

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**FOR THE PURPOSE OF EXPRESSING)
COUNCIL INTENT TO AMEND METRO'S)
URBAN GROWTH BOUNDARY FOR CON-)
TESTED CASE NO. 88-3, ST. FRANCIS)
PROPERTY)**

RESOLUTION NO. 89-1055

WHEREAS, Contested Case No. 88-3 is a petition from St. Francis of Assisi Episcopal Church to the Metropolitan Service District for a locational adjustment of the Urban Growth Boundary to include approximately 4 acres south of Wilsonville in Clackamas County as shown on Exhibit A; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on November 16, 1988, in Wilsonville; and

WHEREAS, The Hearings Officer has issued his Report and Recommendation, attached as Exhibit B, which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, The property is currently outside, but contiguous, the boundary for the Metropolitan Service District; and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(i) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary after the property is annexed to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District expresses its intent to adopt an Ordinance amending the Urban Growth Boundary as

shown in Exhibit A within 30 days of receiving notification that the property has been annexed to the Metropolitan Service District, provided such notification is received within six (6) months of the date on which this resolution is adopted.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of February, 1989.



Mike Ragsdale, Presiding Officer

ES/es
2/8/89

STAFF REPORTMeeting Date Feb. 23, 1989**CONSIDERATION OF RESOLUTION NO. 89-1055 FOR THE PURPOSE OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-3, ST. FRANCIS**Date: February 8, 1989Presented By: Daniel B. CooperFACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 88-3 is a petition from St. Francis of Assisi Episcopal Church for a locational adjustment of the Urban Growth Boundary in Clackamas County. The property proposed for inclusion in the UGB is an approximately 4 acre parcel located south of Wilsonville, as shown in Exhibit A to the Resolution. The City of Wilsonville has gone on record in support of the amendment.

Metro Hearings Officer Larry Epstein held a hearing on this matter on November 16, 1988, in Wilsonville. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Resolution, concludes that the petition meets the applicable standards and should be approved. No exceptions to his Report and Recommendation were received.

Following presentation of the case by the Hearings Officer, the Council can decide whether it wants or needs to hear from any parties to this case, prior to making its decision. At its meeting on the 23rd of February, 1989, Council can approve this Resolution or remand the findings to staff or the Hearings Officer for modification. If the Resolution is approved, petitioner will need to annex the property to Metro prior to Council action on an Ordinance formally granting the petition.

ES/es
2/8/89

BEFORE A HEARINGS OFFICER OF THE
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of)	<u>Contested Case No. 88-03</u>
St. Francis of Assisi Episcopal Church)	(St. Francis)
to amend the Urban Growth Boundary)	REPORT & RECOMMENDATION
south of Wilsonville in Clackamas County)	OF THE HEARINGS OFFICER

I. Summary

A. Summary of basic findings.

1. The Reverend Thomas Cummins for St. Francis of Assisi Episcopal Church, (petitioner), petitions to add about 4 acres (the Subject Property) to the Urban Growth Boundary (UGB) as a locational adjustment as provided in Metro Code Section 3.01.

2. The Subject Property adjoins the south side of Miley Road and the east side of Interstate-5. It is designated Agricultural on the Clackamas County comprehensive plan map and is zoned GAD (General Agricultural District). The site is separated from the city limits of Wilsonville by Miley Road. If the adjustment is approved, Petitioner plans to annex the Subject Property to Wilsonville, but no other change is reasonably foreseeable.

3. The Subject Property is developed with a small, historic schoolhouse, a larger church, parking and vehicle maneuvering, and landscaping. The church was authorized by a conditional use permit issued by Clackamas County in June, 1982. The County also authorized improvements in February 1983, August 1986, and January 1988. Planned construction largely is completed. In addition to being used for religious worship and instruction, the Subject Property is used for social services for the Wilsonville community.

4. To the north, across Miley Road, is the city limits of Wilsonville and the southern edge of the Charbonneau residential community. To the west is Interstate-5. To the south and east is farmland. The east and south edges of the property are steeply sloped and form the bank of a creek that physically isolates the Subject Property from the farmland. If the Subject Property is annexed to Wilsonville, the steep slopes and creek are likely to be designated as Open Space and development there prohibited or restricted.

5. The Subject Property is served by a public sewer from Wilsonville. It has an approved community water system and an underground reservoir for fire fighting. The Petitioner plans to connect to the Wilsonville public water system when the land north of Miley Road is developed. That system can accommodate the extension. Traffic from the Subject Property would use Miley Road, a rural public street adjoining ramps for the interstate. There is no public storm sewer in the vicinity. Storm water drains into the creek adjoining the property.

6. The Subject Property now is served by the Aurora Rural Fire District. If it is annexed, it will be served by the Tualatin Fire Protection District. The Subject Property is roughly equidistant from the nearest station of both districts. Miley Road divides the two districts, but each has a mutual aid agreement with the other to respond when needed across Miley Road or along Interstate-5 and has responded accordingly in the past.

7. The Aurora Rural Fire District requested the hearing be postponed 30 days, because District officials were not informed about the petition until the day of the hearing. The District Chief appeared at the hearing. He testified that annexation of the Subject property to the City, following granting of the UGB petition, will change fire district responsibility. He believed that could result in confusion for the districts and emergency service dispatchers, because the Subject Property would be the only one south of Miley Road served by the Tualatin District. He was concerned that dispatchers could be confused about which district to dispatch to the site or along Interstate-5 nearby or could take more time to do so than now.

8. The Tualatin Fire Protection District, City of Wilsonville, Oregon Department of Transportation, and Canby Elementary School District filed written comments recommending approval of the petition. The Canby High School District filed a conditional recommendation for approval. Clackamas County filed a statement of "no objection" to the petition, concluding that granting the petition would not affect UGB designations of nearby rural residential or agricultural lands.

B. Summary of issues, arguments, and hearings officer conclusions.

The petition presents several issues that were disputed during the roughly 1-1/2 hour public hearing in this matter held on November 16, 1988, in the Wilsonville City Hall. the first two issues are procedural; the last 3 are substantive.

1. The first issue is whether the hearings officer should have continued the hearing as requested by the Aurora Rural Fire District. The District is not entitled to notice by Metro rules, although Metro staff planned to publish notice of the hearing in a weekly community newspaper a week before the hearing. District officials did not receive notice until the day of the hearing, in part, due to the later-than-expected publication of the notice in the community newspaper. The petition could lead to a change in District responsibility if the Subject Property is annexed later as planned. However the District appeared at the hearing. Its representative testified fully about the only issue of concern to the District. The hearings officer concluded a continuance was not necessary after that testimony, but kept the record open one week for written testimony from the District. None was filed.

2. The second issue is whether the petition can be amended by Metro staff to include that portion of Miley Road adjoining the Subject Property. The UGB and city limits of Wilsonville follow the north edge of the Miley Road right of way. The petition as submitted applies only to petitioner's land, and not Miley Road. However, if the petition is approved without including Miley Road, the Subject Property would be an island of urban land surrounding by non-urban land. Such a result is prohibited by Metro rules; therefore, unless the petition is amended to include a portion of Miley Road, it must be denied. Metro Staff recommended that the petition be amended to include that portion of Miley Road adjoining the site. The hearings officer approved the amendment to allow approval of the petition without creating an island.

3. A third issue is whether granting the petition would result in any improvement in the efficiency of public services. If the Subject Property is annexed, it can connect to the public water system being developed across Miley Road to the north, slightly increasing the efficiency of capital facilities for that system by using planned capacity. Adding the subject property will not affect the efficiency of other services. The hearings officer concluded that, while the increased efficiency is small, so is the parcel, and the addition is warranted more based on other criteria. Weighing responses to all the approval standards, the hearings officer concluded the small increase in efficiency was enough in this case, due largely to the unique character of the site and its historical and existing use.

4. A fourth issue is whether granting the petition has relevant social consequences. Granting the petition will not result in a material change in the Subject Property, but it will enable the church to cement its association as the Episcopal parish for Wilsonville. This will enable it to continue to serve that community and to increase those services with increased land use stability. The hearings officer concluded the social services provided by the church would be more likely to continue and expand if the petition is approved.

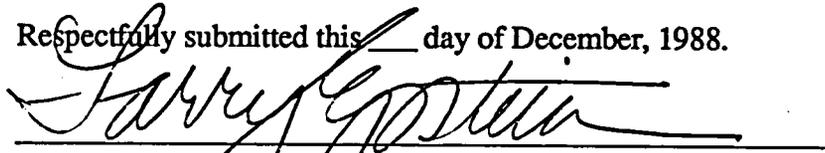
5. The final issue identified by the hearings officer is whether granting the petition complies with a recent amendment to Metro rules regarding amendments involving small areas of land designated for farm use but developed for other purposes. The hearings officer concluded that approving the petition complied with Metro rules addressing Statewide Goal 3 (Agriculture), because the Subject Property is not used for rural residences or one of a number of other uses prohibited by those rules, the Subject Property was created before farmland zoning applied to it, and structures have been built on more than 50% of the Subject Property consistent with applicable land use laws at the time they were built.

Several witnesses argued granting the petition should not be construed to justify changing nearby agricultural and rural residential land. The hearings officer concluded the unique characteristics of the use of the property and its physical isolation by steep slopes and Interstate-5 make it highly unlikely that granting the petition will affect the UGB designation of nearby land or prompt or justify amending the UGB to include nearby non-urban land.

II. Ultimate Conclusion and Recommendation

For the foregoing reasons, the hearings officer concludes this petition does comply with the approval standards for a locational adjustment to the UGB. Therefore the Hearings Officer therefore recommends that the Metro Council grant the petition, based on this Report and Recommendation and the Final Order attached hereto.

Respectfully submitted this ___ day of December, 1988.



Larry Epstein, Hearings Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of)	<u>Contested Case No. 88-03</u>
St. Francis of Assisi Episcopal Church)	(St. Francis)
to amend the Urban Growth Boundary)	PROPOSED
south of Wilsonville in Clackamas County)	FINAL ORDER

I. Procedure and Record

A. History and Proceedings.

1. On or about July 22, 1988, The Reverend Thomas Cummins for St. Francis of Assisi Episcopal Church (petitioner) filed a petition for a locational adjustment to add about 4 acres to the UGB. See Exhibits 10 and 16.

2. On or before November 6, the hearings officer mailed notices of a hearing to consider the petition by certified mail to the owners of property within 250 feet of the Subject Property, to the petitioner, to Clackamas County, and to the City of Wilsonville. The certificates of mailing are included as Exhibit 3. A notice of the hearing also was published in *The Oregonian* at least 10 days before the hearing. A notice of the hearing also was published in the *Canby Herald* on or about November 16.

3. On November 16, 1988, the hearings officer held a public hearing at the Wilsonville City Hall to consider the petition. Six witnesses testified in person or writing.

4. At the close of the November 16 hearing, the hearings officer left the record open for 1 week for the Aurora Rural Fire Protection District to submit additional written evidence or testimony and for Clackamas County officials to submit a written statement regarding the petition. The hearings officer received the County's written statement on November 17. The fire district did not submit additional testimony.

5. On December __, 1988, the hearings officer filed with the Council a report, recommendation, and draft final order granting the petition for the reasons provided therein. Copies of the report and recommendation were timely mailed to parties of record together with an explanation of rights to file exceptions thereto and notice of the Council hearing to consider the matter. Timely exceptions were filed with the Council by _____.

6. On January __, 1989, the Council held a duly noticed public hearing to consider testimony and timely exceptions to the report and recommendation. After considering the testimony and discussion, the Council voted to grant the petition for Contested Case No. 88-03 (St. Francis), based on the findings in this final order and the report and recommendation of the hearings officer in this matter.

B. Written record.

The following documents either are part of Metro's public file in this matter or were introduced at the public hearing on November 16 or pursuant to the hearings officer ruling regarding late evidence:

<u>Exhibit No.</u>	<u>Subject matter</u>
1	Tax Assessor Map, Sec. 26, T3S- R1W, WM, Clackamas County
2	Notice of public hearing and attached maps
3	Certificates of mailing of public notices
4	List of property owners
5	Memorandum dated Oct. 21, 1988 from Ethan Seltzer to hearings officer
6	Memorandum dated Oct. 21, 1988 from Ethan Seltzer to File 88-3
7	Memorandum dated Oct. 14, 1988 from Jim Gardner to Metro Council
8	Letter dated July 8, 1988 from Jill Hinkley to The Rev. Thom. Cummins
9	Check for completeness
10	Letter dated July 20, 1988 from The Rev. Thom. Cummins to Jill Hinkley
11	Comment from Wilsonville dated July 19 and Wilsonville Resolution 672
12	Comment from Tualatin Rural Fire Protection District dated July 20, 1988
13	Comment from Oregon Dept. of Transportation dated July 20, 1988
14	Comment from Canby Union High School District #1 dated July 19, 1988
15	Comment from Canby Elementary School District #86 dated July 19, 1988
16	Petition for locational adjustment
17	Clackamas County design review staff report dated Feb. 9, 1983
18	Clackamas County notice of plan review dated Feb. 23, 1983
19	PMALGBC final order & report for Proposal W-304 dated April 21, 1983
20	Letter dated Apr. 19, 1982 from The Rev. Thom. Cummins to Wm. Lowrie
21	Final Order dated June 17, 1982 regarding Clackamas County file 913-81-C
22	Memorandum dated Aug. 4, 1982 from Robt. Martin regarding church
23	PMALGBC Petition for annexation dated July 21, 1988
24	Notice of decision for Clackamas County file 59-86-V dated Aug. 4, 1986
25	Letter from Larry Kato (Clackamas Cty) to hearings officer dated Nov. 17
26	Letter from Aurora Fire District to Metro Service District dated Nov. 16
27	Letter from A. Wagoner & S. Thompson to hearings officer dated Nov. 16
28	Letter from Anna Wagoner to Ethan Seltzer dated Nov. 16

C. Responses from service providers and affected jurisdictions.

1. The Tualatin Fire Protection District, City of Wilsonville, Oregon Dept. of Transportation, and Canby Elementary and High School Districts recommend approval of the petition. The High School District qualified its response to support to say the change should alter school district boundaries. Clackamas County officials filed a written statement of no objection regarding the petition.

2. The Aurora Rural Fire District recommended the hearing be continued to enable the district to evaluate the petition more. The District Chief testified against the petition at the hearing, arguing approval of the petition would cause confusion about which district should respond to calls for assistance on and near the Subject Property.

II. Basic Findings About the Subject Property and Surrounding Area

A. Location.

1. The land to be added, (the Subject Property), is situated east of and adjoining the Interstate 5 highway and south of and adjoining Miley Road in Clackamas County. It is separated from the city limits of Wilsonville and the UGB by Miley Road.

2. Metro staff amended the petition to include a portion of Miley Road in the petition so that the Subject Property would be contiguous to the UGB and city limits, if the petition is approved. See Exhibit 2 for a map showing the Subject Property.

B. Legal description.

The Subject Property is Tax Lots 2800 and 2900, Sec. 26, T3S-R1W, WM, Clackamas County, and the Miley Road right of way bounded by Interstate 5 and by the northward extension of the east property line of the Subject Property.

C. Size, shape, and physical characteristics.

1. The Subject Property is an irregularly-shaped parcel about 200 to 500 feet wide (east-west) and about 700 feet deep (north-south). It contains about 4 acres including the adjoining Miley Road right of way.

2. The Subject Property consists generally of Willamette silt loam soils with slopes of 3 to 8 percent. But the east and south edges of the site are sloped more than 15%, and end along a creek situated 40 feet or more below the developable area of the site. These steep slopes are heavily vegetated. If annexed to the City of Wilsonville, steep creekside slopes on the Subject Property will be designated as open space and protected from development. The remainder of the site contains a mix of landscaping and natural vegetation around developed areas.

D. Plan designation & zoning.

The Subject Property and adjoining land to the east, south, and west are designated Agricultural on the Clackamas County comprehensive plan map and are zoned GAD (General Agricultural District). Property to the north, across Miley Road is designated Residential and zoned Planned Development Residential on the City of Wilsonville comprehensive plan and zoning maps.

E. Existing and proposed uses.

1. The Subject Property is developed with a church, an historic schoolhouse, and a parking lot and associated vehicle maneuvering area. The Subject Property contains the only Episcopal church in the Wilsonville area. In addition to being used for religious worship and instruction, the Subject Property is used for a variety of social services for the Wilsonville community. For instance, the church parking lot is used as a Tri-Met park and ride lot; the parish hall accommodates meetings of Alcoholics Anonymous for the Wilsonville area; and several political and social service groups meet in the church. It therefore provides a center for social services in the Wilsonville area. A site for similar services is not located conveniently nearby.

2. Existing use and development was reviewed and approved by Clackamas County. In 1982, the County approved a conditional use permit (file 913-81-C) to allow use of the existing building on the site for a church and accessory uses. In 1983, the County approved a design review plan (file 613-82-D, phase I) and a building permit (plan check file C-5111-83) authorizing development of a church building. In 1986, the County approved a variance (file 59-86-V) allowing relocation of an existing building to within 5 feet of a rear property line. In 1988, the County approved a design review plan for expansion of the church building and accessory facilities (file 613-82-D, phase II). See Exhibits 17, 18, 21 and 24. While nonfarm use of land in the GAD district generally is not allowed, because it is an exclusive farm use zone, ORS 215.213(1)(b) allows a church in such a zone, and Clackamas County land use regulations allow a church in the GAD zone as a conditional use.

3. The majority of the developable area of the site is built on, and no further development is planned on the Subject Property, except connection to the public water system, whether or not the petition is granted. If the locational adjustment is approved, the petitioner plans to annex to Wilsonville. A petition for annexation has been approved by the city and forwarded to the Portland Metropolitan Area Local Government Boundary Commission for appropriate action (see Exhibit 23).

F. Surrounding uses.

The 58 acre parcel south and east of the Subject Property is used for agriculture. The adjoining land to the west is the I-5 freeway. Adjoining property to the north, across Miley Road, is to be developed for residential purposes as a part of the Charbonneau development to be known as Spring Ridge.

G. Public services and facilities.

1. Sewer. The Subject Property is served by a public sewer which extends north-south along the west edge of the church property between the Wilsonville sewer treatment plant and a "rest stop" about a quarter-mile south along I-5. The sewer system plant has unused capacity of about 50 percent. Extraterritorial sewer service to the church was authorized in 1983 by the PMALGBC (see Exhibit 19), and connection was made in 1988.

2. Water. The existing church is served by a private well which is approved as a community water system (see Exhibit 19), including an on-site underground reservoir. The nearest public water line is situated about 1/2-mile north of the Subject Property at the intersection of I-5 and the ramp to Charbonneau. The petitioner plans to connect to the public water system when the land to the north across Miley Road is developed. Development of the land across Miley Road to the north will include a looped water system that has capacity for service to the Subject Property.

3. Storm drainage. The Subject Property is not served by an improved public storm water drainage system, other than roadside ditches and the adjoining creek. Storm water drains generally from the Subject Property to the creek to the east and south.

4. Transportation. The Subject Property abuts Miley Road, a rural public street with a 20-foot wide paved surface between gravel shoulders. It adjoins Exit 282B from I-5; the exit ramp is north-northwest of the Subject Property. It is not within 1/4-mile of a regional transit corridor designated by Metro, although the Subject Property does contain a park and ride lot and is served by Tri-Met.

5. Fire protection. The Subject Property is in the Aurora Rural Fire Protection District, and now receives service from that district. If the property is annexed following approval of the UGB petition, then it will be served by the Tualatin Fire Protection District. The Subject Site is roughly equidistant between the nearest stations of the two districts, and either district is likely to provide roughly the same degree of protection and about the same response times to the Subject Property, although response time for the Tualatin District may be somewhat quicker via Interstate-5. An on-site underground reservoir provides adequate water for fire fighting purposes, and can augment public water supplies after the Subject Property is annexed to Wilsonville and connects to its water system.

