

RESOLUTION NO. 261

A RESOLUTION FOR AN EXTRATERRITORIAL WATERLINE EXTENSION
ON RIDDER ROAD - OREGON GLASS COMPANY, APPLICANT

WHEREAS, Oregon Glass Company, represented by Jerry Clancy, President, has submitted a request for an extraterritorial extension of water service to the Oregon Glass Company located at 10450 S. W. Ridder Road, and

WHEREAS, in October of 1981, the Wilsonville Planning Commission reviewed the subject request and recommended approval to the City Council based on findings in compliance with the Comprehensive Plan, and

WHEREAS, the City Council reviewed the Planning Commission's recommendation in November, 1981, and further considered the request on May 3, 1982, following an amendment to Section 3.100(7) WC to allow extraterritorial water service to private property within the Urban Growth Boundary, and

WHEREAS, the City finds the proposed waterline extension to be consistent with the Comprehensive Plan, together with the provisions of the Clackamas County - City of Wilsonville Urban Planning Area Agreement and further finds the request to be consistent with LCDC Goals 2, 9, 11 and 14.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City does hereby approve the extraterritorial waterline extension on Ridder Road as requested provided that said water service is limited to fire protection only until such time as the adjacent area is annexed to the City of Wilsonville.

FINDINGS

The following findings are hereby adopted by the City Council and entered into the public record in consideration of the application as submitted for conformance to the City's Comprehensive Plan, the joint Clackamas County - City of Wilsonville Urban Planning Area Agreement and applicable LCDC Goals.

1. That the Oregon Glass Company is located at 10450 S. W. Ridder Road, Wilsonville, Oregon, and is further located on Tax Lot 3001, T3S-R1W, Section 11. The property contains 2.29 acres and is currently developed with two structures. One structure is approximately 17,500 square feet and houses a manufacturing plant for the Oregon Glass Company. A second structure

containing 35,150 square feet has recently been completed.

The property is designated industrial on the Clackamas County Comprehensive Plan and zoned I-2 Light Industrial. The property is further designated as Immediate Urban on the City of Wilsonville Comprehensive Plan and under the provisions of the City-County Urban Planning Area Agreements a joint design review has been established for expansion of existing businesses in this area. The above-referenced addition was processed under the joint review process in 1980. As part of the Plan Review, the Tualatin Fire District attached conditions requiring that the building be fully sprinklered and that either an on-site water storage facility be installed or that the sprinkler system and fire hydrants be connected to the City water supply. This requirement was imposed because the existing on-site well was found to be inadequate to provide the necessary fire protection.

2. In October of 1981, the Planning Commission reviewed a request submitted by Oregon Glass for the extension of water service to the subject site.

The Planning Commission found that the use was consistent with the City and County Comprehensive Plans and that the extension of a water line was envisioned in the Facility Master Plan and that because the service would provide needed fire protection to an existing business, it therefore complied with the Comprehensive Plan and would not adversely impact the orderly provision of public facilities.

The Planning Commission's recommendation was reviewed by the City Council in November, 1981, at which time it was determined that the City's Ordinance regulating water facilities prohibited the extension of water service outside of the City Limits to private properties. Subsequently, Section 3.100(7) of the Wilsonville Code was amended to allow extraterritorial water service to private properties within the Urban Growth Boundary subject to findings which demonstrate compliance with LCDC's Goals 2, 9, 11 and 14.

3. Under the provisions of ORS 199.410 to 199.519, all extraterritorial waterline extensions must be submitted for review and approval by the Portland Metropolitan Boundary Commission.

It is further found that while a public hearing before the Boundary Commission is standard procedure, that Section 14, Chapter 265, Oregon Laws, 1981, provides for an expedited procedure for annexation or extraterritorial water or sewer line extensions whereby a public hearing is not required.

4. The subject request involves implementation of specific provisions of the City's Comprehensive Plan, Capital Improvements Plan and City Code. Therefore, consistent with Oregon law, approval of an extraterritorial service extension would be defined as a land use decision and thereby, said decision must be made in compliance with LCDC Goals. A specific demonstration of compliance with statewide planning goals is necessary because the City's Comprehensive Plan is not yet acknowledged. For this reason, findings of compliance with the City's Comprehensive Plan does not in itself guarantee compliance with the State Goals.

It is further found that in amending Chapter 3 of the City Code, specific requirements for compliance with LCDC Goals 2, 9, 11 and 14 were adopted on the basis that the General Land Use Goal, the Economic Development Goal, the Public Facilities Goal and Urbanization Goal are the applicable Goals for demonstration of LCDC compliance.

5. Previous actions taken by Clackamas County and the City with regard to development of the Oregon Glass property have demonstrated compliance with the local Comprehensive Plans with respect to land use and zoning.

In addition, the City Council finds that the proposed waterline extension is consistent with LCDC Goals as follows:

A. Goal 2 (Land Use). This stated Goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide Goal, evaluation of alternatives and ultimate policy choices, taking into consideration social, economic, energy and environmental needs.

This Goal has been met through the adoption of the Clackamas County Comprehensive Plan, Washington County Comprehensive Framework Plan and the City of Wilsonville Comprehensive Plan, together with adopted City - County Urban Planning Area Agreements for coordination of land use planning and land development decisions within the designated future urban area of the respective Comprehensive Plan.

