



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 007-95

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

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

MAR 29 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Wilsonville**

Local file number: **95PC32**

Date of Adoption: **2/5/96**

Date Mailed: **3/28/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/13/95

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend Zone Map from RA-1 to PDI on portion of tax lot 2100, 2200, Section 14A, T3S-R1W

Does the Adoption differ from proposal?

Same

A DLCD Notice of Adoption was previously mailed on 7/31/96; copy is attached.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **RA-1** (Residential Agriculture 1 acre min) to: **PDI** (Planned Development Industrial)

Location: **T3S, R1W, Sect. 14A TL 2100 & 2200**

Acres Involved: **.69 ±**

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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. 007-95 (7013) [16580]

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

Metro, DEQ

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**.

NOTICE OF ADOPTION

This form must be mailed to DLCD not later than 5 working days after adoption
ORS 197.615 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction CITY OF WILSONVILLE Local File # 95PC32
Date of Adoption 2-5-96 Date Mailed 7-31-96
Date the Proposed Notice was mailed to DLCD 11-13-95

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation

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

Amend Zone Map FROM RA-1 TO PD1 on
PORTION OF TAX LOT 2100, 2200, SECT 14A, T35-R1W

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

SAME N/A

Plan Map Change From _____ to _____

Zone Map Change From RA1 to PD1

Location: TAX LOTS 2100, 2200 SECT 14A Acres Involved: .69

Specify Density: Previous Density N/A ^{T35-R1W} New Density N/A

Applicable Goals: 1-11-13 Was an Exception adopted? Yes No

DLCD File # _____

DLCD Appeal Deadline _____

RESOLUTION NO. 1249

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FROM RA-1 TO PDI ON A PORTION OF THE PROJECT SITE BEING .69 ACRES ON TAX LOT 2100; APPROVING A STAGE I MASTER PLAN, AND STAGE II SITE DEVELOPMENT APPROVAL FOR A PGE CREW CENTER. THE PROJECT SITE IS 7.3 ACRES LOCATED ON THE SOUTHWEST CORNER OF BOBERG ROAD AND BOECKMAN ROAD INTERSECTION, AND IS SPECIFICALLY IDENTIFIED AS TAX LOTS 2100 AND 2200, SECTION 14A, T3S-R1W; CLACKAMAS COUNTY, OREGON. PORTLAND GENERAL ELECTRIC COMPANY, APPLICANT.

WHEREAS, Portland General Electric has submitted a full and complete application requesting a Zoning Map amendment for the above referenced Tax Lot located at Boberg Road and Boeckman Road; and

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(5) and 4.139(1), (2), and (3) of the Wilsonville Code; and

WHEREAS, the Planning staff has prepared a report on the above-captioned subject which is attached hereto; and

WHEREAS, the Wilsonville Planning Commission held a hearing on January 8, 1996, and recommended approval with conditions; and

WHEREAS, the Wilsonville City Council at a Public Hearing held on February 5, 1996, considered the Planning Commission's record, the Planning Department, Engineering Department and Building Department reports and recommendations and considered public testimony; and

WHEREAS, the City Council, after providing public notice of the hearing in accordance with State law and Chapter 4 of the Wilsonville Code, having duly considered all evidence and testimony;

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

ZONING:

1. Zoning Map Amendment requested is hereby approved as described below. The City Council adopts the findings contained in (Exhibit A), and the following Conditions of Approval included in such report and adopts the proposed Zoning Map amendment as follows: Revise the Zoning Map to show TL2100 as Planned Development Industrial Zone (PDI) District.

2. Stage I and II Site Development Plans are approved and the City Council adopts the Planning Commission's report attached hereto as Exhibit "A", with the findings, recommendation and Conditions of Approval contained therein.


3. Sections 1 and 2 are to be implemented as follows:

A. The Planning Director is hereby authorized to issue a Site Development Permit consistent with approval of Stage I and II plans after separate Site and Design Review approval by the Design Review Board.

B. The Planning Director is authorized to amend the official Zoning Map in keeping with the decision herein.

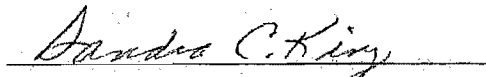
C. The property owner(s) of the parcel (and any future owners) shall accept the City Council's Conditions of Approval and such acceptance shall be placed and kept with the City Recorder. Any proposed amendments or modifications of any Condition shall be brought back to the Council for their approval and shall be subject to the public hearing notice and process as set forth in the Wilsonville Code.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of February, 1996, and filed with the Wilsonville City Record this same date.



