



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/05/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wilsonville Plan Amendment
DLCD File Number 003-94

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, April 18, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Blaise Edmonds, City of Wilsonville
Gloria Gardiner, DLCD Urban Planning Specialist
Bob Cortright, DLCD Regional Representative
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

**FORM 2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	MAR 29 2011
	LAND CONSERVATION <small>For Office Use Only</small>

Jurisdiction: **City of Wilsonville**Local file number: **94PC20**Date of Adoption: **12/19/94**Date Mailed: **3/28/11**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **3/2/94**☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: **Master Plan amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Zoning Code to comply with state Transportation Planning Rule to improve the pedestrian and bicycle environment of the City.

Does the Adoption differ from proposal? Please select one

The proposal listed new and amended Code language to accomplish compliance to the Transportation Planning Rule. The adopted Ordinance No. 440 amended the Bicycle Pedestrian and Transit Ordinance's trail and pathway facilities to achieve compliance.

Note: The 1993 Bicycle and Pedestrian Master Plan and amendments are no longer effective documents. The adoption of the 2003 Wilsonville Transportation System Plan and subsequent adoption of the 2006 Bicycle and Pedestrian Master Plan (Chapter 5 of the TSP) superseded the 1993 Plan.

Plan Map Changed from: **n/a**to: **n/a**Zone Map Changed from: **n/a**to: **n/a**Location: **City wide**Acres Involved: **n/a**Specify Density: Previous: **n/a**New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 003-94 (5554) [16579]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

1000 Friends of Oregon, ODOT, Clackamas County, Washington County

Local Contact: Blaise Edmonds, Current Plng Manager Paul Lee, Asst City Attorney Phone: (503) 682-4960

Address: 29799 SW Town Center Loop East

Fax Number: 503-682-7025

City: Wilsonville

Zip: OR

E-mail Address: edmonds@ci.wilsonville.or.us
lee@ci.wilsonville.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 440

AN ORDINANCE OF THE WILSONVILLE CITY COUNCIL ADOPTING NEW AND ADDITIONAL OFF-STREET TRAILS AND PATHWAYS (AS REMANDED BY THE CITY COUNCIL TO, AND AMENDED BY, THE PLANNING COMMISSION) FOR THE PARKS & RECREATION MASTER PLAN AND MAP AND AMENDING SAID PLAN AND MAP ALONG WITH ADOPTING NEW AND ADDITIONAL FINDINGS ADOPTED IN SUPPORT OF ALL PLANS FOR THE ENTIRE BICYCLE AND PEDESTRIAN PATHWAYS AND TRAILS.

WHEREAS, the Wilsonville City Council adopted Ordinance No. 435 on October 3, 1994, which adopted the Parks & Recreation Master Plan and map as a sub-element and component of the City's Comprehensive Plan; and

WHEREAS, based upon the concerns of the Planning Commission, the City Council decided to remand some specific off-street trails and pathways (or portions thereof) back to the Planning Commission for additional evaluation and recommendation, including alternative locations and routes for trails as the Planning Commission found appropriate; and

WHEREAS, in accordance with the City Council's direction, Mr. Bruce Barton, Chairman of the Parks and Recreation Advisory Board, hosted a workshop for the Parks and Recreation Advisory Board, the former Bicycle Advisory Task Force (BATF), the Transportation Advisory Committee (TAC), the former Parks Steering Committee and the Planning Commission on October 27, 1994, to discuss the City Council's remand of the bicycle and pedestrian pathways; and

WHEREAS, the Planning Commission, after publishing the required legal notice and mailing additional public hearing notices to 66 property owners who live adjacent to the trails that were remanded back to the Planning Commission, held a public hearing on November 14, 1994, to review City Staff's recommendations regarding the trails and pathways and to gather additional evidence and testimony from all interested parties into the public record; and

WHEREAS, the Planning Commission has duly considered the subject and has reviewed the recommendations of the Parks & Recreation Advisory Board and those of the Planning Director; and

WHEREAS, the Planning Commission afforded an opportunity for all interested parties to appear and be heard on this subject; and

WHEREAS, the City Council has studied the recommendations of the Parks and Recreation Advisory Board and the Planning Commission and has set a public hearing, after

providing the appropriate published and mailed notices, for all interested parties so they can offer testimony on this matter.

