

RESOLUTION NO. 778

A RESOLUTION EXPRESSING THE WILSONVILLE CITY COUNCIL'S SUPPORT FOR AN URBAN GROWTH BOUNDARY AMENDMENT REQUESTED BY MARV WAGNER FOR ABOUT 6.35 ACRES OF LAND IDENTIFIED AS TAX LOT 2200, T3S-R1W, SECTION 18, CLACKAMAS COUNTY, OREGON

WHEREAS, Mr. Richard Whitman has prepared an application for Mr. and Mrs. Wagner requesting an amendment to the Portland Metropolitan Area Urban Growth Boundary; and

WHEREAS, the City of Wilsonville can extend and provide all necessary utilities and services needed to serve the subject property; and

WHEREAS, the subject property is located adjacent to the city's existing Urban Growth Boundary and, logically, would be best served by connection to city sewer, water and storm drainage to serve future development; and

WHEREAS, the Transportation Advisory Commission has reviewed this proposal and recommends that the City Council support and approve this application because it represents a positive step in realigning Wilsonville Road and increases the public safety; and

WHEREAS, the City Council has fully and carefully reviewed the petition for a locational adjustment and finds it to be a substantial and compelling argument in favor of amending the Boundary.

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

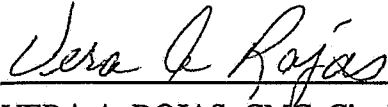
1. That the City Council does hereby declare its support for and recommends that the Metro Council approve Marv Wagner's request for a locational adjustment to the Portland Metropolitan Area Urban Growth Boundary.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of July, 1990 and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, CMC, City Recorder

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>

Request for Comment from Service Provider

(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: Mr. and Mrs. Wagner
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 23, 1990.

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.)

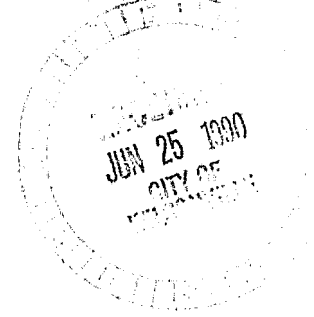
Signed John M. Sullivan Date July 16, 1990
Title Mayor

BALL, JANIK & NOVACK
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RICHARD M. WHITMAN

June 22, 1990



Mr. Wayne Sorenson
Planning Director
City of Wilsonville
P.O. Box 220
Wilsonville, OR 97070

Dear Wayne:

Enclosed is a copy of the Wagners' petition for a minor boundary change to the Metro/Wilsonville UGB. We have made several changes to the petition since our meeting on June 14, 1990, including adding to the analysis of why the UGB amendment is needed to facilitate the development of lands already within the UGB.

One of the questions which arose at our meeting was why we couldn't restrict the UGB change to only that portion of the property needed for the new road alignment. I have looked into this question and there are three reasons why this could not be done. First, it is generally Metro's policy to have the UGB follow property lines. See Metro Code Section 3.01.040(d)(1). Secondly, the other portions of the property are required for storm drainage and bikeway improvements, and Metro requires that "all similarly situated contiguous land" be included in the petition. See Metro Code Section 3.01.040(d)(2). Finally, under ORS 215.213(2) and Section 402 of the Clackamas County Zoning and Development Ordinance, the parcel can't be divided. In sum, the only way for this road realignment to occur is for the entire parcel to be included in an amended UGB.

Any concerns the City or County may have regarding the effect of this amendment on agricultural lands should be allayed upon a close examination of the petition and what the City of Wilsonville's Code provides for a parcel such as the one involved here. The City's Code and Comprehensive Plan, by imposing a setback of at least 55 feet from the centerline of an arterial (Code Section 4.167(f), and by requiring that natural drainage ways be designated as open space (Plan Policy 3.4.3), effectively preclude any development on the lands proposed for addition to the UGB. This will insure that the agricultural uses on

BALL, JANIK & NOVACK

Mr. Wayne Sorenson
June 22, 1990
Page 2

adjoining properties are not effected by this change to the UGB and that the potential for conflict between urban and agricultural uses is not increased.

It is my understanding that this petition will go to the Planning Commission as an information item on July 9, 1990, and to the City Council for a resolution/recommendation on July 16, 1990. As you know, the City's comments must be in to Metro by July 21, 1990 to be considered with the petition. Please let me know if there are any timing problems and if there will be an opportunity to testify on what position the City should take.

We feel strongly that this UGB amendment and road realignment is in the best interests of both the City of Wilsonville and Clackamas County. As you know, both jurisdictions identify this realignment in their Comprehensive Plans and the existing alignment is a serious public safety hazard. As a result we feel that a positive recommendation to Metro is appropriate. Please feel free to call me if you have any questions regarding this matter.

Very truly yours,


Richard M. Whitman

RMW:jvg
Enclosures
cc: Mr. and Mrs. Wagner
Mr. Stephen T. Janik
Mr. Ethan Seltzer

RMW\JVG\RMW\WAGNER\WILSNVL.622

Petition for Locational Adjustment to
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:

Marvin G. and Bonnie Wagner
28400 S.W. Wilsonville Road
Wilsonville, OR 97070
Phone number: 682-3667

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

Mr. Richard Whitman
Ball, Janik & Novack
101 S.W. Main Street, Suite 1100, Portland, OR 97204
Phone number: 228-2525

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):

Part of the Northwest quarter of the Northwest quarter of Section 18, T3S., R1E of the W.M., Clackamas County, Oregon (Assessor's parcel No. 2200).

- b. Acres: 6.35
- c. Owner's Name
& Address
(Mark "Same"
if same as
petitioner): Same
- d. Improvements
on property
(e.g., none,
one single
family dwelling,
barn, gas station,
etc.): None

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? 800 ft.

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? adjacent

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? 800 ft.

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

X Yes _____ No

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

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

X Yes (Describe: Intermittent stream along eastern edge of property)
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? GAD

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? No

_____ Yes (Describe resources and explain applicable plan policies: _____)

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

The intermittent stream will be rezoned for open space - providing a buffer between the road and adjoining agricultural uses. The remainder of the property will be used for road right-of-way, and for planned residential development.

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>Marvin G. Wagner</u>		<u>6-11-86</u>
Marvin G. Wagner	<u>2200</u>	
<u>Bonnie Wagner</u>		<u>6-11-86</u>
Bonnie Wagner	<u>2200</u>	

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

Summary of Applicant's Proposal and Compliance with Metro Standards for Locational Adjustments.

I. Summary of Need for Proposed Locational Adjustment.

A. Background.

Mr. and Mrs. Wagner are petitioning Metro for a locational adjustment to the City of Wilsonville's Urban Growth Boundary (UGB). The proposed minor boundary change would add a single parcel of 6.35 acres to the UGB. The parcel is owned by the Wagners, and is designated as Clackamas County Assessor's Parcel No. 2200, in R1E T3S Section 18, (hereafter the "Clackamas Property"). See attached Exhibit 1 (Site Plan).

This parcel is adjacent to other property owned by the Wagners inside the City of Wilsonville, in two parcels totalling 17.60 acres. The property inside Wilsonville (hereafter the "Wilsonville Property") contains a home and a barn, and is zoned RA-1 (designated as 3-5 units per acre on the Comprehensive Plan) by the City of Wilsonville.

The primary purpose of this proposed addition to Wilsonville's UGB is to enable the Wagners, in cooperation with the City, to plan and complete certain infrastructure improvements that are critical to the development of the Wilsonville Property.

B. Realignment of Wilsonville/Stafford Road and Related Intersection Improvements.

In its current alignment, Wilsonville/Stafford Road (designated as a major arterial in the Comprehensive Plans of both the City of Wilsonville and Clackamas County) takes two 90 degree turns within 1/10th of a mile as it crosses the Wilsonville city limit. See attached Exhibit 1 (Site Plan). These two corners, one of which is adjacent to a church, present a substantial public safety hazard that has led to four serious accidents in recent years according to the records of the Clackamas County Sheriff's office.

