BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING) ORDINANCE NO 99-830	
LANDS WITHIN URBAN RESERVE)	
AREA 39 TO THE METRO)	
JURISDICTIONAL BOUNDARY) Introduced by Executive Office	T,
) Mike Burton	
)	

WHEREAS, on December 31, 1998, the duty and authority to review and approve city and county annexations in Clackamas, Multnomah and Washington Counties under ORS 199.425 was transferred to Metro pursuant to Chapter 516, Oregon Laws 1997; and

WHEREAS, on October 23, 1999, the duty and authority to review and approve annexations to the Metro jurisdictional boundary was granted to Metro pursuant to Chapter 282, Oregon Laws 1999; and

WHEREAS, petitioners are owners of property in urban reserve area 39 which was designated by the Metro Council in 1997 by Ordinance 96-655E; and

WHEREAS, annexation to the Metro jurisdictional boundary of the territory described in Exhibit A would constitute a contiguous boundary change, initiated by a petition of the owners of property in the territory; and

WHEREAS, notice as required by Metro Code 3.09.030 was published on November 24 and December 1, 1999; and

WHEREAS, Metro received consents to the proposed annexation from 100 percent of the owners of land in the territory; and

WHEREAS, there are no electors on the property; now therefore

THE METRO COUNCIL ORDAINS:

- 1. The territory described in Exhibit A is hereby annexed to the Metro jurisdictional boundary.
- 2. This annexation to the Metro jurisdictional boundary is based on the findings and conclusions set forth in Exhibit B, attached hereto and incorporated by reference herein.

- 3. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption of this ordinance.
- 4. This ordinance is necessary for the immediate preservation of public health, safety and welfare because annexation should be effective immediately to allow the Council to consider Urban Growth Boundary amendments to comply with the State of Oregon mandate to move the Urban Growth Boundary pursuant to ORS 197.299; an emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this 16th day of December 1999.

Rod Monroe, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

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Recording Secretary

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

/### #145; rage 2/3"

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.B9°37'45"W., 2,319.21 FEET TO A 1/4" 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.



Date: November 23, 1999

STAFF REPORT TO THE METRO COUNCIL

SECTION I: APPLICATION SUMMARY

CASE: FILE NAME: West Linn–Wilsonville School District

Annexation to the Metro Jurisdictional Boundary Case 99-830

APPLICANT: West Linn- Wilsonville School District¹

Wilsonville, OR 97068

PROPOSAL: The petitioner is requesting annexation of a 20 acre parcel that is designated

by Metro as Urban Reserve (URA) #39.

LOCATION: The property is located off of SW Wilsonville Road and adjacent to the Wood

Middle School (Attachment A).

PLAN/ZONING

DESIGNATION: Clackamas County Zoning: Exclusive Farm Use (EFU)

Clackamas County Comprehensive Plan Designations: Agricultural

APPLICABLE

REVIEW CRITERIA: Metro Code 3.09.050

SECTION II: STAFF RECOMMENDATION

Staff recommends that the Metro Council APPROVE Case 99-830: West Linn-Wilsonville School District.

SECTION III: BACKGROUND INFORMATION

<u>Site Information</u>: The 20-acre site is located within Clackamas County off of SW Wilsonville Road and adjacent to Wood Middle School to the north. The subject property is located on Map No. 31W22, a portion of tax lot 2201. The site is located adjacent to the Wilsonville City limits to the west. The uses

¹ The Division of State Lands has indicated in a letter dated October 21, 1999 to the Executive Officer that they are in support of the application and permit the West Linn- Wilsonville School District to make this application during the property transfer process.

surrounding the subject site are agricultural, rural/future urban, and residential. The subject area is currently vacant.

<u>Case History</u>: The applicants submitted a petition for annexation of the subject property on November 4, 1999. The application was deemed substantially complete on November 11, 1999.