In specific terms, the joint City - County Urban Planning Area Agreement between Clackamas County and the City of Wilsonville specifically acknowledges existing development of businesses along Ridder Road and provides for the normal expansion of these buildings through a joint City - County design review process. The Plan Agreement further clearly identifies the City of Wilsonville as the urban service provider within this area. It is further found that the City and County have jointly approved an expansion of the Oregon Glass Company consistent with the provisions of the Urban Plan Agreement and the respective Comprehensive Plans.

As a part of this approval action, the Tualatin Fire District has required adequate fire protection in the form of a sprinkler system and on-site fire hydrants. However, without the provision of City water supply, these systems are rendered ineffective.

The provisions of the respective Comprehensive Plan and the Urban Planning Area Agreement have been

followed to the point of this decision. In addition, the proposed extraterritorial extension has been coordinated with the affected agencies with no objections raised by any of the affected agencies.

Therefore, it is found that, in fact, land use planning processes and policy frameworks have been established and followed in the processing of the subject application.

B. Goal 9 (Economy of the State). This stated goal is to diversify and improve the economy of the state. This goal is met through the provision of allowing normal expansion of an existing business within the State of Oregon. In the past ten years the Oregon Glass Company has grown from a three-employee company to a company employing 55 people which certainly complies with the intent of the goal. The company further produces a needed product in the Oregon development industry and is, therefore, complimentary to the growth of Oregon's economy.

The business's location and recent expansion within Wilsonville is naturally supportive of the City's local economy as well as the economy of Clackamas County and the metropolitan areas.

The provision of necessary fire protection service in the form of City water is supportive of and complimentary to the growth of this company and is, therefore, consistent with the State goal.

C. Goal 11 (Public Facilities and Services). This stated goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as the framework for urban and rural development.

Urban and rural development shall be guided and supported by

types and levels of urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urbanizable and rural areas to be served. A provision for key facilities shall be included in each plan.

This goal is met through the adoption of the City's Comprehensive Plan which includes Public Facilities Master Plan and is supported by the Capital Improvements Plan. The City's Plan is further acknowledged by the County through the Urban Plan Area Agreement which clearly designates the City as the urban service provider within the City's designated Urban Growth Boundary.

The City's Water System Master Plan identifies mainline service through the future urban area within the Urban Growth Boundary via a 12" existing line in Ridder Road to the City Limit line connected to a future 14" line extending to Boeckman Road and completing a loop with the 14" line in Parkway Avenue. The subject property would be served via a 12" line extension from the City Limits to the corner of Ridder Road and Garden Acres Road. This design is consistent with the Facility Master Plan and is found to be necessary to provide adequate fire protection to existing business within this area.

It is further found that economically it will be cheaper to install the line at this point, rather than three to five years from now. In addition, the City will be establishing an agreement with the applicant whereby the initial line installation will be provided at the expense of the applicant, but that at a future point in time when adjacent properties develop, the applicant will receive a proportional payback of the initial cost through a service connection surcharge.

In this way, the existing business, as well as the surrounding community, benefit by the improvement of fire service in the area and will further benefit through the ability to connect to an existing water line as development occurs.

Therefore, the proposed extension is found to be consistent with Goal 11 in that it provides for immediate necessary service to support existing development in a non-contiguous immediate growth area. It further provides for an economically feasible extension with future pay-backs through service connection surcharges whereby the initial developer does not incur the total cost of said line. This provision can be accomplished without the cumbersome annexation procedure, particularly in that the subject property is not presently contiguous to the City Limits. Therefore, this short-term (3 to 5 years) extraterritorial extension is found to be the manner of providing service that does support the existing and proposed land uses.

It is further found that the applicant's alternative to connection to City water is to provide on-site water storage and pumps sufficient to provide necessary fire flows. This is an extremely expensive option that will be rendered unnecessary upon annexation of the area to the City. Such an annexation could occur within the near future and, therefore, make the on-site system economically impractical.

D. Goal 14 (Urbanization). This stated goal is to provide for an orderly and efficient transition from rural to urban land uses.

Urban Growth Boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based on the consideration of seven specified factors.

The subject decision is found to be consistent with Goal 14 in that the service extension lies within an established Urban Growth Boundary jointly acknowledged by the City, County, Metropolitan Service District and LCDC. In fact, the City's Urban Growth Boundary is the only portion of the existing Comprehensive Plan which is currently acknowledged.

No amendment to the Boundary is proposed as part of this decision and the decision further implements the provisions of the City's City - County Urban Planning Area Agreement whereby the subject property is recognized as Immediate Urban although generally within a future urban area. This distinction was made specifically to allow for a normal, economic expansion of existing business along Ridder Road.


In addition, as specified in C above, the service extension has been found to be consistent with the orderly economic provision of public facilities required by both LCDC Goal 11 and the City's Comprehensive Plan with specific reference to urbanization and public facility policies.

Annexation would be an alternative to the extraterritorial extension. However, the subject property is not contiguous to the existing City limits and, therefore, does not comply with Metro's and the Boundary Commission's contiguous annexation criteria.


Other LCDC goals either do not apply to this specific decision or are indirectly related and have been previously addressed in the development of the City and County Comprehensive Plans or the joint City - County review for development permit.

The above four goals were specifically addressed because of their direct relationship to the land use decision of extending the water line. Overall, the decision is consistent with and complimentary to the orderly and efficient implementation of the City's Comprehensive Plan through the provisions of the joint City - County Urban Plan Area Agreement.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 19th day of July, 1982, and filed with the Wilsonville City Recorder this same day.


WILLIAM G. LOWRIE, Mayor

ATTEST:


DEANNA J. THOM, City Recorder