As a result of the threat to public safety posed by this alignment, both the City and the County have proposed relocating this section of Wilsonville/Stafford Road to eliminate the two corners. The proposed right-of-way for the new section of Wilsonville Road, and for the intersection with Boeckman and Advance Roads, encompasses the northwestern corner of the Clackamas Property outside the current UGB, and splits the Wilsonville Property diagonally (and would require removing the existing home). See attached Exhibit 2 (Proposed Road Alignment).

The City of Wilsonville has informed the Wagners that any development of the Wilsonville Property will be conditioned on the dedication of right-of-way for the proposed realignment and intersection improvements. In addition, the City has indicated that the road improvements themselves would be financed either through a local improvement district (LID) or, more likely, through inclusion of the project in the City's urban renewal district--with financing through tax-increment revenues.

As a result of the current alignment of Wilsonville/Stafford Road (the fact that the road enters the city limits at a corner), any realignment designed to eliminate the two corners now present has to encompass lands not presently within the City's UGB. Because it is impossible for development of the Wagner's Wilsonville Property to proceed without these improvements, and the improvements cannot occur on the Clackamas Property until it is annexed to the City of Wilsonville (for reasons explained below), the locational adjustment is required for the development of adjacent urban land as specified in Section 3.01.040(a) of the Metro Code.

C. Storm Drainage Improvements.

Another infrastructure improvement that is critical to the development of the Wagner's Wilsonville Property is storm drainage. Although the City has not prepared a storm drainage plan for this area, the City Engineer has reviewed the site and has indicated that storm drainage would be provided by making improvements to the intermittent stream which runs from North to South along the eastern portion of the Clackamas Property. See attached Exhibit 3 (Storm Drainage Improvements). This stream and its banks encompass 2.3 acres of the 6.35 acre Clackamas Property.

D. Buffering for Adjacent Agricultural Lands.

The realignment of Wilsonville/Stafford Road, while needed for public safety and efficiency, will move a major arterial closer to agricultural lands. Under Goal 4.4 of Wilsonville's Comprehensive Plan, agricultural lands outside the City should be protected either by providing a buffer use or a transition zone. City of Wilsonville Comprehensive Plan at 72. Recognizing this, the City of Wilsonville Planning Staff and the Wagners have agreed that upon annexation of the Clackamas Property to the City, the eastern portion (approximately two acres) of this property should be zoned for open space, and its natural vegetation and stream course left in place, to buffer adjacent agricultural lands. As noted above, this portion of the Clackamas Property is also needed for storm drainage improvements that will serve areas within the current UGB.

E. The Feasibility of Developing the Wilsonville Property Upon Relocation of Wilsonville/Stafford Road.

The dedication of right-of-way for the new section of Wilsonville/Stafford Road, and the intersection with Advance/Boeckman, will remove approximately 2.0 acres of developable land from the 17-acre Wilsonville Property. In addition, the new road alignment will result in the creation of two acute triangular parcels (with the narrow portions being undevelopable). This will severely reduce the amount of housing that the Wagners can develop on their property and may make it difficult to meet both Metro's housing goals for Wilsonville (8 dwelling units/acre) and Wilsonville's design criteria for residential planned developments. See, e.g., Wilsonville Code Section 4.421. Although much of the Wagner's Clackamas property is needed for infrastructure improvements, the remaining portions of the six-acre parcel can be used to offset (in part) the negative effects of the Wilsonville/Stafford Road relocation on residential development in the Wilsonville Property.

II. Metro Standards for Locational Adjustments to Urban Growth Boundaries.

Chapter 3.01 of the Metro Code sets forth certain standards for approval of petitions for locational adjustments to an Urban Growth Boundary. The application of each of these criterion to the Wagner proposal is set forth below.

1. Net Improvement in the Efficiency of Public Facilities and Services. Metro Code § 3.01.040(a)(1).

A. Effect of Locational Adjustment on Transportation Facilities. Metro Code § 3.01.040(a)(1).

As described above, improvements to Wilsonville/Stafford Road are required before the properties in this area of Wilsonville can be urbanized. The area dependent on this road improvement includes not only the Wagner's Wilsonville Property, but two additional parcels (Tax Lots 1800 and 400) with an additional 4.83 acres. In all, 22.43 acres of undeveloped land within the Wilsonville UGB will not be developed to urban densities without the proposed road realignment, which is in turn dependent on the addition of the 6.35 Clackamas parcel to the UGB.

The relocation of Wilsonville/Stafford Road, and the proposed UGB amendment, will also result in a net improvement in transportation services for other properties in Wilsonville to the South of Wagner property. Recent developments within one-half mile of the intersection have added 15,000 trips per day to the local street system. By removing one intersection

altogether, and straightening the other, the road relocation will make traffic flow more efficient for this major North/South arterial.

B. Effect of Locational Adjustment of Storm Drainage Services. Metro Code § 3.01.040(a)(1).

The development of the Wagner's Wilsonville Property to urban densities will require off-site storm drainage improvements to the seasonal stream shown on Exhibit 4. The improvements required are on lands outside the current UGB. Wilsonville's Comprehensive Plan calls for the utilization of major natural drainageways "as the backbone of the drainage system." Plan at 34. The Plan also specifies that these drainageways shall be designated as open space. Id.

C. Effect of Locational Adjustment of Water and Sewer Services. Metro Code § 3.01.040(a)(1).

There are existing water and sanitary sewer mains in Wilsonville Road within 200 feet of the Wagner's Wilsonville Property, and within 700 feet of the Wagner's Clackamas Property. Tax Lots 1800, 400 and 500 are also not served with water or sanitary sewer lines. Altogether, there are 24.83 acres of land within this area of the current UGB that are unserved.

Extending water and sanitary sewer lines will require constructing a crossing at the seasonal stream located on the southwestern edge of these properties. This crossing will be done in conjunction with the relocation and bridge work for Wilsonville/Stafford Road. The high cost of constructing the crossing, in conjunction with the relatively small area now within the UGB that would be served by the extension, makes it difficult to justify this project. The addition of 6.35 acres will increase the area over which this cost can be spread by over 25 percent, thereby substantially increasing the efficiency of extending water and sewer services.

D. Effect of Locational Adjustment of Fire Protection and School Services. Metro Code § 3.01.040(a)(1).

Fire protection services for this area are provided by a station of the Tualatin Rural Fire Protection District at Ellison Road. By enabling the relocation and improvement of Wilsonville/Stafford Road and the intersection with Boeckman and Advance Roads, this locational adjustment will improve response time to the area and remove a threat to the safety of both Fire District personnel and the public. During the past four years there have been four serious (injury), and over six less serious, accidents at this intersection. Since these intersections are heavily used by the school district's buses, this locational adjustment will also benefit the district.

Any development on the 6.35 acres outside the UGB will not have an appreciable effect on the utilization of fire or school services.

E. Ability to Provide Public Services to the Clackamas Property in an Orderly and Economical Fashion. Metro Code § 3.01.040(a)(1).

With the planned extension of water and sanitary sewer services along Wilsonville Road, these services will be available adjacent to the Clackamas Property. As stated above, water and sewer lines now terminate in Wilsonville Road, 700 feet from the Clackamas Property.

Road access to the site will be provided by the relocation of Wilsonville/Stafford Road. The site now has access at its northerly boundary to Advance Road.

2. Existing Development Densities of the Clackamas Property and Facilitation of Development of Adjacent Urban Land. Metro Code § 3.01.040(a)(2).

A. Existing Development Density of the Clackamas Property. Metro Code § 3.01.040(a)(2).

The 6.35 acre Clackamas Property is undeveloped. There are no existing improvements that present any impediment to urbanization.

B. Facilitation of Needed Development of Adjacent Urban Land/Consistency with Comprehensive Plans. Metro Code § 3.01.040(a)(2).