<u>Proposal Description</u>: The petitioners propose to annex approximately 20-acres of land to the Metro jurisdictional boundary. The 20-acre portion of tax lot 2201 comprises the boundary of URA #39 and corresponds to the area included in Resolution 98-2729 that stated Metro Council's intent to bring URA #39 into the Urban Growth Boundary (UGB).

The West Linn – Wilsonville School District has prepared a basic design plan for the construction of a new elementary school on the subject property. For this school the district has secured funding and intends to begin construction in 1999. The City of Wilsonville has completed much of the infrastructure planning necessary to develop the site.

SECTION IV: APPLICABLE REVIEW CRITERIA

The criteria for annexation to the Metro jurisdictional boundary are contained in Metro Code 3.09.050. The criteria with citation (**bold**), petitioner responses (*italics*), and staff analysis follow.

Petitions to add land to the Metro jurisdictional boundary may be approved under the following conditions:

1. The extent to which urban services presently are available to serve the affected territory including any extraterritorial extensions of service. [3.09.050(b)(1)]

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

Water:

Water service will be provided by the City of Wilsonville. The City has made special arrangements with the School District to assure that adequate water will be available in spite of the City's current water shortage. The school district has agreed to curtail water use on the site during summer months in order to assist the community in conserving water until the new water treatment facility is finished. Major pipeline improvements are planned for the coming fiscal year in order to serve the site.

Sanitary Sewer:

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

Storm drainage:

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

Transportation:

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

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.

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 of Wilsonville. 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.

Schools:

School services are and will continue to be provided to the site by the West Linn-Wilsonville School District. Note that the School District is acquiring the subject property for the purpose of new school construction.

Staff Response

The necessary urban services can be reasonably provided by the City of Wilsonville in the near future. The City has indicated that it has plans in place to solve the water shortage problem and expand its wastewater treatment facilities to service this subject site. The City has hired a consultant to update the City's stormwater master to include this area. The existing providers can provide police and fire services.

No extra-territorial extensions of services are necessary to serve this property because the property is not located within the UGB and is in agricultural use so that it does not currently require urban type services. The agricultural uses within the subject site are expected to continue until such time as the site is included within the UGB and the city limits of Wilsonville. Prior to urbanization, there is no need to extend urban services to the subject site. The petitioners are requesting no extra-territorial extension of services.

Because there is no need to extend urban services to this site at this time and the City has taken steps to provide these services in the future and there is no extra-territorial extension of services requested, this criterion has been satisfied.

2. A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties. [3.09.050(b)(2)]

The petitioners state, there are no urban planning or other agreements which apply to the territory.

Staff Response

There are currently no urban service agreements required to serve this subject site or in place between any adjacent providers therefore this criterion does not apply.

3. A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties. [3.09.050(b)(3)]

Presently, the property is designated as rural in the Clackamas County Comprehensive Plan. The zoning is EFU – Exclusive Farm Use. The territory is outside of the area covered by the Wilsonville Comprehensive Plan. The comprehensive plans for Wilsonville and Clackamas County will need to be amended once the territory is annexed into the City.

Wilsonville Comprehensive Plan Objective 2.1.5. states:

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

The West Linn – Wilsonville School District has demonstrated to Metro, Wilsonville, and Clackamas County that a need presently exists for a new primary school to serve the western portion of the city and the District. As a result, the territory has been designated by Metro as Urban Reserve (URA #39).

Staff Response

The Dammasch Master Plan which has been completed and adopted by the City of Wilsonville is a mixed-use urban village concept that includes an overall density of 10.2 dwelling units per acre. This village concept includes areas set aside for commercial/retail, civic uses, neighborhood parks, elementary schools, open space and natural areas. The elementary school that is planned to be constructed on URA #39 is not specifically mentioned in this plan but according to the City of Wilsonville, will help satisfy the need for schools from the population located within the city limits and within the area covered by the Dammasch plan.

The Dammasch plan places a heavy emphasis on transportation by developing strategies to improve connectivity with developed portions of Wilsonville and the surrounding area, providing circulation through primary roads serving the site and alignments with existing streets. Transportation considerations in the area of Urban Reserve #39 are factored into the overall transportation plan for the Dammasch area.