6. Schools. The Subject Property is in Canby High School District #1 and Elementary School District #86. Granting the petition would not affect school services, because the site is not used for a residential purpose. No change in school district boundaries are planned or reasonably expected as a result of granting the petition.

III. Applicable Approval Standards

A. Background.

1. The UGB is intended to accommodate urban growth through the year 2000. But changes can be made in either of two ways. One method involves Major Amendments, which generally results in a change of more than 50 acres in the UGB. To obtain approval of a Major Amendment, a petitioner generally must show the change complies with all Statewide Planning Goals and fills a regional need for urban land, among other standards.

2. The other way to change the UGB is called a locational adjustment. Metro Ordinance No. 81-105, codified in Metro Code Chapter 3.01, provides that a locational adjustment may be warranted where a patent mistake was made when the UGB was drawn, where the addition uniquely facilitates development of land already in the UGB, where the addition of two acres or less would make the UGB coterminous with property lines, or where other conditions warrant the addition based on standards in that ordinance. The need for more land in the urban area is not relevant to a request for a locational adjustment.

b. A locational adjustment cannot add more than 50 acres of land to the UGB. To prevent contiguous, incremental amendments from exceeding the 50 acre maximum, a locational adjustment cannot add more than 50 acres including all similarly situated land.

c. It is assumed that a change of 50 acres or less in the region would not have a perceptible effect on the efficiency of major public facilities, considering the population base and area for which major public facilities are designed. However all land in the UGB is intended to be developed for urban uses. If 50 acres is added to one part of the UGB, it is assumed it would supplant development of a comparable size area or combination of areas elsewhere in the UGB. This could affect the efficiency of public services and increase energy consumption and air pollution associated with travel in the region. That is, there would be costs and potential service inefficiencies because public facilities would be available to serve land in the UGB that would not be developed because other land is added to the UGB and developed instead, and there would be costs to serve the land that is added.

d. To ensure the effect of adding land to the UGB is warranted despite the potential service inefficiencies elsewhere in the region, Ordinance 81-105 requires Metro to consider whether the addition of a given area to the UGB would increase the efficiency of

public services and facilitate development inside the existing UGB. If so, then the benefit from adding the land can outweigh the cost that may accrue from not developing a comparable area or areas inside the UGB.

e. The larger the size of the area to be added, then the greater the cost that may accrue from not developing a comparable area or areas inside the UGB. The cost of leaving a 10 acre or smaller parcel inside the UGB vacant is so small that it is not significant if, as a result of adding a comparable size area to the UGB, any benefit accrues to land in the UGB abutting the land to be added. For locational adjustments involving more than 10 acres, a net benefit should result to the area inside the UGB. The larger the area involved, the greater the benefit required.

f. Statewide Planning Goal 3 (Agriculture) is intended to protect agricultural land. The UGB is one way to fulfill that goal by clearly delineating urban and nonurban areas. The locational adjustment standards reflect this priority by allowing agricultural land to be included in the UGB only under very limited circumstances.

g. In 1988, the Metro Council amended the rules for locational adjustments to allow the addition of 10 acres or less of agricultural land if the land was developed for certain nonagricultural uses before exclusive farm use zoning was applied, among other standards. That amendment was adopted with the Subject Property in mind. The Subject Property did not qualify for a UGB adjustment before the rules were amended, because it is classified as farmland, notwithstanding its historic use for nonfarm purposes. Under prior rules, the only way the Subject Property could be included in the UGB is if the County granted a plan map amendment to a nonfarm designation and granted an exception to Goal 3 (Agriculture). The amendment to the locational adjustment rules allows land designated as farmland to be included in the UGB under very strict conditions, but without taking an exception to Goal 3 or obtaining a plan map amendment.

B. Locational adjustment standards. The standards for addition of land to the UGB, contained in Metro Code Section 3.01.040, are as follows:

(a) As required by subsections (b) through (d) of this section, location adjustments shall be consistent with the following factors:

(1) Orderly and economic provisions of public facilities and services. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not limited to, water, sewerage, storm drainage, transportation, fire protection and school in the adjoining areas within the UGB; and any area to be added must be capable of being served in a n orderly and economical fashion.

(2) Maximum efficiency of land uses. Considerations shall include existing development densities on the area included within the amendment, and whether the amendment would facilitate needed development on adjacent existing urban land.

(3) Environmental, energy, environmental and social consequences. Any impact on regional transit corridor development must be positive and any limitations imposed by the presence of hazard or resource lands must be addressed.

(4) Retention of agricultural land.

(A) When a petition includes land with Class I-IV soils designated in the applicable comprehensive plan for farm or forest use consistent with the requirements of LCDC Goals No. 3 or 4, the petition shall not be approved unless it is factually demonstrated that

...

(iii) The property is a legal parcel or parcels 10 acres or smaller in aggregate zoned for Exclusive Farm Use under provisions of ORS Chapter 215 and occupied by one or more permanent structures, including but not limited to roads and paved parking lots; and

(aa) The parcel(s) are not used for rural residential purposes or agricultural production, cultivation, processing, or marketing; and

(bb) The parcel(s) were in existence at the time Exclusive Farm Use zoning was applied to the property; and

(cc) All structures predate or have been built in compliance with applicable comprehensive plans and zoning regulations and now cover at least 50 percent of the aggregate parcel(s) on which they are located.

(5) Compatibility of proposed urban uses with nearby agricultural activities. When a proposed adjustment would allow an urban use in proximity to existing agricultural activities, the justification in terms of factors (1) through (4) of this subsection must clearly outweigh the adverse impact of any incompatibility...

(d) Petitions to add land to the UGB may be approved under the following conditions...

(2) ...The proposed UGB must be superior to the UGB as presently located based on a consideration of the factors in subsection (a). The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a).

(3) Additions shall not add more than 50 acres of land to the UGB and generally should not add more than 10 acres of vacant land to the UGB...

IV. Findings and Conclusions Applying Approval Standards to the Case

A. Orderly and economic provision and improvement in the efficiency of public facilities and services (§ 3.01.040(a)(1)).

1. Water. The site is served by an approved community water system. This service is adequate to accommodate the needs of the church; therefore water can be provided to the site in a timely and efficient manner. The public water system to be developed north of the site provides an alternative means of water service that can be extended to the site in a timely and efficient manner. Inclusion of the Subject Property in the UGB allows it to be connected to the public water system to the north, facilitating its development and more efficient use.

2. Sewer. The site is served by a public sewer system with capacity to accommodate it. Therefore the site can be served by sewers in a timely and efficient manner. Inclusion of the Subject Property in the UGB has no effect on the efficient delivery of sewer services inside the UGB.

3. Storm drainage. Storm water from the site drains into the adjoining creek. The creek provides a timely and efficient route for that water. Including the Subject Property in the UGB does not affect the efficiency or availability of storm drainage in the vicinity.

4. Transportation. The site adjoins Miley Road. That road has capacity to serve traffic from the church, and has convenient access to the region from I-5 and I-205. Inclusion of the Subject Property in the UGB facilitates its use as a park and ride facility and increasing the efficiency of Miley Road by using some of the capacity of that road.

5. Fire protection. The Tualatin and Aurora Rural Fire Protection Districts serve the vicinity. Miley Road is the dividing line between these districts. The Aurora district serves the area south of Miley Road, and the Tualatin district serves the area north of the road. The Willamette River used to be the dividing line between the district service areas, but the dividing line was moved when Charbonneau was created. The 2 fire districts have mutual aid agreements to help one another with emergency services near their common boundary. At this time, fire protection services are provided to the Subject Property by the Aurora District. If annexed to Wilsonville, the Tualatin District will serve the site. In either event, the site can be served timely and efficiently by fire protection agencies.

The Aurora District Chief testified that the locational adjustment could confuse dispatchers responding to calls, because it would change what has been a consistent boundary for more than 15 years. That is, if a call for fire protection services comes in for a location along Miley Road, the dispatcher might not know whether to send the call to the Aurora or Tualatin districts.

The hearings officer concluded the potential confusion could result in slight service inefficiencies until dispatchers become used to the change in boundary location, but such effects will be short-lived, and can be accommodated without perceptibly affecting the efficiency of fire districts in the vicinity. The Council affirms the hearings officer's conclusion.

6. Schools. Granting the petition will not affect school services, because the Subject Site is not used for residences.

B. Land use efficiency (§ 3.01.040(a)(2)).

Granting the petition would be consistent with promoting the maximum efficiency of land uses by classifying as urban a site that is fully developed with an urban use. Thereafter the site can be regulated as such, rather than trying to continue to force it into being a square peg in a round hole. The adjoining land is developed or approved for development consistent with its applicable plan map designation and zoning. Because the use on the Subject Property provides social services to the adjoining urban community, it facilitates development and stability of that community.

C. Environmental, energy, economic and social consequences (§ 3.01.040(a)(3)).

Granting the petition will provide land use stability for the use on the Subject Property, and therefore facilitates the continued delivery of social services by that use. The Subject Property supports a variety of social services, including a park and ride lot, counseling, group meeting facilities, and political and social consciousness activities. The majority of the users of the Subject Property are residents of Wilsonville. Including the subject property in the UGB so that it can be annexed to Wilsonville helps cement that relationship. Granting the petition does not have environmental, energy, or economic consequences.

D. Agricultural land (§ 3.01.040(a)(4) and (5)).

1. The Subject Property is designated for farm use. But, it is smaller than 10 acres, is not used for rural residential purposes or for agriculture, existed before farmland zoning was applied, and more than 50 percent of the site is developed with structures and pavement that comply with the applicable land use regulations of the local government. Therefore, pursuant to Metro Code section 3.01.040(a)(4) as amended by Ordinance 88-261, granting the petition does not conflict with farmland protection laws and policies.

2. There are agricultural uses east and south of the site. Urban use of the Subject Property is compatible with those agricultural uses, because the site is separated from them by steep, forested slopes and a creek; the Subject Property is not visible from the agricultural land and vice versa; they have access to different roads; and, the use on the Subject Property does not generate external effects perceptible on the agricultural land.

3. Two residents of the surrounding area testified with concerns about the adequacy and consistency of the evidence on which the petition is based in light of applications filed by the petitioner and actions taken by local governments in the past. However the gist of their concerns appears to be that granting the petition could increase the potential for other land outside the UGB being included, particularly the Prairie Village subdivision about a 1/2-mile southeast of the site.

The Council concludes that granting the petition in this case has no bearing on other possible petitions for UGB amendments, except to the extent the facts are similar. There are few similarities between the Subject Property and other nonurban properties in the area. In particular, the use of nonurban land for a rural residential purpose, such as in Prairie Village, disqualifies that land for inclusion in the UGB under the same standards as apply in this case. Also the size of the Prairie Village development disqualifies it for inclusion under the standards that applied in this case. Accordingly, the Council concludes granting the petition in this case does not promote or justify including other land in the UGB except under the narrow circumstances of this case.

E. Superiority of proposed UGB & similarly situated land (§ 3.01.040(d)).

1. Granting the petition would result in a superior UGB, because it would include within the urban area a site fully developed for an urban use, would facilitate the continued delivery of a variety of social services by the use on that site, and would foster the relationship between the Subject Property and the jurisdiction in which most recipients of those social services live.

2. The petition includes all similarly situated land. Land to the east, south, and west is not similar to the Subject Property in terms of land use or water or sewer service or service availability. Land to the south and east is separated from the subject site by steep slopes and a creek, making it wholly impracticable to access those lands through the Subject Property for services or vehicles. Land to the west is Interstate-5.

V. Conclusions and Decision.

A. Public services and facilities, including water, sewer, storm drainage, transportation, schools, and police and fire protection, can be provided to the site in an orderly and economical fashion.

B. Addition of the site would result in a slight improvement in the efficiency of public water and transportation services, because the public water system can be extended to serve the site, and because the site can continue to be used for a park and ride lot, and associated traffic can use some of the available capacity of Miley Road.

C. The subject property is classified as agricultural land, but qualifies for inclusion in the UGB, because of its small size, use, and existing development, and urban use of the subject property will be compatible with agricultural uses in the vicinity.

D. The petition includes all similarly situated contiguous land outside the UGB.

E. The proposed UGB is superior to the existing UGB, based on consideration of the factors in § 3.01.040(a).

F. For the foregoing reasons, the petition in Contested Case 88-03 is approved.

DATED: _____

By Order of the Metropolitan
Service District Council

By

<u>Exhibit No.</u>	<u>Subject matter</u>
1	Tax Assessor Map, Sec . 26, T3S, R1W, WM, Clackamas County
2	Notice of public hearing and attached maps
3	Certificates of mailing of public notices
4	List of property owners
5	Memorandum dated Oct. 21, 1988 from Ethan Seltzer to Hearings Officer
6	Memorandum dated Oct. 21, 1988 from Ethan Seltzer to File 88-3
7	Memorandum dated Oct. 14, 1988 from Jim Gardner to Metro Council
8	Letter dated July 8, 1988 from Jill Hinkley to The Rev. Thom. Cummins
9	Check for completeness
10	Letter dated July 20, 1988 from The Rev. Thom. Cummins to Jill Hinkley
11	Comment from Wilsonville dated July 19 and Wilsonville Resolution 672
12	Comment from Tualatin Rural Fire Protection District dated July 20, 1988
13	Comment from Oregon Dept. of Transportation dated July 20, 1988
14	Comment from Canby Union High School District #1 dated July 19, 1988
15	Comment from Canby Elementary School District #86 dated July 19, 1988
16	Petition for locational adjustment
17	Clackamas County design review staff report dated Feb. 9, 1983
18	Clackamas County notice of plan review dated Feb. 23, 1983
19	PMALGBC final order & report for Proposal W-304 dated April 21, 1983
20	Letter dated Apr. 19, 1982 from The Rev. Thom. Cummins to Wm. Lowrie
21	Final Order dated June 17, 1982 regarding Clackamas County file 913-81-C
22	Memorandum dated Aug. 4, 1982 from Robt. Martin regarding church
23	PMALGBC Petition for annexation dated July 21, 1988
24	Notice of decision for Clackamas County file 59-86-V dated Aug. 4, 1986
25	Letter from Larry Kato (Clackamas Cty) to hearings officer dated Nov. 17
26	Letter from Aurora Fire District to Metro Service District dated Nov. 16
27	Letter from A. Wagoner & S. Thompson to hearings officer dated Nov. 16
28	Letter from Anna Wagoner to Ethan Seltzer dated Nov. 16

THE FOLLOWING EXHIBITS COULD NOT BE DUPLICATED BUT ARE AVAILABLE
FOR
FOR REVIEW IN THE METRO OFFICES:

- 1 Tax Lot Map
- 3 Certified Mail Receipts
- 18 Notice of Plan Review, Clackamas County, 2/23/83

NOTICE OF PUBLIC HEARING
METROPOLITAN SERVICE DISTRICT

Case # 8803 Exhibit # 2
Offered by _____
Date received _____ By JE
METRO HEARINGS OFFICER

Wednesday, November 16, 1988, at 1:00 pm at the Wilsonville City Hall, 30000 Town Center Loop East, Wilsonville, Oregon, the Metropolitan Service District (Metro) will hold a public hearing on a petition to include approximately 4 acres within the Portland Metropolitan Area Urban Growth Boundary. The petitioner, the St. Francis of Assisi Episcopal Church, has requested a locational adjustment of the UGB, a specific land use action included in the Metro Code. The property is comprised of two tax lots located east of Interstate 5 and south of Miley Road, just south of the present Wilsonville City boundary. The legal descriptions of the tax lots are:

Tax Lots 2800 and 2900, Sec. 26, T3S, R1W, W.M.

(see attached map)

BACKGROUND

Under ORS 268.390 Metro is responsible for management of the Urban Growth Boundary for the Portland metropolitan area consistent with the Statewide Planning Goals adopted by LCDC. LCDC Goal 14 (Urbanization) lists seven factors that must be considered when an urban growth boundary is amended, and also requires compliance with the standards and procedures for taking a goal exception, as listed in Goal 2 (Land Use Planning).

Metro has adopted standards and procedures for smaller adjustments to its Urban Growth Boundary that LCDC has acknowledged for compliance with the requirements of Goal 14 and Goal 2. These standards and procedures are contained in Chapter 3.01 of the Metro Code and apply to this case.

Copies of the applicable code sections and the standards for locational adjustments are available from Metro staff.

HEARING

The hearing will be conducted before attorney, Larry Epstein, who has been designated as Hearings Officer by the Metro Council. Procedures for the hearing are those set forth in Metro Code Chapters 2.05 and 3.01. Following the close of the hearing record, the Hearings Officer will prepare a written report and recommendation to the Metro Council recommending that the application be approved or denied. Thereafter, the Council will hold a public meeting and either approve or deny the application or remand the matter to the Hearings Officer for further proceedings. Parties at the hearing may, but need not, be represented by an attorney.

ending in this case, both before the Metro should an appeal result, you must either ng or submit written comments to the Hearings close of the hearing record. Therefore, not is stage of the process could effect your ate at a later date.

mmence promptly at 1:00 pm and continue until ted persons may submit additional testimony g. Please address written testimony to Larry at Law, 1020 SW Taylor Street, Suite 370, 5. Depending upon the number of persons the Hearings Officer may impose time limits Hearings Officer may continue the hearing tice.

ON...

ation about this case, about the standards for quest, or about any aspect of the proceeding, han Seltzer, Land Use Coordinator, at the ice District, 2000 S.W. First Avenue, Portland, 8, telephone 221-1646. Copies of a summary of s and of the standards of approval will be est, and will be available at the hearing. Other s may be copied and mailed at cost, or may be Metro Office.

WG

RICT

Case # 8803 Exhibit # 2
Offered by _____
Date received _____ By JL
METRO HEARINGS OFFICER

the Wilsonville City le, Oregon, the old a public hearing es within the dary. The pal Church, has a specific land use erty is comprised of l south of Miley ity boundary. The

W, W.M.