At the end of Chapter 3.01.040, a note to Metro's Code clarifies the interpretation of this standard. "Staff has found that it was the Metro Council's intent that, for the purposes of interpreting and applying this standard, the term 'needed' should be taken to mean 'consistent with the local comprehensive plan and/or applicable regional plans.'" This locational adjustment is consistent with the Comprehensive Plans of both Clackamas County and the City of Wilsonville.

The Wilsonville Comprehensive Plan contains specific references to the need to realign Wilsonville Road, and shows the realignment on its proposed list of transportation improvements. At page 30 of the Comprehensive Plan (Table II), the City states that Wilsonville Road, east of Town Center Loop should be realigned with Stafford Road, bypassing the "S" curve. Table at 30. This realignment is also indicated on the Comprehensive

Plan's Master Street System and Functional Classification, map at 29, and in the City's Pathway Plan, map at 33, and on the City's list of public facility projects, table at 51-53.

The Wilsonville Plan also identifies the need for residential development of the Wagner property now within the UGB. The Plan designation for the property is residential, with a density of three to five dwelling units per acre. This would allow for up to 88 units.

Clackamas County has also identified the need for a realignment of the Wilsonville/Boeckman intersection in its Comprehensive Plan. The Plan calls for Wilsonville Road to be upgraded to urban standards between the railroad tracks and the Northeast city limit, Transportation Element at 32, and the accompanying map shows the realignment (extending onto the Wagner's Clackamas Property outside the UGB), map V-9.

3. Environmental, Energy, Economic and Social (ESEE) Consequences. Metro Code § 3.01.040(a)(3).

A. Impact on Regional Transit Corridor Development. Metro Code § 3.01.040(a)(3).

The closest regional transit corridor to the Clackamas Property is Interstate 5, which is approximately one and one-quarter miles away. Development of the property at urban densities would generate no more than 500 trips per day, only a small portion of which would be on I-5. This impact is so small as to be insignificant.

B. Limitations Imposed by the Presence of Development Hazards. Metro Code § 3.01.040(a)(3).

The Clackamas County Comprehensive Plan lists the following as natural hazards: floodplains, landslide areas, organic/compressible soils, earth faults and slope of 20 percent or greater. None of these hazards are present on the Clackamas Property.

C. Limitations Imposed by the Presence of Resource Lands. Metro Code § 3.01.040(a)(3).

The properties adjacent to the site in Clackamas County are designated as resource land (agricultural) under the County's Comprehensive Plan, and are zoned as General Agricultural (GAD). The four parcels involved average 9.72 acres.

Under the City of Wilsonville's Comprehensive Plan and Zoning Code (if the site is annexed to Wilsonville), the eastern edge of the Wagners' property will be designated as open space and existing vegetation will be left in place. See Wilsonville

Comprehensive Plan Policies 3.4.3 and 3.4.4 (at 34-35), and Wilsonville Code Section 4.421(b). These provisions will insure preservation of an approximately 100 foot vegetated buffer between the Wagners' property and adjoining agricultural uses. In addition, the Wagners are willing to record a deed covenant, as a condition of this approval, recognizing the right of adjoining agricultural uses to continue accepted farming practices.

D. Other ESEE Consequences. Metro Code § 3.01.040(a)(3).

The Clackamas County Comprehensive Plan Inventory of Goal 5 resources does not identify any natural resources requiring protection in the vicinity of this site. Policies 1.0 and 2.0 of the County's Comprehensive Plan provide for Metro to take the lead in maintaining and amending urban growth boundaries.

4. Retention of Agricultural Lands. Metro Code § 3.01.040(a)(4).

A. Retention of the Clackamas Property as Agricultural Lands Would Preclude Urbanization of Adjacent Parcels Already Within the UGB. Metro Code § 3.01.040(a)(4)(A)(i).

As described above, development of 24.83 acres now within Wilsonville's UGB is dependent on off-site road and storm drainage improvements on the 6.35 acre property that is the subject of this petition. Without an amendment to the UGB, these improvements and their financing would be precluded.

The Wagner's Clackamas Property is zoned GAD, with a Comprehensive Plan designation of agricultural. Under ORS 215.213(2) the "reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels" is allowed on agricultural lands only where the local governing body finds that the road will not force a significant change in accepted farm practices on surrounding lands devoted to farm use, or significantly increase the cost of accepted farm practices. ORS 215.213(2)(r) and ORS 215.296(1).

Under these statutes, there are two obstacles to the realignment of Wilsonville Road onto agricultural lands outside the current UGB. First, the road realignment may not be made if it would result in the creation of a new parcel. ORS 215.213(2)(r). Under ORS 215.010(1) a "parcel" is created on agricultural lands by partition under ORS 92.010, by partition under local ordinance, or by deed. ORS 215.010(1). In this case, the right-of-way for the realignment within Clackamas County would be acquired by partition and deed pursuant to Sections 402.09, 402.11(A) and 1007 of the Clackamas County

Zoning and Development Ordinance (ZDO). Under ORS 215.010(1) this means that the road realignment necessarily would result in the creation of a new parcel, which is prohibited under ORS 215.213(2)(r). The only means around this prohibition is to have the County acquire the entire 6.35 acre property so that the prohibition on the creation of new parcels would not apply. This would add significantly to the expense of the road realignment (it would more than triple the amount of land needed to be acquired), making it extremely unlikely that the project would ever be built.

Secondly, under ORS 215.213(2)(r), a road realignment on agricultural lands is allowed only if the local governing body makes findings under ORS 215.296(1) that the road "will not: force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use." See also, Clackamas County Comprehensive Plan, Land Use Element, Agriculture Goals 3.0 and 6.0 (land uses which conflict with agricultural uses shall not be allowed; roads shall be developed in a manner and to a level compatible with maintaining agricultural areas).

In this case, the proposed road realignment will result in the direct loss of approximately five percent of the 6.35 acre Clackamas Property, of which fifty percent is already unsuitable for farm use due to the presence of an intermittent stream running from North to South along the eastern half of the property (this stream is inventoried on the National Wetlands Inventory and is not in farm use). The end result of the realignment would be the creation of an isolated three acre plot of agricultural lands, adjacent to a major arterial, and with access only from the narrow northern boundary. Given these circumstances, it is impossible for Clackamas County to find that the road will not force a significant change in, or significantly increase the cost of, accepted farming practices on adjacent lands.

Additional standards for divisions of lands are contained in Clackamas County ZDO Section 402.9. These standards prohibit the creation of lots smaller than the "acreage supporting the typical commercial farm unit in the area. . . ." ZDO Section 402.09(B)(1). A 6.25 acre parcel would not meet this standard.

B. Retention of the Parcel as Agricultural Lands Would Prevent the Efficient and Economical Provision of Urban Services to an Adjacent Area Already Within the UGB. Metro Code § 3.01.040(a)(4)(A)(ii).

a. Storm Drainage.

Under Section 402.03 of the Clackamas County ZDO, urban level utility facilities and services are not listed as a permitted use. Cf. ORS 215.213(1)(d). As a result, the off-site storm drainage facilities and improvements needed to develop the Wagners' Wilsonville Property would have to be located within the City of Wilsonville. These facilities and improvements are required under Policies 3.4.3 and 3.4.5 of the City's Comprehensive Plan.

Restricting storm drainage improvements to that portion of the Wagner property within the City of Wilsonville means that a new, 1700 foot, storm drain main would have to be built from North to South, probably along the new alignment of Wilsonville Road. Without the restriction, storm drainage would be directed to the existing natural drainageway in the Wagner's Clackamas Property. See Exhibit 3. The incremental expense of a new artificial storm drainage system is approximately \$200,000.

b. Bikeways.

