

RESOLUTION NO. 1293

A RESOLUTION RECOMMENDING APPROVAL BY METRO AND THE BOUNDARY COMMISSION OF A MINOR URBAN GROWTH BOUNDARY ADJUSTMENT AND ANNEXATION OF PROPERTY LOCATED ON THE NORTH SIDE OF ELLIGSEN ROAD BETWEEN PARKWAY CENTER DRIVE AND CANYON CREEK ROAD.

WHEREAS, the City of Wilsonville on May 15, 1996, submitted a full and complete application requesting an Urban Growth Boundary adjustment and annexation amendment for a portion of Tax Lot 600, T3S, R1W, Section 1, located at the northeast corner of Parkway Center Drive; and

WHEREAS, an application together with Planning exhibits for the above captioned adjustments is prepared to be submitted in accordance with the procedures set forth in METRO and the Boundary Commission Policy and Procedures; and

WHEREAS, the Development Review Board on July 8, 1996, reviewed the proposal and recommended approval; and

WHEREAS, the Wilsonville City Council at a public hearing on July 15, 1996, considered the Development Review Board's recommendation and the Planning Department's report and recommendation and considered public testimony and plans; and,

WHEREAS, annexation of property into the City Limits and Urban Growth Boundary (UGB) is required in order to accommodate additional right-of-way necessary for future improvements along SW Elligsen Road.

WHEREAS, the recently completed Transportation Impact Study for the Canyon Creek Local Improvement District, prepared by DKS and Associates, identified additional improvements required to support full build-out of the Canyon Creek Road North frontage properties (LID participants).

WHEREAS, the City Council, after providing public notice of the hearings in accordance with State law and the Wilsonville Code, having duly considered all evidence and testimony.

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

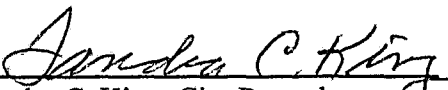
METRO and the METROPOLITAN Boundary Commission are hereby requested to annex the narrow strip along the north side of Elligsen Road as described below and as illustrated in Exhibit A and to adjust the Urban Growth Boundary to include such property within Wilsonville's Boundary:

The subject property requested for annexation is comprised of 40,450 square feet (.928 acre) of Tax Lot 600, T3S, R1W, Section 1, Willamette Meridian (See Exhibit D). The property is proposed to be used entirely for additional right-of-way along approximately 1,650 feet of the north side of SW Elligsen Road. The existing north right-of-way line of SW Elligsen Road is the UGB and City limits. The remaining 100.212 acres of Tax Lot 600 will not be included in either the annexation or UGB request.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 15th day of July, 1996, and filed with the Wilsonville City Recorder this date.


GERALD A. KRUMMEL, Mayor

ATTEST:


Sandra C. King, City Recorder

SUMMARY OF VOTES:

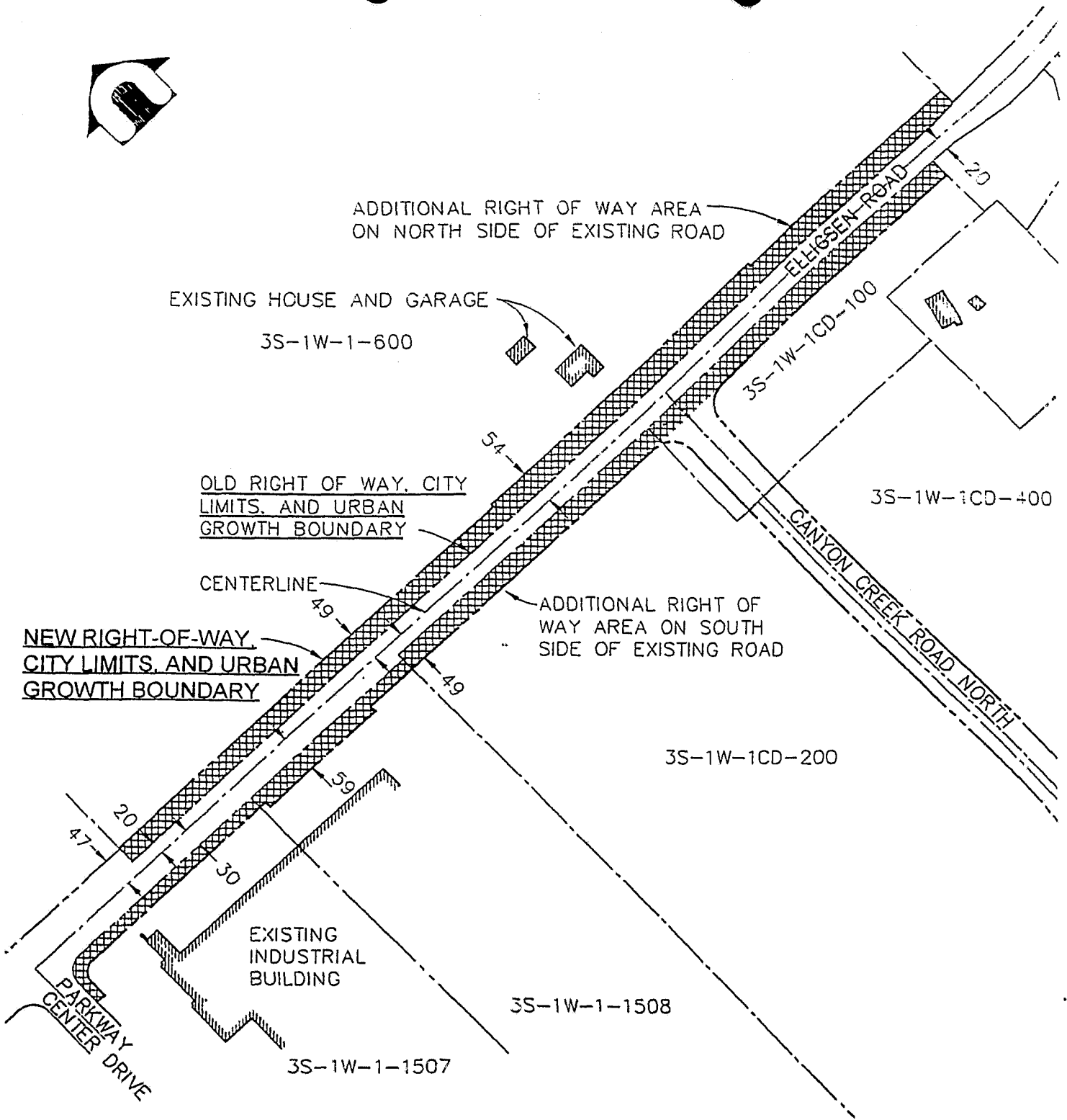
Mayor Krummel Yes

Councilor Lehan Yes

Councilor Hawkins Yes

Councilor MacDonald Yes

Councilor Leahy Yes



DAVID EVANS AND ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
 2008 S.W. COMBETT AVENUE PORTLAND, OR 97201 (503) 223-4463

PROJECT

L.I.D. NO. 12-95-ST

TITLE

**CITY ANNEXATION AND URBAN
 GROWTH BOUNDARY MODIFICATION**

JOB NO.

JUL 20 11

DRAWN BY

TAS

DESIGN BY

GRA

SCALE

1" = 200'

DATE

5-02-96

PLANNING DEPARTMENT MEMORANDUM

DATE: July 9, 1996

TO: Honorable Mayor and City Council

FROM: Robert G. Hoffman AICP
Senior Planner

RE: Adjustment of Urban Growth Boundary and Annexation for
strip along Elligsen Road

SUMMARY:

The City of Wilsonville is proposing annexation and adjustment of the Urban Growth Boundary (UGB) to include a narrow strip of land along the northern edge of Elligsen Road. The area is less than an acre and is approximately 50 feet wide by 1,650 feet long. The purpose is to permit improvements to Elligsen Road necessitated by the construction of Canyon Creek Road.

BACKGROUND:

As part of the considerations related to the Canyon Creek project, it was discovered that improvements to the intersection of Canyon Creek Road and Elligsen Road were required at this time. Elligsen Road may be needed to be widened at some time in the future. The area on the north side is outside of the current city limits and Urban Growth Boundary and needs to be included in order for the city to efficiently administer the improvements.