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tandards for staff.

rry Epstein, who tro Council. Metro Code re hearing an report and hat the e Council will he application urther not, be

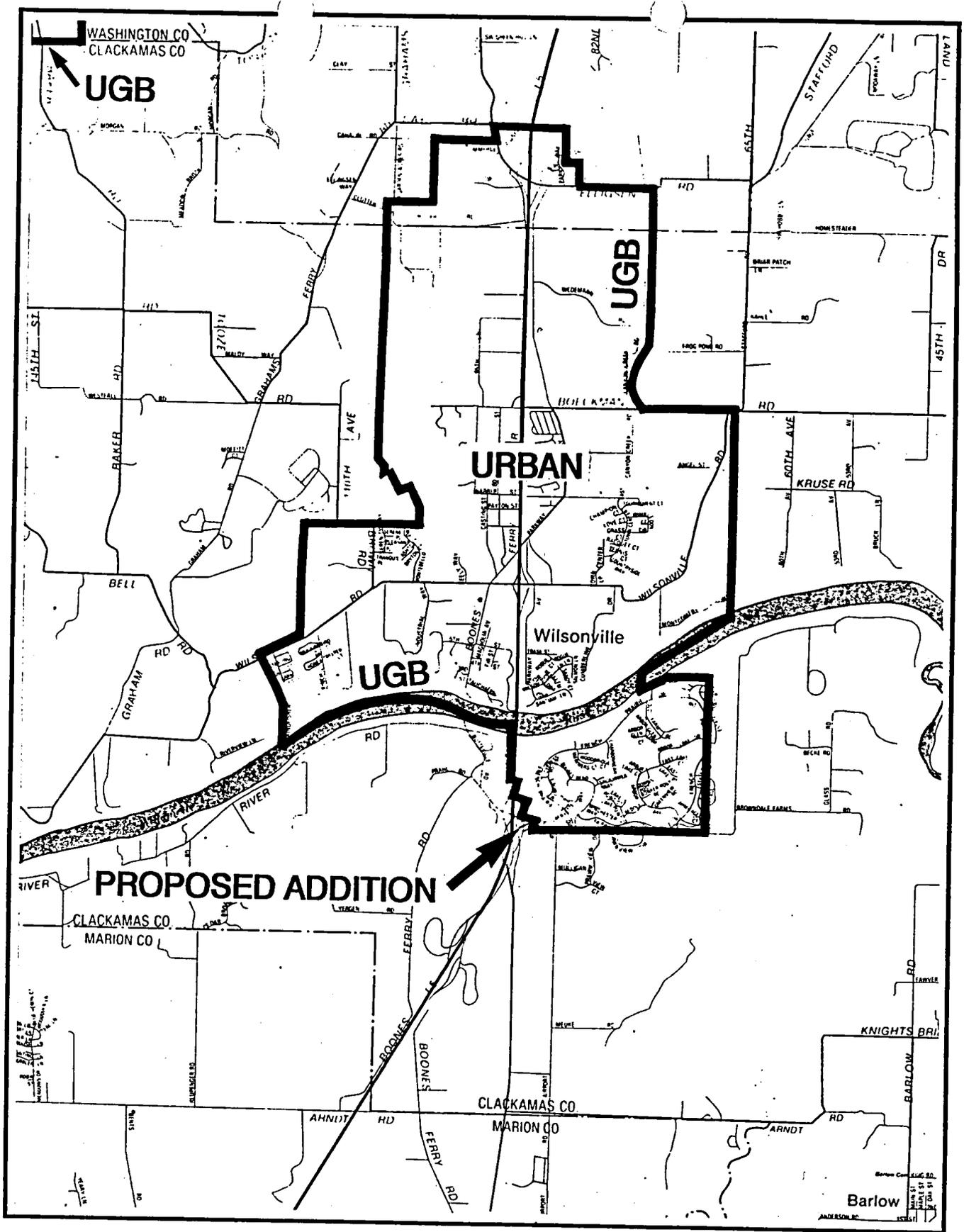


Exhibit A
 St. Francis
 Vicinity Map

Case # 2603 Exhibit # 4
Offered by _____
Date received _____ By JLG
METRO HEARINGS OFFICER

LIST OF PROPERTY OWNERS WITHIN 250 FEET OF
PROPERTY REQUESTING ANNEXATION.

COLUMBIA WILLAMETTE CO.
920 SW 3rd Avenue
Portland, OR 97204
Map 3-1W-26

HAROLD & EMMA LANGDON
55 NE 139th Avenue
Portland, OR 97229
Map 3-1W-26

STATE OF OREGON R/W OFFICE
Transportation Building
Salem, OR 97310
Attention: Mr. Jack Elliot

OTHER INTERESTS:

Charbonneau Country Club
32000 Charbonneau Drive
Wilsonville, OR 97070

Willamette Factors
31840 Charbonneau Drive
Wilsonville, OR 97070



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Case # 8803 Exhibit # 5
Offered by _____
Date received _____ By JS
METRO HEARINGS OFFICER

Date: October 21, 1988
To: Hearings Officer
From: Ethan Seltzer, Land Use Coordinator

Regarding: **STAFF REPORT ON CONTESTED CASE NO. 88-3, REQUEST OF ST. FRANCIS OF ASSISI EPISCOPAL CHURCH FOR A LOCATIONAL ADJUSTMENT OF THE URBAN GROWTH BOUNDARY**

Petitioner requests the addition of approximately 4 acres located east of I-5 and south of Miley Road, adjacent to the UGB and the City of Wilsonville. To be approved, the petitioner must demonstrate compliance with the standards in Metro Code Section 3.01.040.

Locational adjustments are meant to be small scale, technical adjustments to the Urban Growth Boundary (UGB). They are a device used to adjust the boundary when a mistake was made in the original drawing of the boundary line, when the addition of a small acreage will uniquely facilitate the development of lands already in the UGB adjacent to the proposed addition, or the addition involves an addition of two acres or less intended to make the UGB coterminus with property lines. In any case, the need for the property in the UGB is not a factor to be considered in judging the suitability of the proposed addition.

In brief, a successful demonstration of compliance with the standards must show that the adjustment will:

- result in a net improvement in the efficiency of the delivery of public facilities and services in adjoining areas within the UGB, and that the land in question itself can be served in an orderly and economic manner;
- lead to maximum efficiency of land uses;
- positively relate to any regional transit corridors and positively address any limitations imposed by the presence of hazard or resource lands;
- retain agricultural land when the petition involves lands for which no exceptions to goals 3 and 4 have been granted; and

- be compatible with nearby agricultural uses, or show why adherence to all the other conditions clearly outweigh any incompatibility.

In addition, a locational adjustment adding land to the UGB must be for less than 50 acres and must include within its boundaries all similarly situated contiguous lands, in order to avoid the piecemeal expansion of the UGB through a series of contiguous locational adjustments.

Based on a review of the materials submitted to date, and in advance of any hearing on this issue, the petitioner's belief that the amendment should be approved seems to rest on the following factors:

1) Consistency with standards for petition approval in Metro Code section 3.01.040.(a) - In essence, there will be no net change in the efficiency with which services are delivered. Wilsonville has sewerage capacity available, water is provided by a well on-site, transportation systems will not be effected beyond the effects already noted in Clackamas County's prior approval of the development plans for the church, storm drainage will be handled by the existing on-site natural drainageway, fire protection will actually be handled by a nearer provider, and schools are not effected. This site is already developed at a density appropriate to the surrounding properties and land uses.

With respect to the retention of agricultural lands, the County has already granted a variance for the creation and expansion of the present use. As noted below, recent changes in the Metro Code provide a mechanism for allowing a locational adjustment when no exception from goals 3 or 4 has been granted but under very limited circumstances, and those circumstances will be decisive in this case. Finally, previous County determinations of compatibility of the church use with adjacent agricultural uses seem to indicate that no incompatibility would result from the continued use of this site for nonfarm purposes.

2) Consistency with factors for approval found in Metro Code section 3.01.040.(d) - The property is coterminus with the UGB at its northeastern corner (see memo to file regarding petition boundary). In addition, this proposal involves about 4 acres, well below both the 50 acre maximum for a locational adjustment and the generally expected limit of 10 acres. Petitioner does not allege that any mistakes were made at the time the UGB was established.

At the hearing on this matter, scheduled for Wednesday, November 16, 1988, at one pm in the Wilsonville City Hall, petitioner should reiterate the facts supporting their petition and contention that a more superior UGB will result from this amendment. In addition, petitioner should address the following issues stemming from a review of the record:

1) Retention of Agricultural Lands - The property is currently zoned GAD and no exception to goals 3 or 4 has been taken for the property. However, a recently enacted addition to the Metro Code allows petitioner to meet the retention of agricultural lands standard in the locational adjustment process if it can be demonstrated that the parcel or parcels comprise no more than 10 acres in aggregate; the parcel(s) are not used for rural residential purposes or purposes associated with agricultural production, cultivation, processing, or marketing; the parcel(s) were in existence at the time the EFU zoning was applied to the property; and all structures (including paved roads and parking lots) either predate or have been built in compliance with applicable comprehensive plans and zoning regulations and now cover at least 50% of the aggregate parcels.

In this case, the parcels comprise approximately 4 acres, are not used for rural residential or agricultural purposes, and are predominantly occupied by structures for which appropriate permits and variances have been received from Clackamas County and the Portland Metropolitan Area Local Government Boundary Commission. To show compliance with this standard, petitioner will need to show that the parcels existed prior to the application of the GAD zoning, and that the structures currently cover at least 50% of the aggregate parcels.

2) Similarly Situated Contiguous Lands - the proposed addition to the UGB must include all similar contiguous parcels that could meet the locational standards in Metro Code section 3.01.040.(a).(1-5) based on the same findings cited by petitioner. In this case, petitioner needs to demonstrate that no contiguous parcels could similarly qualify for addition to the UGB.

Please feel free to contact me should you have any questions about the issues that I've raised.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Case # 8803 Exhibit # 6
Offered by _____
Date received _____ By [Signature]
METRO HEARINGS OFFICER

October 21, 1988

To: File, Contested Case Number 88-3, St. Francis

From: Ethan Seltzer, Land Use Coordinator

Re: Amendment to Petition Boundary

Section 3.01.020.(d) of the Metro Code requires that no petition for a locational adjustment will be accepted if the proposed amendment would result in an island of urban land outside the contiguous UGB. In other words, all proposed amendments must be for parcels that are adjacent and contiguous to the existing UGB.

In this instance, the existing UGB goes down the north side of Miley road, while the subject parcels abutt the south side of Miley Road. Generally speaking, the original construction of the UGB attempted to use the centerline of roads when the UGB followed a road. In this case there is no clear explanation for finding the UGB to the north of the road.

After consulting with Jill Hinckley, formerly Land Use Coordinator for Metro, I learned that the petition would need to be modified to include a small portion of Miley Road to meet up with the existing UGB. She had already contacted Clackamas County regarding this issue. Since UGB petitions require the approval of 50% of the landowners within the petition area, and since the landowners in this case would be St. Francis and the County, the petition could be modified either by St. Francis or by staff to include a small portion of Miley Road.

Finally, since Clackamas County has an omnibus response to UGB amendments that provides for no comment when local jurisdictions support the petition, as Wilsonville does in this instance, it would be within current working understandings to proceed in this fashion. Nonetheless, I contacted both Gary Cook and Larry Cato at the County on Tuesday, October 18, and they will provide comments regarding this case.

2

Therefore, in order to proceed with this case, and in light of the previous acceptance of the petition, I have initiated an amendment to the petition in order to make the proposal technically contiguous with the UGB. The map section will draw the change to accompany the public notice, and the petition will be amended to include a total of approximately 4 acres.

METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Case # 2803 Exhibit # 7
Offered by _____
Date received _____ By JE
METRO HEARINGS OFFICER

Agenda Item No. 6.4

Meeting Date October 27, 1988

Date: October 14, 1988
To: Metro Council
From: Councilor Jim Gardner, Chair
Council Intergovernmental Relations Committee
Regarding: OCTOBER 11, 1988 INTERGOVERNMENTAL RELATIONS COMMITTEE
REPORT ON COUNCIL MEETING AGENDA ITEM NO. 6.4,
CONSIDERATION OF ORDINANCE NO. 88-261, AMENDING METRO CODE
CHAPTER 3.01 TO CLARIFY STANDARDS & PROCEDURES FOR
IDENTIFYING PROTECTED AGRICULTURAL LAND.

Committee Recommendation: At its October 11, 1988 meeting, the Intergovernmental Relations Committee unanimously voted to recommend Council adoption of Ordinance No. 88-261 attached. All Committee members were present -- Councilors Collier, DeJardin, Knowles, Waker and myself. Councilor Kirkpatrick also attended the meeting.

Issues & Committee Discussion: Rich Carson, Planning & Development Director, and Patrick Lee, Regional Planning Supervisor, presented the ordinance. The attached department staff report provides the background and rationale for this Code amendment. The State Department of Land Conservation & Development (DLCD) worked with the department on the changes; Jim Sitzman, the local DLCD representative met with Metro staff. Ordinance No. 88-261 is intended to clarify protected agricultural land provisions regarding Urban Growth Boundary locational adjustments, but is not intended to open up agricultural land to UGB development. In compliance with the DLCD notice requirement, Metro staff sent the ordinance draft to DLCD 45 days prior to this hearing. Drafts were also sent more recently to 1000 Friends and local jurisdictions' planning agencies for comment; 1000 Friends has not forwarded any comments. Staff incorporated language suggestions from Lorna Stickel, Multnomah County Planning Director. Although an announced public hearing, no citizens testified at the meeting.

Subsequent to the Committee meeting, the Committee Chair spoke with Paul Ketcham of 1000 Friends about this ordinance. Mr. Ketcham indicated he viewed the change as a reasonable solution to the dilemma of small parcels outside the UGB which would not meet the criteria for a formal exception to agricultural land protection standards, yet are already committed to non-farm uses.

jpm a:\igrrpt10.14

STAFF REPORT

**CONSIDERATION OF ORDINANCE NO. 88-261, AMENDING
CHAPTER 3.01 OF THE METROPOLITAN SERVICE DISTRICT
CODE TO CLARIFY STANDARDS AND PROCEDURES FOR
IDENTIFYING PROTECTED AGRICULTURAL LAND**

Date: September 30, 1988

FACTUAL BACKGROUND AND ANALYSIS

Metro Code Chapter 3.01, which sets the standards and procedures for locational adjustments of the Urban Growth Boundary (UGB), includes rigorous requirements for including protected farmland within the UGB. As the code is now written, these requirements apply to any land designated for Exclusive Farm Use (EFU) in a county comprehensive plan. Petitioners who wish to avoid application of the standards for protection of farm land to EFU-designated land must request a plan amendment from the County to adopt an exception from the requirements of Goal No. 3 (Agricultural Land) for the property in question.

In most cases, this is the most appropriate procedure. The requirements for demonstrating that property is so committed to development as to make it impractical to try to protect it for agricultural use have probably been more extensively litigated than any aspect of the statewide planning goals, resulting in a highly specialized and complex body of case law in which county planners have necessarily become expert but with which Metro generally has no cause to familiarize itself. The Metro Code requirements, as now written, are designed to rely on County expertise on these matters.

In certain limited circumstances, however, these requirements may impose an unreasonable hardship. Certain types of non-farm uses such as churches and schools are permitted by State statute in EFU zones. Although land developed for these uses is no longer available for farm use, they cannot be included in an exception area because no exception is needed, since such uses are consistent with Goal 3 requirements.

Problems may also occur when a development occupies only a small portion of a larger exception area. Even though that smaller subarea may clearly meet the requirements for demonstrating commitment to non-farm use, county exception procedures may not allow for separate consideration of so small an area. Washington County, for example, generally does not consider exception requests for areas less than 40 acres.

FOR THE P
CHAPTER
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The proposed changes would provide petitioners who have EFU that they believe to be committed to non-farm use with a narrowly defined alternative to the county exceptions process for becoming exempt from the standard for the protection of agricultural land. automatic exception from this standard would be available for parcels of 10 acres or less occupied by one or more permanent structures (including paved roads and paved parking lots) which are not used for rural residential, agricultural production, agricultural cultivation, or agricultural processing purposes, which were in existence prior to the imposition of EFU zoning, and which now cover at least 50 percent of the parcel on which they are located. These criteria for showing that a parcel is physically developed as an urban use despite being in an EFU zone are very narrowly drawn in order to recognize instances where effectively urbanized small parcels should meet the tests for a locational adjustment, while preventing development alone from being justification for waiving the retention of the agricultural lands standard.

Metro will be undertaking a comprehensive review and revision of all UGB code requirements as part of its periodic review of the UGB this fiscal year. This one change has been separated out from other needed revisions because one petition currently filed include property designated EFU which might be exempted from the onerous requirements of the current rules if the changes proposed were adopted.

Department of Land Conservation and Development requires 45 days notice of the final hearing on UGB code amendments. This notice has been given for October 11, 1988, for which the Council Intergovernmental Affairs Committee meeting is scheduled.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-261.

ES/sm
0005D/554
10/03/88

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)
CHAPTER 3.01 OF THE METROPOLITAN)
SERVICE DISTRICT CODE TO CLARIFY)
STANDARDS AND PROCEDURES FOR)
IDENTIFYING PROTECTED AGRICULTURAL)
LAND)

ORDINANCE NO. 88-261

Introduced by Rena Cusma,
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That paragraph 3.01.010(i) of the Code of the Metropolitan Service District is amended to read as follows:

[(i) "Irrevocably committed to non-farm use" means, in the case of a plan acknowledged by LCDC, any land for which a Goal No. 3 exception has been approved by LCDC, or in the case of a plan that has not yet been acknowledged by LCDC, land that not possible to preserve for farm use, within the meaning of Goal No. 2, Part 2.]

(j)] (i) "Vacant land" means:

- (1) for lots of one acre or less with a dwelling unit, not vacant land;
- (2) for lots of one acre or less with no dwelling unit, vacant land is the entire lot;
- (3) for lots in excess of one acre, vacant land is the gross area of a lot, less one acre multiplied by the number of dwelling units on the lot, but not less than zero.

2. That paragraph 3.01.040(a)(4) of the Metro Code is amended to read as follows:

(4) Retention of Agricultural Land.

(A) When a petition includes land with Class I - IV soils [that is not irrevocably committed to non-farm use] designated in the applicable comprehensive plan for farm or forest use consistent with the requirements of LCDC Goals No. 3 or 4, the petition shall not be approved unless it is factually demonstrated that:

(i) Retention of the agricultural land would preclude urbanization of an adjacent area already inside the UGB, or

(ii) Retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB, or

(iii) the property is a legal parcel or parcels 10 acres or smaller in aggregate zoned for Exclusive Farm Use under provisions of ORS chapter 215 and occupied by one or more permanent structures, including but not limited to roads and paved parking lots; and

aa the parcel(s) are not used for rural residential purposes or for agricultural production, cultivation, processing or marketing; and

bb the parcel(s) were in existence at the time Exclusive Farm Use zoning was applied to the property; and

cc all structures predate or have been built in compliance with applicable comprehensive plans and zoning regulations and now cover at least 50 percent of the aggregate parcel(s) on which they are located.

(B) Metro will issue notice to property owners within 250 feet of the boundaries of any property for which a UGB amendment is proposed consistent with the requirements of OAR 660-04-030(1).

3. Section 3.01.040(c) (1) of the Metro Code is amended to read:

(c) A petition to remove land from the UGB in one location and add land to the UGB in another location (trades) may be approved if it meets the following criteria:

[(1) Petitions proposing to add any Class I to IV soils not irrevocably committed to non-farm use shall not be approved unless:

(A) The addition is needed to remedy severe service provision or land use efficiency problems in the adjacent urban area; and

(B) There are no practical alternatives to the proposed boundary change to solve such problems.]

1
and
ser

(1) The requirements of paragraph 3.01.040(a)(4) of this chapter are met.

4. Section 3.01.053 of the Metro Code is established to read as follows:

Section 3.01.053 Notice of Proposed Action: For all locational adjustments to the UGB, Metro will issue notice to the Oregon Department of Land Conservation and Development, consistent with the requirements of ORS 197.610 - 197.625 and OAR 660-Division 18.

5. Section 3.01.055(C)(4) of the Metro Code is amended to read as follows:

(4) Oregon Department of Land Conservation and Development.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ES/sm
0005D/554
10/14/88

METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Case # 8803 Exhibit # 8
Offered by _____
Date received _____ By JH
METRO HEARINGS OFFICER

July 8, 1988

The Reverend Thomas W. Cummins
St. Francis of Assisi Episcopal Church
P. O. Box 445
Wilsonville, OR 97070

Dear Father:

Re: Contested Case No. 88-3 (St. Francis)

We have received your petition for a locational adjustment of Metro's Urban Growth Boundary and reviewed it for completeness. A copy of our review is attached. As it indicates, we need some additional material from you for your petition to be complete.

Please note that although you may have requested comment from service providers or local government in a timely fashion, we cannot consider your petition complete until those responses are received. If you anticipate any problem obtaining completed responses, let me know; I may be able to help. If you have any questions about any of the items checked "received but not complete" or "not received," please give me a call.

Metro rules require that your petition be completed within two weeks from receipt of this notice. You may submit any additional findings or information not required for completeness to Metro at any time prior to notice of the hearing, which will be scheduled once your petition is completed. Once the hearing is scheduled, any additional material should be forwarded directly to the hearings officer or presented at the hearing.

If you have any questions about this letter, or our process generally, please give me a call.