NOW, THEREFORE, THE WILSONVILLE CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: THE CITY COUNCIL ADOPTS THE FOLLOWING FINDINGS:

A. The City Council and the Wilsonville Planning Commission find that Oregon's Transportation Planning Rule (TPR) requires a 20% reduction in vehicle miles traveled (VMT), on a per capita basis, over the next 30 thirty years. As it pertains to bicyclists and pedestrians, the TPR generally requires: safe and convenient bike and pedestrian access; good pedestrian circulation within developments; sidewalks and bikeways on all major streets; and bicycle parking. This rule applies to new single and multi-family subdivisions, retail shopping and commercial centers, and industrial sites and parks. In the City's Bicycle and Pedestrian Master Plan, the following policy was adopted: *It shall be the policy of the City to require pedestrian and bicycle connections within and between developments to provide convenience and safety for pedestrians and bicyclists. The purpose of this policy will be to provide alternative routes to the collector and arterial street system.*

B. The Planning Commission and the City Council find that the 1000 Friends of Oregon have published a report, The Pedestrian Environment, December, 1993, which analyzes the connection between land use patterns and household travel behavior in the Portland Metro area. The report confirms that a direct correlation exists between the use of pedestrian and transit travel modes and the following land use variables: (1) quality of the pedestrian environment, (2) residential density, (3) transit level-of-service, and (4) proximity to employment activity. The report uses multiple regression techniques to confirm that the above land use variables do impact travel mode decisions and, additionally, the report suggests that a 10% reduction in VMT could be achieved within the region if the quality of the pedestrian environment were improved to a level comparable to Portland's most pedestrian-oriented zones. The Wilsonville area was analyzed as a part of the 1000 Friends study and is included within the report.

C. The Planning Commission and the City Council find that the 1000 Friends study identifies a variable known as the "Pedestrian Environmental Factors (PEF's)". The PEF includes factors such as topography, ease of street crossings, and street and sidewalk connectivity. The four factors are easily identified and measured and, taken together, the factors indicate a set of characteristics which must be present to support a successful transit and pedestrian-oriented community. The report indicates that VMT can be reduced and that the Pedestrian Environmental Factors are a statistically significant contributor to reducing VMT's. The benefits of reduced auto use are less congestion on our roads and better air quality for the region.

D. The Planning Commission and the City Council find and conclude that the trails and pathways shown on the Bicycle and Pedestrian Master Plan and the Parks and Recreation Master Plan maps, as amended and adopted with the recommended trails and pathways adopted below, will significantly help to improve the pedestrian and bicycle environment of the City due to better facilities and overall improved access. The adopted plans comply with the TPR requirements for improved bicycle and pedestrian access and are supported by the 1000 Friends study showing that VMT's can be reduced based on Pedestrian Environmental Factors. Therefore, there is a reasonable relationship between requiring a comprehensive, planned bicycle/pedestrian system and reducing the impacts of increased traffic from new development. The Planning Commission and City Council must make a "rough proportionality" determination on an individualized, case-by-case basis to show that any required dedication(s) are related both in nature and extent to the overall impact of any proposed development. The burden of proof is on the City to demonstrate the necessity of the required dedication be it for streets, paths, utilities, parks, open space, etc. and, therefore, the City must adopt findings in support of its decisions. One of the essential findings should be based on the existing adopted Plans and Maps, including the Capital Improvement Program (CIP).

E. The City Council deletes Trail #17; modifies Trail 21 to a limited to a soft surface pedestrian trail in the Boeckman Creek drainage area and designates it as a special study area; and adopts and rennumbers as Trail 31 an alternate to Trail 21, previously referred to as alternative Trail 21 or 21A. The findings are:

Trail #17 is deleted based upon the preferred alternatives outlined in the City's adopted Pedestrian and Bicycle Master Plan and the Transportation Planning Rule (TPR) to use public right-of-ways whenever possible before acquiring any private land for bicycle and pedestrian right-of-way and review of a trail location on the City property commonly known as the Boozier property. The alternative Trail #31 (when combined with the previously approved Trail No. 10) would provide a better connection to a proposed park within the Wilsonville Meadows area and the existing elementary and high school located along Wilsonville Road to the east. The City Council finds that the testimony regarding general security and safety issues about a trail system located within the Boeckman Creek drainage, which is isolated from direct view of abutting homeowners and to which emergency vehicles do not have ready and immediate access, is not applicable to the preferred alternative, now identified as Trail No. 31, which is generally located along the west property lines of the Sundial Apartments and the Bridle Trail Ranchettes subdivision and connects Boeckman Road with Vlahos Drive. This trail is generally open to full public view and observation and, therefore, should have a higher degree of safety for those who chose to use it.