RECOMMENDATION:

The Development Review Board and staff recommend that the City Council request the Annexation and adjustment to the Urban Growth Boundary as described in the attached report. A resolution is included.

BH:sh

**CITY OF WILSONVILLE
DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 96DB10**

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPLY TO THE BOUNDARY COMMISSION FOR EXPEDITED ANNEXATION AND TO METRO FOR AN ADMINISTRATIVE ADJUSTMENT OF THE URBAN GROWTH BOUNDARY FOR A PORTION OF TAX LOT 600, T3S, R1W, SECTION 1, WASHINGTON COUNTY, WILSONVILLE, OREGON. CITY OF WILSONVILLE, APPLICANT

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 (4) of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject which is attached hereto as Exhibit A, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on July 8, 1996, at which time said exhibits, together with findings were entered into the public record, and

WHEREAS, the Development Review Board has duly considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A, with findings and recommendations contained therein, and further authorizes the Planning Director to forward a recommendation to the City Council to apply to METRO and the Portland Metropolitan Area Local Government Boundary Commission for an expedited annexation and administrative UGB adjustment to allow for improvements to S.W. Elligsen Road

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of July, 1996, and filed with the Planning Secretary on

July 7, 1996


Matthew Miller, Chairman
Wilsonville Development Review Board

Attest:


Sally Hartill, Planning Secretary

PLANNING DEPARTMENT
STAFF REPORT

RECOMMENDATION TO CITY COUNCIL THAT THE CITY APPLY TO THE
BOUNDARY COMMISSION FOR EXPEDITED ANNEXATION AND TO
METRO FOR AN ADMINISTRATIVE ADJUSTMENT OF THE
URBAN GROWTH BOUNDARY
96 DB 10

Date: June 15, 1996
(For a July 8, 1996 Development Review Board meeting)

TO: Panel A of the Development Review Board

PREPARED BY: Chris Neamtzu, Assistant Planner

APPLICANT: City of Wilsonville

PROPERTY OWNER: Pauline Basler Laird

LEGAL DESCRIPTION: T3S, R1W, Section 1, Tax Lot 600

ZONING: AF-10, Agriculture Forest- 10 acre minimum

NOTE: The applicant has voluntarily agreed to waive the statutory 120 day time limit requirement.

SUMMARY

The applicant is requesting annexation of property into the City Limits and Urban Growth Boundary (UGB) in order to accommodate additional right-of-way necessary for future improvements along SW Elligsen Road. The recently completed *Transportation Impact Study for the Canyon Creek Local Improvement District*, prepared by DKS and Associates, identified additional improvements required to support full build out of the Canyon Creek Road North frontage properties (LID participants).

The subject property requested for annexation is comprised of 40,450 square feet (.928 acre) of Tax Lot 600, T3S, R1W, Section 1, Willamette Meridian (See Exhibit D). The property is proposed to be used entirely for additional right-of-way along approximately 1,650 feet of the north side of SW Elligsen Road. The existing north right-of-way line of SW Elligsen Road is the UGB and City limits. The remaining 100.212 acres of Tax Lot 600 will not be included in either the annexation or UGB request.

SW Elligsen Road, west of the proposed Canyon Creek Road North is classified as a Major Arterial Street (Design Standard F) on the City's adopted Transportation Master Plan. Design standard F indicates a five lane facility within a 98 foot right-of-way which contains four travel lanes, a center median/left turn lane, sidewalks, and 4' planting strips along both sides, between Parkway Center Drive and Canyon Creek Road North. The City's Transportation Master Plan was adopted in 1991, and is acknowledged by the State's Land Conservation and Development Commission as an amendment to the City's Comprehensive Plan. At this time, the City is proposing interim intersection improvements at Canyon Creek Road North and Elligsen Road. Upon completion of the

in process Transportation Master Plan update, the City will proceed with appropriate Elligsen Road improvements.