GERALD A. KRUMMEL, Mayor

ATTEST:



Sandra C. King, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Absent</u>
Councilor Leo	<u>Yes</u>
Councilor Leahy	<u>Yes</u>

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of)	
PORTLAND GENERAL ELECTRIC,)	
for a rezoning of land and amendment)	ZONING ORDER
of the Wilsonville Zoning Map as set)	95PC32
forth in Section 4.102 of the Code)	(PGE Crew Center)

The above entitled matter is before the Wilsonville City Council to consider the application and request of Portland General Electric, for a zone change and order amending the official Zoning Map from **RESIDENTIAL AGRICULTURE - One Acre Minimum (RA-1)** to **PLANNED DEVELOPMENT INDUSTRIAL (PDI)** for .69 acres of land identified as Tax Lot 2100; Section 14A, T3S-R1W; Clackamas County, Oregon. The property is generally located on the southwest corner of Boberg Road and Boeckman Road. This application includes a request for the City Council to approve a Stage I Master Plan and a Stage II Site Development Plans for a PGE crew center.

The Wilsonville Planning Commission held public hearings on this application on January 8, 1996, and , after closing the January 8, 1996, hearing, adopted Resolution No. 95PC32 which recommends that the Council **APPROVE** the Zone Map Amendment; Master Plan and Stage II site development plans subject to Conditions of Approval along with findings as proposed by Planning Staff and modified by the Commission.

It appears to the City Council that the Planning Commission's record of proceedings, along with the Commission's recommendations which have been forwarded to the Council, is complete and factual and the Council hereby adopts the following Findings, the amended Conditions of Approval and, in doing so, finds that this application should be **APPROVED**.

ADOPTED BY THE CITY COUNCIL ON FEBRUARY 5, 1996

95PC32

PGE CREW CENTER

Applicant: Portland General Electric
Property Owner: Edward B. Hart & Noel Flynn
Landscape Designer: Mathew P. Simpson
Project Architect: PGE staff

Development Review Criteria:

Zoning

Section 4.012: Hearings procedures.
Section 4.120: Residential Agriculture 1 - acre (RA-1) zone
Section 4.125: Planned Development Industrial zone (PDI)
Section 4.138 to 4.168: Planned Development Standards
Section 4.139 (2): Stage I, Preliminary Plan
Section 4.139 (3): Stage II, Final Plan
Section 4.150: Off-street parking
Subsection 4.139(4)(a): Compliance with Comprehensive Plan
Subsection 4.139(4)(b): Traffic
Subsection 4.139(4)(c): Public facilities
Section 4.163: Buffering and screening
Subsections 4.187(c)(1 to 7): Zone amendments
Subsection 4.168: Sidewalks and bikeways
Subsection 4.161(1)(b): Preservation of trees

Goals:

1.1: Citizen Involvement
3.1: Adequate Public Services

Objectives:

1.2 to 1.9: Citizen Involvement
2.1.6: Available Public Services

Policies:

3.3.2(a): Public Streets
4.5.4: Site Planning

TRANSPORTATION MASTER PLAN July 12, 1991
Traffic Management Ordinance No. 431
BICYCLE AND PEDESTRIAN MASTER PLAN Dec. 20, 1993
STATEWIDE TRANSPORTATION PLANNING RULE

Complete application: November 5, 1995
120 day expiration date: March 4, 1996

ADOPTED FINDINGS

Site Identification:

1. The subject property comprises Tax Lots 2100 and 2200, Section 14A , T3S, R1W. The subject property is located at the southwest corner of Boeckman Road and Boberg Road.

Project Data:

2. Site Area: 317,988 SF or 7.3 acres
Building Area: 25,836 SF
Landscaping: Not specified
Parking and drives: Not specified

Comprehensive Plan and Zone Designations:

3. The subject property is designated Industrial on the Comprehensive Plan Map. The entire parcel is currently zoned Residential Agriculture 1-acre zone (RA-1). The applicant is applying to the Planning Commission for a zone map amendment to change the RA-1 zone to Planned Development Industrial (PDI), together with a review for Stage I preliminary plan and Stage II final plans approval.