Sincerely,


Jill Hinckley
Land Use Coordinator

JH/gl
9849C/D2

Attachment

certified # P 617 811 488

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

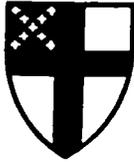
Applicant's Name:

St. Francis

Case # 9863 Exhibit # 9
Offered by _____
Date received _____ By JL
METRO HEARINGS OFFICER

Petition for Locational Adjustment
Check for Completeness

*	Requirement	Received, No Problems	Received But Not Complete, As Noted	Not Rcvd.	Date Compl.
1 A	1. Petition form	✓			
5 B	2. Tax lot map with request marked in red <i>and list of property owners w/in 250'</i>			✓	7-22
C C. H(1)	3. Service provider comment:				
	Sewer	✓			
	Water	✓			
	Schools			✓	"
	Fire			✓	"
	Transportation			✓	" ()
	Other: <i>storm drainage</i>			✓	"
4 D. H(4)(a)	4. Petition for annexation to Metro			✓	7-22
E, H(4)(b)	5. Signatures of 50% of owners of 50% of land	✓			
2 H(2)	6. Action by local government affected:				



S. FRANCIS OF ASSISI EPISCOPAL

Church Location: S.E. Corner I-5 and Miley Road (Charbonneau Exit)

Mailing Address: P.O. Box 445, Wilsonville, Oregon 97070

Telephone: (Aurora) 678-1880

Vicar: Thomas W. Cummins

July 20, 1988

Case # 8803 Exhibit # 10
Offered by _____
Date received _____ By JE
METRO HEARINGS OFFICER

Jill Hinckley
METRO
2000 SW First Avenue
Portland, OR 97201-5398

Dear Ms. Hinckley:

Attached please find the completed documentation requested in your letter of July 8, 1988.

We have included our check in the amount \$2,300 to cover administrative and hearings officer costs. Also included is a complete copy of our petition for annexation to Metro.

Should there be the need for additional information please call Mrs. Charlene Prieve at the church, 678-1880. I will be away on vacation until August 8, 1988, but we will take care of any further requests in my absence through Mrs. Prieve.

Thank you once again for all your help, it is appreciated.

Sincerely,

Thomas W. Cummins
Vicar

TWC/cp

Enclosures

Request for Comment from Service

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: City of Wilsonville
Name of Service Provider

From: St. Francis of Assisi Episcopal Church
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 25, 1988.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

- Support Approval
- Oppose Approval
- Have No Comment
- Support with Conditions

Comments and explanation (explain any conditions) See Resolution No. 672

(Attach additional pages if needed.)

Signed Wayne C. Sorensen

Date July 19, 1988

Title Planning Director
Storm Drainage

File

RESOLUTION NO. 672

A RESOLUTION EXPRESSING THE CITY COUNCIL'S SUPPORT FOR AN URBAN GROWTH BOUNDARY AMENDMENT AND ANNEXATION REQUESTED BY ST. FRANCIS OF ASSISI (EPISCOPAL CHURCH) FOR ABOUT 4.423 ACRES OF LAND IDENTIFIED AS TAX LOTS 2800 AND 2900, T3S-R1W, SECTION 26, CLACKAMAS COUNTY, OREGON.

WHEREAS, St. Francis of Assisi Episcopal Church has formally requested annexation to the City of Wilsonville and has begun to prepare an application requesting an Urban Growth Boundary amendment from the Metropolitan Service District (Metro); and

WHEREAS, the City Council previously approved an extraterritorial sewer service to the St. Francis Church on July 19, 1982; and

WHEREAS, the Portland Metropolitan Area Local Government Boundary Commission reviewed and approved a change amending the City's service area boundary to allow an extraterritorial sewer connection to the St. Francis Church in March, 1983; and

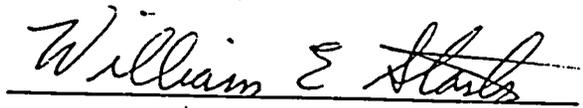
WHEREAS, the actual Urban Growth Boundary Amendment, if granted by Metro, will require a future Comprehensive Plan Map amendment by the City after scheduling the appropriate land use hearings before the Planning Commission and City Council; and

WHEREAS, the subject property has been physically developed for use as a church; is located adjacent to the City's existing Urban Growth Boundary and, logically, would be best served by connection to the City water and sewer services to serve the present facility and future expansion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby declare its support for and recommends approval of St. Francis of

Assisi's request for an Urban Growth Boundary Amendment from Metro and, additionally, supports the church's request for annexation to the City.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 20th day of June, 1988, and filed with the Wilsonville City Recorder this same date.



WILLIAM E. STARK, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Wayne C. Sorensen, Planning Director 
DATE: June 20, 1988
RE: Resolution Supporting St. Francis of Assisi Request for an Urban Growth Boundary Amendment and Annexation.

I have prepared a Resolution for the City Council which confirms the Council's support for the requested Urban Growth Boundary Amendment and eventual annexation of the church property to the City (see attached).

Given the prior history of the property and the fact that it has already been developed, I recommend that the Council support Father Cummins' request. The decision to amend the UGB is within Metro's authority and a hearing (at Metro) will be scheduled later this summer.

wcs:jme

Request for Comment from Service

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Tualatin Fire District
Name of Service Provider

From: St. Francis of Assisi Episcopal Church
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 25, 1988.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

- Support Approval
- Oppose Approval
- Have No Comment
- Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed Bob Hart Bob Hart Date 7/20/88
Title Dep. Fire Marshal

Request for Comment from Service

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Department of Transportation
Name of Service Provider

From: St. Francis of Assisi Episcopal Church
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 25, 1988.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

- Support Approval
- Oppose Approval
- Have No Comment
- Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed [Signature]

Date 7/20/88

Title DIST. MAINT. SUPV.

Request for Comment from Service

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Canby Elementary School District #86
Name of Service Provider

From: St. Francis of Assisi Episcopal Church
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 25, 1988.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

Support Approval Oppose Approval
 Have No Comment Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed Milt Dennis

Date 7/19/88

Title Superintendent

Petition for Locational Adjustment
Metro's Urban Growth Boundary (UGB) (check one):

X addition _____ removal

Note: To add land in one location and remove land in another, please complete one form for the addition and another for the removal.

1. a. Petitioner's name and address:

St. Francis of Assisi Episcopal Church
14369 South Miley Road
Aurora, OR 97002
Phone number: 678-1880

b. Contact person, if other than petitioner (consultant or attorney) or if petitioner is a local government:

The Reverend Thomas W. Cummins, Vicar
Earl Lathrop - Coordinator-Building Project
Phone number: 678-1880

2. What is petitioner's interest in the property:

- X Property Owner
- _____ Contract Buyer
- _____ Option to buy
- _____ Other legal interest (Specify: _____)
- _____ Local government

3. County in which property is located: Clackamas

4. If the locational adjustment requested were approved, would you seek annexation to (or de-annexation from) a city?

X Yes, the City of Wilsonville
_____ No

5. Description of properties included in the petition (list each lot individually and attach a copy of the appropriate tax assessor's map(s)):

a. Legal Description (Township, Range, Section, Lot): Tax lot 2800 and 2900, S26, T3S, R1W, W.M.

- b. Acres: 3.97
- c. Owner's Name & Address (Mark "Same" if same as petitioner): Same
- d. Improvements on property (e.g., none, Church and Parking Lot one single family dwelling, barn, gas station, etc.):

Attach additional sheets as needed.

6. a. What sewerage facilities currently serve the property?

None, all land is vacant

Package sewage treatment plant

Sewer Line to public system

Septic Tank

- b. If septic tanks, have any septic tanks in the area failed?

Yes, (Explain: _____)

No

7. How close is the nearest sewer trunk? 1/2 mile

8. a. Are additional sewer trunks for the area planned?

Yes No

- b. If yes, how close to the property would planned sewer lines run? _____

9. How is water provided to the property?

Private Well

inch water line provided by _____ (city or water district)

No water provided

10. How close is the nearest water main? ½ mile-Under I-5 Bridge to Charbonneau

11. a. Are additional water mains for the area planned?

 Yes X No

b. How close to the property would planned water lines run?

12. Are there any natural or man-made boundaries to development running along or near your property (rivers, cliffs, etc.)?

 X Yes (Describe: State property - I-5 Exit)

 Mark location on assessor's map or attach other map or photo.

 No

13. What is the current local plan designation of the property? Agricultural

14. What is the current local zoning designation? G.A.D. General Agricultural District

15. Does the comprehensive plan identify any natural hazards in this area?

 Yes (Describe and explain applicable comprehensive plan policies:)

 X No

16. Does the comprehensive plan identify any natural or historic resources in this area?

 Yes (Describe resources and explain applicable plan policies:)

 X No

17. How do you plan to develop the property if your petition is approved?

Building a church which will be attached to existing parish hall and adding additional parking facilities.

18. On a separate sheet of paper, please discuss how approval of your petition would comply with each of the applicable standards from the Metro Code (attached green sheets). Only petitions found consistent with these standards may be approved. Metro staff will use the information received from

this petition, the local government, and other sources as needed, to prepare a list of questions for the Hearings Officer on whether these standards have been met. You and other parties may then submit any additional testimony in support of or opposition to the petition at the hearing. The Hearings Officer will then weigh the testimony received and submit the findings and recommendations to the Metro Council for action.

18. Petitioners Signatures

I/WE THE UNDERSIGNED HEREBY PETITION THE METROPOLITAN SERVICE DISTRICT TO ADD TO/REMOVE FROM THE URBAN GROWTH BOUNDARY THE PROPERTY DESCRIBED HEREIN.

SIGNED,

<u>Name</u>	<u>Tax Lot</u>	<u>Date</u>
<u>Thomas W. Cummins, Vicar</u>	<u>2800 & 2900, S26 T3S, R1W, W.M.</u>	<u>June 27, 1988</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

JH/gl
2383B/223
05/07/87

Item 18 - Locational Adjustment Standards

Incorporation of the petitioner will result in substantive improvements in accordance with the prescribed standards in the following ways.

(Item 1)

1. Water at present is provided from an approved on site well which will be continued.
2. Sewerage will be changed from a septic tank and drain field to a connection to the Wilsonville sewer system.
3. Storm drainage is distributed on site through "daylighting" to a local on site stream.
4. Transportation and school services are not involved since this is a church site not in need of these services.
5. Fire protection would be provided by the Tualatin Fire District which is closer to this site than the Aurora District which now provides such service.

(Item 2)

This being an isolated four acre parcel surrounded on three sides by State and Federal highways and the fourth side by a stream, the land use has maximum efficiency in its use for church purposes.

(Item 3)

The major consequence in this boundary adjustment will be social rather than environmental, energy, economic or other. Social consequences will be a church available to serve the needs of the community which has not been previously available.

(Item 4)

A variance from agricultural use to church use for this parcel has previously been approved by Clackamas County.

(Item 5)

Compatibility of the proposed boundary adjustment will not in any way impact the present status quo wherein the property is already in use as a church property and will continue as such in future.

(Item 5, No. 2)

We believe the proposed boundary addition to be clearly superior for the following reasons.

- A. This parcel is served by the community of Wilsonville as a marketing area due to its adjacent location.

- B. The church is listed in the telephone directory as Wilsonville,
- C. Our postal address is Wilsonville.
- D. The vast majority of our parishioners live in Wilsonville.
- E. Our Diocesan headquarters planned for a church in Wilsonville and St. Francis is listed in our national and local publications as being there.

(Item 5, No. 3)

Our parcel of land is four acres thus we would be compatible with this provision.

(Item 5, No. 4)

This is not an attempt to remedy a mistake that was made at the time the UGB for the area was adopted but it is clear that if we had known of this boundary matter we would have requested a change when the area was affected.

RESOLUTION NO. 672

A RESOLUTION EXPRESSING THE CITY COUNCIL'S SUPPORT FOR AN URBAN GROWTH BOUNDARY AMENDMENT AND ANNEXATION REQUESTED BY ST. FRANCIS OF ASSISI (EPISCOPAL CHURCH) FOR ABOUT 4.423 ACRES OF LAND IDENTIFIED AS TAX LOTS 2800 AND 2900, T3S-R1W, SECTION 26, CLACKAMAS COUNTY, OREGON.

WHEREAS, St. Francis of Assisi Episcopal Church has formally requested annexation to the City of Wilsonville and has begun to prepare an application requesting an Urban Growth Boundary amendment from the Metropolitan Service District (Metro); and

WHEREAS, the City Council previously approved an extraterritorial sewer service to the St. Francis Church on July 19, 1982; and

WHEREAS, the Portland Metropolitan Area Local Government Boundary Commission reviewed and approved a change amending the City's service area boundary to allow an extraterritorial sewer connection to the St. Francis Church in March, 1983; and

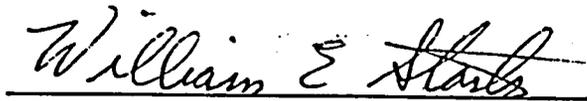
WHEREAS, the actual Urban Growth Boundary Amendment, if granted by Metro, will require a future Comprehensive Plan Map amendment by the City after scheduling the appropriate land use hearings before the Planning Commission and City Council; and

WHEREAS, the subject property has been physically developed for use as a church; is located adjacent to the City's existing Urban Growth Boundary and, logically, would be best served by connection to the City water and sewer services to serve the present facility and future expansion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby declare its support for and recommends approval of St. Francis of

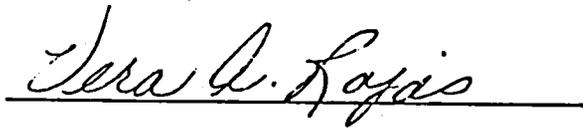
Assisi's request for an Urban Growth Boundary Amendment from Metro and, additionally, supports the church's request for annexation to the City.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 20th day of June, 1988, and filed with the Wilsonville City Recorder this same date.



WILLIAM E. STARK, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

Case # 2003 Exhibit # 17
Offered by _____
Date received _____ By JE
METRO HEARINGS OFFICER



PLANNING DIVISION

JOHN C. McINTYRE DOMINIC T. MANCINI
Director Planning Director

NAME: St. Francis of Assisi Episcopal Church
FILE NO.: 613-82-D
REPORT DATE: February 9, 1983

DESIGN REVIEW STAFF REPORT

CLACKAMAS COUNTY PLANNING DIVISION

Proposal. To construct a parish hall (phase I) as part of a church facility to be used in conjunction with an existing school building for church administration and practices. (Phase II not included)

Applicant. St. Francis of Assisi Episcopal Church

Location. 14364 S. Miley Road in the Wilsonville area.

Legal Description. T3S, R1W, Section 26, Tax Lot 2800 and 2900, W.M.

Zone. GAD, General Agricultural District

Comprehensive Plan. Agriculture

Site Information. The subject property is approximately 3.9 acres in size. There is a slight slope to the east towards an escarpment that extends steeply to a drainage along the east property line. Vegetation on the property includes mature Douglas fir, walnut and apple trees. In addition, there are field grasses, Scotchbroom and Blackberries throughout the site. Existing improvements on the site consist of an old school building proposed to be used as church administration offices.

Vicinity Information. The subject property is located on the south side of Miley Road (Eilers Road) adjacent to the Interstate 5 freeway that is located to the west. To the north is a single family residence and more northeasterly the Charbonneau Development. To the east and south of the property is agricultural land. The Wilsonville city limits boundary is Miley Road and includes that area north of the road.

Decision. The Planning Division staff approves this request subject to the following conditions:

1. The applicant shall submit documentation verifying boundary commission approval prior to building permit issuance.



2. All utilities shall be placed underground in accordance with subsection 1006.02C of the Clackamas County Zoning and Development Ordinance.
3. All grading of the site shall comply with Chapter 70 of the Uniform Building Code. If grading work is to be started prior to building permit issuance, a separate grading permit will be required through the Department of Environmental Services.
4. The applicant shall obtain a permit from the Oregon Department of Transportation for all work done in the state right-of-way.
5. All storm detention facilities and associated drainage plans shall be approved by the county engineer.
6. The proposed front pathway shall be constructed as shown on the submitted plans with a minimum 2" sub-base overlaid with a minimum 4" concrete surface to provide capability for emergency vehicles usage. Expansion joints are discretionary and may be preferable to break up the solid appearance and resist breakage.
7. The applicant shall submit the proposed sign design for approval prior to placement. Such signs shall not exceed 18 square feet and be illuminated by indirect lighting only, as identified in subsection 1010.04H of the Clackamas County Zoning and Development Ordinance.
8. The proposed color scheme of natural tones, (clear, tan and brown stains), is acceptable.
9. The proposed parking lot light fixtures shall be selected or placed in a manner that will not glare onto the freeway/Hubbard Road to the west.
10. This approval is for phase I only and the proposed phase II building will need specific design review approval.
11. The proposed landscape plan is approved as submitted.
12. The applicant shall meet those conditions of the approved conditional use permit as identified in file 913-81-C.

JB:elk
1/16-17

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION
320 S. W. Stark (#530) - Portland, Oregon 97204 - Tel: 229-5307

FINAL ORDER

Re: PROPOSAL NO. W-304 - FORMATION OF THE ST. FRANCIS OF ASSISI
EPISCOPAL CHURCH COMMUNITY WATER SYSTEM

Proceedings on Proposal No. W-304 commenced upon receipt by the Boundary Commission of preliminary plans from the property owners on February 24, 1983. The plans meet the requirements for initiating this action as provided by ORS 199.464.

Upon receipt of the plans the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on March 31, 1983. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

FINDINGS

(See Findings in Exhibit "A" attached hereto).

REASONS FOR DECISION

(See Reasons for Decision in Exhibit "A" attached hereto).

ORDER

NOW THEREFORE IT IS ORDERED THAT on the basis of the Findings and Reasons for Decision listed in Exhibit "A", the Boundary Commission approved PROPOSAL NO. W-304, the proposed Formation of the St. Francis of Assisi Episcopal Church Community Water System to service the area, more particularly described in Exhibit "B" and depicted on the map attached hereto. The Boundary Commission took this action on March 31, 1983, which is the effective date of this Order.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

Date: April 21, 1983

By: Carol Steele
Carol Steele
Vice-Chairman

Attest: Kenneth A. Hunt

FINDINGS

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

1. The territory to be served contains 3.97 acres, an existing building, previously used as a school and fraternal lodge, now being used as a church, and is evaluated at \$42,650.
2. The property owner desires to build a new church on the site served by a well. Because the water will be for public consumption, the proposed water system falls within the definition of a community water supply system requiring Boundary Commission approval.
3. The territory is located on the south edge of, and outside of the acknowledged regional Urban Growth Boundary. The Clackamas County Comprehensive Plan is acknowledged. This area is included on the county's Rural/Natural Resource Plan and is designated Agriculture and is zoned GAD (General Agricultural District). On May 24, 1982 Clackamas County approved a conditional use permit to establish a church, sanctuary, Sunday School and church offices on the property. The Sunday School and church offices would be housed in an old school building, and a new church building will be built to accommodate a congregation of approximately 150 persons.

The County Plan contains five water policies (p. 136). These policies were considered:

Public Facility--

POLICY #11. "Develop a countywide program for domestic water source development." This policy does not apply here.

POLICY #12. Require all public water purveyors to design the extension of water facilities at levels consistent with the land use patterns in the plan."

The proposed land use has been approved by Clackamas County as being in conformance with the comprehensive plan. The proposed water system is to serve only the approved church facilities.

POLICY #13. "In urban areas, require water purveyors to coordinate the extension of water service with other key facilities--i.e. sanitary and storm drainage facilities, which are necessary to serve additional lands."

This policy does not apply because the area under consideration is not an urban area.

POLICY #14. "Encourage development in urban areas where supportive urban water facilities already exist."

The Wilsonville staff indicated to the Boundary Commission staff that there is no vacant land in the Wilsonville UGB available for community uses such as the proposed church.

POLICY #15. "Require water service purveyors to provide water services for non-urban areas at levels which are appropriate for non-urban uses."

The proposed structures are proposed to be served from the well will be served with 1" pipe. This distribution system will not create pressure on the surrounding agricultural uses to convert to non-agricultural uses. The church indicates they have no intent to serve any uses from the well other than the proposed church uses.

