

**ORDINANCE NO. 678**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULURAL - HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE ON APPROXIMATELY 8.81 ACRES OF TAX LOTS 100 AND 101, SECTION 23B, T3S, R1W, CLACKAMAS COUNTY, OREGON. GENE MILDREN – MILDREN DESIGN GROUP, ACTING AS AGENT FOR THE APPLICANT/OWNER, TOM STERN & PAUL GRAM – PACIFIC NW PROPERTIES.**

WHEREAS, Pacific NW Properties has requested a Zone Map Amendment described in attached Zoning Order DB09-0047; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated April 12, 2010 attached hereto as Attachment 2, wherein it reported that the request is consistent with and meets requirements for approval of a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel ‘A’ held a public hearing on this request on April 12, 2010, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared a memo to City Council dated May 17, 2010; and

WHEREAS, on May 17, 2010, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff report, took testimony, and, upon deliberation, has concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City’s land development code and Comprehensive Plan.

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

Section 1. Findings. The City Council adopts as findings and conclusions the forgoing recitals and the staff reports in this matter dated April 12, 2010, located in the record at page 55 and incorporated herein by reference and staff reports dated May 17, 2010, and June 7, 2010, attached hereto as Exhibits 2 and 3 and incorporated herein as if fully set forth-

The City Council further finds as follows:

- 1) Zone Change/On the record hearing issue. As explained elsewhere in the findings, the allegation by Mr. Reeves that the zone change hearing must be *de novo* is not well taken, as this matter is quasi-judicial, the hearing before the DRB was an evidentiary hearing as required by law, and this hearing may be "on-the-record" and limited to argument only under Wilsonville Code section 4.022 (.05) and (.06) and ORS 227. 180 (1)(a)(B).
- 2) Admission of evidence not in the record. Council and city staff endeavored to limit the hearing to evidence in the record created before DRB. While new evidence was discouraged, it is a fact that new evidence made its way onto the Council hearing record. As explained in the Mayor's prehearing announcement, any new evidence that was introduced before Council, was to be disregarded. The Council has familiarized itself with the record before the DRB and is aware of the record created before it. Notwithstanding the existence of the new evidence, the City Council hereby expressly finds and declares that the land use decisions it makes herein are based *exclusively* upon the record before the DRB. Any extra-DRB record evidence introduced during the Council hearing is not being considered, and does not form the basis for any of the decisions herein.
- 3) Interpretation of TSP 4.2.1. Council adopts the interpretation of this section of the TSP recommended by staff in its report of June 7, 2010. That section, as staff and we interpret it, applies on a larger project area basis, such as the network alternatives analysis the Council will undertake in the future. If TSP section 4.2.1 is to have any reasonable interpretation, it must be construed to apply at a very general level and not to small road segments. Otherwise, the TSP would have little practical effect, resulting in the need or requirement to amend the TSP upon each and every land use application that touches upon the TSP. Such a process would make the existing TSP meaningless and would hold up quasi-judicial land use applications while the TSP is amended to address months and years of hearings with affected property owners on project area alignments not shown on TSP maps. If a reviewing body looks beyond this interpretation of Section 4.2.1 of the TSP and determines that the section applies to this case, the Council nevertheless finds compliance with the section, based upon the fact that 100% of the affected property owners over whose land the extension of Kinsman Road is designated (the applicants) have been involved in a public meeting to address such concerns.
- 4) OrePac opportunity to present case. Based upon the transcript in the record, including the extent and particularity of OrePac's presentation at the DRB, Council finds that OrePac had a fair opportunity to present its case. It appears that all of the evidence OrePac wanted to introduce, including its PowerPoint, is in the record before the DRB. All of the issues and arguments it made before the DRB have been repeated in the hearing before Council. Even so, the Council has given OrePac as much time as it wanted to make argument and fully present its case. Without constraint, OrePac proceeded to make its case, and when Council afforded further time, OrePac declined to present anything more. We find that OrePac had been afforded a full and fair opportunity to present its case



before DRB. In any event, any perceived unfairness has been cured by the opportunity afforded it before Council.

- 5) **General Relevance findings.** The Council interprets and finds that the TSP requires the extension of Kinsman Road through the subject property. Inherent in this finding is the rejection that the TSP is interpreted or requires that Kinsman Road alignment south of Wilsonville Road be eliminated from the subject property, with north/south transportation accommodated by a different roadway, in a different location, such as Montebello. So too, is the rejection of the various attacks on the TSP or other assertions that the TSP must be modified prior to a decision in this case. The advocates of these positions have not demonstrated to Council the validity of these points or their relevance to approval or denial of this particular application, which involves the only property through which Kinsman Road is extended. For now, the above issues are collateral matters that may be explored in the future.
  
- 6) **Specific Relevance findings.** The Council finds that the pending litigation Jerry Reeves has against the Applicants (alleging that he has a property interest in what would be the extension of Kinsman Road through the property) has no relevance to the subject application. The issue of the existence of railroad crossing authorizations is a collateral attack on the TSP and not relevant to this case. The issue of city budgeting for the city portion of the cost of Kinsman Road through the property is beyond the record and irrelevant to the approval criteria for the application. Finally, the allegation that the Dolan rough proportionality figure should reflect a 100% cost to the city is based upon the premise that the subject property will be accessed by a private driveway and not by the extension of Kinsman Road through the property. As found elsewhere in these findings, the TSP requires the extension of the road, and the DKS-based, comparative impact analysis and associated rough proportionality cost sharing that appears in the approval conditions has not been shown by credible evidence to be in error.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order: DB09-0047, attached hereto, from Residential Agricultural - Holding (RA-H) to Planned Development Industrial (PDI) on Tax Lots 100 and 101, Section 23B, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Zoning Order, Attachment 2 of Exhibit 1), and in the attached Legal Description (Zoning Order, Attachment 1 of Exhibit 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 7<sup>th</sup> day of June 2010, and scheduled the second reading on June 21, 2010 commencing at

the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

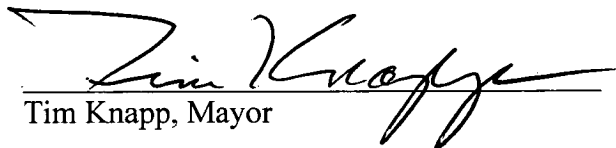
  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 21st day of June, 2010, by the following votes:

Yes: 3 No: 1 Abstain: 1

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 22<sup>nd</sup> day of June, 2010.

  
Tim Knapp, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Hurst	Yes
Councilor Ripple	Yes
Councilor Kirk	Abstain
Councilor Núñez	No

Exhibits:

1. Zoning Order DB09-0047
  - Attachment 1: Legal Description
  - Attachment 2: Map depicting zone change
2. Planning Division Staff Report to City Council, dated May 17, 2010
3. Planning Division Staff Report to City Council, dated June 7, 2010

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

In the Matter of the Application of )  
Gene Mildren of Mildren Design Group )  
Architect, acting as agent )  
For the applicants and owners )  
Tom Stern & Paul Gram – Pacific NW )  
Properties, for a Rezoning of ) **ZONING ORDER DB09-00047**  
Land and Amendment of the )  
City of Wilsonville Zoning Map )  
Incorporated in Section 4.102 of the )  
Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of Gene Mildren of Mildren Design Group, acting as agent for the applicants/owners, Tom Stern & Paul Gram – Pacific NW Properties, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

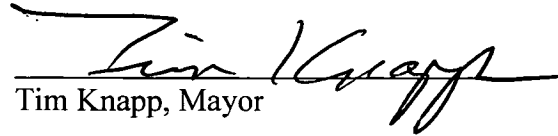
It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lots 100 and 101 in Section 23B, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Wilsonville Zoning Map as *Residential Agricultural – Holding (RA-H)*.

The Council having heard and considered all matters relevant to the application and including the Development Review Board record and recommendation, and found that the criteria in Wilsonville Code 4.197(.02)A through G are met, finds that the application should be approved, and it is therefore,

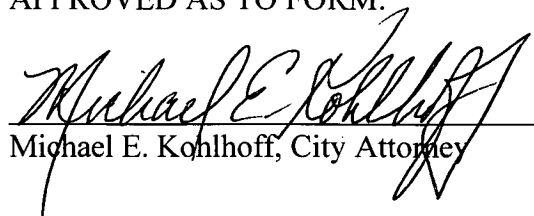
ORDERED that approximately 8.81 acres of Tax Lots 100 and 101 in Section 23B, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *Planned Development Industrial (PDI)*, and such rezoning is

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.