Description of Proposal

4. The applicant requested approval for a Zone map amendment to convert a portion of the property zoned Residential Agriculture - 1 acre minimum (RA-1) Tax Lot 2100, of approximately **.69 acres**, to Planned Development Industrial (PDI). The balance of the property (Tax Lot 2200 being 6.61 acres) is appropriately zoned PDI. This request also involves a Stage I master plan and Stage II site development plans for a PGE crew center. At the time of writing this staff report, the City was negotiating with PGE about purchasing or leasing an approximately 2500 sq.ft. pad for development of a water well and well house. The final location for the well on the subject property has not yet been determined. In the event that an agreement is made, a Stage II approval should also include Stage II approval for the well house facility.

ZONE MAP AMENDMENT

5. Site development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Section 4.187 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Planning Commission and City Council must at a minimum, adopt findings addressing Criteria 1 - 7. Findings addressing Stage II criteria are

also relevant to the Zone Map Amendment. Furthermore, all land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in zoning ordinance.

Criterion 1:

"The application is submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.138."

Response Finding:

6. The submittal documents are consistent with the Stage I preliminary planning, Stage II site development, and zone map amendment criteria. Staff has reviewed the application against the requirements of such applications.

Criterion 2:

"The proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives of the Comprehensive Plan."

Response Finding:

7. Since the application is for an industrial use (an electrical power crew center) the proposed zone map amendment is consistent with the Comprehensive Plan map designation 'Industrial' and also substantially complies with the industrial zone amendment, with the applicable goals, policies and objectives of the Comprehensive Plan. The Industrial goal is to encourage light industry compatible with the residential and urban nature of the City. Staff finds the PGE crew center compatible in this situation within an (PDI) industrial area.

Criterion 3:

"In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text."

Response Finding:

8. Regarding the above, after inspection of the official Comprehensive Plan and use map the staff finds that the subject property is not designated "Residential" on the City's Comprehensive Plan Map. Therefore, specific findings addressing substantial compliance with Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text is not applicable to this request.

Criterion 4:

"That the existing primary facilities, i.e., roads and sidewalks, water, sewer and storm are available and are of adequate size to serve the proposed

development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

Response Finding:

9. Regarding the above, refer to the Stage II findings relative to public facilities which finds all needed facilities are available or will become available through the development and including one vehicle trip mitigation.

Criterion 5:

That the proposed development does not have a significant adverse effect upon Primary Open Space or natural hazard, and/or geologic hazard. When Primary Open Space or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission shall use appropriate measure to mitigate and significantly reduce conflicts between the development and identified hazard or Primary Open Space.

Response Finding:

10. The subject site does not comprise areas in Primary and Secondary Open Space.

Criterion 6:

That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

Response Finding:

11. PGE has stated to staff that they intend to develop the crew center within 2 years of the initial approval of this application.

Criterion 7:

That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.

Response Findings:

12. After thorough review of the proposal, staff finds that the proposed development and the recommended conditions as noted can be developed in compliance with the applicable development standards.

**STAGE II,
SITE DEVELOPMENT REVIEW**

Stage II, Site Development Standards:

13. The operable review criteria for Stage II site development including a preliminary subdivision plat is found in Subsection 4.139(4): "*A Planned development permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Sections 4.130 to 4.140.*"
- a. *The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.*
- b. *That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.*
- c. *That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.*

Response findings to criterion "a":

14. The applicant is seeking the Zone Map amendment to bring the Stage II, site development plans consistent with Criterion 'a'.

Building Height:

15. The PDI zone does not set a maximum height limit for buildings and structures. Nevertheless, the proposed office building is approximately 2 stories. See findings No.'s 7 and 8.

Lot Coverage:

16. The PDI zone does set forth maximum lot coverage standard save and except as shall be consistent with landscaping, parking, and other provisions.

Building Setbacks:

17. Within the PDI zone, a 30 foot minimum side, front or rear yard setback is established. According to the proposed site development plan, the proposed buildings will observe the minimum 30 foot front, rear and side yard setbacks. However, the proposed well house may encroach any particular yard setback of which is being acknowledged in this approval.