Agriculture Plan

POLICY #4. "New public water and sewer facilities shall not be allowed in agricultural areas."

The proposal appears to violate this plan policy. The staff asked Clackamas County to respond to the interpretation of the application of this plan policy to the proposal.

The County's Plan Policies addresses "Public" water systems and private water systems based upon who owns the system, whereas the Boundary Commission's definition of public water is based on who consumes the water. Under the county's definition of "public water", Plan Policy No. 15 does not apply because the water system is a private system.

The County determined that:--"The formation of a privately owned and operated community water system, limited to the applicant's property and sized to meet only the church's need, is consistent with the County's Plan Policies and should not create additional growth pressure or compromise the county's Agricultural Land Goals.

The church, in a March 25, 1983 letter to the Boundary Commission, has stated that "the well will not now, nor in the future be used to supply water needs of any other party or parties."

4. Water. The existing structure on the site is served by an existing well which has been tested to yield 83 gallons per minute. It is proposed that this well will serve the Phase I development parish hall and the Phase II development future church. The well is located in about the middle of Tax Lot 2801. The existing structure is located on Tax Lot 2900. They are connected by a 1" line. The proposed new structures are to be served by 1" pipe.

Sanitary Sewer. The church proposes to obtain sanitary sewer service from the City of Wilsonville via a line owned by the State Highway Division serving the rest area south of Wilsonville. The State extended a gravity main from the city's pump station located at the southeast corner of the I-5/Willamette River crossing. The extension runs south along the east side of the freeway to serve the State Highway rest stop. (See Exhibit "B"). The church proposes to extend a 4 - 6" line west and connect to this line. The line serving the rest area is owned by the State Hwy. Div. and was approved by the Boundary Commission on January 9, 1974 (Proposal No. S-1). At the time the extension was approved the Highway Division indicated it was not their intent to serve other users from the line.

The State Hwy. Division has granted approval for the extension of this main to serve the church. The church would be responsible for maintenance of its line extension and would be billed directly by the city for service based on estimated flow. The city has agreed to the connection and to treat the effluent. The church's line must be bored under the freeway interchange road. (This line extension is not reviewable by the Boundary Commission because it will be a gravity line smaller than 8 inches.)

REASONS FOR DECISION

Based on the Findings the Commission determined that:

1. The proposed church use has been approved by Clackamas County; the use and the provision of a private water system to it are in compliance with the County's Comprehensive Plan.
2. The church's water demand will be equivalent to a single family residence; the proposed system will provide adequate service to the church.
3. The church has stated its intent not to provide service to any other land uses.

Formation
of
ST. FRANCIS OF ASSISI EPISCOPAL CHURCH COMMUNITY WATER SYSTEM
Description of Plan and Service Area

The Plan provides for the connection of two church buildings to a well by one-inch pipes. The service area consists of Tax Lots 2800 and 2900 Sec. 26, T3S, R1W., W.M. Clackamas County, Oregon...which are more particularly described below:

TAX LOT 2800:

Part of Section 26, T. 3 S., R. 1 W., of the W. M., and part of the George L. Curry D. L. C. in Section 26, T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the point of intersection with the southwesterly boundary of Parcel II decreed to the State of Oregon by and through its State Highway Commission by Final Judgment filed April 4, 1971 in Case No. 73079, Circuit Court, Clackamas County and the easterly line of that parcel described in Deed to Louis VanDeMoortele recorded March 4, 1935 in Book 226, page 347, Deed Records; thence Southwesterly along said easterly line 700 feet, more or less, to a point of intersection with the easterly boundary of Parcel I decreed to the State of Oregon by and through its State Highway Commission in Final Judgment above described; thence Northwesterly and northerly along said easterly boundary of Parcel I to the westerly boundary of a tract of land conveyed to School District No. 60 by Deed recorded April 28, 1878 in Book "p", page 56, Deed Records; thence South along said westerly boundary to the southwest corner thereof; thence East along the south boundary thereof to the southeast corner thereof; thence North along the east boundary of the said School District No. 60 property to a point in the southwesterly boundary of Parcel II above described; thence Southeasterly along the southwesterly boundary of Parcel II above described to the point of beginning.

TAX LOT 2900:

A part of the D. L. C. of George L. Curry, Notification No. 1438 and Claim No. 43 in Section 26, T. 3 S., R. 1 W., of the W. M., described as follows:

Beginning at a point 858 feet east of the southwest corner of said Claim; thence North 208 1/100 feet; thence East 208 1/100 feet; thence South 208 1/100 feet; thence West 208 1/100 feet to the point of beginning.

EXCEPTING THEREFROM those parcels conveyed to the State of Oregon, by and through its State Highway Commission in Deed recorded September 22, 1969, Fee No. 69 19942.

3
1W 23DC

Proposal No. W-304

N.W. COR.
GEORGE L. CURRY
D.L.C. NO. 43
RECORD LC NO 42

INTERSTATE HWY. NO. 5

23 24
26 25

Wilsonville

86-14

6-06

2700
18.25Ac

S.W. COR.
D.L.C. NO
43

NO. 27

2800
5.44 Ac

3000
58.07Ac

NE MILEY RD.

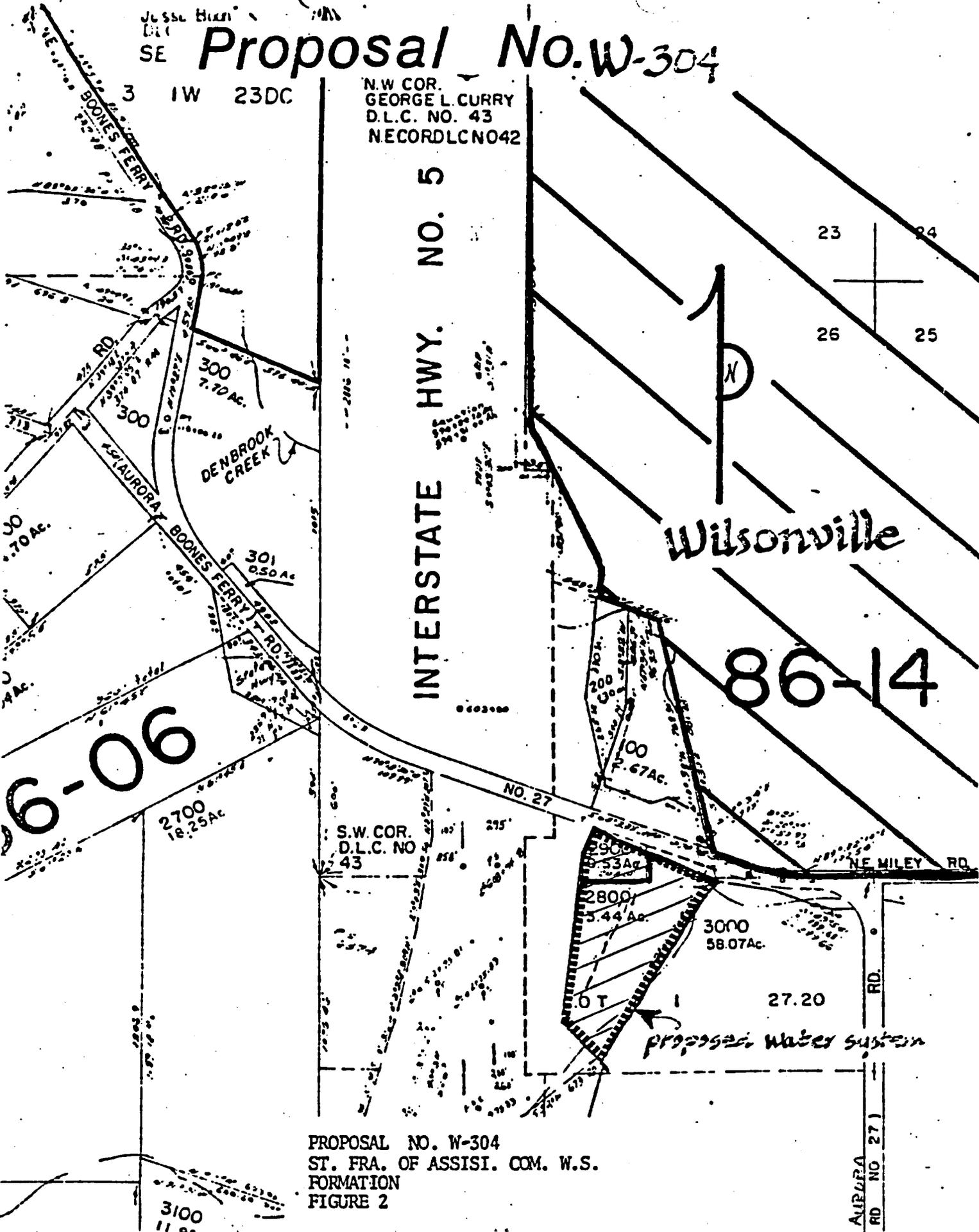
27.20

proposed water system

PROPOSAL NO. W-304
ST. FRA. OF ASSISI. COM. W.S.
FORMATION
FIGURE 2

3100
11.00

AURORA
RD NO 27



PROPOSAL NO. W-304 - ST. FRANCIS OF ASSISI EPISCOPAL CHURCH
Formation of a Community Water System

Petitioner: The Diocese of Oregon

90th Day: 5/25/83

The plans for the proposed formation of a community water system meet the requirements for submitting a proposal as set forth in ORS 199.464.

The territory to be served contains 3.97 acres, an existing school building which had been used by the Moose Lodge and is now being used as a temporary church, and is evaluated at \$42,650.00. The system is proposed to serve approximately 125 church members.

The proposal involves the formation of a community water system to serve a proposed church, sanctuary, and Sunday School. The territory to be served is located south of Wilsonville on the south side of Miley Rd. near its intersection with I-5, and east of Aurora Rd.

Reason for Formation. The proposed water system is to serve a church and a parish. There is currently a building on the site which has been used by the Moose Lodge. This building is served by an existing well and is being used as a temporary church.

Land Use and Planning:

Site Characteristics. The topography of the property is generally sloping in nature, with the majority of the property having a gradual downhill slope to the north, northeast. The exception to this topography pattern is the extreme eastern portions of the property. A creek flows through the property, generally following the easternmost property boundary. Improvements on the property consist of an old school building more recently being used as a "Moose Lodge".

The property is bordered on the west by Interstate 5. The property to the north is within the City of Wilsonville. The Charbonneau subdivision is to the northeast. Property to the east and southeast is under cultivation.

Clackamas County Planning. The Clackamas County Comprehensive Plan is acknowledged. This area is included on the county's Rural/Natural Resource Plan and is designated Agriculture and is zoned GAD (General Agricultural District). On May 214, 1982 Clackamas County approved a conditional use permit to establish a church, sanctuary, Sunday School and church offices on the property. The Sunday School and church offices would be housed in an old school building, and a new church building will be built to accommodate a congregation of approximately 150 person.

The County Plan contains five water policies (p.136). The policies are discussed below:

Public Facility--

POLICY #11. "Develop a countywide program for domestic water source development."

This policy does not apply here.

POLICY #12. "Require all public water purveyors to design the extension of water facilities at levels consistent with the land use patterns in the plan."

The proposed land use has been approved by Clackamas County as being in conformance with the comprehensive plan. The proposed water system is to serve only the approved church facilities.

POLICY #13. "In urban areas, require water purveyors to coordinate the extension of water service with other key facilities--i.e. sanitary and storm drainage facilities, which are necessary to serve additional lands."

This policy does not apply because the area under consideration is not an urban area.

POLICY #14. "Encourage development in urban areas where supportive urban water facilities already exist."

The Wilsonville staff indicated to the Boundary Commission staff that there is no vacant land in the Wilsonville UGB available for community uses such as the proposed church.

POLICY #15. "Require water service purveyors to provide water services for non-urban areas at levels which are appropriate for non-urban uses."

The proposed structures are proposed to be served from the well will be served with 1" pipe. This distribution system will not create pressure on the surrounding agricultural uses to convert to non-agricultural uses. The church indicates they have no intent to serve any uses from the well other than the proposed church uses.

Agriculture Plan

POLICY #4. "New public water and sewer facilities shall not be allowed in agricultural areas."

The proposal appears to violate this plan policy. The staff has asked Clackamas County to respond to the interpretation of the application of this plan policy to the proposal. See the letter to Larry Kato, attached as Exhibit "A".

Facilities and Services:

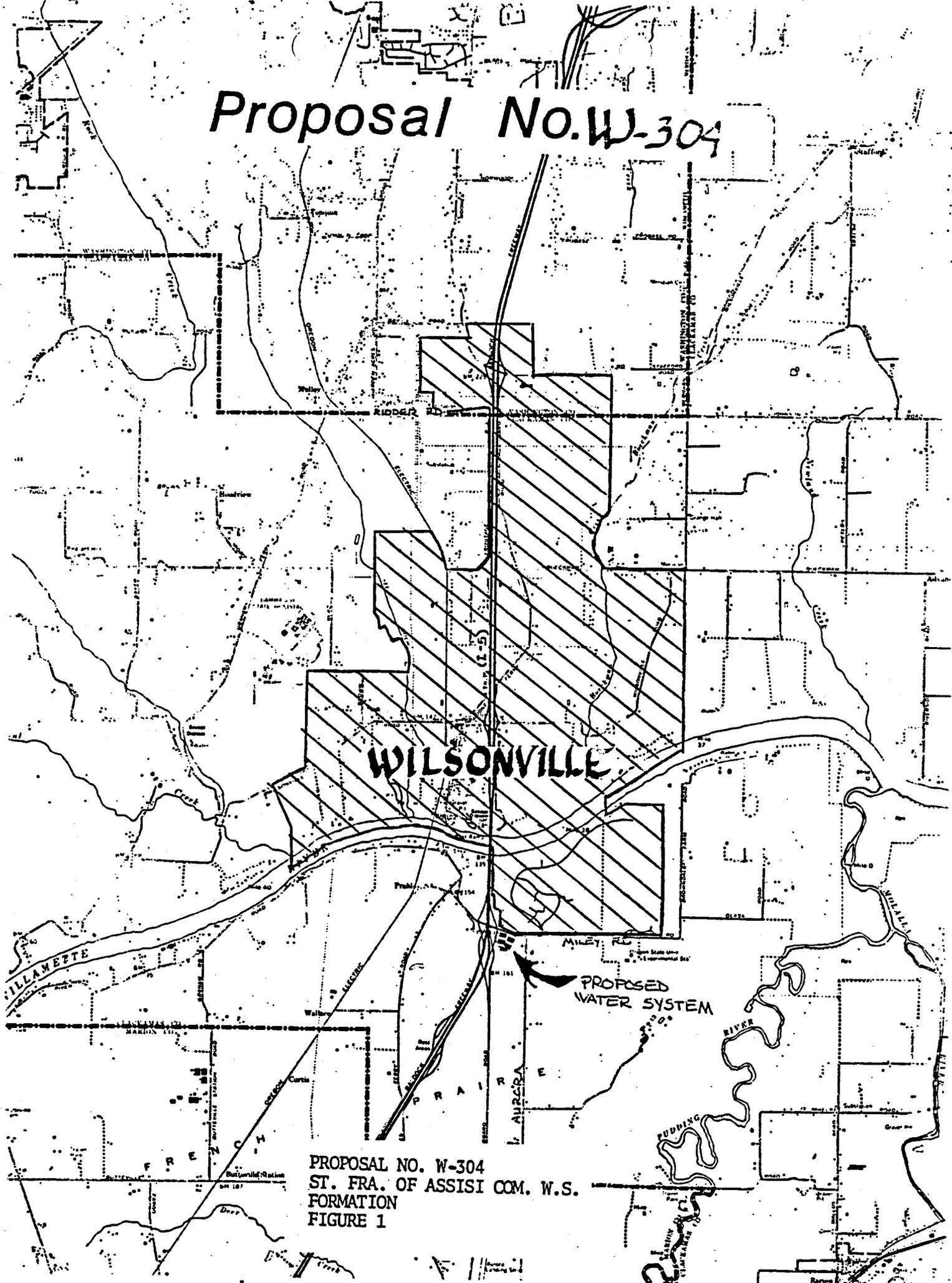
Water. The existing structure on the site is served by an existing well which has been tested to yield 83 gallons per minute. It is proposed that this well will serve the Phase I development parish hall and the Phase II development future church. The well is located in about the middle of Tax Lot 2801. The existing structure is located on Tax Lot 2900. They are connected by a 1" line. The proposed new structures are to be served by 1" pipe.

Sanitary Sewer. The church proposes to obtain sanitary sewer service from the City of Wilsonville via a line owned by the State Highway Division serving the rest area south of Wilsonville. The State extended a gravity main from the city's pump station located at the southeast corner of the I-5/Willamette River crossing. The extension runs south along the east side of the freeway to serve the State Highway rest stop. (See Exhibit "B"). The church proposes to extend a 4 - 6" line west and connect to this line. The line serving the rest area is owned by the State Hwy. Div. and was approved by the Boundary Commission on January 9, 1974 (Proposal No. S-1). At the time the extension was approved the Highway Division indicated it was not their intent to serve other users from the line.

The State Hwy. Division has granted approval for the extension of this main to serve the church. The church would be responsible for maintenance of its line extension and would be billed directly by the city for service based on estimated flow. The city has agreed to the connection and to treat the effluent. The church's line must be bored under the freeway interchange road. (This line extension is not reviewable by the Boundary Commission because it will be a gravity line smaller than 8 inches.)

Recommendation. The staff is not prepared to make a recommendation at this time. A response from the County regarding conformance with the Comprehensive Plan is expected prior to the public hearing. Findings and a recommendation would then be prepared to be available at the public hearing.

Proposal No. W-304



PROPOSAL NO. W-304
ST. FRA. OF ASSISI COM. W.S.
FORMATION
FIGURE 1

File Copy

W-304

EXHIBIT

A

PROPOSAL NO. W-304

March 22, 1983

Larry Kato, Sr. Planner
Clackamas County Planning Div.
902 Abernethy Rd.
Oregon City, Ore. 97045

Dear Larry:

Ref: Proposal No. W-304
St. Francis of Assisi (CWS Formation)

In reviewing Proposal No. W-304, a petition to form a community water system, the Boundary Commission staff has run into a problem in interpreting compliance with the county's comprehensive plan. I will lay out the relevant facts which lead to our problem:

1. The territory is planned and zoned for Agricultural use.
2. Clackamas County has approved a non-farm use (File No. 913-81-C) on the site (churches are allowable non-farm uses under ORS 215.213).
3. The Boundary Commission statute in ORS 199.464 (6) (c) defines a "community water supply system" as--"a source of water and distribution system whether publicly or privately owned which serves more than three residences or other users where water is provided for public consumption including, but not limited to, a school, farm labor camp, an industrial establishment, a recreational facility, a restaurant, a motel, a mobile home park, or a group care home."
This definition appears to be focused on systems which would be providing water consumed by the general public as opposed to private residential consumption. The development of a water system to serve a church would be a public water system covered by this definition.
4. Boundary Commission approval must be obtained to establish a community water system or to extend an existing system.
5. Boundary Commissions' decision regarding the formation or extension of a community water system must be consistent with local comprehensive planning and statewide goals (ORS 199.410 (2) (d)).

Larry Kato
Page Two
March 22, 1983

6. The territory involved in the formation of the water system for the St. Francis of Assisi Episcopal Church, is designated Agricultural on the County Comprehensive Plan. County Agricultural Plan Policy No. 4 provides--"new public water and sewer facilities shall not be allowed in agricultural areas." Approval of the establishment of a water system for the church would appear to violate this plan policy.

The Boundary Commission's dilemma is probably apparent to you. On the one hand the County has approved the non-farm use permit for the church. Failure to approve the proposed water system would effectively deny the church the proposed use of the property. If the land use approval conforms with the county's Plan and LCDC Goals, as suggested by the county's findings in approving the church use, it would appear the Boundary Commission should implement that decision by providing water service to the site.