Wilsonville Development Code Applicable Review Criteria:

Section 4.008 Application Procedures
Section 4.012 Hearing Procedures
Section 4.121 Public Facilities Zone
Section 4.139 Planned Development Regulations
Section 4.167 Street Improvement Standards
Section 4.168 Sidewalk and Pathway Standards
Section 4.400 Site Design Review

In addition to Chapter 4 of the WC, the following documents also provide applicable review criteria:

Wilsonville Comprehensive Plan
Goal 1.1, 2.1, 3.1, 4.3 and the associated Policies and Objectives
Transportation Master Plan (1991)
Pedestrian and Bikeway Master Plan (1993)
Public Works Code
Statewide Planning Goals # 1, 2, 3, 9, 11, 12, 14

**PROPOSED FINDINGS
96 DB 10**

1. SW Elligsen Road is designated on the adopted Transportation Master Plan section of the City of Wilsonville Comprehensive Plan as a Major Arterial Street with a design standard of 'F' between Canyon Creek Road North and I-5 (See Exhibit E) . Additional right-of way is needed to accommodate the standards identified in the plan.
2. The City of Wilsonville's Transportation Master Plan, on page 58, Street Improvements, Arterials states: *Elligsen Road. Widen to five lanes from Canyon Creek Road to I-5, using design standard F. Improve road section between freeway ramps as part of ODOT's I-5/Stafford interchange project.*
3. The overall goal of the City's Transportation Master Plan (*dated July 12, 1991*) is to "plan for and provide adequate public facilities and services closely tied to the rate of development." This is a concurrency statement relating to growth and the provision of transportation facilities.
4. The City of Wilsonville wishes to improve SW Elligsen Road to meet the standards identified in the Transportation Master Plan which is currently undergoing an update process. Because the subject property is located entirely outside of the current Urban Growth Boundary, an expedited annexation and administrative UGB adjustment is required to carry out the intent of the Transportation Master Plan, in association with the improvements being completed in LID # 12.

5. WC Section 4.139(4)b) states: *That the location, design, size and uses are such that traffic generated by the development at the most probable used intersections can be accommodated safely and without congestion in excess of level of service 'D' defined in the Highway Capacity Manual published by the National Highway Research Board on existing immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.*

Because the City has approved a large housing project along the new Canyon Creek Road North (Canyon Creek Meadows, 119 lot sub-division) alignment, and expects to continue to receive land use applications in the areas fronting on the new road, it is in the best interest of the city and its residents to annex the property necessary to meet the intent of the Transportation Master Plan. This action will ensure that a satisfactory level of service will continue to be met.

6. In order for SW Elligsen Road to be improved to its acknowledged plan standard, the entire right-of way for the road must be both within the City Limits and the UGB.

7. Section 4.400 (2)(g) Site Design Review says that the City's process for reviewing site designs is intended to "insure that adequate public facilities are available to serve development as it occurs..."

It is because of the availability of developable land contiguous to the new road that planning for the future is so important. The intersection improvements are required as part of LID No. 12 construction; the ultimate widening of Elligsen Road needs to be planned now so that once the update process for the Transportation Master Plan is complete, the City will be poised to proceed with such improvements.

8. Comprehensive Plan Goal 3.1 reads: *Plan for and provide adequate public facilities and services closely tied to the rate of development.*

It is because the anticipated rate of growth will eventually exceed the capacity of Elligsen Road, that these measures need to be taken to ensure that sufficient public facilities are available to serve future development.

9. Comprehensive Plan Goal 4.3 states: *This goal recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment..*

CONCLUSIONS

In order to implement numerous provisions of the City's Comprehensive Plan calling for limitations on growth to assure the concurrent provision of public services, to support the standards and criteria of adopted land development ordinances, and to comply with various Statewide Planning Goals, the recommendation by the Development Review Board that the City Council apply to METRO and the Portland Metropolitan Area Local Government Boundary Commission for an expedited annexation and administrative UGB adjustment is both appropriate and necessary.