Dated: This 22<sup>nd</sup> day of June, 2010.

  
Tim Knapp, Mayor

APPROVED AS TO FORM:

  
Michael E. Kohlhoff, City Attorney

ATTEST:

  
Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description  
Attachment 2: Map depicting zone change

Legal Description  
Attachment 1

Order No.: 20080012215-FTPOR10

PARCEL I:

A tract of land situated in the Northwest quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon, being a part of that certain tract of land described in Book 249, Page 15, Deed Records, Clackamas County, Oregon, being more particularly described as follows, to wit:

Beginning at a point on the Northerly line of said Section 23, which point bears North 89°50' West, 159.85 feet (record) along the Northerly line of Section 23 from the North quarter corner of said section; from said point of beginning, thence leaving said section line, South 00°07' West along the Westerly right of way line of the Southern Pacific Railway, 427.74 feet (Deed South 00°10' West, 429.15 feet) to a 5/8 inch iron rod in the North line of the Thomas Bailey Donation Lane Claim; thence leaving said right of way line, North 89°55' West along said DLC line, 784.10 feet to a 5/8 inch iron rod; thence leaving said DLC line, North 00°07' East, 428.65 feet to the Northerly line of said Section 23; thence South 89°51' East (record South 89 50' East) along said Northerly line of Section 23, 784.10 feet to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to the County of Clackamas by Deed recorded May 26, 1978 as Fee No. 78 022450.

Also excepting therefrom that portion contained in Stipulated Judgment, Clackamas County Circuit Court Case No. CCV0103185, entered August 22, 2002 in favor of the Urban Renewal Agency of the City of Wilsonville.

And also excepting therefrom that portion described in Street Dedication Deed recorded June 22, 2004, Fee No. 2004 057064.

PARCEL II:

The following described property lying in Section 23, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon:

Beginning at a point in the section line between Sections 14 and 23, 159.85 feet North 89°50' West from the one quarter corner between Sections 14 and 23; thence South 0°10' West, 30 feet to a pipe in the South side of county road; thence continuing South 0°10' West, 399.15 feet along the West right of way line of the Oregon Electric Railroad, to an iron pipe in the North line of the Thomas Bailey Donation Land Claim #45; thence North 89°55' West on claim line, 956.5 feet to a pipe; thence continuing North 89°55' West to the center line of the Seeley ditch, a distance of 12 feet; thence North 14°03' West upstream in said ditch, 205.3 feet to an iron pipe; thence North 52°35' West upstream and along the Easterly side of a 2 acre tract described in deed recorded in Book 159, Page 546, 250.00 feet to a cross on the South wall of a concrete culvert in County road; thence continuing North 32°35' West, 25.3 feet to a point in the section line between Sections 14 and 23; thence South 89°50' East on section line, 1166.8 feet to the place of beginning;

Excepting therefrom that portion conveyed by Contract recorded August 2, 1973 as Recorder's Fee No. 73 24447.

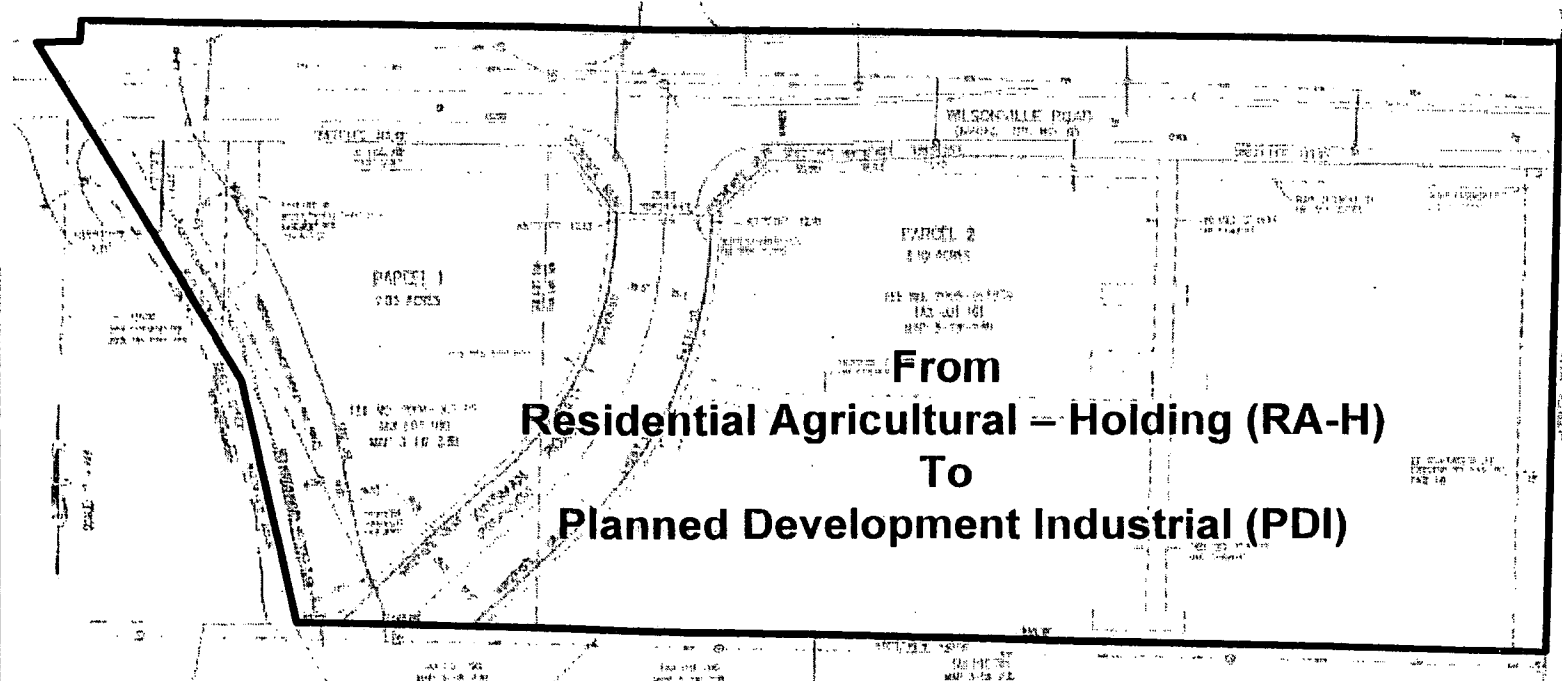
Also excepting therefrom that portion contained in Stipulated Judgment, Clackamas County Circuit Court Case No. CCV0103186, entered August 22, 2002, in favor of the Urban Renewal Agency of the City of Wilsonville.

Also excepting therefrom that portion conveyed to the City of Wilsonville by Warranty Deed recorded February 4, 2003, Fee No. 2003 014486.

FDOR0213.rdw

# ZONING ORDER – ATTACHMENT 2

LOCATED IN THE NW 1/4 OF SECTION 23, T. 3 S., R. 1 W., W.M., CITY OF WILSONVILLE, CLATSOP COUNTY, OREGON



# **Exhibit A1**

## **STAFF REPORT**

### ***Wilsonville Road Business Park***

- A. DB09-0047: Zone Map Amendment
- B. DB09-0048: Stage 1 Development Plan
- C. DB09-0049: Stage 2 Final Development Plan
- D. DB09-0050: Class 3 Site Design Review (Phase 1)
- E. DB09-0051: Master Sign Plan
- DB10-0001: Class 3 Waiver to the Sign Code
- F. DB09-0052: Partition
- G. DB09-0053: Class 3 Waiver to the Rear Setback

Exhibit A1  
STAFF REPORT  
WILSONVILLE PLANNING DIVISION  
*Wilsonville Road Business Park*  
DEVELOPMENT REVIEW BOARD PANEL 'A'  
QUASI-JUDICIAL PUBLIC HEARING

Case Files DB09-0048 to DB09-0053 adopted April 12, 2010  
with a recommendation to the City Council for approval of Case File DB09-0047  
Case Files contingent upon City Council approval of Case File DB09-0047.  
*(Note: additional language in bold, italic text; deleted language struck through)*

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HEARING DATE: April 12, 2010  
DATE OF REPORT: ~~April 5, 2010~~ April 12, 2010

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APPLICATION NO.'S:

- A. DB09-0047: Zone Map Amendment
- B. DB09-0048: Stage 1 Development Plan
- C. DB09-0049: Stage 2 Final Development Plan
- D. DB09-0050: Class 3 Site Design Review (Phase 1)
- E. DB09-0051: Master Sign Plan  
DB10-0001: Class 3 Waiver to the Sign Code
- F. DB09-0052: Partition
- G. DB09-0053: Class 3 Waiver to the Rear Setback

APPLICANT/OWNER: Pacific NW Properties – Tom Stern & Paul Gram

APPLICANT'S REPRESENTATIVE(S):

**Architect:** Gene Mildren – Mildren Design Group  
**Engineer:** Karl Koroch, PE – T.M. Rippey Consulting Engineers  
**Planner:** Lans Stout – T.M. Rippey Consulting Engineers  
**Surveyor:** Scott Field – Northwest Surveying

REQUEST: Pacific NW Properties proposes to develop an industrial, office and service/retail business park in two phases. Upon completion the park will contain approximately 111,535 sq. ft. (89,835 sq. ft. – Phase 1 and 21,700 sq. ft. – Phase 2).