Required Parking:

18. Section 4.150WC sets forth minimum parking standards for off-street parking. Key subsections of the parking code that most commonly occur in site development review are as follows:

Subsection 4.150 (1)(k): *All areas used for parking and maneuvering of cars shall be surfaced with screened gravel, asphalt, or concrete, and shall provide for suitable drainage.*

Subsection 4.150 (2)(a)(3)(b): *Tree and/or shade planting areas of a minimum eight feet in width and length and spaced 7 to 10 parking spaces or an aggregate amount.*

Subsection 4.150 (2)(4): *Be designed for safe and convenient handicapped access.*

Definitions 52 and 53 of the Wilsonville Code specifies the dimensions of standard at 9 feet wide by 18 feet long, compact parking space at 8 1/2 feet wide by 17 feet long.

Subsection 4.150 (1)(n): *When the parking standards require ten (10) or more parking spaces, up to 30% of these may be compact car spaces as identified in Section 4.005 and shall be appropriately identified.*

Minimum Parking:

19. Section 4.150 of the Wilsonville Code, sets forth minimum parking:

<u>Parking</u>	<u>Minimum</u>
A. Office/Crew Building 1 space/250 SF@ 4,896 SF = 20 spaces	
B. Warehouse/storeroom 1 space/ 2,000SF@ 7,740SF = 4 spaces	24 spaces

Proposed Parking:

77 Standard spaces
0 compact spaces
0 handicapped spaces
77 Spaces

Proposed parking exceeds code by 53 parking spaces. PGE's project program has a high demand for parking as many of its employees will park on-site and then are dispatched in company vehicles. The proposed site plan will meet or exceed all parking code requirements.

Response findings to Criterion "b"

Transportation:

20. Section 4.167WC Street improvement standards requires:

"(1) Except as specifically approved by the Planning Commission, all street and access improvements shall conform to the Street System Master Plan, together with the following standards:

(a) All street improvement shall conform to the Public Works Standards and shall provide for the continuation of principal streets through specific developments to adjoining properties or subdivisions.

Boeckman Road fronting the north property line is a Minor Arterial with "E" section design. "E" section is 3 to 5 lanes, 50-66' pavement width within a 64-90' right-of-way. The segment of Boeckman fronting the property is not improved to the aforementioned standard. No driveway access is proposed at Boeckman Road. The project shows two driveways at Boberg Road.

Traffic:

21. Subsection 4.139 (4)(b) of the Wilsonville Code sets forth traffic criteria for the Stage II, planned development. This subsection states:

"The location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

22. The City traffic consultant, DKS Associates, has prepared the detailed traffic report for the project. The traffic report appraises trip generation, capacity and level of service on arterial and collector streets up through the nearest intersection(s). In this case, this is the intersection of Boones Ferry Road with Wilsonville Road. DKS Associates traffic report demonstrates that during PM conditions, long queues on Wilsonville Road are a direct result of over saturated conditions at the Wilsonville Interchange which is not affected by the subject application especially with proposed Condition #9 which requires mitigation of one (1) traffic trip.

23. City Council passed Ordinance 431, a Traffic Management Program and Procedures allocating traffic generated by new development to meet safety concerns while the Wilsonville Interchange reconstruction project is being put into place. The ordinance allocated excess traffic capacity in the vicinity of the I-5/Wilsonville Road Interchange (based upon a planned and funded interchange/intersection reconstruction project) over a five-year period to ensure that development can continue in the City in compliance with the decision criteria set forth in 4.139(4)(b) of the Wilsonville code. The TMO was subsequently reversed by the State's Land Use Board of Appeals as a "moratorium", in violation of the procedural and substantive requirements of ORS 197.505. Further, the Wilsonville Interchange will be at capacity with the construction of development projects, which when combined with traffic from existing developments, and previously approved but not yet constructed Stage II permits, will generate 1435 peak-hour trips through any of the following intersections: the I-5/Wilsonville Road intersection,

Wilsonville Road/Boones Ferry Road, or Wilsonville Road/Town Center Loop West. Nonetheless, 174 vehicle trips are available for development between the Willamette River and Boeckman Road before exceeding L.O.S. "D".

24. The proposed PGE Crew Center will generate one (1), 4:00 to 6:00 PM peak hour vehicle trip through the Boones Ferry/Wilsonville Road intersection and the Wilsonville Interchange. PGE has agreed to mitigate the one vehicle trip through adjustments in operations so that zero (0) vehicles impact the aforementioned intersections during the 4:00 to 6:00 PM peak hours. See proposed Condition No. 9 requiring mitigation. Thus, the proposed project has an acceptable traffic level that can be accommodated safely and without congestion for compliance with Subsection 4.139(4)(b) (WC).