EXHIBITS

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. Staff report, Findings and Conditions of Approval
- B. Chapter 4 of the Wilsonville Code
- C. Wilsonville Comprehensive Plan
- D. Applicants submittal documents
- E. Letter from Project Manager CJ Sylvester waiving the statutory 120 day requirement
- F. Letter from Project Manager CJ Sylvester
- G. Site Plan



WILX0011

APPLICATION FOR ANNEXATION OF PROPERTY TO THE CITY OF WILSONVILLE FOR
ADDITIONAL RIGHT-OF-WAY FOR SW ELLIGSEN ROAD (LID NO. 12-95-ST)

APPLICANT: Pauline Basler Laird
7845 SW Elligsen Road
Tualatin, OR 97062

DATE: May 15, 1996

PROPERTY: Portion of Tax Lot 600, T3S, R1W, Sec.1

EXHIBITS: A. City Annexation and Urban Growth Boundary Modification (map)
B. Transportation Master Plan (Figure 20, map)
C. Street Standards (Figure 19, diagram)
D. SW Elligsen Road LID No. 12-95-ST Plans (19 sheets)

REQUEST:

The applicant requests annexation of property into the City of Wilsonville and inclusion of the same into the Urban Growth Boundary (UGB). The property, consisting of 40,450 square feet (0.928 acre) of Tax Lot 600, will be used entirely for additional right-of-way along approximately 1,650 feet of the north side of SW Elligsen Road (See Exhibit A). The remainder of Tax Lot 600, approximately 100.212 acres, will not be included either in the annexation or UGB request.

The additional right-of-way is necessary to accommodate improvements to SW Elligsen Road which will meet the standards for a Major Arterial Street. SW Elligsen Road west of the proposed Canyon Creek Road North is classified as a Major Arterial Street in the City's Transportation Master Plan adopted in 1991 which constitutes the transportation element of the Comprehensive Plan (See Exhibit B).

BACKGROUND:

The proposed improvements are to be part of a Local Improvement District (LID No. 12-95-ST) which also includes the construction of Canyon Creek Road North. Canyon Creek Road North will intersect with the proposed improved section of SW Elligsen Road approximately 1,300 feet east of its present intersection with Parkway Center Drive (See Exhibit A). *G sh*

Proposed improvements to SW Elligsen Road will consist of four to five-lanes between Canyon Creek Road North and I-5: two travel lanes in each direction; a center median/left-turn lane; sidewalks

EXHIBIT D



separated from the street by a 4-foot landscape strip along both sides of the street; and retaining walls along certain portions of the street to avoid the need for extensive side slope grading (See Exhibit D). The tapered section between Canyon Creek Road North and the east end of the project, approximately 625 feet, will ultimately be constructed to a Minor Arterial Design Standard E. (See Exhibit C.) These improvements are proposed within a right-of-way width of 98 - 108 feet. The variable width in excess of the standard 98 feet is due to the additional width necessary to accommodate proposed retaining walls.

Alternative locations for the alignment either to the north or south, roughly paralleling the existing road would result in substantially increased grading with greater cuts and fills resulting in an undesirable topographic relationship between the road and properties both on the up-hill and down-hill sides of the road. Maintaining the present centerline as horizontal control requires less cut and fill resulting in a minimum area of slope disturbance. Locating an alignment to the north of the proposed location would result in greater intrusion into the area outside the UGB and increase the amount of necessary earthwork. Using an alignment further to the south would keep the road within the present UGB but, such an alignment would require extensive grading on steep cross slopes and would require at least partial acquisition of developed industrial/warehouse properties such as the former Smith's warehouse and offices located at the southeast corner of the intersection of Parkway Center Drive and SW Elligsen Road. For these reasons, an expansion of the existing facility on its present alignment was selected as the least disruptive to both existing and planned land use, topography, and development.

Since the annexation involves only right-of-way for an approved street, the technical act of zoning the right-of-way is accomplished by a determination under Section 4.102(5) of the Zoning Code.

“(5) The perimeter boundaries of the Official Zoning Map and the City are intended to be coterminous to each other at all times. When any irregularities of the two perimeter boundaries are found, the zoning of the adjacent zoning district shall extend to the city limits.” (emphasis added)

This section clearly establishes both what the zoning classification shall be, and where the zoning boundary for the additional right-of-way shall be located. If these were open to interpretation, the Planning Commission under Section 4.111(2) would have the prerogative to interpret the boundary location.