LOCATION: Approximately 8.81-acre parcel located at 9900 SW Wilsonville Road, immediately west of the railroad tracks. (See Vicinity Map on Page 2).

LEGAL DESCRIPTION: Tax Lots 100 & 101 Township 3 South, Range 1 West, Section 23B, Clackamas County, Oregon.

LAND USE DESIGNATIONS: Wilsonville Comprehensive Plan Map  
Designation: *Industrial (Area G)*

ZONING DESIGNATIONS: Wilsonville Zone Map Classification: *Planned Development Industrial (PDI)*.

STAFF REVIEWERS: Kristy Lacy, Blaise Edmonds, Paul Lee, Steve Adams, Don Walters and Kerry Rappold



**REQUESTED ACTIONS:**

The Development Review Board is being asked to review concurrent applications proposing development of an industrial/office/service commercial park and appurtenant site improvements. The applicant is submitting requests for:

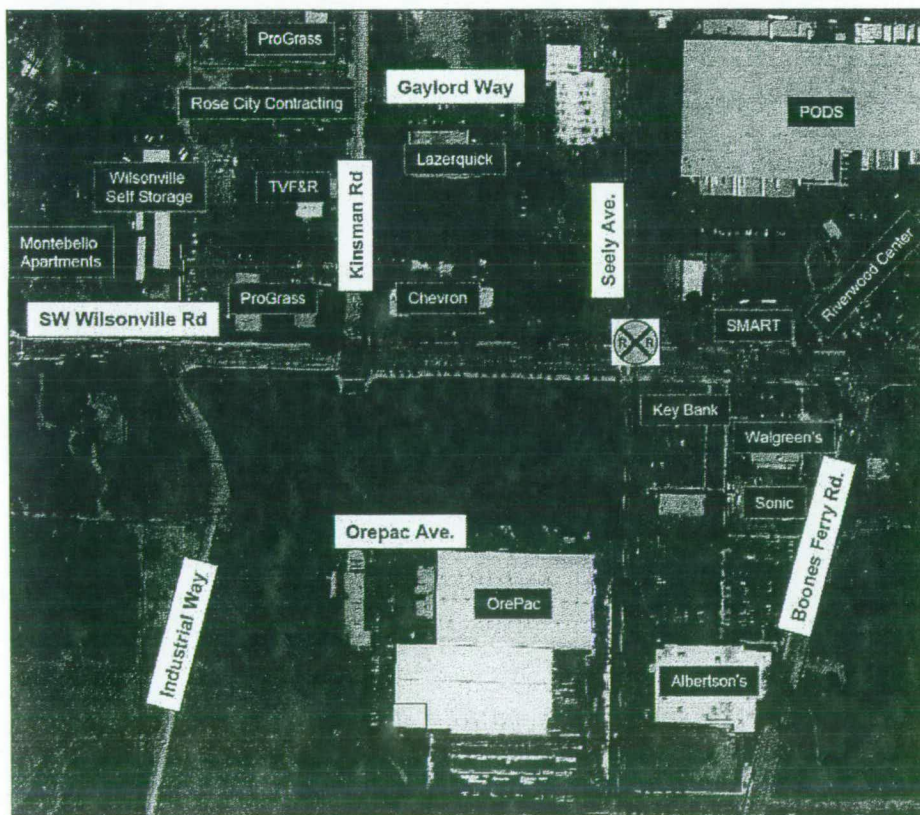
- A. DB09-0047: Zone Map Amendment
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- D. DB09-0050: Class 3 Site Design Review (Phase 1)
- E. DB09-0051: Master Sign Plan
- F. DB09-0052: Partition
- G. DB09-0053: Class 3 Waiver

**APPLICABLE CRITERIA:**

**Planning and Land Development Ordinance:** Sections 4.008-4.035; 4.116; 4.117; 4.118; 4.135; 4.139; 4.140; 4.155; 4.156; 4.167; 4.169; 4.171; 4.172; 4.175-4.179; 4.197; 4.199; 4.200-4.290; 4.300; 4.400-4.450; 4.800. **Other Planning Documents:** Comprehensive Plan; Transportation Systems Plan; Storm Water Master Plan

**STAFF RECOMMENDATION:** Approve the Site Design Plans for the industrial/office/service commercial park and associated site improvements including landscaping and signage.

**VICINITY MAP:**



**GENERAL PROJECT DESCRIPTION (Provided by the Applicant):**

"This package includes applications related to the development of an industrial/office/support retail use project located on the south side of SW Wilsonville Road, at the Wilsonville Road/Kinsman Road intersection. As noted above, the package includes a zone change to PDI in order to implement the Comprehensive Plan designation for the property, along with PDI Stage I and Stage II approvals and a partition to create the Kinsman Road extension with a separate parcel on the east and west sides of the right of way."

**SUMMARY:**

Pacific NW Properties seeks approval to develop an industrial/office/commercial business park and appurtenant site improvements. The site is located at 9900 SW Wilsonville Road, immediately west of the railroad crossing. The site is approximately 8.81 acres or 383,764 square feet.

As a part of the proposal the applicant will be dedicating right-of-way for Kinsman Road. The right-of-way will set the stage for a two parcel partition and two (2) phase development. The proposed parcel east of the right-of-way, Parcel 2, will be developed as part of Phase 1.

The proposal includes a request for Stage I and Stage II approval for Phase 1 (Parcel 2) and Phase 2 (Parcel 1). The applicant is requesting Site Design Review for Phase 1 (Parcel 2) only. Phase 1 consists of four (4) single-story buildings; 70,731 sq. ft. of industrial, 10,290 sq. ft. of office and 8,814 sq. ft. of commercial. Future Phase 2 will consist of a two-story, 21,700 sq. ft. office building.

**HISTORY:**

The vacant undeveloped site was once a filbert orchard and forested. In 1999 a total of sixteen (16) non-exempt/non-filbert trees were removed from the site without permit. 254-caliper inches were subject to mitigation. A stop work order was issued, a code enforcement file opened (See Exhibit A4 – Case file 98CE12) and a motion for temporary restraining order and order to show cause why preliminary injunction should not enter was filed with the Clackamas County Circuit Court (Case no. 98-06-437). An ensuing Administrative Review, Case file #99AR02 (See Exhibit A3), for site development and clearing was issued with conditions of approval such as site clean up, removal of brush and filberts, erosion control, mitigation and a partial settlement. In 2007 Planning Staff received a request (Case file #AR07-0025) to amend Case Files 99AR02 and 99AR02 (Amended), allowing the removal of filbert trees on the subject site and to defer implementation of any mitigation plan until the site is developed. On May 8, 2007 the prior owner paid a partial settlement satisfying a condition of approval from 99AR02 (Amended) and a decision was issued. The decision included conditions to clean-up the site including removal of invasive species, to have all brush and filbert removal complete within 21 days and the site reseeded within 7 days of filbert removal. The decision also approved a landscaping plan to mitigate the loss of 254 caliper-inches of trees with trees and shrubs totaling 261 caliper-inches in the future development plan for the subject property. Based upon that approval the subject development is required to comply with the approved landscaping plan which has been incorporated into the proposed landscape plan shown on Sheet LM1.0 of Exhibit B2.