Response findings to Criterion "c"

25. Water:

Public water service is available in a 14" line for domestic and fire flows in Boeckman Road.

Sanitary sewer:

8" Sanitary sewer line is immediately available in Boberg road and along the west side of the property.

Storm water:

The Public Works Code requires that the storm drainage system be constructed to meet a 25 year storm frequency. The subject property intercepts a substantial storm water run-off from adjoining properties. Storm sewer service is available in Boberg Road.

Sidewalks / Bikeways:

26. Section 4.167 of the Zoning Code requires:

"All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

- L. *"Within a Planned Development the Planning Commission may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary."*

The State Transportation Planning Rule further recommends that local jurisdictions update or adopt bikeway and pedestrian plans. The TPR recommends that new development include bikeways and pedestrian ways free from hazards, particularly types or levels of automobile traffic that

would interfere with or discourage pedestrian or bicycle travel for short trips.

Regarding the above, a 5' wide concrete sidewalk is required at Boeckman Road and Boberg Road. The site plan does not show sidewalk improvements. The Bicycle and Pedestrian Master Plan shows an on-street, 5 to 6' wide bike lanes on both sides of Boeckman Road and Boberg Road. See Condition No. 4.

27. Bicycle racks are needed near the main building entrance. See Condition No. 6.

Landscaping:

28. Subsection 4.166(1) of the Wilsonville Code stipulates:

"All areas not covered by buildings or pavement, but not less than 15% of the total lot area, exclusive of parking lot areas, shall be landscaped with vegetative plant materials. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be located in the front yard area. Such areas shall be encouraged adjacent to structures. Landscape planters shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms and heights."

The applicant has submitted a landscape plan with the Stage II application because screening and buffering issues are pertinent to outdoor storage. Otherwise, the Design Review Board is usually responsible in reviewing landscape plans for code compliance.

Parking Area Landscaping:

29. Subsection 4.150(2)(a)(3)(a and b)WC requires:

- a. *Landscaping of at least 10% of the parking area designed to be screened from view from the public right-of-way and adjacent properties.*
- b. *Tree and/or shade planting areas of a minimum eight feet in width and length and spaced every 7 to 10 parking spaces."*

Shade tree parking islands satisfy minimum code.

Preservation of Trees:

30. Subsection 4.161(1)(b) encourages site planning and development practices which protect and enhance natural features such as streams, swales, ridges, rock outcroppings, views, large trees and wooded areas.

Regarding the above, the subject property is generally void of trees and vegetation except along the northern property line there appears to be street trees planted at approximately 5" caliper @ 35' on center.

Buffering and Screening:

31. Subsection 4.163(2) WC stipulates:

"All outdoor storage and garbage collection areas shall be screened from off-site view with fencing and/or landscaping."

Subsection 4.136(12)(c) further requires that open storage visible at the property line be concealed from off-site view with a sight obscuring fence or planting not less than six (6) feet in height. In this case, PGE vehicles and materials will require screening and buffering. Again, the applicant has submitted a landscape plan showing screening and buffering with shrubbery, trees and fencing. Screening and buffering is usually accomplished with earth berms, landscaping and/or fencing.

**95PC32
Zone Map Amendment,
and
Stage II, Site Development
Conditions of Approval**

AMENDED AND ADOPTED ON JANUARY 8, 1996

1. Provide the Planning Department 15 copies of all submittal documents and a legal description of the property being rezoned 20 days prior to the date of the City Council meeting hearing for the Stage I master plan, zone map amendment and comprehensive plan map amendment.
2. The applicant shall develop the site, buildings, parking and drives, in substantial compliance with the approved site development plans. It is understood that minor revisions in the development will occur prior to and during the construction phase. Minor site development revisions may be reviewed by the Planning Director under a Class I administrative review.
3. The developer shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
4. Construct a five (5) -foot wide concrete sidewalk, to follow along the entire length of the property lines fronting Boeckman Road and Boberg Road.
5. The applicant shall comply with recommendations and conditions represented in the City Engineering and the Building Department labeled Exhibits E and F. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
6. The applicant shall install one bicycle rack to accommodate four (4) bicycles. Locate the Bicycle racks within close proximity to the office building entrance, and if possible, under covering. The bicycle rack shall be of the design that bicyclists can provide their own locking device to secure the frame and both wheels.