FINDINGS OF FACT:

1. The subject property is owned by Pauline Basler Laird.
2. The subject property is located in T3S, R1W, Section 1 on the north side of SW Elligsen Road within Washington County, State of Oregon.
3. The subject property, along SW Elligsen Road, is designated as AF-10, Agricultural Forest - 10 (10 acre minimum).
4. The existing north right-of-way line of SW Elligsen Road is the City Limits boundary of the City of Wilsonville.



5. SW Elligsen Road along the frontage of the subject property is entirely within the City Limits of the City of Wilsonville. (Exhibit A) *AG*
6. The existing north right-of-way line of SW Elligsen Road is the Urban Growth Boundary. (Exhibit A) *AG*
7. The subject property is located entirely outside the Urban Growth Boundary (UGB).
8. Cities may acquire, by means granted by state law, lands either contiguous to or separate from their municipal boundary. Such lands may be either within and/or outside an Urban Growth Boundary.
9. SW Elligsen Road is designated on the Transportation Master Plan section of the City of Wilsonville Comprehensive Plan as a Major Arterial Street with a Design Standard F between Canyon Creek Road North and I-5. (Exhibit B)
10. Design Standard F indicates a five-lane facility within a 98-foot right-of-way. (Exhibit C)
11. Alternative alignment opportunities both to the north and south of SW Elligsen Road were explored. Since these alternatives required substantially more right-of-way acquisition, resulted in greater negative impact due to increased slope and drainage disturbance, and would negatively impact both existing and future development of adjacent properties, the alternatives were dropped from further consideration
12. Existing SW Elligsen Road along the frontage of the subject property is a paved, two-lane road within a right-of-way varying in width from 40 feet to 50 feet.
13. The City of Wilsonville wishes to improve SW Elligsen Road to meet the standards identified for the road in the City's Transportation Master Plan.
14. Additional right-of-way is needed to accommodate the standards identified in the City Plan. (Exhibit A) *AG*
15. The necessary additional right-of-way along the north side of SW Elligsen Road consists of approximately 40,450 square feet (0.928 acre) and varies in width from 29 feet to 34 feet to accommodate steep slope conditions as shown on the improvement plans.
16. The existing centerline of SW Elligsen Road will be the centerline of the proposed improvements.
17. In order for SW Elligsen Road to be improved to its acknowledged plan standard, the entire right-of-way for the road must be both within the City and within the UGB.
18. Inclusion of the additional right-of-way into the UGB requires approval of the Metropolitan Service District (Metro).
19. Inclusion of the additional right-of-way into the City requires approval of the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC).



CONCLUSION AND RECOMMENDATION:

The request by the applicant for annexation of the proposed additional right-of-way along the north side of SW Elligsen Road into both the Urban Growth Boundary (UGB) and the City of Wilsonville is necessary and justified. Justification for the request is that the proposed additional right-of-way is necessary to construct improvements to SW Elligsen Road which will meet Design Standard F for a Major Arterial Street between Canyon Creek Road North and I-5 and is consistent with the City's adopted Transportation Master Plan which is the transportation element of the Comprehensive Plan and that construction of a municipal "urban road" must be within the UGB. Furthermore, alternative alignments have been explored and a determination made that improvement to Major Arterial Street Standards within an expansion of the existing right-of-way is least disruptive to existing development and least detrimental to the concept and goals of the Urban Growth Boundary.

THEREFORE, Given the findings of fact, conclusions, and recommendation, the request to annex certain lands described above into the City of Wilsonville and include the same lands within the Urban Growth Boundary of the City of Wilsonville is appropriate and should be granted.