**POSITIVE SITE PLAN ATTRIBUTES:**

One of the City Council's goals is to "Engage the Community in Smart Growth and Sustainability Concepts." The proposed development is a good example of a development that was created using smart growth principles. Smart Growth Principles include such things as mixing land uses, creating walkable neighborhoods and preserving critical environmental areas. The proposal is for a mixed use development including industrial, office and service commercial/retail. Inclusion of the commercial tenant spaces will reduce dependence upon vehicular transportation. It is anticipated that commercial tenants will likely be tenants who service the industrial tenants. For example, a café or deli may choose to locate here allowing industrial employees to walk to get their lunch as opposed to drive.

The proposed site plan includes provisions for positive pedestrian circulation. The pedestrian circulation provides safe connections to the street system as well as internally in the site. Internal pedestrian connections are designed to avoid dead-end areas. As a part of providing a safe pedestrian environment, the applicant is proposing a double row of street trees along Wilsonville Road. The trees will provide sense of enclosure to the street space while reducing heat island effects.

The pedestrian system and bike lane proposed with the Kinsman Road Extension are very important. The route beginning from Wilsonville Road is an important part of the bicycle/pedestrian system that connects to the path along the access drive to the Water Treatment Plant. In particular it is identified as Project C21, the Water Treatment Plant connection. According to the Bicycle and Pedestrian Master Plan, "This project will extend the existing off-street path leading from the Water Treatment Plant to the 'T' intersection of Kinsman and Wilsonville Road. (It will) Provide(s) greater connectivity from homes and business north of Wilsonville Road to the Water Treatment Plant and the proposed regional Waterfront Trail."

In addition to the mix of uses and walkable environment, the western edge of the site is within the Significant Resource Overlay Zone (SROZ). The City recently passed ordinance #674, an ordinance amending the Comprehensive Plan and Planning and Land Development Ordinance to comply with Metro's Title 13 (Nature In Neighborhoods) of the Urban Growth Management Functional Plan. The ordinance was approved by City Council on November 16, 2009 with an effective date of December 16, 2009. While the effective date was after the applicant's official submittal date of October 8, 2009, the applicant has designed the project to comply with Title 13 through the implementation of Habitat-Friendly Development Practices; the use of permeable paving in the parking area which is within the SROZ Impact Area (Parcel 1, Phase 2), stormwater treatment within the public right-of-way and minimization of paved areas. The design also protects the waterway and wetlands by minimizing the area to be affected by work, and by restoring vegetation in the SROZ area.

#### ***ISSUES:***

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#### ***1. Proportionality of public facility conditions to impact of the development – Dolan findings:***

##### **The Standard.**

Conditions imposed under W.C. 4.140 (Planned Development Regulations) and W.C. 4.200 – 2.90 (Land Divisions), among other permits and approvals, must be consistent with State and Federal Constitutions. While no local code section requires it, *Dolan v. City of Tigard*, 512 US 374, (1994), construed the 5<sup>th</sup> Amendment of the US Constitution to require that when local governments impose, through "individualized determinations," property dedications as conditions of land use permit approval, it must demonstrate that the requirements are related both in nature and extent to the impact of the proposed development.

Specifically the *Dolan* test states that exactions of property must have an "essential nexus," between the exactions and the harm created by the proposed development and that there be a reasonable relationship – a "rough proportionality" - between the impacts of the development and the exaction.

##### **The Exactions.**

PF conditions recommended by staff require that the applicant dedicate 73 feet of Right-Of-Way (ROW) for the Kinsman extension through the site (to accommodate a center turn lane, sidewalks/bike lanes, storm water swales and planter strips), an 8 ft. Public Utility Easement along Kinsman and a 10-ft. PUE along Wilsonville Road. *Dolan* has been construed by the courts to be limited to dedications – exaction of

property – and not to improvements to public facilities such as a road or a water line. It has also been limited to cases where requirements are imposed on a case by case basis, and not through generally applicable legislation. Under W.C. 3.294, the city's adopted public works standards apply to all public improvements in the city. Additionally, and importantly, the analysis does not apply to those exactions (or portions thereof) paid for by the city. PF conditions go on to require a 12" water system in Kinsman and an 8" looped water system through the east side. In this connection, it must be noted that staff is recommending that applicant and the city enter into a Development Agreement that apportions the cost of these exactions such that the city will grant SDC credits or otherwise reimburse the applicant for one half of the cost of dedication and design and construction of a 50-foot collector roadway, curbs, gutter, sidewalks, storm water facilities, landscaping, streetlights, paving, signage and striping. This cost sharing is in line with traditional exactions which has a developer proving the first 24 foot of pavement. The fact that Kinsman divides the property and requires a turn lane to accommodate and mitigate queuing for development-generated traffic militates in favor of the 50-50 cost sharing. As regards provision of other public utilities, the city proposes to credit the applicant for construction cost difference between a standard 8 inch water main to an extra capacity 12 inch water main. Other extra capacity improvements (a marginally thicker concrete street) are similarly called out as a city expense.

Not all public facility construction requirements are subject to the *Dolan* analysis. We will return to this point, but for now, the *Dolan* standards will be applied to all the public facility requirements.

#### **Nexus**

There is a nexus between the exactions and the city's legitimate interest in insuring adequate transportation connectivity. The findings elsewhere in this report and contained in the PF Conditions are referenced and incorporated herein. The city has determined that access and other city requirements for connectivity and adequate functioning of infrastructure is necessary for approval of the requested permits. Specifically, the primary problems the development would cause, without the exactions, and mitigate with them involve the extensions of Kinsman Road through the site. Kinsman Road intersects at a T north of the site at Wilsonville road. Its extension southward through the site is provided in the Transportation System Plan (TSP), an element of the Comprehensive Plan. Without the requirement that Kinsman be extended as planned will result in maintenance of Industrial Way, an off-set access road to the west, as the primary access in this area to properties south of Wilsonville Road to the city limits. The city has a legitimate governmental interest in assuring that a development does not cause the public problem of inadequate, unsafe and inefficient public transportation facilities. Pursuant to the TSP policy of connectivity, this is done by ensuring that adequate streets that logically continue the city's street system are provided in order to avoid traffic generation that exceed the street system carrying capacity and involves excessive queuing and turning conflicts, which then cause dangerous or hazardous traffic conditions. This similarly applies to the required center turn lane on Kinsman, the opening of the westbound left turn pocket on Wilsonville Road and signal modifications at the Kinsman/Wilsonville Road intersection. The required sidewalk and bikeway route is also shown in the Kinsman corridor in the TSP. Other water, sewer and storm sewer requirements serve obvious public health and safety requirements. Together, the city has a legitimate governmental interest in requiring these public facilities and the associated exaction alleviate or avoid these problems.

#### **Rough Proportionality**

From the above findings, we observe that the development is benefitted by the exactions and that the exactions serve to mitigate the impacts of the development. In particular, the extension of Kinsman and its construction to a 50 foot street in a 73 foot ROW, rather than a local street, alleviates the identified traffic connectivity problem in a way that is "roughly proportional" to the project's effect on traffic and capacity problems now as envisioned. There is a quantitative relationship between the development-generated traffic and expected traffic volumes expected in the future. As PFC27 notes, DKS, a professional traffic consultant, conducted a Traffic Impact Study that considered the proposed buildings and uses on the property, (approximately 10,000 s.f would be service commercial or retail, 38,175s.f. would be general

office space and 79,075 s.f. would be industrial space), and calculated that the project would generate 186 PM Peak Hour Trips. Then, relying on two additional traffic studies, analyzed the 2030 horizon year traffic demands based on build out of the undeveloped lands to the south of the site, DKS estimated that Kinsman Road will carry 410 total PM peak Hour trips in 2030. The 186 PM Peak Hour trips generated by the applicant's development would be 45.4% of this figure proportionally. This figure is almost directly proportional to applicant's 50% cost share as dictated by the required development agreement. It is certainly roughly proportional to the impacts of the development.

As alluded to earlier, not all requirements relating to the provision of public infrastructure are subject to *Dolan* analysis. A sharper focus on the nature of the exactions and proposed financing approach helps identify which exactions must be analyzed under *Dolan*. Netting out those exactions that 1) are legislatively imposed as standards, 2) do not involve property interests (dedications) and 3) are constructed at city expense, we are left with the 50% portions of the ROW and easement dedications as being subject to the *Dolan* analysis. Given the above analysis, the requirement that the applicant bear the cost of making 50% of the required dedications is "roughly proportional" to the trip generation and other impact the development on the affected area.