As part of the Wilsonville Road realignment and improvement project, the City of Wilsonville Comprehensive Plan calls for the development of a primary pathway/bikeway. City of Wilsonville Comprehensive Plan at 33. This improvement is also called for in the Clackamas County Comprehensive Plan. Clackamas County Plan Map V-15. Under the City of Wilsonville's Comprehensive Plan, this bikeway is to be "completely separated from vehicular traffic and within an independent right-of-way." Wilsonville Plan at 25. To avoid multiple road crossings, the pathway/bikeway through the Wagners' property would have to be located on the eastern side of the new alignment, outside the UGB in Clackamas County. Like storm drainage, however, urban-level bikeways are not a permitted use in Clackamas County's GAD district, so that development of the Wagner Property now within the UGB would require relocating the bikeway and providing for two crossings of Wilsonville Road, a major arterial with high traffic volumes and speeds.

c. Financing.

Although the Wagners' will be required to dedicate the lands required for the urban level services described above, some of the improvements are planned to be financed through the City of Wilsonville's Urban Renewal District with tax increment financing. Most of these improvements are designed to serve a wider area of Wilsonville and tax increment financing will spread these costs on a more equitable basis.

As has been shown, many of these improvements are needed on lands currently outside the UGB and the City of

Wilsonville. Amending the UGB will allow the City to include these areas within its Urban Renewal District so that a single source of financing may be used for the entire project. The alternative, assuming land use hurdles can be overcome, is for the improvements to be financed directly by the Wagners. Given the high level of infrastructure improvements needed to develop this property in relation to the amount of developable land, owner financing is certainly onerous and will at least delay, if not prevent, the urbanization of the Wagners' Wilsonville Property.

d. Uniform Standards.

The City of Wilsonville and Clackamas County have differing standards for road improvements, storm drainage and bikeways. In the event Wilsonville Road could be realigned onto agricultural lands in the county, the eastern half of the road would be subject to county road standards and the western half to city standards. There is no agreement between Wilsonville and Clackamas County providing for which standards are to control in such a situation. Furthermore, there is no agreement regarding which jurisdiction would be responsible for maintenance. Amending the UGB will assure that consistent standards are applied and that responsibility for long-term maintenance is clearly identified.

5. Compatibility With Nearby Agricultural Activities. Metro Code § 3.01.040(a)(5).

See Section II.3.C., above.

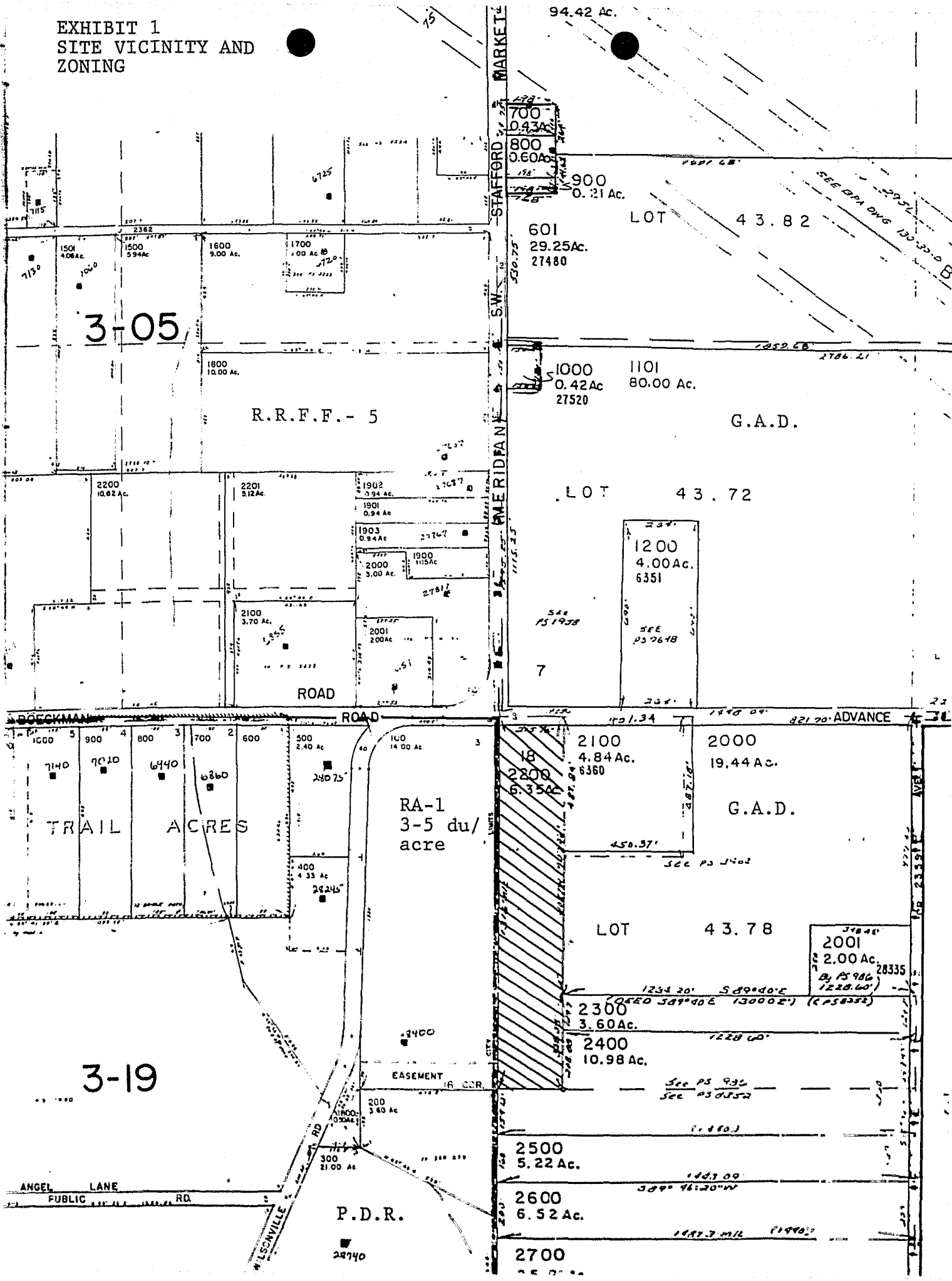
6. Superiority of the Proposed UGB and Inclusion of Similarly Situated, Contiguous Land. Metro Code § 3.01.040(d)(2).

