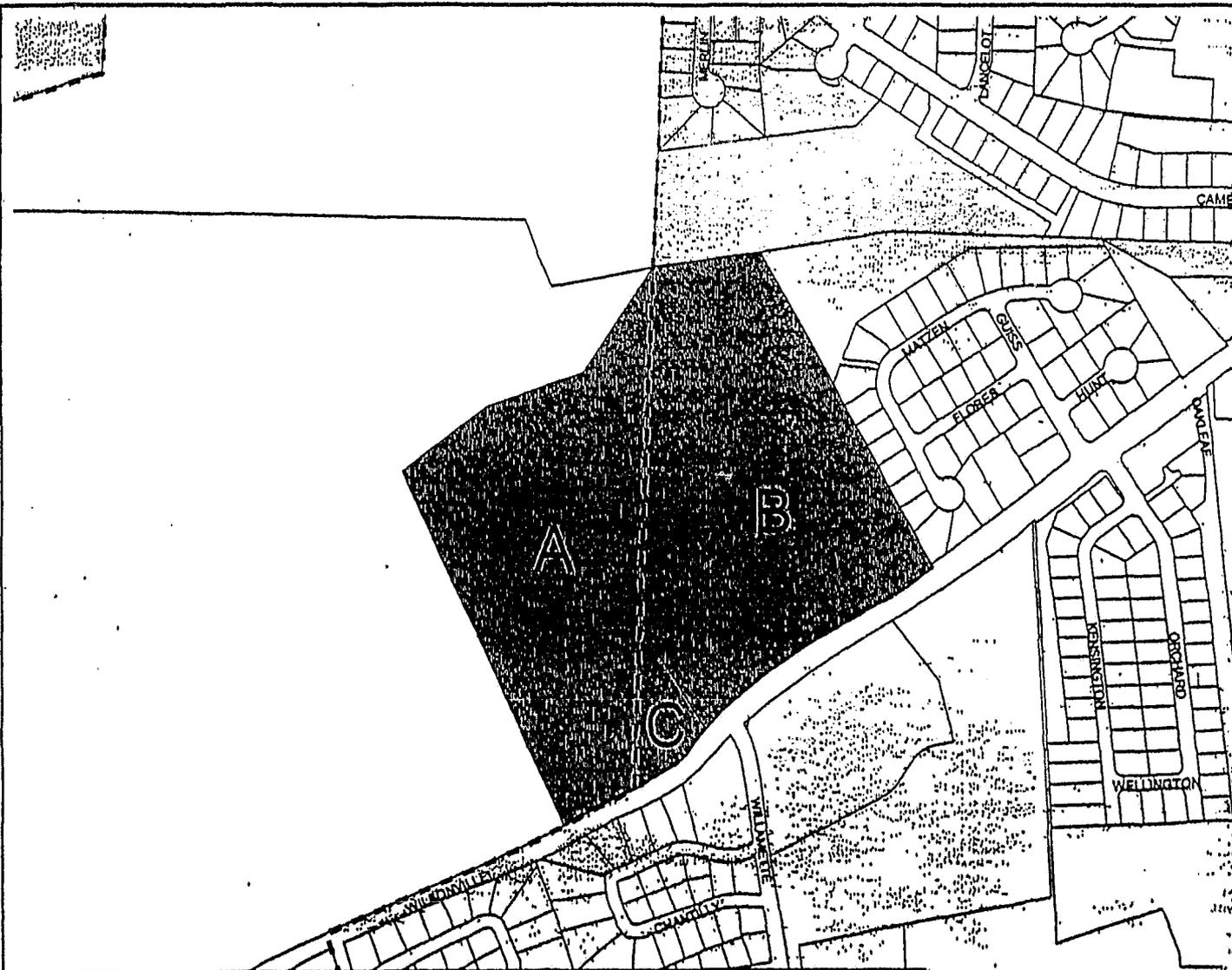
**Exhibit 4**

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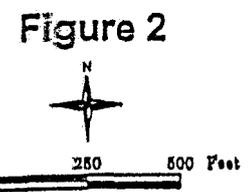
West Linn-Wilsonville School District  
 December 28, 1999

# Site Map

West Linn/Wilsonville  
 School District



- Legend**
- Parcels
  - Wilsonville City Limits
  - Project Site
  - Urban Growth Boundary (prior to 12/16/99)



Parcel	Annexation	Comp Plan Amendment	Zone Change
A 20 acre parcel	Yes	Clackamas Co. Agriculture to Public	EFU to PF

Annexation/CP/PAZC Appl  
 P  
 (A of 73)

**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.

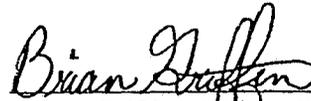
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A" with the findings, recommendations and Conditions of Approval contained therein and further authorizes the Planning Director to forward a recommendation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

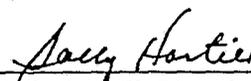
2. Tax Lot 500, Section 22A: (Wood Middle School) Amend the official zoning designation from RA-1 (Residential Agriculture – 1 acre minimum) to PF (Public Facility).
3. Tax Lot 600, Section 22A: (3 acres) Amend the City of Wilsonville Comprehensive Plan designation of Residential to Public and the official 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 27<sup>th</sup> 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.**

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**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. 29).*

*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>
<b>Subject Property</b>				
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 Wood Middle School acre school site owned by school district)	Yes	Wilsonville -	City - RA-1	
			Residential	
<b>Surrounding Properties</b>				
North	No	Clackamas Co. - Agriculture	County EFU	Agriculture and wetland
East	Yes	Wilsonville - Residential	City - PDR and R-1	Single family residences, Wood Middle School, open space
South	Yes/No	Wilsonville - Residential and Clackamas Co. - Agriculture	City - PDR and County EFU	Agriculture and single family residences
North		Clackamas Co. - Agriculture	County EFU	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 Metro 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 Elligsen 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 (1-5 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 abut 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 criterion '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 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.

**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.)