## 2. *Setback Waiver:*

This request involves a waiver to the rear setback, specifically the setback from Buildings 3 and 4 of Parcel 2 to the south property line. The minimum rear setback in the Planned Development Industrial (PDI) Zone is thirty (30) feet. The application is proposing a ten (10) foot setback for proposed Buildings 3 and 4. Pursuant to Section 4.118(.03)A.8. yard requirements can be waived in order to implement the purposes and objective of Section 4.140, and based on findings of fact supported by the record. The applicant has provided findings that the decreased setback is "due to the relatively limited depth of the site in a north-south dimension, and the resulting building layout constraints." The applicant goes on to state that "if one starts from the Wilsonville Road right of way and moving south provides the required landscape area, a double-loaded parking aisle, a "flex" building, a trucking area, and an industrial building, it is not possible to both meet the dimensional standards of the Code and also provide building dimensions appropriate to the uses expected." If sufficient depth existed to provide circulation south of Building 3 and 4, given existing vegetation immediately south of the subject site and distance from the right-of-way, Staff finds that the area would be more vulnerable to crime than the current configuration. Deviation from setback permits flexibility in the placement of buildings thereby providing an open circulation system i.e. centralized truck loading courtyard, resulting in good site surveillance for loading docks.

The applicant adds that the intent of the 30-foot building setback is to "preserve open areas between buildings and other properties, notwithstanding that such areas may be used for vehicle areas if provided with appropriate perimeter landscaping. In this particular case, there is an existing 20-foot wide public sewer easement along the entire north side of the abutting property to the south of the subject site. Since this easement is permanent, it ensures that there will always be no less than 30 feet between the proposed building and any future building on the property to the south, even if the DRB were to approve a waiver to reduce the building setback on the adjacent property to the maximum extent possible." Staff finds that it is unlikely that the public sanitary sewer line would be abandoned or relocated thereby resulting in the abandonment of the easement.

The Applicant further states that "Vegetative buffering is not inherently required as a result of a 30-foot setback. However, the setback area does provide some degree of buffer between uses even if not fully landscaped, so a part of meeting the intent of the setback in this area is addressed by increased landscaping in the proposed 10-foot wide area. The increased landscape standard for this area is shown on the landscape plan." Staff finds that landscaping of at least 15% of the site is required; therefore, vegetative buffering is inherently required as a result of the 30-foot setback. The landscape requirements

of Section 4.176, specifically Section 4.176(.01)E., take into consideration buffering of adjacent properties recognizing the reduction of visual, noise and lighting impacts of development on abutting sites or uses. In order to mitigate the reduced setback, Staff is recommending additional buffering consistent with the High Screen Buffer Standards of Section 4.176(.02)E. (See Condition of Approval PDC11).

Staff notes that the south façades of Buildings 3 and 4 (facing the adjacent OrePac property) are relatively blank. To mitigate the impact of the buildings on adjacent properties, Staff is recommending that the applicant continue the paint banding treatment to the south elevation utilizing the proposed color palette; paint P-1 (Miller Paint Strafford Brown) above 10' above finished floor and paint P-2 (Miller Paint Barn Rafter) below 10' above finished floor. Proposed condition of approval PDG1 will help mitigate the decreased setback and provide visual interest from adjacent properties.

With Conditions of Approval, Staff finds that this design produces a comprehensive development equal to, or better than that resulting from building layout that respects building setbacks. Staff therefore supports a ten (10) foot setback along the south edge of Parcel 2.

### ***3. Phasing:***

Pacific NW Properties is proposing to develop the site in two (2) phases. Upon completion the facility will be approximately 111,535 sq. ft. (89,835 sq. ft. – Phase 1 and 21,700 – Phase 2). Phase 1 will include partition of the property and construction of Kinsman Road. Phase 1 will also include four (4) industrial, office and service/retail buildings on the parcel east of the newly extended Kinsman (proposed Parcel 2). Phase 2 will include a two story office building to be constructed west of the newly extended Kinsman right-of-way (proposed Parcel 1). Upon completion the complex will include approximately 111,535 sq. ft. (89,835 sq. ft. – Phase 1 and 21,700 sq. ft. – Phase 2). It is important to note that the Applicant is requesting Stage I and Stage II approval for both Phase 1 (Parcel 2) and Phase 2 (Parcel 1). The applicant is requesting Site Design Review for Phase 1 (Parcel 2) only.



**CONCLUSIONS AND RECOMMENDATIONS:**

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. Staff finds that the analysis satisfactorily demonstrates compliance with the City's Comprehensive Plan and the Planning & Land Development Ordinance. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings and modified by proposed Conditions of Approval. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed applications (DB09-0047 through DB09-0053 and DB10-0001) and with the following conditions:

**CONDITIONS OF APPROVAL FOR REQUESTS 'A' - 'G':**

The application and supporting documents are hereby adopted for approval with the following conditions:

<b>PD = Planning Division Conditions</b>	<b>A.</b> DB09-0047: Zone Map Amendment
<b>BD = Building Division Conditions</b>	<b>B.</b> DB09-0048: Stage 1 Development Plan
<b>PF = Engineering Conditions</b>	<b>C.</b> DB09-0049: Stage 2 Final Development Plan
<b>NR = Natural Resources Conditions</b>	<b>D.</b> DB09-0050: Class 3 Site Design Review (Phase 1)
<b>TR = SMART/Transit Conditions</b>	<b>E.</b> DB09-0051: Master Sign Plan
<b>FD = Tualatin Valley Fire and Rescue Conditions</b>	<b>F.</b> DB10-0001: Class 3 Waiver to the Sign Code
	<b>G.</b> DB09-0052: Partition
	<b>G.</b> DB09-0053: Class 3 Waiver to the Rear Setback

<b><u>Planning Division Conditions:</u></b>	
<b><u>Request A - DB09-0047: Zone Map Amendment</u></b>	
<b>PDA1.</b>	Consistent with the allowed uses of the Planned Development Industrial (PDI) Zone, as outlined in Section 4.135(.03) of the Wilsonville Development Code, and as identified in the submitted plans, this action approves the following maximum square footage of use per phase:  <u>Phase 1:</u> <ul style="list-style-type: none"> <li>• Industrial - 70,731 sq. ft.</li> <li>• Office - 10,290 sq. ft.</li> <li>• Commercial - 8,814 sq. ft.</li> </ul> <u>Phase 2:</u> <ul style="list-style-type: none"> <li>• Office - 21,700 sq. ft.</li> </ul> (See Findings A20 and A4)
<b><u>Request B - DB09-0048: Stage 1 Development Plan</u></b>	
<b>PDB1.</b>	Should the operations of this project by either the owner or future tenants fail to meet any performance standards of Subsection 4.135(.05) of the City's Development Code, the property owner and/or future tenant(s) shall seek approval from the Planning Division for the City of Wilsonville.
<b>PDB2.</b>	Landscaping on the subject site must meet the vision clearance requirements of Section 4.177.
<b>PDB3.</b>	All utilities shall be placed underground per Subsections 4.300-4.320.