The subject property is currently located within Clackamas County. The current County Comprehensive Plan designations for the subject area are Agricultural. The school that is planned for the subject area qualifies as an urban use that will require urban services. Schools are a necessary land use element in the Clackamas County Comprehensive Plan to accompany urbanization. Clackamas County policies addressing urbanization are policy: (1.0) identify the need to designate urban areas within Metro's jurisdiction and coordinate with affected cities in the designation of urban areas outside of Metro. Policy 2.0 states- "the following areas may be designated as urban; a) land needed to accommodate 20-years of future urban population; b) land needed for increasing housing and employment opportunities and livability from both a regional and a subregional view; c) land to which public facilities and services can be provided in an orderly and economic way; h) land where the strategic location of employment and living opportunities can minimize community distance, traffic congestion, pollution and

energy needs." The planned use of this area reflects the Country's Comprehensive Plan goals relative to future urbanization.

The 2040 Growth Concept designation for this area is inner neighborhood. Upon annexation, zoning would be applied by the City of Wilsonville that will be consistent with this 2040 design type. Schools are typically located in residential areas in order to serve the adjacent population. Therefore, locating a school in this area is interpreted as consistent with Metro's 2040 Growth Concept and RUGGOS.

Staff finds that the existing plans support the inclusion of this area within the Metro jurisdictional boundary and are a necessary step towards urbanization of this area.

4. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party. [3.09.050(b)(4)]

Because all necessary parties are aware of and have supported the proposal, objections to a decision to annex the territory into the Metro District Boundary is not expected.

Staff Response

There are presently no urban service provider agreements in this area. Metro staff has received no comments from any affected agencies that would result in a conflict between providers or a withdrawal from a district. This criterion does not apply.

5. The proposed effective date of the decision. [3.09.050(b)(5)]

The Metro Council has determined that the territory should be within the UGB (Resolution No. 98-2729C). ODSL and West Linn-Wilsonville School District, the present and future owners of all of the territory, herein propose annexation to Metro. They request that an order approving this annexation take effect immediately upon its adoption, so that the Metro Council can proceed to adopt an ordinance amending its Urban Growth Boundary to include the annexed territory.

Staff Response

An effective date of the annexation is proposed to take effect immediately upon adoption. Staff concludes that this criterion has been satisfied because the applicant has proposed an effective date.