On the other hand, the provision of water service to Agricultural lands appears to be specifically prohibited by County Agricultural Plan Policy No. 4. Can these two apparently contradictory directives be reconciled?

Because the Boundary Commission's determination on this matter hinges on interpretation of consistency with the County's Plan, we would appreciate your assistance in making this interpretation. A partial record of the Conditional Use Permit findings was provided with the Boundary Commission application for formation of the water system. The findings indicate the proposed water supply at the time of your review was either a private well or extension of water from the City of Wilsonville. I would note that the same dilemma would be encountered with the Wilsonville Water extension alternative.

The Boundary Commission's hearing on the water system formation is scheduled for March 31. A response from you prior to the hearing would be appreciated.

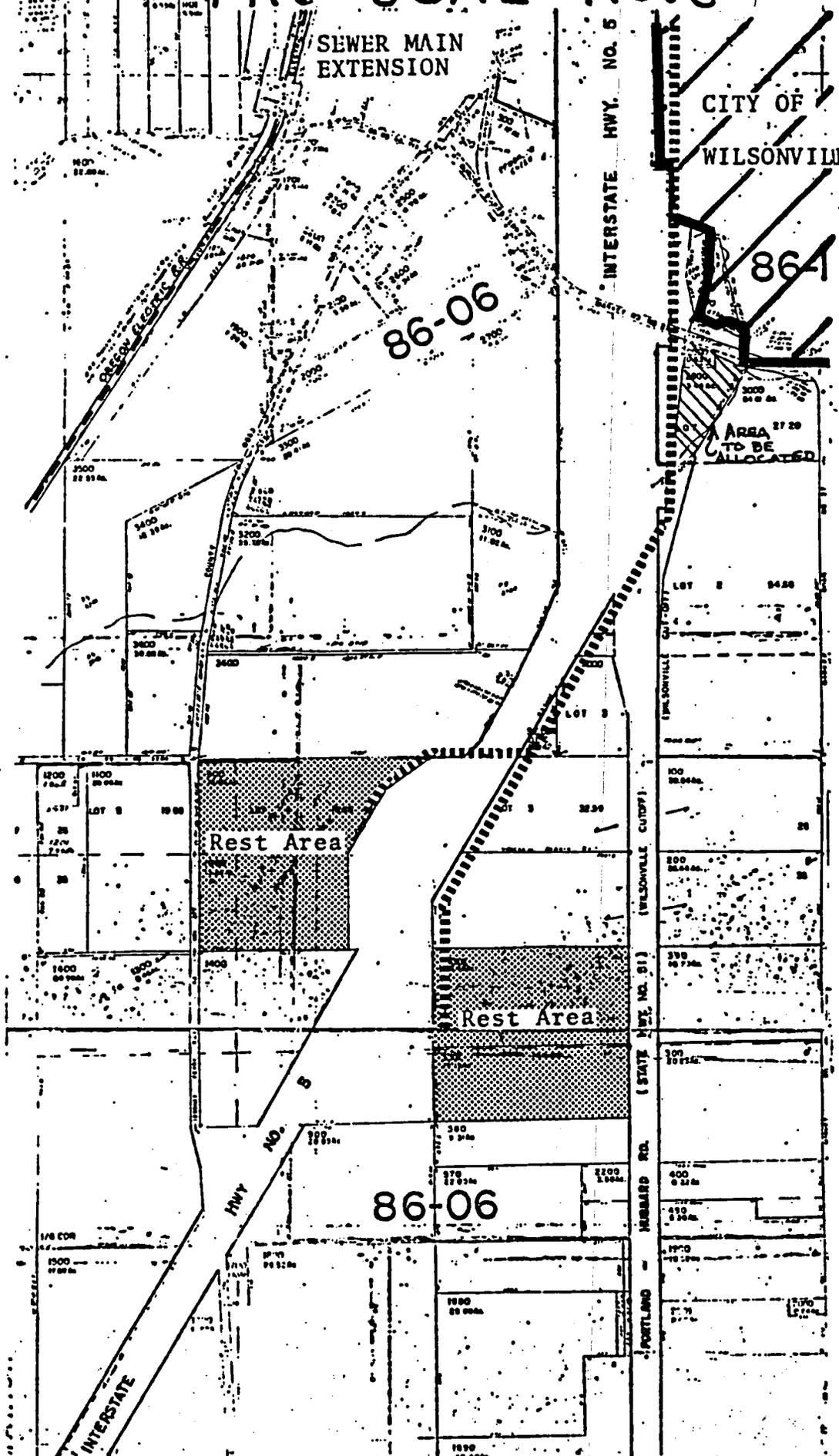
Sincerely,

Deniece Won
Executive Asst.

DW/jk
cc: Robert Martin, Architect
The Diocese of Oregon

PROPOSAL NO. S

EXHIBIT B
PROPOSAL NO. W-304



CITY OF
WILSONVILLE



April 19, 1982

The Honorable William Lowrie
Mayor of Wilsonville, Oregon
Wilsonville, Oregon 97070

My dear Mayor Lowrie:

The church, St. Francis of Assisi Episcopal Church of Wilsonville is a Mission of the Episcopal Diocese of Oregon. We are in our third year and have a congregation of 183 members, most of whom live in the Wilsonville area.

St. Cyril's Roman Catholic Church in Wilsonville has graciously provided use of their church for our worship services, but we are anxious to have our own home in Wilsonville. We have found the land and are excited about it. It is the 4+ acres at the S. W. corner of Eilers Road on I-5.

We want to retain the old school building which is so close to the history of Wilsonville and vicinity. Our plans call for its refurbishing and bringing up to building safety codes to use it as a social center for church and community activities. We are also planning a sanctuary to seat 150 people. The County Planning Commission has been petitioned for a change of the zone to accommodate our church. We have a meeting with the Hearing Officer in late May.

We are a part of Wilsonville. Our Vicar, Thomas Cummins, has been active in the association of Wilsonville ministers, and our congregation active in the total community.

We have a request to ask of you. We need the good services of Wilsonville's water system, sewage system, and if possible, the fire department. Our property lies adjacent to the city line, only being divided by Eilers Road. We therefore petition you to take favorable action which would afford us the use of these services at such a rate as you deem appropriate.

We look forward to assuming a part in the ongoing development and growth of Wilsonville and ask that you assist us in this effort by approving our petition.

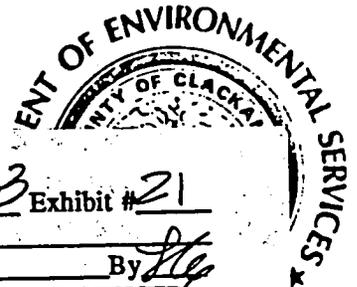
Sincerely yours,

Thomas W. Cummins, Vicar

RECEIVED

JUN 18 1982

CLACKAMAS COUNTY
PLANNING DEPARTMENT



Case # 8803 Exhibit # 21
Offered by _____
Date received _____ By He
METRO HEARINGS OFFICER

PLANNING DIVISION

JOHN C. McINTYRE Director
DOMINIC T. MANCINI Planning Director

FINDINGS AND DECISIONS OF THE HEARINGS OFFICER

File No.: 913-81-C

Applicant: The Diocese of Oregon, 11800 S.W. Military Lane, Portland, Oregon 97219.

Proposal: To establish a church, sanctuary, Sunday school and church offices on the subject property. The Sunday school and church offices would be housed in an old school building on the property. A new church building would be established to accommodate a congregation of approximately 150 persons.

Date Application Filed: April 13, 1982

Decision Rendered: May 24, 1982

Last Date to Appeal: July 3, 1982

Planning Division Recommendation: Approval, subject to conditions.
Staff Representative: Terry Curry.

Public Hearing: The public hearing was held at the Department of Environmental Services, 902 Abernethy Road, Oregon City, Oregon on May 24, 1982 at 10:45 a.m.

Speaking in Support of Request:

1. Thomas Cummins, Box 445, Wilsonville, Oregon.
2. Lyle Omdahl, 7990 Fairway Drive, Wilsonville, Oregon.

Community Organization Response: The Canby Area Neighborhood Development Organization was timely notified of this request but did not respond.

Speaking in Opposition to Request: None.

FINDINGS:

A. Subject Property:

1. Description: Tax Lots 2800 and 2900, Section 26, T3S, R1W, W.M., Clackamas County, Oregon.

2. Location: On the south side of Miley Road, near its intersection with the Interstate 5 freeway; Wilsonville area.

3. Zone: GAD, General Agricultural District.

4. Comprehensive Plan Designation: Agricultural.

5. Site Description: The subject property is approximately 3.97 acres in size. Vegetation on the property consists of Scotchbroom, grass, fir and deciduous trees, and blackberries. The topography of the property is generally sloping in nature, with the majority of the property having a gradual downhill slope to the north, northeast. The exception to this topography pattern is the extreme eastern portions of the property. A creek flows through the property, generally following the eastern most property boundary. This creek has a deep, steep valley and generally separates the subject property from areas to the east. Soils found on the subject property are Willamette silt loam, mottled substratum, 3 to 7% slope, agricultural site index IIe, no forest service site index. Improvements on the property consist of an old school building currently being used as a "Moose Lodge" (fraternal organization).

B. Vicinity Information:

The subject property is located in an area which is impacted by a variety of land uses. The property is bordered on the west by Interstate 5. The property to the north of the subject property is used for rural residential purposes. The area to the northeast of the subject property is the Charbonneau subdivision, an urban low density residential development within the city limits of Wilsonville. The 58 acre parcel to the east and southeast of the subject property is currently under cultivation and is being used for agricultural purposes.

C. Service Considerations:

On-site subsurface sewage disposal, private well (there is a possibility of public sewer and water being available from the City of Wilsonville, however, this has not been confirmed).

CONCLUSIONS:

A. Section 402.06 of the Clackamas County Zoning and Development Ordinance provides that churches may be permitted as a conditional use within the General Agricultural District when the proposed use complies with the appropriate Subsection of Section 800, satisfies the criteria listed in Section 1203, does not conflict with the purposes under Subsection 401.01 and does not interfere with the preservation of Big Game Winter Range Areas.

B. This request satisfies the requirements of appropriate Sections of Section 800 of the Clackamas County Zoning and Development Ordinance, as follows:

1. The application is in sufficient form to meet the minimum submittal requirements for conditions use applications set forth in Section 801.03; and,
2. With the exception of signs and off-street parking requirements, this application is consistent with the conditional standards specified in Section 804.01 for churches. Signs and off-street parking are addressed through conditions of approval.

C. The application satisfies the criteria for a conditional use permit set forth in Section 1203.01 of the Clackamas County Zoning and Development Ordinance as follows:

1. The use is listed as a conditional use in the underlying zoning district. Section 402.06 (B) (2) identifies churches as an allowable conditional use in the GAD zoning district; and,
2. Characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The size, shape and location of the subject property appear to be suitable for the proposed use. Given the proposed location of the church building, the topography of the extreme eastern portion of the property should not interfere with the establishment of a church facility;
3. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing and planned for the area affected by the use. Transportation system of the area is quite adequate for the proposed use. The property is easily accessible from I-5. Additionally, the property fronts on a major road

in the area which passes over I-5 and connects directly to Wilsonville.

- a. There is a possibility the property could be served by public sewer and water from the City of Wilsonville. However, this has not yet been determined. Conditions of approval will insure that the property is served by an adequate sewage system. The property is located within the Aurora Fire District;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for primary uses listed in the underlying zoning districts. With the exception of the land to the east and southeast of the subject property, properties in the area are currently developed. Area to the northeast is developed with a residential subdivision. The property to the north is located within an RRFF-5 zoning district, and is developed with a single family residence. The area to the west is I-5. The topography on the extreme eastern portion of the property is such that it tends to physically separate any use on the subject property from the area to the east and southeast. Property to the east and southeast is currently used for commercial farm purposes. However, the proposed use should have no detrimental impact on agricultural operations on that land.
5. The proposal satisfies the goals and policies of the Clackamas County Comprehensive Plan. Goals of the Agricultural Element which directly apply to this application are those which encourage the preservation of agricultural lands and the protection of agricultural lands from conflicting uses. This request does not conflict with those goals. While the subject property does contain soil suitable for the production of farm crops, the small size of the parcel and its location generally tend to limit its potential for agricultural use. The size of the parcel would limit its suitability for all but the most intensive agricultural uses. Due to the topography of the subject property and surrounding development, it is not feasible to combine the subject property with any adjacent ownerships to form a larger agricultural parcel. The property is not now in any agricultural uses.
 - a. It does not appear that the approval of this

application would introduce conflicting uses on agricultural land. Due to the topography of the extreme eastern portion of the property it does not appear the use of the subject property for a church would interfere with agricultural uses to the east and southeast.

D. The proposed use does not conflict with the purposes set forth in Section 402.01 of the Clackamas County Zoning and Development Ordinance. Request is consistent with those purposes for the same reason it is consistent with the Agricultural Element of the Comprehensive Plan as set forth above.

E. Approval of this application will not seriously interfere with the preservation of Big Game Winter Range areas identified on Comprehensive Plan Map III-3. Subject property is not within an area identified on that map as Big Game Winter Range Areas.

F. Section 401.09(B) of the Clackamas County Zoning and Development Ordinance provides that the maximum lot size for all conditional uses shall be no larger than the minimum land area required for the use and accessory elements for the use to minimize the impact on surrounding properties and limit the amount of land taken out of agricultural use. While it appears that the subject property may be somewhat larger than necessary to accommodate use of the subject property for a church facility, due to the topography of the property and surrounding development the request is reasonable. Reducing the size of the subject property to be only large enough to accommodate the church would leave something less than one (1) acre not being used in conjunction with the proposed use. It is not feasible to combine that leftover area with any adjoining agricultural uses. Approval of the application will not result in any land being taken out of agricultural use.

G. Approval of this application does not conflict with LCDC Goals 3 and 4. The request is consistent with those Goals for the same reasons it is consistent with the Clackamas County Comprehensive Plan. No other Goals are found to be directly applicable to the request.

DECISION: Approval, subject to the following conditions:

1. Approval by the Department of Environmental Services, Soils Division, of the means of subsurface sewage disposal. If the applicant can make arrangements with the City of Wilsonville for sewer service, the subsurface sewage disposal will not be necessary.
- 

2. The applicant shall obtain a building permit from the Department of Environmental Services, Building Division, for the proposed church building.
3. The applicant shall obtain all necessary permits for the moving and remodeling of the existing school building through the Department of Environmental Services, Building Division.
4. Design Review approval, including:
 - a. Exterior building design, material and color.
 - b. Landscaping.
 - c. On-site parking, loading and unloading, and traffic circulation.
 - d. Signs.
 - e. Ingress and egress to the county road.
5. The applicant shall submit plans for storm drainage, including provisions for detention, to the Department of Environmental Services, Operations Division.
6. The applicant shall obtain an Approach Road Permit from the State of Oregon, Highway Division.
7. Approval is for the basic use and site plan submitted by the applicant, to the extent it is consistent with all other conditions of approval.
8. Approval is subject to the above stated conditions, failure to comply with all conditions of approval will be cause for revocation of this permit.

DATED this 12th day of June, 1982


HEARINGS OFFICER

Copy mailed to Applicant
this 17th day of June, 1982.


HEARINGS OFFICER

ROBERT B. MARTIN, F.A.I.A.

ARCHITECT

30240 S.W. Parkway Ave., P.O. Box 634
Wilsonville, OR 97070
(503) 682-3100

Case # 8803 Exhibit # 22
Offered by _____
Date received _____ By [Signature]
METRO HEARINGS OFFICER

DATE: August 4, 1982

PROJECT: St. Francis of Assisi
Episcopal Church

JOB NO: 82-02

JOB MEMORANDUM

Meeting at Wilsonville City Hall with
Kerry J. Dayton, Assist. District Engineer, Department of Transportation
Richard Hart, Department of Transportation
Ben Altman, City Planner, City of Wilsonville, Oregon
Robert B. Martin, FAIA, Architect

Meeting was held to discuss the Church connecting to the sewer line that runs
from the State Rest Areas to the City of Wilsonville sewer plant.

The Department of Transportation will write an agreement between the Church
and Department allowing the connection from the project sewer line to the
State sewer line. All fees for connection and user fee will be paid to the City
of Wilsonville.

Connection fee will be \$1257.00 and the user fee will be \$10.50 per month.

The sewer line from the church property to the State sewer line will have
to be laid out by a sanitary engineer approved by the State. The line must
have a flow meter so the amount of sewage from the church can be measured.
This will be deducted from the amount the state uses since they pay by
amount of flow.

The Transportation Department will send all drawings necessary for design
to Robert B. Martin, Architect and he will coordinate between to State and
Design Engineer.

COPIES TO: Lyle Omdahl
Earl Lathrop
Fr. Tom Cummins



ST. FRANCIS OF ASSISI EPISCOPAL

Church Location: S.E. Corner I-5 and Miley Road (Charbonneau Exit)

Mailing Address: P.O. Box 445, Wilsonville, Oregon 97070

Telephone: (Aurora) 678-1880

Vicar: Thomas W. Cummins

Case # 8803 Exhibit # 23
Offered by _____
Date received _____ By [Signature]
METRO HEARINGS OFFICER

July 21, 1988

Deniece Won
Executive Assistant
Portland Boundary Commission
320 SW Stark #530
Portland, OR 97204

Dear Ms. Won:

Attached please find our petition to Metro requesting annexation to Metro and the City of Wilsonville.

I will be away on vacation from July 25, 1988 to August 8, 1988. Should you need further information or data, please contact Mrs. Charlene Prieve at 678-1880 who will be able to respond to your needs.

We have also provided you with a copy of our petition for amendment to the Urban Growth Boundary addressed to Ms. Hinckley dated July 20, 1988.

Thank you very much for your help in guiding us through this process, it is appreciated.

Sincerely,

T. W. Cummins

Thomas W. Cummins
Vicar

TWC/cp

Enclosures

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. Land Area: Acres 3.97 or Square Miles _____
- B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

Parcel is located at the SE corner of I-5 and Miley Rd. I-5 is entire western boundary. Miley Road is entire northern boundary. Property slopes off steeply to east and south which has a year round creek. Natural drainage to east. Area is designated general agricultural district.

- C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Tax Lot 31 W 25 319 - Miley Road. Vacant lot.

East: Tax Lot 31 W 26 3000 - General Agriculture

South: Same as east.

West: State of Oregon Interstate Highway #I-5.

- D. Existing Land Use:

Number of single family units 0 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses Church

What is the current use of the land proposed to be annexed:

Episcopal Church

- E. Total current year Assessed Valuation \$ 306,530.00

- F. Total existing population 0

II. REASON FOR BOUNDARY CHANGE

- A. ORS 199.462 of the Boundary Commission Act states: "When reviewing a boundary change, a boundary commission shall consider economic, demographic, and sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete) Applicant needs to have adequate water and sewer connections which are not available from any other source. Also we are

very close to the City of Wilsonville located on a small unique parcel of land isolated from any other useable land. In addition our post office is in Wilsonville along with our transportation and marketing centers.

B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.
Property is presently serving as church and we seek only to expand the present facilities.