<b>PDB4.</b>	The Applicant/Owner shall supply evidence through AutoTurn exhibits or another acceptable method that large format vehicles can negotiate turning movements on the east edge of the site. If it is determined that the turn cannot be made, the applicant shall provide signage at prohibiting large trucks from using the easternmost drive aisle. (See Finding B35.c.).
<b>PDB5.</b>	The Applicant/Owner shall revise the submitted site plan to include an additional pedestrian crossing from Building 1 to the public sidewalk on Kinsman Road.
<b>PDB6.</b>	Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited. The applicant must abide by state regulations as they relate to emissions control.
<b>PDB7.</b>	Pursuant to Section 4.135(.05)E., future development of Parcel 1 (Phase 2) shall not include loading or unloading areas within 100 feet of the west property line.
<b>PDB8.</b>	All waste and emissions must be disposed in a manner compliant with Public Works Standards and the State Department of Environmental Quality. In particular, all processes must incorporate pre-treatment devices to limit the amount of pollutants that may be released and that all facilities must meet applicable state emissions requirements
<b>PDB9.</b>	All noise generated, with the exception of traffic noise, must comply with the standards adopted by DEQ.
<b>PDB10.</b>	Pursuant to Section 4.135(.05)J. no activities that might generate electrical disturbances will take place on the property.
<b>PDB11.</b>	Pursuant to Section 4.135(.05)L. open burning is prohibited.
<b>PDB12.</b>	<del>Until such time as Parcel 1 (Phase 2) develops, the Applicant/Owner is required to landscape and maintain the remainder of Parcel 1 with ornamental shrubs, lawn, native plants or seeded fieldgrass. Specifically, the Applicant/Owner shall provide additional plantings along the north edge of Phase 2 (Parcel 1), immediately south of the existing sidewalk, as well as additional shrubs along the east edge of Phase 2. The Applicant/Owner is required to provide 35 additional trees and 70 additional shrubs pursuant to the General Landscape Standards. Plantings must be consistent with the Low Screen Landscape Standards of Section 4.176(.02)D. <i>The initial construction associated with Phase 1 shall include landscaping on the Phase 2 site, including the SROZ mitigation, stormwater outfall area, and field grass seeding in the future development area as shown on the submitted landscape plan. A final landscape plan shall be submitted through a Class I Administrative review, which in addition to the landscaping as noted shall add plant materials as required along both street frontages (SW Wilsonville Road and SW Kinsman Road) in order to result in a five-foot wide Low Screen Landscape of Section 4.176(02)D.</i> Staff recommends that the Applicant/Owner utilize plantings similar to Phase 1; Otto Luyken, Escallonia and Red Sunset Maple. It should be noted that Based upon a recent site visit, Staff notes that there are some existing shrubs planted on the north edge of Phase 2 (Parcel 1) immediately south of the existing sidewalk. The applicant is permitted to utilize those plantings to meet this requirement. <del>A revised landscape plan shall be submitted to the Planning Division through a Class I Administrative Review.</del> See Findings B49, C8 and C34.</del>
<b>PDB13.</b>	On-going maintenance of street frontage areas shall be the responsibility of the Applicant/Owner or an assigned property management company. See Finding B63.



<b>PDB14.</b> Because cuts may exceed the minimum state requirement of 50 cubic yards a Joint Permit Application or General Authorization from the Oregon Division of State Lands (DSL) and/or the Army Corps of Engineers may be required. A copy of all applicable state permits or proof that state permits are not required must be submitted to the Planning Division prior to Grading Permit approval. The Applicant/Owner shall also provide full calculations regarding cut and fill balancing and floodplain compensation prior to Grading Permit approval.
<b>PDB15.</b> Prior to Public Works Permit approval for the Kinsman Road right-of-way, the Applicant/Owner must obtain Bonneville Power Administration (BPA) approval of all development within the BPA easement including, but not limited to, landscaping and circulation. A copy of the approval must be submitted to the Planning Division. Upon review by BPA of the proposed plan, minor modifications to the proposed plan must be reviewed by Staff through a Class I Administrative Review. (See Finding B68 and C70).
<b>PDB16.</b> The Applicant shall obtain a conditional use permit for any wireless communications per Subsection 4.800.
<b>PDB17.</b> The Applicant/Owner shall submit legal evidence of shared parking in the form of deeds, leases, or contracts securing full access to parking areas.
<b><i>Request C – DB09-0049 – Stage 2 Final Development Plan</i></b>
<b>PDC1.</b> This action approves the request regarding Tax Lots 100 and 101 in Section 23B; T3S R1W, for the Stage 2 Final Plans submitted with this application, approved by the Development Review Board, and stamped “Approved Planning Division”. This approval for the Stage 2 Final Plans shall expire two years after this action, per Section 4.140(.09)(I).
<b>PDC2.</b> The Applicant/Owner shall provide a landscape hedge between the proposed parking lot on Parcel 1 (Phase 2) and the mitigation plantings. The hedge coupled with the mitigation tree planting shall meet the City’s low screen landscape standards of Section 4.176(.02)D. (See Finding C23)
<b>PDC3.</b> Consistent with Section 4.155(.02)J., parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks. Parking spaces immediately adjacent to sidewalks must include sturdy bumper guards.
<b>PDC4.</b> All pedestrian crossings shall be clearly demarcated through pavement markings or alternative materials to alter motorists to pedestrians.
<b>PDC5.</b> Pursuant to Section 4.172(.06)F.3., prior to grading plan approval the Applicant/Owner shall submit a final soils stabilization plan for all cuts, fills and graded areas.
<b>PDC6.</b> Prior to issuance of a Public Works Permit, the applicant shall provide a site plan demonstrating the location of an elevation marker, set at two (2) feet above the 100-year flood elevation. Pursuant to Section 4.172(.06)H.1., said marker shall be properly identified and permanently monumented in concrete. (See Finding C52).
<b>PDC7.</b> Pursuant to Section 4.172(.07)B., all new construction shall be constructed with materials and utility equipment resistant to flood damage. All new construction shall be constructed using methods and practices to minimize flood damage.

<b>PDC8.</b>	The Applicant/Owner shall notify the Federal Emergency Management Agency, Army Corps of Engineers, Department of Land Conservation and Development and Department of State Lands prior to any alteration or relocation of the watercourse, and submit evidence of such notification to the Federal Insurance Administration. The Applicant/Owner shall submit a copy of said evidence to the Planning Division.
<b>PDC9.</b>	The Applicant/Owner shall submit certification by a registered professional engineer that the water quality swale will not result in any increase flood levels during the occurrence of the 100-year flood discharge. (See Finding C59)
<b>PDC10.</b>	Consistent with Section 4.176(.02)D. of the WC, ground cover plant must fully cover the remainder of landscaped areas not covered by shrubs or trees. (See Finding C69).
<b>PDC11.</b>	The Applicant/Owner shall provide a revised landscape plan that includes plantings on the south property line that will form a continuous screen at least six (6) feet high and 95% opaque, year-round. A Final Landscape Plan shall be submitted to the Planning Division through a Class I Administrative Review. (See Finding C71).
<b>PDC12.</b>	All HVAC equipment shall be inconspicuous and designed to be screened from off-site view. This includes, to the greatest extent possible, private utilities such as natural gas and electricity. The City reserves the right to require further screening of the equipment and utilities if they should be visible from off-site after occupancy is granted.
<b>PDC13.</b>	All plantings shall meet the requirements of Section 4.176(.06).
<b>PDC14.</b>	Planning Division staff is hereby granted approval authority of the irrigation plan for the project to be submitted with the Building or Engineering Permit Set. The Applicant/Owner shall submit an Irrigation Plan through a Class I Administrative Review. This plan shall meet the requirements of Subsection 4.179(.09)(A-D). The Final Irrigation Plan shall be submitted with the Final Landscape Plan to guarantee appropriate coverage. Landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary.
<b>PDC15.</b>	The Applicant/Owner will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscaping, should the approved landscaping not be installed at the time of final occupancy of the proposed building.
<b>PDC16.</b>	The Applicant/Owner shall provide a public sidewalk easement to accommodate those sections of the proposed sidewalk outside the public right-of-way.
<b>PDC17.</b>	The Applicant/Owner shall waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrance shall be submitted to the City Attorney.
<b>PDC18.</b>	Vertical and horizontal clearance for bicycle and pedestrian paths shall be consistent with Public Works Standards.
<b>PDC19.</b>	Prior to occupancy of Phase 1, the Applicant/Owner shall provide Planning Division Staff with a copy a letter from the Allied Waste Services approving the design and location of the solid waste/recyclable storage area.
<b>PDC20.</b>	All site lighting must be extinguished via a lighting control system consistent with Section 4.199.40(.01)D. and Table 5. The Applicant shall demonstrate through submitted building plans that automatic devices exist to extinguish lighting or reduce the intensity to not more than 50% of the requirements of Table 8 of Section 4.199. (See Finding C107).

**PDC21.** The Applicant shall provide bicycle parking consistent with Section 4.155. Phase 1 shall provide a minimum of ten (10) bicycle parking spaces within racks that both wheels and bike frame can be locked securely.

***Request D - DB09-0050: Class 3 Site Design Review (Phase 1)***

**PDD1.** Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. Minor amendments to the project that are to be conducted by Planning Staff may be processed by the Planning Director through a Class I Administrative Review process.

**PDD2.** The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.

**PDD3.** ~~Buildings 1 and 2 include brick veneer and soldier coursing at tenant storefront entries. The north elevation of buildings 3 and 4 shall be revised to provide a similar treatment.~~ ***In the final design, the NE corner of Building 3 and the NW corner of Building 4 shall incorporate brick in an area and amount sufficient to relate the design of these buildings to the brick theme included for the storefronts on Buildings 1 and 2. In addition, the final paint scheme will provide a brick red painted band in the storefront areas of these buildings to provide a design relationship to the brick storefronts in Buildings 1 and 2. Paint color shall be submitted through a Class I Administrative review.***

**PDD4.** Mitigation plantings on Parcel 1 (Phase 2) and as demonstrated on Sheet LM1.0 of Exhibit B2 must occur in conjunction with Parcel 2 (Phase 1). (See Finding D2).