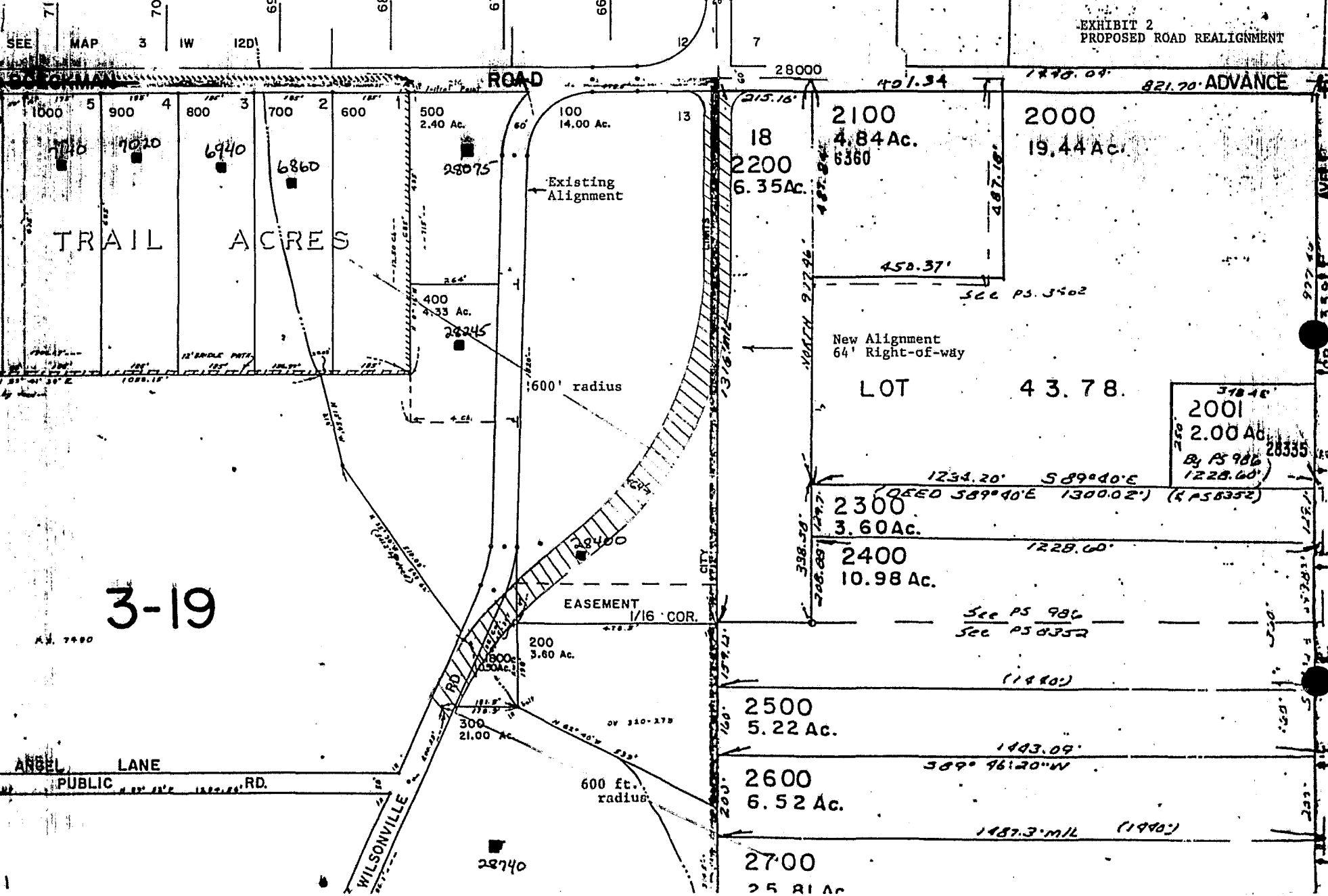
Metro Code Section 3.01.040(d)(2) provides that minor additions to a UGB must include all similarly situated contiguous land. The Wagners' Clackamas Property is the only property necessary for the development of lands already within Wilsonville's UGB in this area due to the unique infrastructure requirements that apply.

7. Size Limits on Additions of Lands to the UGB. Metro Code § 3.01.040(d)(3).

The Metro Code states that "[a]dditions . . . generally should not add more than 10 acres of vacant land to the UGB. The Wagners' addition would add 6.35 acres, well within this limit. As amended, the UGB would follow the seasonal stream on the eastern edge of the property--providing a natural boundary, and all urban-level service improvements necessary for development would be provided within the UGB.

EXHIBIT 1
SITE VICINITY AND
ZONING





TRAIL ACRES

ADVANCE

3-19

ANGEL LANE
PUBLIC RD.

WILSONVILLE

3391 AVE

- 6 1200
- 5 1000
- 4 900
- 3 800
- 2 700
- 1 600
- 500 2.40 Ac.
- 400 0.33 Ac.
- 300 21.00 Ac.
- 200 3.60 Ac.
- 100 14.00 Ac.

- 18 2100 4.84 Ac. 6360
- 19 2000 19.44 Ac.
- 20 2001 2.00 Ac. 28335
- 21 2300 3.60 Ac.
- 22 2400 10.98 Ac.
- 23 2500 5.22 Ac.
- 24 2600 6.52 Ac.
- 25 2700 25.81 Ac.

LOT 43.78

600' radius

EASEMENT 1/16 COR.

600 ft. radius

New Alignment
64' Right-of-way

Existing Alignment

See PS 3502

See PS 986
See PS 8352

(1480)

1443.09'

S 89° 46' 20" W

1487.3' ML (1480)

450.37'

1234.20' S 89° 40' E
(QEED S 89° 40' E 1300.02') (RPS 8352)

1228.60'

A.S. 7480

28740

1550'

1550'

1550'

1550'

927.50'

927.50'

927.50'

927.50'

927.50'

927.50'

927.50'

927.50'

927.50'

927.50'

927.50'

EXHIBIT 3
EXISTING CONDITIONS AND
STORM DRAINAGE

PHASE 8

TL 500
2.40 AC.

OPEN SPACE
STORM DRAINAGE
IMPROVEMENTS

COURT

WILSON

WEST URBAN AREA
PROJECTS NEEDED

① thru ②① 0-5 YEARS

②② thru ③③ 5-20 YEARS

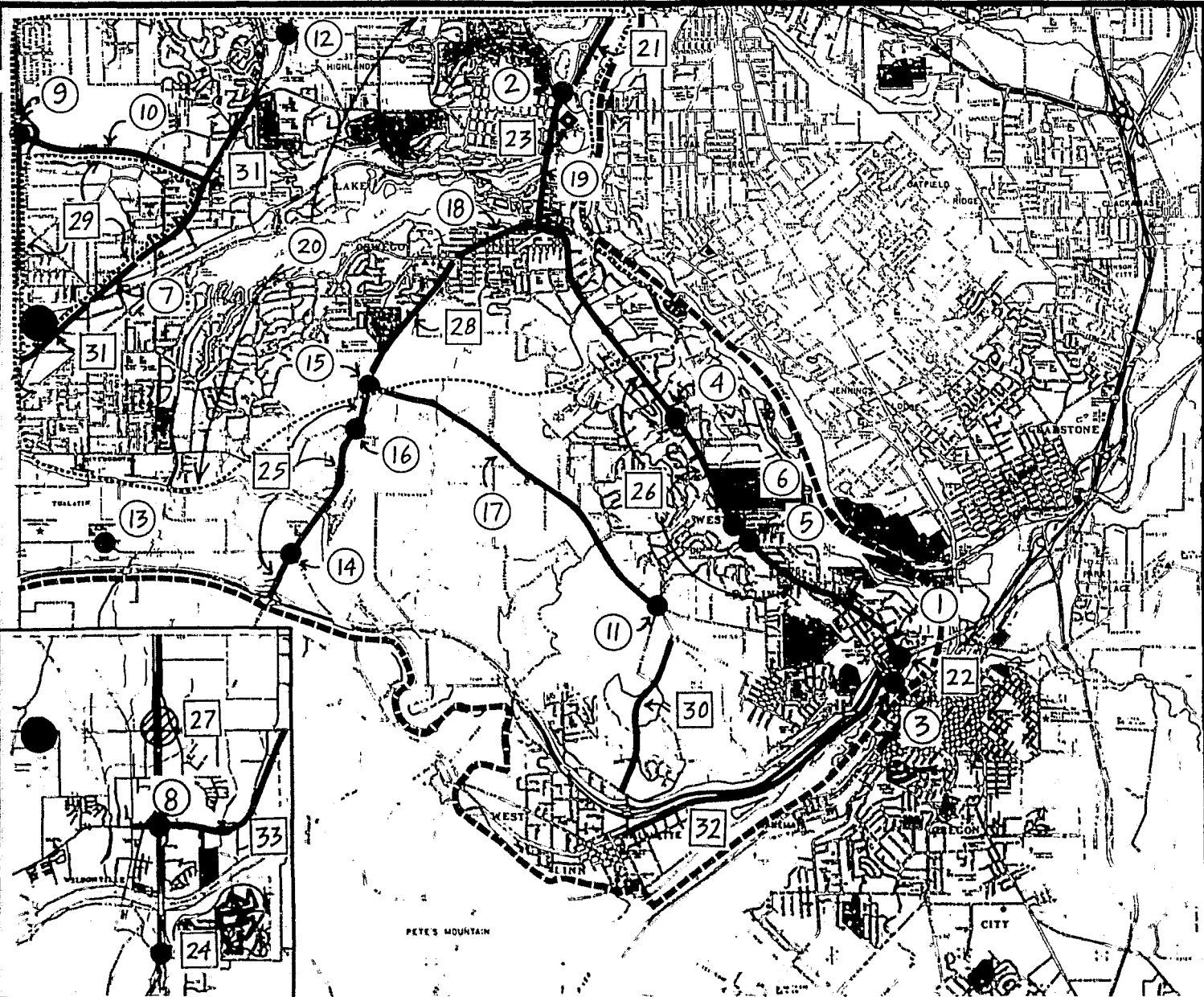
— ROAD IMPROVEMENT

● INTERSECTION IMP.