Trail 21, known as the Boeckman Creek Trail, has evolved since the 1980 adoption of the Comprehensive Plan from a very active equestrian trail to one which is a great deal less active. Originally, the Bridle Creek Ranchettes and the Bridle Trails Acres subdivisions accommodated many equestrian owners and riders who would follow the Boeckman Creek Trail to Memorial Park and use the horse arena and trails. The realignment of Wilsonville Road, including the bridging of Boeckman Creek, the southern entryway to the park from the trail has been substantially cut off. Additionally, the testimony to the Council states that there are a lesser number of equestrian owners and riders in the area. Trail 17 appeared to be a potential southerly connector from the park to the Boeckman Creek Trail; however, serious concerns over quicksand areas and the compensating routing of the trail higher on steep embankments on both sides and into the living areas of private property owners has caused the City Council to delete Trail 17. Therefore, while some equestrian use is occurring with Trail 21, equestrian routing over Wilsonville Road to Memorial Park at the trail's southern terminus is troubling and needs further study and consideration. There are also concerns of developing the Boeckman Creek Trail for full pedestrian use by paving given the water flows in the creek and the height of the embankment for safety and emergency access. It is used on a limited basis during daytime and good weather and such use could remain if it were a limited use soft surface pedestrian trail. Therefore, the City Council finds that Trail 21, the Boeckman Creek Trail, shall be designated a limited use soft surface pedestrian trail for special study, but shall not be designated as a trail for funding or development until such time as access to and over Wilsonville Road to Memorial Park from the southern terminus can be fully studied and designed.

F. The City Council finds that the development of Trails No. 16, 20, 22, and 26 should be deferred until the property owners, or their successors in title, submit preliminary development plans to the City for land use approval or, alternatively, until development within this southwest area has reached a point where trail location and alignment can be finalized, funded and developed by the City. Trail No. 20 shall be located generally in a corridor that follows the power line easement east from the RWL subdivision (the Hummelt property) to where it intersects the private road identified as "Industrial Way". From that point it shall continue generally eastward to where the existing unimproved road crosses the railroad which is just south of the Wilsonville Elementary School site. This general location of Trail 20 is what currently appears to be the most reasonable location for a future traversing of the area west to east and vice versa, but the City Council does not intend to proceed with trail development in the near term, and future development of the Wilsonville Concrete site and neighboring properties could cause, with the City's concurrence, a relocation of Trail 20 to the north or to the south of the power line easement. The Westside Planning Task Force will also be studying the location

and timing of development of Trail #20 along with recommendations for new uses and/or redevelopment of the entire area. Trail #26 shall be generally located in or along the drainage identified as "Seeley Ditch" and Trail #16 shall be generally located in or along the drainage that is located north and east of the Oak Leaf Mobile Home Park. Trail #22 is located generally along the westerly property line of SYSCO Continental, Inc. and the east property line of the "Elligsen" property.

SECTION 2: BASED UPON THE RECORD, TESTIMONY, EXHIBITS, AND THE ABOVE FINDINGS, THE RECOMMENDATIONS FOR TRAILS AND PATHWAYS ARE ADOPTED AS HEREINAFTER DESCRIBED:

Trail #22 The City Council adopts this trail, known as the Wiedemann - Elligsen Trail, and includes it on the Parks Master Plan and Project List in accordance with the Parks and Recreation Advisory Board's recommendation.

Trail #25 The City Council deletes this trail, known as the Freeman - North Trail, from the Parks Master Plan and Project List as recommended by the Planning Commission.

Trail #18 The City Council deletes this trail, known as the Coffee Lake - Wood Trail, from the Parks Master Plan and Project List; except that the City Council approves, as recommended by the Planning Commission, a new and relocated segment of Trail #18 that would connect the trail system shown on Dammasch State Hospital property with Boeckman Road which is located to the east.