- End of Report -

Exhibit G



ADDITIONAL RIGHT OF WAY AREA
ON NORTH SIDE OF EXISTING ROAD

EXISTING HOUSE AND GARAGE

3S-1W-1-600

OLD RIGHT OF WAY, CITY
LIMITS, AND URBAN
GROWTH BOUNDARY

CENTERLINE

NEW RIGHT-OF-WAY,
CITY LIMITS, AND URBAN
GROWTH BOUNDARY

ADDITIONAL RIGHT OF
WAY AREA ON SOUTH
SIDE OF EXISTING ROAD

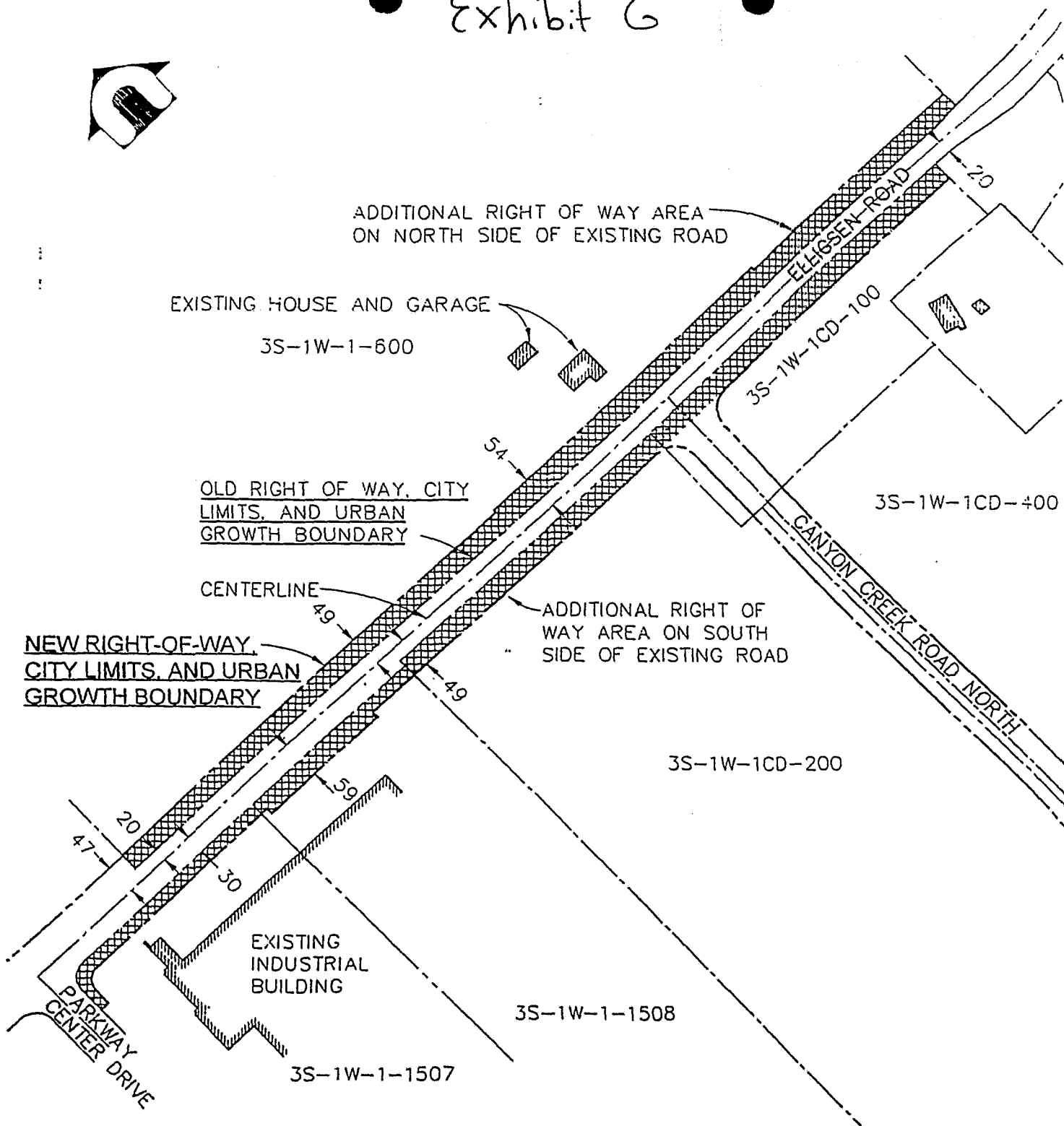
3S-1W-1CD-400

3S-1W-1CD-200

EXISTING
INDUSTRIAL
BUILDING

3S-1W-1-1508

3S-1W-1-1507



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