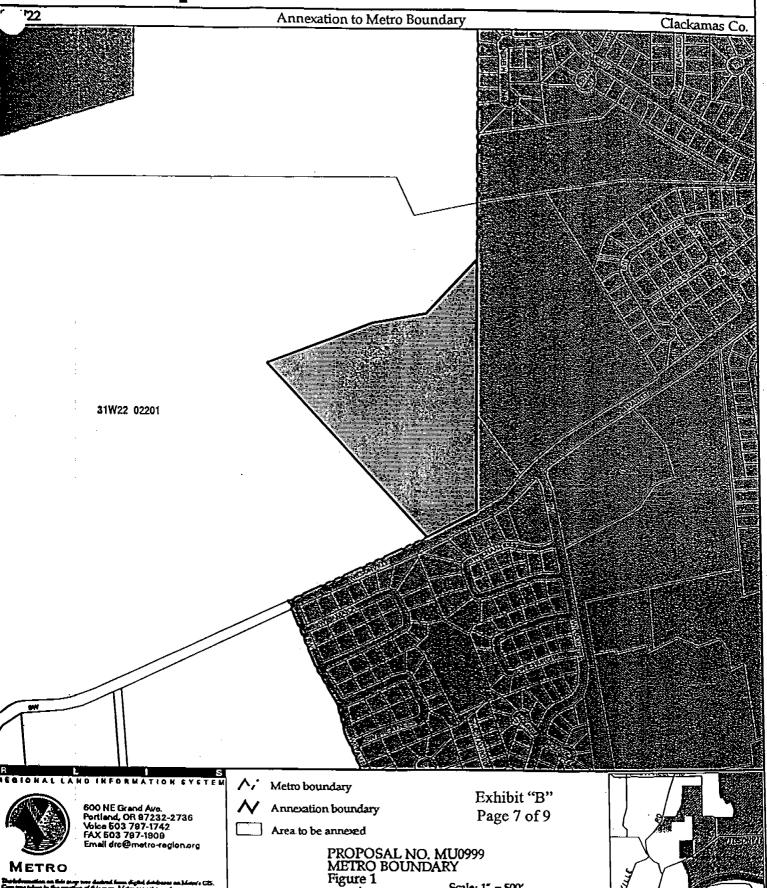
SECTION V: SUMMARY AND RECOMMENDATION

This petition seeks to annex approximately 20 acres of land into the Metro jurisdictional boundary for the purpose of allowing expansion of the UGB for the development of a school. The petitioners have provided sufficient evidence to demonstrate that the subject area can eventually be provided urban services in an orderly and efficient manner. The petitioners have demonstrated that the annexation is not in conflict with the Regional Framework Plan, the Urban Growth Management Functional Plan or any other applicable plans. The site can be adequately served with sewer, storm, water, police, fire, park and open space and transportation services after inclusion of the area into the UGB and the City limits of Wilsonville (require subsequent actions).

Based on the above analysis, staff recommends that the Metro Council approve this petition for annexation to the Metro jurisdictional boundary.