7. All construction workers and job shacks associated with this project shall be parked and located on site.
8. The applicant shall coordinate with the 'Environmental Services' section of the Public Works Department and get approval of prevention measures from potential environmental impacts into the ground from herbicide and pesticide spraying on plant materials within the inventory area.
9. This Stage II approval is given with the understanding and limitation that Zero (0) 4:00 to 6:00 PM peak hour trips will transverse the Boones Ferry Road/Wilsonville Road intersection and the Wilsonville Interchange. PGE shall prepare a mitigation plan to accomplish this condition. The City Engineer shall review and approve the proposed mitigation plan.
10. The applicant shall screen their buildings and parking from the view of passer-by, by means of a 3 to 4 foot berm with opaque, mature plantings upon it, or equivalent, as determined by the Design Review Board. (new Condition added by Planning Commission)
11. The applicant shall provide a paved, sealed ground area for their pole and outdoor storage of equipment in the laydown area. (new Condition added by Planning Commission)
12. No on-street parking will be allowed.(new Condition added by Planning Commission)

ADOPTED BUILDING DEPARTMENT CONDITIONS OF APPROVAL:

1. Fire department access will be required for the gate to the rear buildings.
2. No portion of any building may be more than 250 feet in hose-lay fashion from a fire hydrants.
3. Handicap access from the street is required for all buildings.
4. Handicap parking spaces are required (3).

ADOPTED ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL:

- PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connection. The materials, as proposed, show main line services that are to be used in conjunction with the construction of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities will be required.

No construction of, or connection to, any existing or proposed public utility/improvement will be permitted until all plans are approved by the Engineering Division, all fees have been paid, all necessary permits, right-of-way and easements obtained and the applicant notifies the Engineering Division a minimum of 24 hours in advance.

- PF 2. The Engineering Division reserves the right to inspect the completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PF 4. Record drawings are to be furnished by the applicant for all public utility/improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.
- PF 6. Plans submitted for review shall meet the following general format:
- A. Composite Utility Plan
 - B. Detailed Utility Plan and Grading Plan.
 - C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
 - D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - G. All new public utility/improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.
- PF 7. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.

- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Said wells shall be properly abandoned in conformance with their standards.
- PF 10. The applicant shall dedicate a 6 ft. public utility easement along west right-of-way of Boberg Road, and the south right-of-way of Boeckman Road. Said easement shall extend along entire property frontage.
- PF 11. The applicant shall dedicate sufficient right-of-way along Boeckman Road to conform with the Transportation Master Plan.
- PF 12. The applicant shall deposit with the City an amount equal to the cost of a 24 foot concrete (pcc) street improvement with curb and gutters, bike lanes and an offset sidewalk adjacent to property frontage along Boeckman Road.
- PF 13. The applicant shall design driveway entrances to align directly opposite of existing driveways on east side of Boberg Road.
- PF 14. The applicant shall construct a five foot concrete sidewalk off set five feet from face of curb along entire property frontage on Boberg Road.
- PF 15. The applicant shall increase paved radius at intersection of Boberg and Boeckman Road to accommodate increased truck traffic.
- PF 16. The applicant shall enhance existing drainage swale located at northerly property line by creating a bio swale that terminates in an approved area drain.
- PF 17. There shall be no direct vehicular access onto Boeckman Road.
- PF 18. The applicant shall provide the required number of handicapped parking spaces in a paved area near the main entrance to the building, pedestrian linkages (including defined pedestrian crossings) from the building front door to the public right-of-way meeting ADA criteria and bicycle racks convenient to the building entrances for employee use.
- PF 19. Vehicle trip allocation under the TMO has been made through calendar year 1996. The applicant shall either mitigate the number of trips through the I-5/Wilsonville Interchange or be allocated trips in calendar year 1997.

EXHIBITS

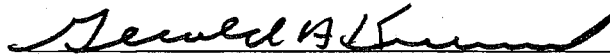
The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted:

- A. Findings and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents
- E. Building Official's memorandum.
- G. DKS Traffic Study
- H. Engineering Department memorandum.
- I. Staff report and Transportation Advisory Commission motion.

J. Affidavit of Mailing, Posting, Publication/Hearing Notice

IT IS THEREFORE ORDERED that the property above-described is hereby rezoned from **RESIDENTIAL AGRICULTURE 1 ACRE (RA-1)** to **PLANNED DEVELOPMENT INDUSTRIAL (PDI)** and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order. This Zoning Order also approves the **Stage I Master Plan, and Stage II Site Development Plans.** The property subject this Zoning Order is also subject to the Order of the City Council in respect thereto made.