**PDD5.** The Applicant/Owner shall provide screening on the east property line consistent with the Low Screen Landscape Standards of Section 4.176 (.02)D. Pursuant to Condition PDB15, a Final Landscape Plan shall be submitted to BPA for review and approval. Should BPA not permit trees within the easement, the applicant shall install a landscape hedge consistent with High Screen Landscape Standards of Section 4.176 (.02)E.

**PDD6.** Refuse storage facilities shall include color banding to match Buildings 1 through 4.

**PDD7.** Pursuant to Allied Waste's request (see Exhibit B2), Ordinance #664 and Section 4.430(.02), source separated recyclables shall be co-located with the storage area for residual mixed solid waste.

***Request E - DB09-0051 and DB10-0001: Master Sign Plan and Class 3 Waiver to the Sign Code***

**PDE1.** The Applicant/Owner of the property shall ensure that the sign is installed in substantial compliance with the plans approved by the Development Review Board.

**PDE2.** Prior to installing signs the Applicant/Owner shall apply for a sign permit on a form entitled Planning Department Site Development Application to the Planning Division to ensure compliance with the DRB approval.

**PDE3.** The Applicant/Owner shall obtain all necessary building and electrical permits (if applicable) from the City of Wilsonville needed for the installation of the proposed signage.

<b>PDE4.</b>	Any new utilities associated with proposed signage must be installed underground consistent with Section 4.300 of the Development Code.
<b>PDE5.</b>	The Applicant/Owner shall submit a landscape plan for the area immediately surrounding the proposed freestanding sign on Parcel 1 (Phase 2).
<b>PDE6.</b>	Project wall signs shall not exceed 600 square feet total. Individual tenant signs are limited to 26 square feet for single bay signs and 52 square feet for tenants with more than 1 bay or unit. Sign size, materials and placement shall be consistent with Sheet A1.2 of Exhibit B2 and Exhibit B5.
<b>PDE7.</b>	Approval is granted for two (2) freestanding signs; one (1) on Parcel 1 and one (1) on Parcel 2. Each freestanding sign shall measure 4 ft. by 8 ft. or 32 square feet and shall be approximately six feet tall measured from grade. Freestanding signs shall be consistent with Sheet A1.2 of Exhibit B2.
<b>Request F - DB09-0052: Partition</b>	
<b>PDF1.</b>	The Applicant/Owner shall provide an appropriate easement and maintenance agreement for the use of proposed refuse storage facilities. The easement and/or maintenance agreement can be in the form of CC&Rs or a note on the final plat.
<b>PDF2.</b>	The Applicant/Owner shall submit an application for Final Plat approval through a Class I Administrative Review. All required public dedications of land must be approved and acceptance by the City and must be recorded with the County prior to final plat approval
<b>PDF3.</b>	Easements for sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All the utility lines within and adjacent to the site shall be installed with underground services within the street and to any structures. All utilities shall have appropriate easements for construction and maintenance purposes.
<b>PDF4.</b>	Pursuant to Section 4.237(.02)B, the applicant shall provide an easement or drainage right-of-way conforming substantially to the Seely Ditch drainage way. (See Finding F29.
<b>PDF5.</b>	In areas where street trees are located outside the right-of-way, the Applicant/Owner shall provide an easement or other document guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees.
<b>PDF6.</b>	Proposed parcels 1 and 2 shall have corner radii of not less than ten (10) feet and meet Public Works Standards. (See Finding F40)
<b>Request G - DB09-0053: Class 3 Waiver to the Rear Setback</b>	
<b>PDG1.</b>	The Applicant/Owner shall continue paint banding treatment from the north façade of Buildings 3 and 4 to the south façade. Specifically, the Applicant/Owner shall utilize the approved color palette; paint P-1 (Miller Paint Stafford Brown) above 10' above finished floor and paint P-2 (Miller Pain Barn Rafter) below 10' above finished floor.

**Building Division Conditions:**

**Request B - DB09-0048: Stage 1 Development Plan**

- BDB1.** ADVISORY. A 1200C PERMIT from the Department of Environmental Quality will be required for this project. A copy of the 1200C permit shall be submitted to the City as part of the grading permit submittal. If no grading permit is required submit as part of the building permit application.
- BDB2.** ADVISORY. ADA PARKING shown on the plans is assumed to be shown for reference only. Approval of the proposed handicap parking entails extensive review of the building usage, site slopes, accessible walkways, and other factors beyond the scope of this development review. ADA parking will be reviewed as part of the building permit process.
- BDB3.** ADVISORY. SEPARATION. WALKS paralleling vehicular ways shall be separated from vehicular ways by curbs, planted areas, railings, or other barriers between the pedestrian area and the vehicular areas. Walks not separated shall be defined by a continuous detectable warning that is 36" wide. Separations shall comply with Section 1109.7.7. (1103.2.4.7)
- BDB4.** ADVISORY. A grease interceptor will be required for any restaurant, coffee shop, or other such establishment where significant amounts of oils or grease are being introduced into the sewer system.
- BDB5.** ADVISORY. POSSIBLE FUTURE PARTITION. If there is a significant possibility that the property will be partitioned at a future date, it is highly recommended that the Engineering Division be consulted on the design parameters of the current project on-site utilities. Water, sewer, and storm sewer piping serving multiple lots is typically required to be in easements and constructed to different design standards than such items serving only one property. If the future division of the property is not considered at this time, a future division may necessitate the removal and replacement of significant portions of the infrastructure.

**Engineering Division Conditions:**

**Standard Comments:**

**Request C - DB09-0049: Stage 2 Final Development Plan**

- PFC1.** All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
- PFC2.** No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
- PFC3.** All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PFC4.** Plans submitted for review shall meet the following general criteria:
  - a. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility

improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.

- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- d. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- e. 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.
- f. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
- g. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- h. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- i. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- j. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.
- k. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version..

**PFC5.** Submit plans in the following format and order:

- a. Cover sheet
- b. General note sheet
- c. Existing conditions plan.
- d. Erosion control and tree protection plan.
- e. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- f. Grading plan, with 1-foot contours.
- g. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- h. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- i. Street
- j. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
- k. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.
- l. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure.

	<ul style="list-style-type: none"> <li>m. Composite franchise utility plan.</li> <li>n. City of Wilsonville detail drawings.</li> <li>o. Illumination plan.</li> <li>p. Striping and signage plan.</li> <li>q. Landscape plan.</li> </ul>
<b>PFC6.</b>	Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
<b>PFC7.</b>	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
<b>PFC8.</b>	The applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality before disturbing any soil on the respective site .
<b>PFC9.</b>	Stormwater detention is not required for this site.
<b>PFC10.</b>	A stormwater analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe sizing and possible use of Low Impact Development (LID) principles.
<b>PFC11.</b>	The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
<b>PFC12.</b>	The applicant shall provide the City with a Stormwater Maintenance Covenant and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all private conventional storm water facilities and LID storm water components located from back of curb onto and including the project site.
<b>PFC13.</b>	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
<b>PFC14.</b>	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
<b>PFC15.</b>	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 project shall, at its 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 Staff.