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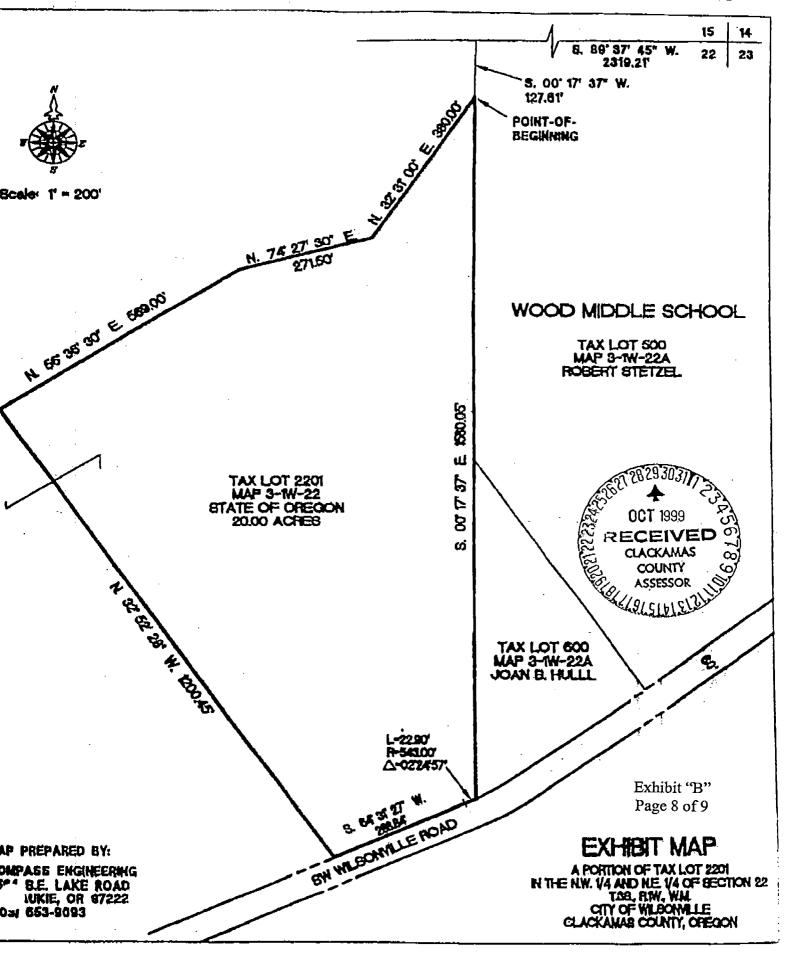
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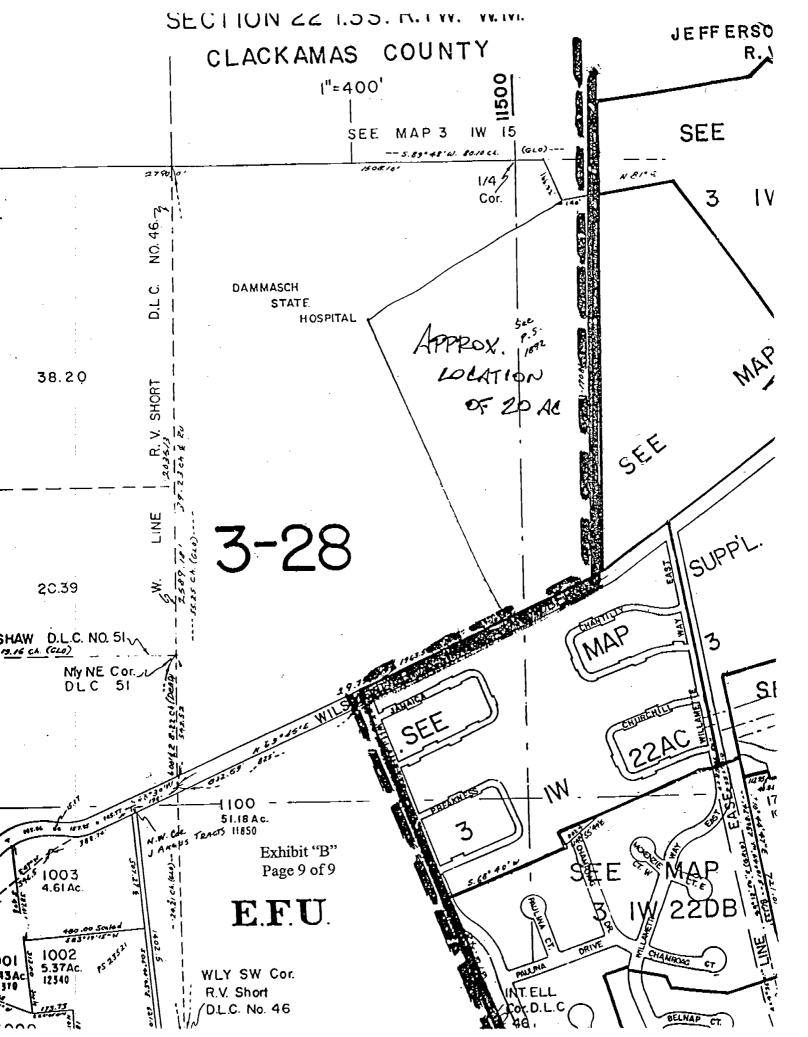


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Staff Response

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Staff finds that the existing plans support the inclusion of this area within the Metro jurisdictional boundary and are a necessary step towards urbanization of this area.

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Staff Response

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5. The proposed effective date of the decision. [3.09.050(b)(5)]

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Staff Response

An effective date of the annexation is proposed to take effect immediately upon adoption. Staff concludes that this criterion has been satisfied because the applicant has proposed an effective date.

SECTION V: SUMMARY AND RECOMMENDATION

This petition seeks to annex approximately 20 acres of land into the Metro jurisdictional boundary for the purpose of allowing expansion of the UGB for the development of a school. The petitioners have provided sufficient evidence to demonstrate that the subject area can eventually be provided urban services in an orderly and efficient manner. The petitioners have demonstrated that the annexation is not in conflict with the Regional Framework Plan, the Urban Growth Management Functional Plan or any other applicable plans. The site can be adequately served with sewer, storm, water, police, fire, park and open space and transportation services after inclusion of the area into the UGB and the City limits of Wilsonville (require subsequent actions).

Based on the above analysis, staff recommends that the Metro Council approve this petition for annexation to the Metro jurisdictional boundary.

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Proposal No. MU0999