III. LAND USE AND PLANNING

- A. Is the subject territory to be developed at this time? Building an addition
- B. Generally describe the anticipated development (building types, facilities, number of units).
We presently have a parish hall which has been used as a church, but we now plan to build the church and will convert the space we now use into a parish hall.
- C. If no development is planned at this time, will approval of this proposal increase the development potential of the property? No If so, please indicate in terms of allowable uses, number of units).
- D. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.
Yes, the petition does not change the use of the property.
- E. What is the zoning on the territory to be served? GAD
- F. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

<u>Approval</u>	<u>Project File #</u>	<u>Date of Approval</u>	<u>Future Requirement</u>
Metro UGB Amendment	—	—	—
City or County Plan Amendment	—	—	—
Pre-Application Hearing (City or County)	—	—	—
Zone Change (City or County)	—	—	—
Preliminary Subdivision Approval	—	—	—
Final Plat Approval	—	—	—
Land Partition	—	—	—
Conditional Use <u>613-82-D,D</u>	<u>913-81,C,D</u>	—	—
Variance	<u>59-86-V</u>	—	—
Sub-Surface Sewage Disposal	<u>S-389-83</u>	<u>8-30-83</u>	—
Building Permit	<u>BP 601-88</u>	<u>3-22-88</u>	—
	<u>BP 420-83</u>	<u>4-5-83</u>	—

Please submit copies () proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

G. Can the proposed development be accomplished under current county zoning?

Yes X No _____

If No,---has a zone change been sought from the county either formally or informally.

Yes _____ No _____

Please describe outcome of zone change request if answer to previous question was Yes.

H. Is the proposed development compatible with the city's comprehensive land use plan for the area?

: Yes X No _____ City has no Plan for the area _____

as the proposed development been discussed either formally or informally with any of the following? (Please indicate)

City Planning Commission X City Planning Staff X

City Council X City Manager X

Please describe the reaction to the proposed development from the persons or agencies indicated above.

All reaction has been favorable since most officials and local citizens

thought we were in Wilsonville.

I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and the name and address of a contact person.

None known

IV. SERVICES AND UTILITIES

A. If the reason for the annexation is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

1. Proximity of facilities (such as water mains, sewer laterals, storm drains, etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500' from east edge of territory). Please indicate whose facilities they are and whether in fact these facilities will be the ones actually providing service to the area. If the facilities belong to another governmental entity, explain the agreement by which they will provide the service and what the city's policy is on subsequent withdrawal and/or compensation to the other unit.

Sewer connections will be made to a Wilsonville sewer line approximately 1,200 feet from the church building. This line is parallel to the east side of Interstate 5 highway. Water will be connected at a later date when adjacent property (across Miley Road) is developed. Meanwhile we will use our present private well.

2. The time at which services can be reasonably provided by the city or district. Immediate connection to sewer approved.
3. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)
Sewer connection has been included in contract to Lonigan Construction Company at an approximate cost of \$40,000.00.
4. Availability of the desired service from any other unit of local government. (Please indicate the government.)
None other available

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved:

City _____	Rural Fire Dist. <u>Aurora</u>
County Service Dist. _____	Sanitary District _____
Hwy. Lighting Dist. _____	Water District _____
Grade School Dist. <u>Canby</u>	Drainage District <u>Clackamas County</u>
High School Dist. <u>Canby</u>	Diking District _____
	Park & Rec. Dist. _____

C. If any of the above units are presently servicing the territory (for instance, are residences in the territory hooked up to a public sewer or water system), please so describe. None of the above units service petitioner's property at present with exception of Aurora Fire District.

APPLICANT'S NAME St. Francis of Assisi Episcopal Church

MAILING ADDRESS P. O. Box 445
Wilsonville, OR 97070

TELEPHONE NUMBER 678-1880 (Work)
636-1574 (Res.)

REPRESENTING: Episcopal Diocese of Oregon
St. Francis of Assisi Church

DATE: July 25, 1988

PMALGBC FORM #15

PETITION FOR ANNEXATION TO THE CITY OF Wilsonville, OREGON

TO: The Council of the City of Wilsonville, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Wilsonville. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area local Government Boundary Commission for the necessary procedures as prescribed by ORS 199.490(2).

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

ATTACHED

3-1W-26

TAX LOT 2800:

Part of Section 26, T. 3 S., R. 1 W., of the W. M., and part of the George L. Curry D. L. C. in Section 26, T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the point of intersection with the southwesterly boundary of Parcel II decreed to the State of Oregon by and through its State Highway Commission by Final Judgment filed April 4, 1971 in Case No. 73079, Circuit Court, Clackamas County and the easterly line of that parcel described in Deed to Louis VanDeiloordele recorded March 4, 1935 in Book 226, page 347, Deed Records; thence Southwesterly along said easterly line 700 feet, more or less, to a point of intersection with the easterly boundary of Parcel I decreed to the State of Oregon by and through its State Highway Commission in Final Judgment above described; thence Northwesterly and northerly along said easterly boundary of Parcel I to the westerly boundary of a tract of land conveyed to School District No. 60 by Deed recorded April 28, 1878 in Book "P", page 56, Deed Records; thence South along said westerly boundary to the southwest corner thereof; thence East along the south boundary thereof to the southeast corner thereof; thence North along the east boundary of the said School District No. 60 property to a point in the southwesterly boundary of Parcel II above described; thence Southeasterly along the southwesterly boundary of Parcel II above described to the point of beginning.

TAX LOT 2900:

A part of the D. L. C. of George L. Curry, Notification No. 1438 and Claim No. 43 in Section 26, T. 3 S., R. 1 W., of the W. M., described as follows:

Beginning at a point 858 feet east of the southwest corner of said Claim; thence North 208 1/100 feet; thence East 208 1/100 feet; thence South 208 1/100 feet; thence West 208 1/100 feet to the point of beginning.

EXCEPTING THEREFROM those parcels conveyed to the State of Oregon, by and through its State Highway Commission in Deed recorded September 22, 1969, Fee No. 69 19942.

PMALGBC FORM #16

CERTIFICATION OF PROPERTY OWNERSHIP
(Double Majority Method)

I hereby certify that the attached petition for annexation of the territory described therein to the City of WILSONVILLE contains the names of the owners of a majority of the land area of the territory to be annexed.



NAME Donna Withers
TITLE DEPUTY TO COUNTY ASSESSOR
DEPARTMENT ASSESSOR + TAX COLLECTOR
COUNTY OF CLACKAMAS
DATE: JULY 19, 1988

.....
PMALGBC FORM #17

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of _____ contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME N/A
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE _____

PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 3 1W 26 lots 2800 and 2900) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Donna Withers
TITLE deputy to County Assessor
DEPARTMENT Assessor + Tax Collector
COUNTY OF Clackamas
DATE: Jul. 19, 1988

PMALGBC FORM #19

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer land owners/registered voters. Please indicate the name and address of all owners/voters regardless of whether they signed an annexation petition or not. This is for notification purposes.

	NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, and Township Range)
(1)	St. Francis of Assisi Episcopal Church	P.O. BOX 445	3 1W 26
	Diocese of Oregon	Wilsonville, OR 97070	Lot 2800, Lot 2900
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			

PMALGBC FORM #19 (continued)

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer land owners/registered voters. Please indicate the name and address of all owners/voters regardless of whether they signed an annexation petition or not. This is for notification purposes.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, and Township Range)
(9)		
(10)		

PMALGBC FORM #18

RESOLUTION NO. 672 (See Attached)

A RESOLUTION INITIATING ANNEXATION OF TERRITORY TO THE CITY OF Wilsonville .

This matter is before the Common Council of the City of Wilsonville hereinafter referred to as Council; and

It appearing that:

- 1) The Council is authorized by ORS 199.490(2)^(a)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed.
- 2) The Council has received the necessary "consents" in sufficient numbers to meet so-called "double majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(B).
- 3) The territory proposed to be annexed is presently within the Wilsonville Water District and/or Wilsonville Sewer District and the Council intends to withdraw the territory from the None (Private well and septic tank) District(s) by authority of ORS 222.520 subsequent to consumation of the annexation.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF Wilsonville AS FOLLOWS:

- 1) that the Council by this resolution approves the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto:
- 2) that the City recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

The foregoing Resolution adopted this _____ day of _____, 19____.

(City Recorder)

CITY OF: _____

ADDRESS _____

(Zip)

CLATSOP COUNTY ENVIRONMENTAL SERVICES
502 Abernethy Road, Oregon City, OR 97045

APPLICATION APPROVED

SEPTIC TANK PERMIT

Permit No. S-387-83

2/1/83
2/1/83 RSP

APPLICATION
for a Permit to Construct &
Install, Repair & Maintain an Alternative Sewage
Disposal System

Fee for Permit *655*

Permit No. *0776047*

TO BE FILLED IN BY APPLICANT (Type or Print)

A. REFERENCE INFORMATION

24 *30* " *1W, W.M.*

Building Permit No. *420-83*

2800

Zone Approval This permit is issued in compliance

with Clatsop Local Use Planning Goals and is

Subdivision
St. Francis of Assisi Episcopal Church
14364 S.W. Miley Rd. Aurora, Or. 97002

St. Francis of Assisi Episcopal Church
Name: *Ron Kunzman*

Address: *25868 N.F. Glass Rd.*

Aurora Oregon City *Aurora* State *Oregon*

Zip *97002* Phone *678-1447* Zip *97002*

*NOTE: Only the applicant, owner, contractor, purchaser, or a licensed installer may perform work on or related to installation of the sewage disposal system authorized under this permit.

B. GENERAL DESCRIPTION

RESIDENTIAL INDUSTRIAL OFFICE ALTERNATION
 INDUSTRIAL MOBILE HOME COMMERCIAL OTHER *Church*
NO. OF LIVING UNITS *N/A* NO. OF BEDROOMS *N/A*
 PUBLIC COMMUNITY PRIVATE OTHER

A plot plan drawn to scale on 24" x 36" paper must be submitted with each permit and must show: Property lines and dimensions - proposed and existing structures - location of well or 1/2" water carrying lines - location of septic tank and drainfield and/or other lines - proposed location of septic tank and method of disposal - location of drive-ways - patio slab, parking area and walkways - center or corner elevations of property corners - proposed main floor and garage floor elevations - proposed setbacks from all property lines.

I certify that I am licensed under ORS 454.003 to perform work on this sewage disposal system or that I am the owner or contract purchaser of the subject property. I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief.

NOTE: A pre-cure inspection is required and will be made within seven days of your request. This Permit expires one year from date of issuance.

Shirley L. Simpson
Signature of Contractor/Installer

DATE *5/22/83*

(FOR OFFICIAL USE ONLY)

SEWAGE DISPOSAL REQUIREMENTS:

TYPE OF SYSTEM STANDARD SAND FILTER VARIANCE OTHER
SEPTIC TANK CAPACITY *1000* GALLONS DRAINFIELD (EQUAL OR SERIAL) DISTRIBUTION
TOTAL LENGTH OF LINES *412* FEET NUMBER OF LINES *≥ 4* DISTANCE BETWEEN LINES *10* FEET
MINIMUM COVER DEPTH *36* INCHES GROUNDWATER INTERCEPTOR DEPTH _____ INCHES

Max. allowable draw 30". Keep system out of filled areas, 10' from property lines.
Will receive sewage treatment tank @ 125 gal/cycle
Minimum 60 mg. tank size 625 gal.

RECEIVED

JUN 18 1982

CLATSOP COUNTY
PLANNING DEPARTMENT



PLANNING DIVISION

JOHN C. McIN'YRE DOMINIC T. MANCINI
Division Director Planning Director

FINDINGS AND DECISIONS OF THE HEARINGS OFFICER

File No.: 913-81-C

Applicants: The Diocese of Oregon, 11800 S.W. Military Lane,
Portland, Oregon 97219.

Proposal: To establish a church, sanctuary, Sunday school and church offices on the subject property. The Sunday school and church offices would be housed in an old school building on the property. A new church building would be established to accommodate a congregation of approximately 150 persons.

Date Application Filed: April 13, 1982

Decision Rendered: May 24, 1982

Last Date to Appeal: July 2, 1982

Planning Division Recommendation: Approval, subject to conditions.
Staff Representative: Terry Curry.

Public Hearing: The public hearing was held at the Department of Environmental Services, 902 Abernethy Road, Oregon City, Oregon on May 24, 1982 at 10:45 a.m.

Speaking in Support of Request:

1. Thomas Cummins, Box 445, Wilsonville, Oregon.
2. Lyle Omdahl, 7990 Fairway Drive, Wilsonville, Oregon.

Community Organization Response: The Canby Area Neighborhood Development Organization was timely notified of this request but did not respond.

Speaking in Opposition to Request: None.



FINDINGS:

A. Subject Property:

1. Description: Tax Lots 2800 and 2900, Section 26, T3S, R1W, W.M., Clackamas County, Oregon.
2. Location: On the south side of Miloy Road, near its intersection with the Interstate 5 freeway, Wilsonville area.
3. Zone: GAD, General Agricultural District.
4. Comprehensive Plan Designation: Agricultural.
5. Site Description: The subject property is approximately 3.97 acres in size. Vegetation on the property consists of Scotchbroom, grass, fir and deciduous trees, and blackberries. The topography of the property is generally sloping in nature, with the majority of the property having a gradual downhill slope to the north, northeast. The exception to this topography pattern is the extreme eastern portion of the property. A creek flows through the property, generally following the eastern most property boundary. This creek has a deep, steep valley and generally separates the subject property from areas to the east. Soils found on the subject property are Willamette silt loam, mottled substratum, 3 to 7% slope, agricultural site index Iie, no forest service site index. Improvements on the property consist of an old school building currently being used as a "Moose Lodge" (fraternal organization).

B. Vicinity Information:

The subject property is located in an area which is impacted by a variety of land uses. The property is bordered on the west by Interstate 5. The property to the north of the subject property is used for rural residential purposes. The area to the northeast of the subject property is the Charbonneau subdivision, an urban low density residential development within the city limits of Wilsonville. The 50 acre parcel to the east and southeast of the subject property is currently under cultivation and is being used for agricultural purposes.

C. Service Considerations:

On-site subsurface sewage disposal, private well (there is a possibility of public sewer and water being available from the City of Wilsonville, however, this has not been confirmed).

CONCLUSIONS:

A. Section 402.06 of the Clackamas County Zoning and Development Ordinance provides that churches may be permitted as a conditional use within the General Agricultural District when the proposed use complies with the appropriate Subsection of Section 800, satisfies the criteria listed in Section 1203, does not conflict with the purposes under Subsection 401.01 and does not interfere with the preservation of Big Game Winter Range Areas.

B. This request satisfies the requirements of appropriate Sections of Section 800 of the Clackamas County Zoning and Development Ordinance, as follows:

1. The application is in sufficient form to meet the minimum submittal requirements for conditional use applications set forth in Section 801.03; and,
2. With the exception of signs and off-street parking requirements, this application is consistent with the conditional standards specified in Section 804.01 for churches. Signs and off-street parking are addressed through conditions of approval.

C. The application satisfies the criteria for a conditional use permit set forth in Section 1203.01 of the Clackamas County Zoning and Development Ordinance as follows:

1. The use is listed as a conditional use in the underlying zoning district. Section 402.06(B)(2) identifies churches as an allowable conditional use in the GAD zoning district; and,
2. Characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The size, shape and location of the subject property appear to be suitable for the proposed use. Given the proposed location of the church building, the topography of the extreme eastern portion of the property should not interfere with the establishment of a church facility;
3. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing and planned for the area affected by the use. Transportation system of the area is quite adequate for the proposed use. The property is easily accessible from I-5. Additionally, the property fronts on a major road

in the area which passes over I-5 and connects directly to Wilsonville.

- a. There is a possibility the property could be served by public sewer and water from the City of Wilsonville. However, this has not yet been determined. Conditions of approval will insure that the property is served by an adequate sewage system. The property is located within the Aurora Fire District;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for primary uses listed in the underlying zoning districts. With the exception of the land to the east and southeast of the subject property, properties in the area are currently developed. Area to the northeast is developed with a residential subdivision. The property to the north is located within an RRF-5 zoning district, and is developed with a single family residence. The area to the west is I-5. The topography on the extreme eastern portion of the property is such that it tends to physically separate any use on the subject property from the area to the east and southeast. Property to the east and southeast is currently used for commercial farm purposes. However, the proposed use should have no detrimental impact on agricultural operations on that land.
5. The proposal satisfies the goals and policies of the Clackamas County Comprehensive Plan. Goals of the Agricultural Element which directly apply to this application are those which encourage the preservation of agricultural lands and the protection of agricultural lands from conflicting uses. This request does not conflict with those goals. While the subject property does contain soil suitable for the production of farm crops, the small size of the parcel and its location generally tend to limit its potential for agricultural use. The size of the parcel would limit its suitability for all but the most intensive agricultural uses. Due to the topography of the subject property and surrounding development, it is not feasible to combine the subject property with any adjacent ownerships to form a larger agricultural parcel. The property is not now in any agricultural uses.
 - a. It does not appear that the approval of this

application would include any conflicting uses on agricultural land. The proposed use of the subject property is consistent with the Comprehensive Plan for the same reasons it is consistent with the Agricultural Element of the Comprehensive Plan as set forth above.

D. The proposed use does not conflict with the purposes set forth in Section 401.02 of the Clackamas County Zoning and Development Ordinance. The request is consistent with the Comprehensive Plan for the same reasons it is consistent with the Agricultural Element of the Comprehensive Plan as set forth above.

E. Approval of his application will not unduly interfere with the preservation of Big Camp Winter Range as an identified on Comprehensive Plan Map III-3. Subject property is not within an area identified on that map as Big Camp Winter Range Areas.

F. Section 401.09(D) of the Clackamas County Zoning and Development Ordinance provides that the maximum lot size for all conditional uses shall be no larger than the minimum land area required for the use and necessary elements for the use to minimize the impact on surrounding properties and to the amount of land taken out of agricultural use. While it is true that the subject property may be somewhat larger than necessary to accommodate use of the subject property for a church building, due to the topography of the property and surrounding development the request is reasonable. Reducing the size of the subject property to be only large enough to accommodate the church would leave something less than one (1) acre not being used in conjunction with the proposed use. It is not desirable to combine that leftover area with any adjoining agricultural user. Approval of the application will not result in any land being taken out of agricultural use.

G. Approval of this application does not conflict with LCDC Goals 3 and 4. The request is consistent with these Goals for the same reasons it is consistent with the Clackamas County Comprehensive Plan. No other Goals are found to be directly applicable to the request.

DECISION: Approval, subject to the following conditions:

1. Approval by the Department of Environmental Services, Soils Division, of the means of subsurface sewage disposal. If the applicant can make arrangements with the City of Wilsonville for sewer service, the subsurface sewage disposal will not be necessary.

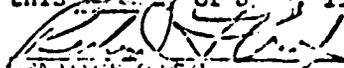
2. The applicant shall obtain a building permit from the Department of Environmental Services, Building Division, for the proposed church building.
3. The applicant shall obtain all necessary permits for the razing and rebuilding of the existing school building through the Department of Environmental Services, Building Division.
4. Design Review approval, including:
 - a. Exterior building design, material and color.
 - b. Landscaping.
 - c. Curbside parking, loading and unloading, and traffic circulation.
 - d. Signs.
 - e. Ingress and egress to the county road.
5. The applicant shall submit plans for storm drainage, including provisions for detention, to the Department of Environmental Services, Operations Division.
6. The applicant shall obtain an Approach Road Permit from the State of Oregon, Highway Division.
7. Approval is for the basic use and site plan submitted by the applicant, to the extent it is consistent with all other conditions of approval.
8. Approval is subject to the above stated conditions, failure to comply with all conditions of approval will be cause for revocation of this permit.

DATED this 12th day of June, 1982



HEARINGS OFFICER

Copy mailed to Applicant
this 17th day of June, 1982.



HEARINGS OFFICER



NAME: St. Francis of Assisi Episcopal Church
FILE NO.: 613-82-D
REPORT DATE: February 9, 1983

PLANNING DIVISION

JOHN C. MCINTYRE DOMINIC T. MANCINI
Director Planning Director

DESIGN REVIEW STAFF REPORT

CLACKAMAS COUNTY PLANNING DIVISION

Proposal. To construct a parish hall (phase I) as part of a church facility to be used in conjunction with an existing school building for church administration and practices. (Phase II not included)

Applicant. St. Francis of Assisi Episcopal Church

Location. 14364 S. Miley Road in the Wilsonville area.

Legal Description. T3S, R1W, Section 26, Tax Lot 2800 and 2900, W.M.