◆ TRANSIT STATION

◉ SPECIAL TRANSPORTATION
STUDY AREA

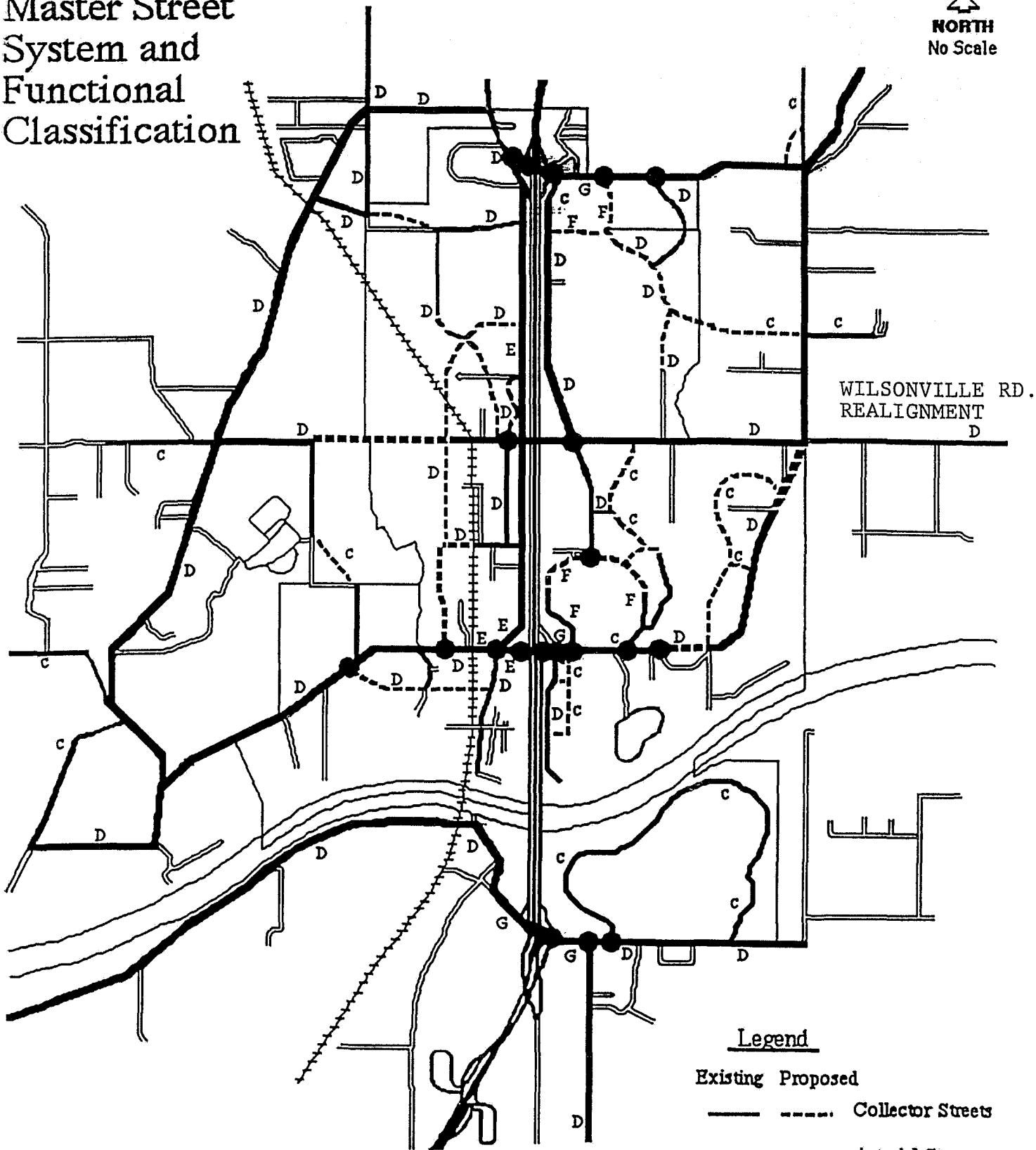
○ TRANSPORTATION/
CIRCULATION STUDY AREA



WILSONVILLE ROAD REALIGNMENT






Master Street System and Functional Classification


NORTH
 No Scale

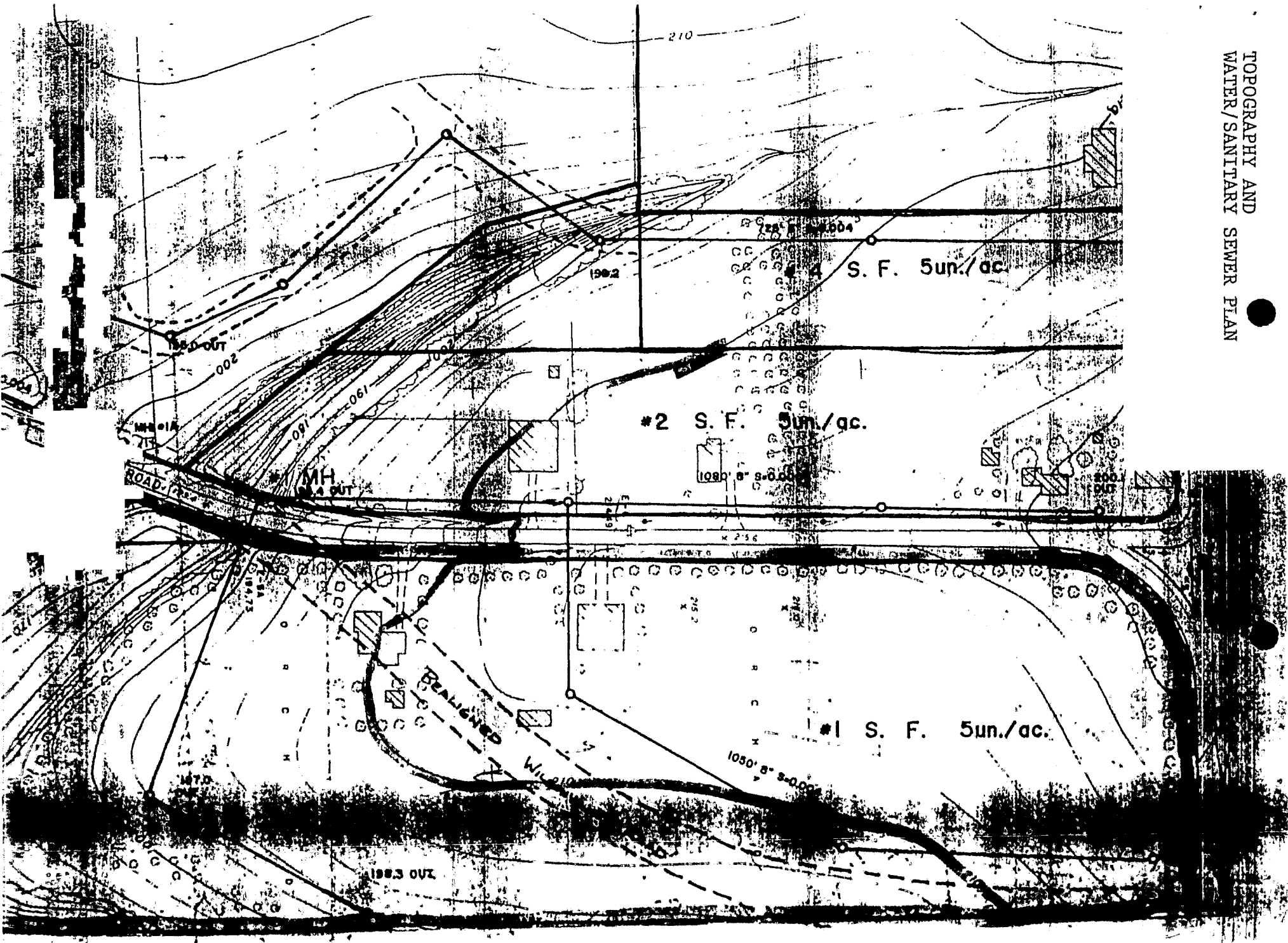


Note: Existing and proposed "A" and "B" classification local streets are not shown on this map.