New Trail

Trail #25 The City Council adopts and adds a new trail to the Parks Master Plan map and Project List which will replace the deleted segments of Trails #18 and 25 (above). This trail would generally follow the BPA power line easement north from Boeckman Road to the Burlington Northern Railroad tracks. At that point, the trail would continue along the west side of the railroad right-of-way to Grahams Ferry Road. This new trail is intended to connect to the future Tonquin Trail, proposed by Metro, which is intended to link Wilsonville with Tualatin and Sherwood.

Trail #20 The City Council adopts a relocated portion of this trail, known as the eastern portion of the Wood - Boones Trail, so that it will connect the Hummelt subdivision with the Wilsonville Elementary School and the shopping center. The

City Council adopts the Planning Commission's recommendation that this trail should generally be located in a corridor that follows the power line easement east from the Hummelt subdivision and continue to the northeast (in the power line right-of-way) to where it intersects Industrial Way (a private road). At that point, the trail should continue generally to the east to where the current road located south of the school crosses the railroad tracks. From that point, it will continue to Boones Ferry Road.

Trail #16 The City Council adopts this trail, known as the Merryfield - Boones Trail, as shown on the previous Parks Master Plan map; except that it should terminate at the point it intersects with Trail #20 (as relocated above). This trail is generally located in an existing drainage and would connect the Oak Leaf Mobile Home Park and the Merryfield subdivision with Trail #20.

Trail #26 The City Council adopts this trail, known as the Seeley Ditch Trail (as approved by the Planning Commission), to connect Wilsonville Road and Trail #20. As above, the trail should be terminated at the point it intersects #20 and it should not continue to the south.

Trail #31 The City Council removes this trail, located generally along Otto Lane, from the Parks Master Plan map and Project List as recommended.

Trail #21 The City Council adopts the original Trail #21 as a limited use soft surface pedestrian trail from Boeckman Road along Boeckman Creek to the area of Wilsonville Road, whose southern terminus and future access to and crossing of Wilsonville Road is deemed an area of special study and concern.

Trail #17 The City Council adopts the Planning Commission recommendation that Trail #17, which was intended to join Memorial Park with Trail #21 that was originally shown as being located in the Boeckman Creek drainage, should be deleted from the Parks Master Plan map and Project List.

New Trail

Trail #31 The City Council adopts a part of the Planning Commission recommendation calling for a new and more secure public trail, Trail #31 (previously referred to as

Alternate 21 and 21A, to be added to the Parks Master Plan map and Project List. This trail would generally be located on the sewer line easement between Vlahos Drive and Boeckman Creek Road (connecting to the existing pathway on the Mentor Graphic's property located south of Boeckman Road).

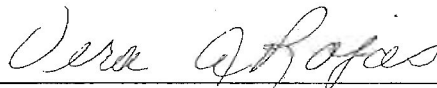
SECTION 3. DIRECTIVE TO THE PLANNING DIRECTOR:

The City Council directs the Planning Director to amend the City's Comprehensive Plan, including the plan map, by adding the above trails and pathways to the Parks, Recreation & Open Space Master Plan, and to the Bicycle and Pedestrian Master Plan.

SECTION 4. EFFECTIVE DATE OF ORDINANCE:

This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of December, 1994, and scheduled for second reading at a regular meeting of the City Council on the 19th day of December, 1994, commencing at the hour of 7:00 p.m. at the Community Development Hearings Room.



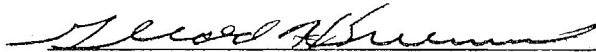
VERA A. ROJAS, CMC/AAE, City Recorder

ENACTED by the City Council on the 19th day of December 1994, by the following votes: YEAS: 4 NAYS: 0



VERA A. ROJAS, CMC/AAE, City Recorder

DATED and signed by the Mayor this 22nd day of December, 1994.



GERALD A. KRUMMEL, Mayor

SUMMARY OF VOTES:

Mayor Krummel	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Benson	<u>AYE</u>
Councilor Sempert	<u>ABSENT</u>



DEPT OF

MAR 29 2011

**LAND CONSERVATION
AND DEVELOPMENT**



**CITY OF WILSONVILLE
29799 SW TOWN CENTER LP E
WILSONVILLE OR 97070**

TO:

Attn: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Ste 150
Salem, OR 97301