DATED this 5th day of February, 1996.

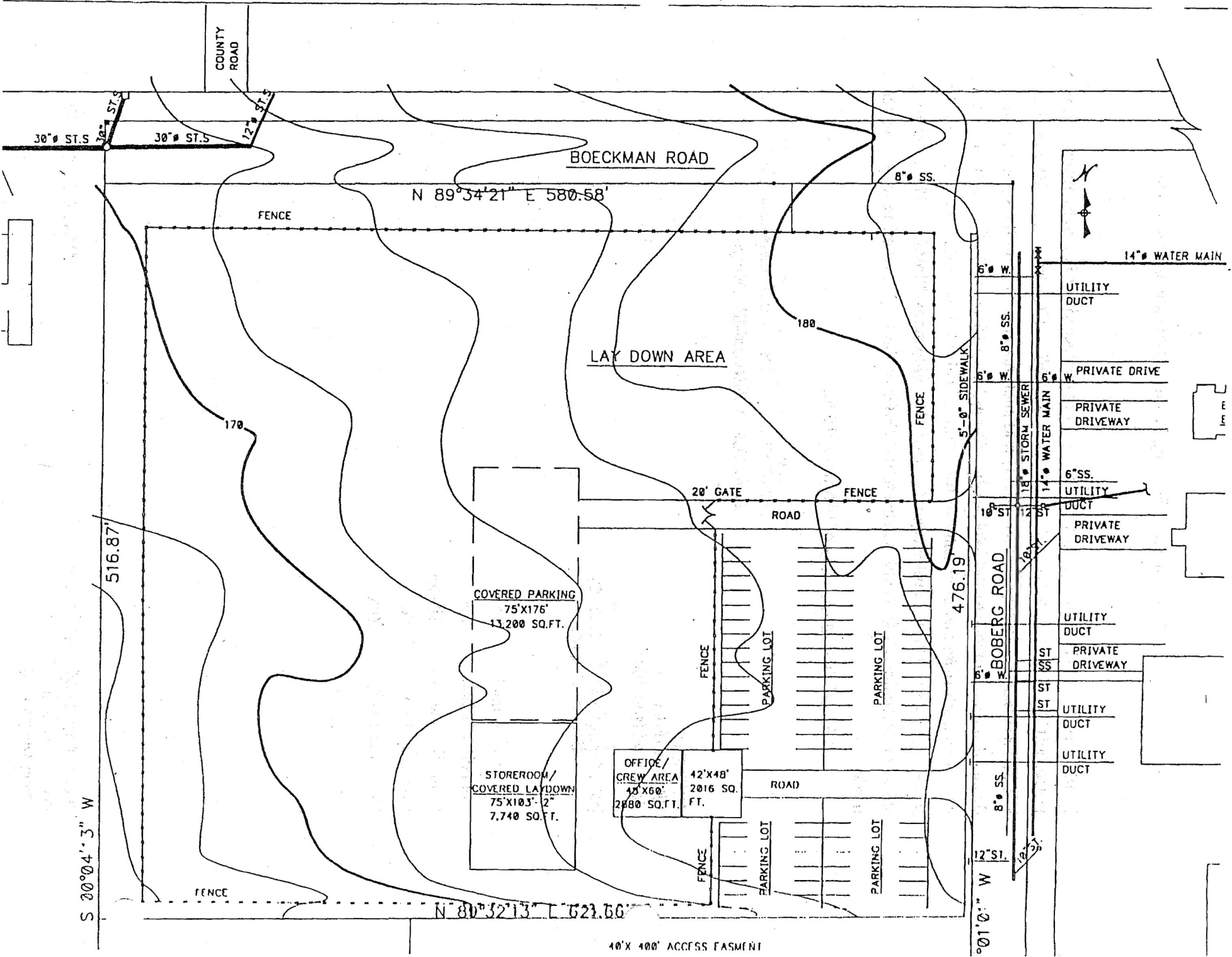


GERALD A. KRUMMEL, Mayor

ATTEST:
City Recorder
City of Wilsonville

By Sandra C. King
Sandra C. King

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Absent</u>
Councilor Leo	<u>Yes</u>
Councilor Leahy	<u>Yes</u>



40' X 400' ACCESS EASEMENT



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