Legend

Existing	Proposed	
		Collector Streets
		Arterial Streets
	C to G	Design Standards
		Traffic Signals

TOPOGRAPHY AND
WATER/SANITARY PLAN



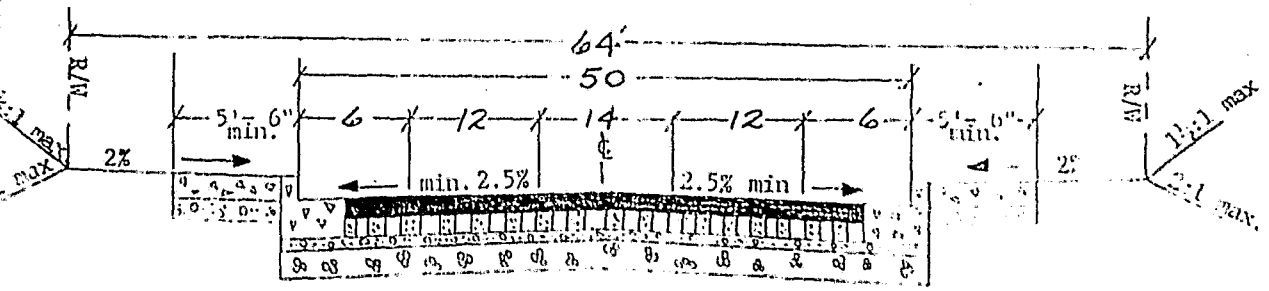
PRELIMINARY
ENGINEERING/
STANDARDS FOR
WILSONVILLE ROAD

WILSONVILLE ROAD

FLTA

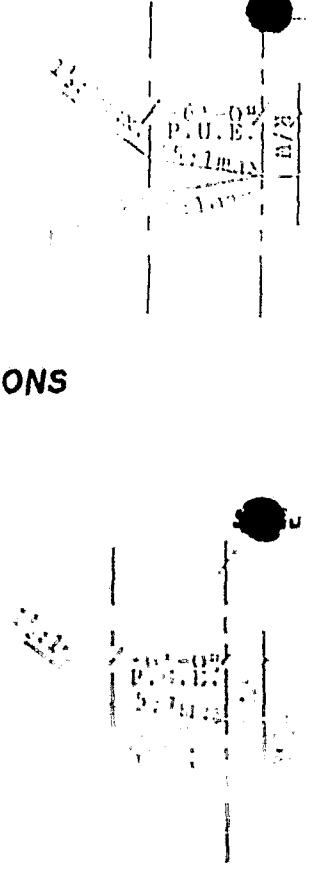
CITY LIMITS

SU



Arterial Road

PROPOSED STREET SECTIONS
MINIMUMS




City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING
MEMORANDUM

DATE: JUNE 26, 1990

TO: WAYNE SORENSEN
PLANNING DIRECTOR

FROM: JIM LONG
ASSISTANT ENGINEER 

RE: WILSONVILLE ROAD REALIGNMENT THROUGH THE
WAGNER PROPERTY

The attached letter and map from Richard M. Whitman was presented to the Transportation Advisory Commission at its regular meeting on June 21, 1990. After some discussion, the Commission approved the proposal and sent a recommendation to the City Council, requesting that they support the Wagner petition to Metro.

jl:md

Attachments: 6/21/90 Correspondence
Map of Realignment
TAC Approval & Recommendation

cc: Project file
Inter-Office Communications - Engr.

BALL, JANIK & NOVACK
ATTORNEYS AT LAW
ONE MAIN PLACE
101 S.W. MAIN STREET, SUITE 1100
PORTLAND, OREGON 97204-3274
TELEPHONE (503) 228-2525
TELECOPY (503) 228-1088

9TH FLOOR, 601 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 763-6647

RICHARD M. WHITMAN

June 21, 1990

BY TELECOPY

Mr. Jim Long, Assistant
City Engineer
City of Wilsonville
30000 S.W. Town Center Loop, E.
P.O. Box 220
Wilsonville, OR 97070

Re: Public Testimony to the City of Wilsonville
Traffic Advisory Committee Requesting an
Affirmation of the City's Policy on the
Wilsonville Road Realignment

Dear Jim:

Please submit the attached public testimony to the City of Wilsonville's Traffic Advisory Committee for their consideration. I would also appreciate it if you could pass on my apologies to the Committee for not being able to be present at tonight's committee meeting due to a scheduling conflict.

Thank you for your assistance and please call me at 228-2525 if you have any questions regarding this matter.

Very truly yours,



Richard M. Whitman

RMW:jvg

Enclosure

cc: Mr. and Mrs. Wagner
Mr. Wayne Sorenson
Mr. Stephen T. Janik

RMW\JVG\RMW\WAGNER\LONG.621

BALL, JANIK & NOVACK
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9TH FLOOR, 801 PENNSYLVANIA AVE, N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 638-3307
TELECOPY (202) 783-8947

RICHARD M. WHITMAN

June 21, 1990

City of Wilsonville
Traffic Advisory Committee
30000 S.W. Town Center Loop, E.
P.O. Box 220
Wilsonville, OR 97070

Re: Request for Affirmation of the City of
Wilsonville's Policy to Realign
Wilsonville Road

Dear Members of the Traffic Advisory Committee:

I am an attorney representing Mr. and Mrs. Wagner who reside at 28400 S.W. Wilsonville Road, Wilsonville, Oregon. For the past several months Mr. and Mrs. Wagner and I have been working with the City of Wilsonville, the Metropolitan Service District (Metro) and Clackamas County to resolve how the improvements to Wilsonville Road in the vicinity of its intersection with Boeckman Road and Advance Road should be performed. As you may know, both the City of Wilsonville's and Clackamas County's Comprehensive Plans call for the realignment of Wilsonville Road in this area to eliminate two dangerous ninety degree turns in the current road alignment. At least four serious and many minor accidents have occurred at these ninety degree turns during the past five years. Eliminating these two turns by realigning Wilsonville Road would require putting part of that new alignment on lands just outside the City of Wilsonville boundary. See attached map.

Under provisions of state law and Clackamas County's Comprehensive Plan and Zoning and Development Ordinance, the realignment of Wilsonville Road onto lands outside the City of Wilsonville's Urban Growth Boundary is prohibited. To overcome this obstacle, we are submitting a petition to Metro to amend the Urban Growth Boundary of the City of Wilsonville to include the area now in Clackamas County necessary for this realignment to occur. As part of this process, both the City of Wilsonville and Clackamas County are required to comment on the petition to Metro. The Wagners' Metro petition will be coming before the


City of Wilsonville
June 21, 1990
Page 2

City of Wilsonville Planning Commission and the City Council
within the next three to four weeks.

Given the Traffic Advisory committee's leading role in setting transportation policy for the City of Wilsonville, we would like to request that the Committee reaffirm that it is the City's policy to realign Wilsonville Road in this area and that the Committee request that the Wilsonville City Council make a favorable recommendation to Metro regarding the Wagners' petition. A resolution of the Committee would help ensure that this badly needed road improvement occurs.