Zone. GAD, General Agricultural District

Comprehensive Plan. Agriculture

Site Information. The subject property is approximately 3.9 acres' in size. There is a slight slope to the east towards an escarpment that extends steeply to a drainage along the east property line. Vegetation on the property includes mature Douglas fir, walnut and apple trees. In addition, there are field grasses, Scotchbroom and Blackberries throughout the site. Existing improvements on the site consist of an old school building proposed to be used as church administration offices.

Vicinity Information. The subject property is located on the south side of Miley Road (Eilers Road) adjacent to the Interstate 5 freeway that is located to the west. To the north is a single family residence and more northeasterly the Charbonneau Development. To the east and south of the property is agricultural land. The Wilsonville city limits boundary is Miley Road and includes that area north of the road.

Decision. The Planning Division staff approves this request subject to the following conditions:

1. The applicant shall submit documentation verifying boundary commission approval prior to building permit issuance.

2. All utilities shall be placed underground in accordance with subsection 1006.02C of the Clackamas County Zoning and Development Ordinance.
3. All grading of the site shall comply with Chapter 70 of the Uniform Building Code. If grading work is to be started prior to building permit issuance, a separate grading permit will be required through the Department of Environmental Services.
4. The applicant shall obtain a permit from the Oregon Department of Transportation for all work done in the state right-of-way.
5. All storm detention facilities and associated drainage plans shall be approved by the county engineer.
6. The proposed front pathway shall be constructed as shown on the submitted plans with a minimum 2" sub-base overlaid with a minimum 4" concrete surface to provide capability for emergency vehicles usage. Expansion joints are discretionary and may be preferable to break up the solid appearance and resist breakage.
7. The applicant shall submit the proposed sign design for approval prior to placement. Such signs shall not exceed 18 square feet and be illuminated by indirect lighting only, as identified in subsection 1010.04H of the Clackamas County Zoning and Development Ordinance.
8. The proposed color scheme of natural tones, (clear, tan and brown stains), is acceptable.
9. The proposed parking lot light fixtures shall be selected or placed in a manner that will not glare onto the freeway/Hubbard Road to the west.
10. This approval is for phase I only and the proposed phase II building will need specific design review approval.
11. The proposed landscape plan is approved as submitted.
12. The applicant shall meet those conditions of the approved conditional use permit as identified in file 913-81-C.

JB:elk
1/16-17

February 14, 1983

St. Francis of Assisi Episcopal Church
P.O. Box 445
Wilsonville, Oregon 97070

RE: Proposed church 613-82-D
File No. 913-81-C
Plan Check No. C-5111-83
T3S, R1W, Section 26,
Tax Lots 2800 and 2900, W.M.

Dear Applicant:

On February 9, 1983, the Planning Division staff met and considered your request for phase I of a church facility, located at 14364 S. Miley Road in the Wilsonville area.

It was the decision of the staff to approve your request, based on the conditions listed within the attached copy of the staff report. Should you disagree with this decision, you may appeal this matter to the Design Review Committee. All appeals must be in written form and received in this office within 15 days of the date of this letter.

You may proceed with your plans after the appropriate permits have been obtained. Except as provided under subsection 1104.02 (Bonding procedures) of the Clackamas County Zoning Ordinance, all items shown on the approved plans must be completed prior to occupancy (subsection 1102.10).

Sincerely,

JOHN BORGE, Planner
Planning Division

ENCLOSURE

JB:elk
1/18

NAME: St. Francis of Assisi Episcopal Church
FILE NO.: 613-82-D
REPORT DATE: February 9, 1983

DESIGN REVIEW STAFF REPORT

CLACKAMAS COUNTY PLANNING DIVISION

Proposal. To construct a parish hall (phase I) as part of a church facility to be used in conjunction with an existing school building for church administration and practices. (Phase II not included)

Applicant. St. Francis of Assisi Episcopal Church

Location. 14364 S. Miley Road in the Wilsonville area.

Legal Description. T3S, R1W, Section 26, Tax Lot 2800 and 2900, W.M.

Zone. GAD, General Agricultural District

Comprehensive Plan. Agriculture

Site Information. The subject property is approximately 3.9 acres in size. There is a slight slope to the east towards an escarpment that extends steeply to a drainage along the east property line. Vegetation on the property includes mature Douglas fir, walnut and apple trees. In addition, there are field grasses, Scotchbroom and Blackberries throughout the site. Existing improvements on the site consist of an old school building proposed to be used as church administration offices.

Vicinity Information. The subject property is located on the south side of Miley Road (Eilers Road) adjacent to the Interstate 5 freeway that is located to the west. To the north is a single family residence and more northeasterly the Charbonneau Development. To the east and south of the property is agricultural land. The Wilsonville city limits boundary is Miley Road and includes that area north of the road.

Decision. The Planning Division staff approves this request subject to the following conditions:

1. The applicant shall submit documentation verifying boundary commission approval prior to building permit issuance.

2. All utilities shall be placed underground in accordance with subsection 1006.02C of the Clackamas County Zoning and Development Ordinance.
3. All grading of the site shall comply with Chapter 70 of the Uniform Building Code. If grading work is to be started prior to building permit issuance, a separate grading permit will be required through the Department of Environmental Services.
4. The applicant shall obtain a permit from the Oregon Department of Transportation for all work done in the state right-of-way.
5. All storm detention facilities and associated drainage plans shall be approved by the county engineer.
6. The proposed front pathway shall be constructed as shown on the submitted plans with a minimum 2" sub-base overlaid with a minimum 4" concrete surface to provide capability for emergency vehicles usage. Expansion joints are discretionary and may be preferable to break up the solid appearance and resist breakage.
7. The applicant shall submit the proposed sign design for approval prior to placement. Such signs shall not exceed 18 square feet and be illuminated by indirect lighting only, as identified in subsection 1010.04H of the Clackamas County Zoning and Development Ordinance.
8. The proposed color scheme of natural tones, (clear, tan and brown stains), is acceptable.
9. The proposed parking lot light fixtures shall be selected or placed in a manner that will not glare onto the freeway/Hubbard Road to the west.
10. This approval is for phase I only and the proposed phase II building will need specific design review approval.
11. The proposed landscape plan is approved as submitted.
12. The applicant shall meet those conditions of the approved conditional use permit as identified in file 913-81-C.

JB:elk
1/16-17



CLACKAMAS COUNTY

Department of Transportation & Development

WINSTON KURTH
EXECUTIVE DIRECTOR

RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

NAME: St. Francis of Assisi Episcopal Church - Phase 2 Addition
FILE NO.: 613-82-D
REPORT AUTHOR: Ron Stangel
REPORT DATE: January 12, 1988

DESIGN REVIEW STAFF REPORT

FACTS

GENERAL INFORMATION

Applicant: William Church Architect, St. Francis of Assisi Episcopal Church

Proposal: To construct Phase 2 of the church facility.

Location: 14369 S. Miley Road, Wilsonville area

Legal Description: T3S, R1W, Section 26, Tax Lot(s) 2800 and 2900, W.M.

Comprehensive Plan Designation: Agricultural

Zone: GAD

Decision: Approval, subject to the following conditions:

1. Compliance with the conditions of approval of File Nos. 913-81-C and 613-82-D.
2. Dennis Everson, Development Coordinator, to review and approve the storm drainage plans for the facility.
3. Compliance with the requirements of the service providers (sewer and fire district).
4. Full use of the church facilities (Phase 1 and Phase 2) will require construction of the south parking area prior to occupancy of the new structure.
5. Submission of a detailed landscaping plan for those areas around the new construction areas. The plan is to be reviewed and approved by the County prior to occupancy of Phase 2.

Design Review Staff Report - 613-82-D

Page 2

January 12, 1988

6. This approval is valid for a two-year period of time, and is void if no development occurs within that time period.

You may proceed with your plans after the appropriate permits have been obtained. Except as provided under Subsection 1104.02 (Bonding procedures) of the Clackamas County Zoning and Development Ordinance, all items shown on the approved plans must be completed prior to occupancy (Subsection 1102.10).

0112/302/rs:mp

cc: City of Wilsonville
Aurora Fire District No. 63
Oregon State Highway Division

Case # 9803 Exhibit # 24
Offered by _____
Date received _____ By slc
METRO HEARINGS OFFICER

NOTICE OF DECISION ON
ADMINISTRATIVE VARIANCE

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
PLANNING AND ECONOMIC DEVELOPMENT DIVISION
902 Abernethy Road, Oregon City, Oregon 97045
Phone: 655-8521

DATE: August 4, 1986
LAST DATE TO APPEAL: AUG 14 1986
FILE NO.: 59-86-V
STAFF CONTACT: Greg Fritts
APPLICANT: St. Francis of Assisi Episcopal Church
OWNER OF PROPERTY: Thomas W. Cummins
LOCATION: Southeast corner of I-5, Exit 282B and Miley Road; Wilsonville area.
LEGAL DESCRIPTION: T3S, R1W, Section 26, Tax Lot
SITE ADDRESS: Not applicable
TOTAL AREA INVOLVED: Approximately 3.97 acres
PRESENT ZONING: GAD; General Agricultural District
CITIZENS PLANNING ORGANIZATION FOR AREA: Canby Area Neighborhood Development Organization (inactive)
PROPOSAL: Reduce the rear yard setback from 20 feet to 5 feet, to allow the relocation of an old schoolhouse on the property.

Date Mailed: 8-4-86
Neighborhood Group Inactive
Property owners (250') Adjacent
Applicant
Attorney _____
Others: Canby Area Neighborhood Dist.

The Planning Division has reviewed this application for a variance. This application is subject to Sections 402 and 1205 of the Clackamas County Zoning and Development Ordinance. The Planning Division staff has reviewed these sections of the ordinance in conjunction with this proposal and makes the following findings:

4. Approval of the application does comply with the Comprehensive Plan. Approval will not adversely impact surrounding land uses, including the freeway and farm uses. Approval will not adversely affect public safety.

Based on the above findings, it is the decision of the Clackamas County Planning Division staff to approve this application for a variance subject to the following conditions:

1. Approval is based on the site plan submitted. Any variation without County approval may be grounds for revocation of this permit.
2. County approval of a septic tank and drainfield system.
3. County approval of a building permit.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE. IF YOU DISAGREE WITH THESE FINDINGS OR CONDITIONS, YOU MAY APPEAL THIS DECISION TO THE CLACKAMAS COUNTY HEARINGS OFFICER. THE COST OF THE APPEAL IS ONE-HALF OF THE ORIGINAL FILING FEE. YOUR APPEAL MUST BE RECEIVED IN THE PLANNING DIVISION OFFICE BY 5:00 PM ON THE LAST DATE TO APPEAL WHICH IS AUG 14 1986 . THIS PERMIT WILL NOT BE ISSUED UNTIL THE DATE AFTER THE APPEAL DEADLINE.

804/107/gf:mp



CLACKAMAS COUNTY

Department of

Case # 8003 Exhibit # 25
Offered by _____
Date received _____ By He
METRO HEARINGS OFFICER

WINSTON KURTH
EXECUTIVE DIRECTOR

RICHARD DOPP
DIRECTOR
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN
DIRECTOR
PLANNING & DEVELOPMENT

November 17, 1988

Larry Epstein
Attorney at Law
1020 SW Taylor Street
Suite 370
Portland, Or 97205

RE: St. Francis Episcopal Church

Clackamas County Department of Transportation and Development has reviewed the proposed addition to the Regional Urban Growth Boundary by the locational adjustment process and has no objection to the proposal.

Use of the property for a church was approved by Clackamas County in 1981. Findings for the application included "... it does not appear the use of the subject property for a church would interfere with agricultural uses to the east and southeast". Copy of the findings and decision are attached for reference.

Our position of no objection reflects Metro's adopted criteria for locational adjustments. Specifically, Agricultural land use for production, processing, etc., Rural Residential land, parcels with less than 50 percent lot coverage and parcels of more than 10 acres in aggregate cannot be considered for the locational adjustment process. I feel these criteria provide sufficient assurance this application will not set a precedent as justification for inclusion of nearby Rural Residential or Agricultural properties.

If the application is approved the City of Wilsonville will need to modify the local Urban Growth Boundary and subsequently apply the appropriate land use plan and zoning district following annexation.

If you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Kato".

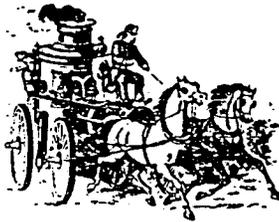
LARRY KATO, Administrator
Planning and Economic Development Division

l/gc/1117:elk

l/gc/1117:elk

c: Ethan Selser

Anna Wagner
9200 S. Knappa Road • Oregon City, OR 97045-1100 • 655-8521



Aurora Rural Fire District

P.O. Box 231
Aurora, Oregon 97002

Case # 8803 Exhibit # 26
Offered by _____
Date received _____ By TL
METRO HEARINGS OFFICER

November 16, 1988

Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon

Att: Ethan Seltzer

We wish to object to the public hearing on a petition to include approximately four (4) acres within the Portland metropolitan area Urban Growth Boundary. The property is located east of Interstate 5 and south of Miley Road. The legal description is TL 2800 and 2900, Sec. 26, T3S, R1W, W.M.

As an affected governmental unit we are requesting that the hearing be delayed at least 30 days to give our agency an opportunity to review and comment prior to any changes.

Our only notice of this hearing was a legal notice in the Canby Herald on Wednesday, November 16, 1988.

Aurora Rural Fire Protection District


Kathryn L. Jeskey, Secretary

15859 N. E. Becke Rd.
Aurora, OR 97002
November 16, 1988

Ethan Seltzer, Land Use Coordinator
Metro
2000 S. W. First Avenue
Portland, OR 97201-5398

File No. 88-3, St. Francis of Assisi request for locational
adjustment of the Wilsonville UGB

CONFLICTING INFORMATION?

The method and logic within the file documentation to
accomplish this step towards annexation certainly concerns us
greatly. It appears to have conflicting information within it.

For example, on June 17, 1982 Clackamas County in
responding to the applicant's request to develop the land
stated: "Approval subject to the following conditions: 1)
Approval by Dept. of Environmental Services, Soils Div., of the
means of subsurface sewage disposal. If the applicant can make
arrangements with the city of Wilsonville for sewer service, the
subsurface sewage disposal will not be necessary."

On 4/21/83 the Metro Boundary Commission in their final
order states: "the church's water demand will be equivalent to
a single family residence; the proposed system will provide
adequate service to the church."

In the 6/27/88 application it states that the well, which
is tested at 83 gallons per minute, is used and would continue.
It further states that a septic tank was used and would be
changed to a Wilsonville sewer system connection. But on
7/21/88 to the Boundary Commission the applicant states they
need "adequate water and sewer connections which are not
available from any other source." However, when the
applications were made to Clackamas County and permits granted
adequate water and sewage were available. And they were stated
as conditions of approval by the County, i.e. in the 8/4/86
Administrative Variance.

CHURCH'S RATIONALE

How does the St. Francis 6/1/88 letter with these 4 points
support the above and the criteria for annexation? "This
request is being made for the following reasons:

1. There are no water or sewer systems available to us in our present locations, nor are there any environmentally sound alternatives to the advantages of annexation into the city of Wilsonville which does provide such services.

2. The geographic and demographic location of our present site clearly shows that Wilsonville is a more natural and practical center of our parish boundaries than Aurora.

3. Our mailing address is in Wilsonville and thus people expect to find us in the area rather than to travel to Aurora where we are unknown.

4. Approximately 80% of our members live in Wilsonville."

Number 1 above conflicts with what Clackamas County stated as conditions for approval, and in the applications. Number 2-- how does changing the UGB and not actually changing the location do that? Number 3--their mailing address is by their choice which they knew when they purchased and developed the property. And is it also saying people associate Charbonneau with Wilsonville and they drive by the church on the right side of the road and they can't handle that being in Aurora? Number 4-- what if 80% of the members lived in Lake Oswego? Is that reason for a UGB change?

Other documentation to the city of Wilsonville shows the church intended all along to request annexation to Wilsonville starting in 1982. It mainly appears that the marketing strategy is to have Wilsonville "status" and identity. Because they chose to have a Wilsonville post office box and address, Wilsonville marketing focus, the church headquarters planned for a church in Wilsonville, and the vast majority of members live in Wilsonville is that the criteria for annexation? If so a lot of "for-profit" businesses should be included in Portland's UGB.

As stated by the applicant on 6/27/88: "The major consequence in this boundary adjustment will be social rather than environmental, energy, economic or other. Social consequences will be a church available to serve the needs of the community which has not been previously available." How does a UGB line do that?

MEIRO CRITERIA

Based on a phone conversation with Ethan and Anna on November 15, our understanding is this application also requests a portion of Miley Road, which is not St. Francis' property, be included with this request. Reference page 2, point 2 of Ethan's 10/21/88 letter. This is not very clear in the file documentation and is a real concern as to what other elements are included and implied. We can NOT support additional property being included with this annexation application.

November 1, 1988

Our very real concerns and major issues come in applying the criteria. First 3.01.040 D2 states "The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a)." Why and how is this property any different than property east of St. Francis, for example Fraire Village? It too sets "just across the road" and is 100% or almost 100% of its currently zoned density. Is there an intent to sneak that annexation through with this application such as being done with the portion of Miley Road?

Criteria 3.01.04 D1 is: "An addition of land to make the UGB coterminous with the nearest property lines may be approved without consideration of the other conditions in this subsection ...and the adjustment includes all contiguous lots divided by the existing UGB." Is this being used as justification to include the land, which is not church property, in with this application? How many other parcels will be covered by this application which aren't clearly identified? Is the additional property outside St. Francis ownership simply a ploy to allow Wilsonville greater ease with future annexations? In the past we have seen Wilsonville expand its UGB to include Charbonneau even though the zoning ordinances stated that expansion could not cross navigable water systems which the Willamette River is. Will the criteria be bent again for annexation?

A second issue which is implied above is: does this application set a precedent for other expansion of Wilsonville's UGB or any other cities' UGB.

MISCELLANEOUS

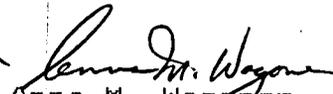
A related question as to services provided: why was no request made as to the impact on the Aurora Fire Department per Wayne Yoder?

CONCLUSION

On balance, we are not opposed to just the church property being annexed into the city of Wilsonville with these conditions: no precedent will be set for future applications, and in applying the criteria no other property is included. It is unfortunate that their documentation conflicts within itself. It is also unfortunate they, with full knowledge, decided to build in Aurora while focusing their attention towards the Wilsonville market as stated in their 6/27/88 documentation.

We would like the questions asked above clearly answered.


Sandra J. Thompson


Anna M. Wagoner

November 15, 1988

Ethan Seltzer
Metro Land Use Coordinator
2000 S. W. First Avenue
Portland, OR 97201-5398

File No. 88-3, St. Francis of Assisi request for locational adjustment of the Wilsonville UGB

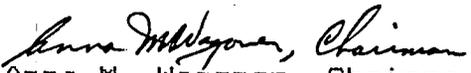
The Aurora Butteville Barlow Neighborhood Association voted on November 15, 1988 on the following.

We support only the property presently owned by St. Francis of Assisi being annexed into Wilsonville with the following conditions:

1. No additional property (for example a portion of Miley Road) shall be included in this annexation.
2. This shall NOT set any precedent for any future annexation.

The vote was nine (9) for, zero against, and one abstaining on the above. A total of 15 people were present at the meeting. Simply as a matter of record no notification nor information was directed to our Association by Metro or by Clackamas County. Only as a result of a personal interest by one member was information gathered and sent from Metro.

All future actions, results, hearings notices, etc. should be sent to Joy Soderquist Secretary, Aurora Butteville Barlow Neighborhood Association, 24593 Butteville Rd., Aurora, OR 97002.


Anna M. Wagoner, Chairman

copy: Joy Soderquist