Thank you for your consideration of this matter.

Very truly yours,

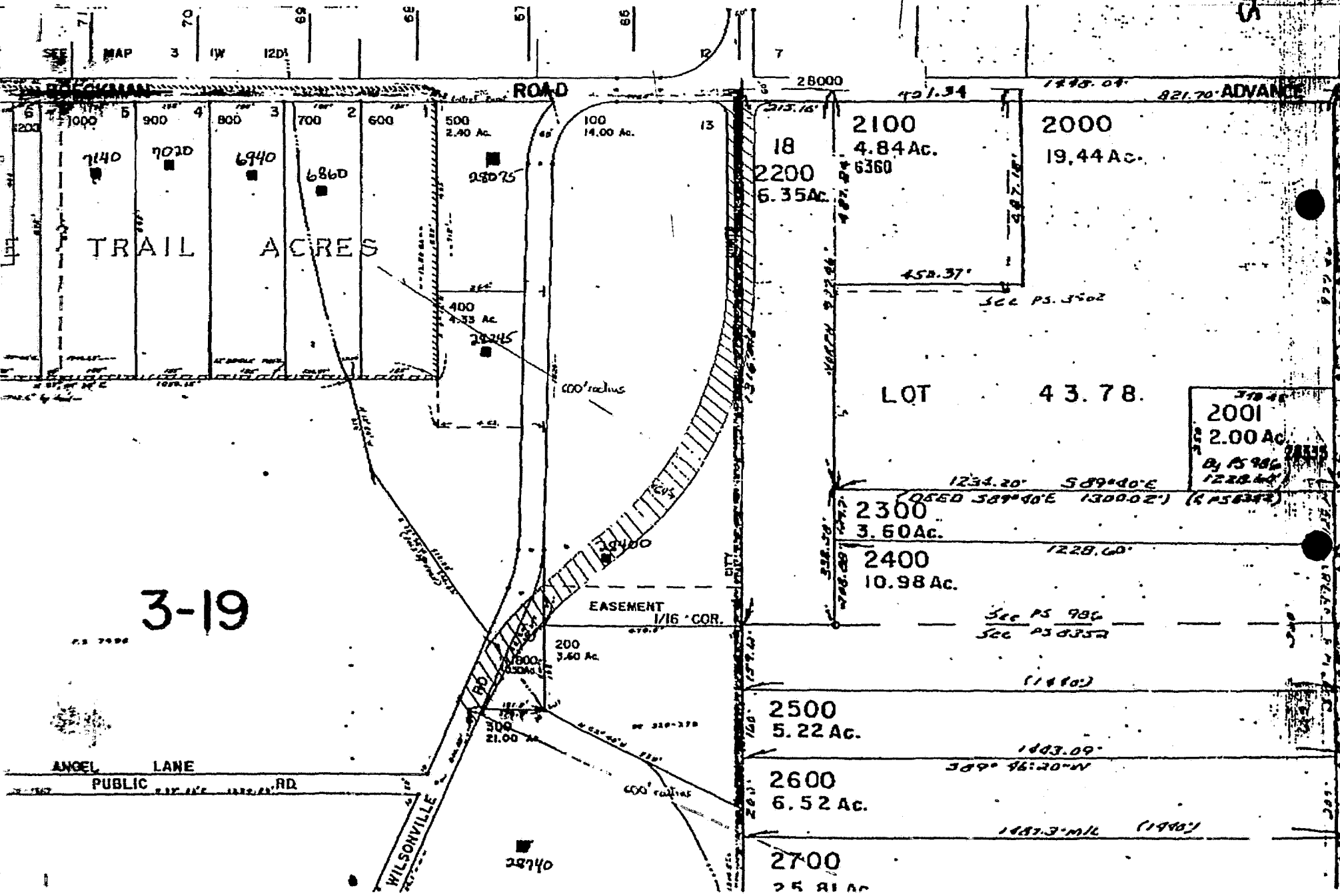


Richard M. Whitman

RMW:jvg

cc: Mr. and Mrs. Wagner
Mr. Stephen T. Janik
Mr. Wayne Sorenson

RMW\JVG\RMW\WAGNER\TRAFFIC.621



3-19

TRAIL ACRES

ANGEL LANE PUBLIC RD

WILSONVILLE RD

ROAD

2100

4.84 Ac.
6360

2000

19.44 Ac.

LOT

43.78

2001

2.00 Ac.

2300

3.60 Ac.

2400

10.98 Ac.

2500

5.22 Ac.

2600

6.52 Ac.

2700

25.81 Ac.

EASEMENT
1/16 COR.

200
3.60 Ac.

300
21.00 Ac.

600' radius

500
2.40 Ac.

100
14.00 Ac.

6860

6940

7020

7140

SEE PS. 3502

SEE PS 986
SEE PS 8352

N. 02° 48' 00" E
1403.09'

N. 11° 3' 00" W
1487.3' (1991)

1234.20' 589°40'E (1300.02') (KPS 6342)

28000 421.34 1748.04 821.70 ADVANCE

SEE MAP 3 1W 12D1

07182

Excerpt from the minutes of the Transportation Advisory Commission June 21, 1990 meeting.

Under Public Input, Written - Chairman Anderson read, for the record, a letter from attorney Richard M. Whitman, of the law firm of Ball, Janik & Novack, representing Mr. & Mrs. Wagner of Wilsonville.

"To the members of the Traffic Advisory Committee:

I am an attorney representing Mr. & Mrs. Wagner, who reside at 28400 S.W. Wilsonville Road, Wilsonville, Oregon. For the past several months Mr. & Mrs. Wagner and I have been working with the City of Wilsonville, the Metropolitan Service District, (Metro) and Clackamas County to resolve how the improvements to Wilsonville Road in the vicinity of its intersection with Boeckman Road and Advance Road should be performed. As you may know both the City of Wilsonville's and Clackamas County's Comprehensive Plans call for the realignment of Wilsonville Road in this area to eliminate two dangerous ninety degree turns in the current road alignment. At least four serious and many minor accidents have occurred at these ninety degree turns during the past five years. Eliminating these two turns by realigning Wilsonville Road would require putting part of that new alignment on lands just outside the City of Wilsonville boundary. See attached map.

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Given the Traffic Advisory committee's leading role in setting transportation policy for the City of Wilsonville, we would like to request that the Committee reaffirm that it is the city's policy to realign Wilsonville Road in this area and that the Committee request that the Wilsonville City Council make a favorable recommendation to Metro regarding the Wagners' petition. A resolution of the Committee would help ensure that this badly needed road improvement occurs.

Thank you for your consideration of this matter."

(signed by Richard M. Whitman)

Chairman Anderson explained that in essence what is being talked about is one lane -- the east lane of the proposed realigned Wilsonville Road, which would fall outside of the Urban Growth Boundary and would make a four-way alignment with Wilsonville Road as it goes on past the intersection of Boeckman, Advance and Wilsonville Road.

When asked for additional information, Mr. Long pointed out that not only are the Wagners petitioning for the road section and right-of-way, to be included in the Urban Growth Boundary, but that the remaining portion of Tax Lot 2200 be included in the boundary change. For the city's support of this realignment, the Wagners are willing to provide the right-of-way for that road alignment. If the petition does not go through, and the City opts to proceed with this realignment it will be necessary to purchase or condemn the property. The city engineer and city planner have considered several options for the realignment of

Wilsonville Road, (a project which is part of the current comprehensive plan) and support this as the preferred alignment. Discussion continued.

LEW HENDERSHOTT MOVED, SECONDED BY BILL PRATT, THAT TAC SEND A RECOMMENDATION TO THE CITY COUNCIL, REQUESTING THAT THEY SUPPORT THE WAGNER PETITION TO METRO. MOTION CARRIED 4-0.

/md