<b>PFC16.</b>	Sidewalks and pedestrian linkages shall be in compliance with the ADA Accessibility Guidelines (ADAAG), as amended in 2002, or the 2005 Draft Public Rights-of-Way Accessibility Guidelines for areas not fully addressed in the ADAAG standards as determined by the City Engineer
<b>PFC17.</b>	No surcharging of sanitary or storm water manholes is allowed.
<b>PFC18.</b>	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
<b>PFC19.</b>	A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
<b>PFC20.</b>	All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
<b>PFC21.</b>	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer
<b>PFC22.</b>	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer
<b>PFC23.</b>	Applicant shall provide a minimum 8-foot Public Utility Easement along Kinsman Road public right-of-way, and if one does not already exist, a minimum 10-foot Public Utility Easement along Wilsonville Road public right-of-way
<b>PFC24.</b>	Landscape trees located in the right-of-way and open spaces shall be situated so that they are in compliance with City of Wilsonville Standard Detail No. R-1157. All proposed storm and sanitary laterals, water services, fire hydrants, street lights, signage, and driveways shall be clearly shown on the landscape plans so that potential conflicts can be noted and adjustments made
<b>PFC25.</b>	Where trees are located within 8 feet of public sidewalks and/or curbs, the sidewalks and/or curbs shall be protected from root intrusion with a root control barrier system designed by a Professional Landscape Architect registered in the state of Oregon; root control barrier shall be approved by the City's authorized representative before installation. Generally, the root control system should be installed a minimum of 24 inches deep, with a minimum 20-foot length centered on the root source. Installation of such systems shall be done so as to not disturb the sidewalk, curb or base rock previously installed. Provide landscaping plan showing location of root control barrier system
<i>Specific Comments:</i>	
<b>PFC26.</b>	Applicant and City shall enter into a Development Agreement to clearly detail and specify what infrastructure is constructed over capacity and is eligible for SDC credits and/or reimbursement from the City.
<b>PFC27.</b>	At the request of Staff, DKS Associates completed a Transportation Impact Study (TIS) dated April 22, 2009. This study looked at the five proposed buildings with the following use breakdown: 10,000 s.f. service commercial or retail, 38,175 s.f. of general office space and 79,075 s.f. of industrial space. The project is hereby limited to no more than the following impacts.



Estimated Net New Weekday PM Peak Hour Trips	186
Estimated Weekday Net New PM Peak Hour Trips Through Wilsonville Road Interchange Area	112

**PFC28.** In determining the equitable share of the Kinsman Road improvements, along with the TIS report described above for the development, DKS Associates completed two additional traffic studies. These are titled *Brown Road Extension Alternative Analysis* dated March 13, 2009 (included as part of the OBEC study titled *Alternative Analysis Summary for New Connector Street Between Wilsonville Road and Industrial Way* dated April 2, 2009), and the *Comprehensive Brown Road Extension Alternatives Analysis* dated January 25, 2010. These studies looked at the 2030 horizon year traffic demands based on buildout of the undeveloped lands bounded by the Portland & Western Railroad line, Wilsonville Road and Brown Road; these studies used existing 2009 land uses and current land use zoning.

Based on this traffic modeling, it is estimated that Kinsman Road will carry 410 total PM Peak Hour trips in 2030, of these 186 PM Peak Hour trips will be generated by the Wilsonville Road Business Park, or 45.4% proportionally.

Because the subject development would create a demand for road improvements it is appropriate to require the developer to pay for a proportionate share of the costs of those improvements.

The intersection of Wilsonville Road and Kinsman Road was reconstructed by the City as part of the Wilsonville Road Phase 2B/3B CIP in 2005, including signalization of the south leg which shall provide the only access from the project property to Wilsonville Road. The value of the signal work for the south leg which benefits the project property and future development south is estimated at \$65,000.

The City ~~has entered into~~ *shall negotiate* a development agreement with the Applicant which specifies the City is responsible for 50% of the *dedication and* street construction costs plus reimbursement to the Applicant for upgrading their 50% of the street from asphalt to concrete. This cost sharing is roughly proportionate to the impacts created and of benefits received by the proposed development.

**PFC29.** Applicant shall be responsible for design and construction of Kinsman Road from the existing south arm of the Wilsonville Road/Kinsman Road intersection to a termination point, agreed upon with the City, near the south property line. The 2003 Transportation Systems Plan (TSP) shows this street classified as a Minor Collector and Applicant shall design and construct the street within a 73-ft right-of-way, as depicted in Figure 4.17 of the TSP. However due to safety issues with this portion of the road being constructed with horizontal curves, the Applicant shall eliminate the on-street parking in favor of a center turn lane to allow for expected truck traffic and turning movements. Thus the design shall include two 12-ft travel lanes, a 14-ft center turn land, two 6-ft bike lines, two 5-ft sidewalks, and remaining right-of-way consisting of landscape planter strips or stormwater swales. Design shall also include street lighting, striping, signage, storm drainage, landscaping and irrigation.

**PFC30.** Kinsman Road shall be designed and constructed as a Portland Cement Concrete street in conformance with the Public Works Standards.

Note that Kinsman Road north of Wilsonville Road was constructed using dowel cages. Applicant shall be required to submit a geotechnical report for on-site soil conditions.

	Engineering will review the report and provide a response to the applicant as to the required street design.
<b>PFC31.</b>	At the intersection of Wilsonville Road and Kinsman Road, the ADA ramps at the southeast and southwest corners do not meet current ADA accessibility standards. Applicant shall remove the bottom two feet on these four ramps and replace with an approved truncated dome surface.
<b>PFC32.</b>	At the south end of Kinsman Road, applicant shall work with City to construct an agreed upon terminus to the street. Applicant shall erect a Type III barricade with warning signage at the street terminus
<b>PFC33.</b>	The applicant shall provide a 'stamped' engineering plan and supporting photometric information that shows the proposed street light configuration meet the appropriate AASHTO lighting standards for the proposed Kinsman Road  Street light fixtures and poles shall be from the approved PGE Option B equipment list
<b>PFC34.</b>	At the intersection of Wilsonville Road and Kinsman Road, Applicant shall be responsible for verifying camera function loops on south leg of intersection and design/develop new signal timing sequence for the intersection and coordinate with DKS & Associates and Clackamas County in making all signal lights fully functional.
<b>PFC35.</b>	Applicant shall perform what work is needed to open the existing closed westbound left turn pocket on Wilsonville Road at the Kinsman Road intersection. This work is anticipated to include removal of temporary pylons, restriping and adding left turn pavement arrows.
<b>PFC36.</b>	When the west tax lot (Phase 2) develops, the applicant shall remove the existing driveway access to Wilsonville Road. Existing drop curb and gutter shall be removed and replaced with the City standard Asphalt Street Curb and Gutter.
<b>PFC37.</b>	Applicant shall coordinate with City staff and design the northwest corner of the west lot of the site so as to allow City maintenance vehicles access to the water vault and equipment located at the southeast corner of Wilsonville Road and Industrial Way. This will include installing a City approved all-weather driving surface from the proposed parking area to the water vault area.
<b>PFC38.</b>	Per City Resolution No. 1868, a resolution accepting the access control plan for Wilsonville Road Phases 2B, 3A, and 3B, access to public rights-of-way shall be limited to the two proposed driveways on Kinsman Road as shown on the Design Review Submittal December 2009 plans. No access will be allowed directly onto Wilsonville Road other than through the south leg of the Kinsman Road intersection
<b>PFC39.</b>	The access driveway from the east property to Kinsman Road shall be designed with a sufficient radius to allow egress by WB65 trucks with limited impact on the middle travel lane and no impact on adjacent pedestrian sidewalks or landscape areas. Applicant shall submit AutoTURN plots to the city for review.
<b>PFC40.</b>	In developing a drainage plan for stormwater management, the design engineer is encouraged to provide, to the extent feasible, on-site Stormwater management through the use of Low Impact Development (LID) principles. The primary Stormwater management objective for LID is to match pre-development hydrologic condition over the full range of rainfall intensities and durations. LID principles include, but are not limited to, the following:  a. Integrate Stormwater management into site planning activities. b. Use natural hydrologic functions as the integrating framework.

- c. Minimize site disturbance.
- d. Focus on prevention rather than mitigation.
- e. Emphasize simple, nonstructural, low-tech, and low cost methods.
- f. Manage stormwater as close to the source as possible.
- g. Distribute small-scale LID techniques throughout the landscape.
- h. Create a multifunctional landscape.

If approved by the City's authorized representative, alternative storm water design standards may be substituted for the standards specified herein. While LID principals provides for the consideration of alternative standards that may conflict with the City's adopted Fire Prevention Code, it is understood that alternative standards will be considered and applied on a case-by-case basis.

At time of submittal it is not known if stormwater runoff will be handled by an LID system or conventional drain inlet/piping system. Applicant shall work with the City in development the stormwater system and coordinating with the City how stormwater runoff will be controlled.

**PFC41.** Applicant shall be required to install a 12" diameter public water system on the east side of Kinsman Road. Connect to the existing stub out at the south arm of the intersection with Wilsonville Road and terminate in a 6" blow-off at the south end of the Kinsman Road right-of-way.

**PFC42.** Applicant shall be required to install a looped, minimum 8" diameter public water system through the east site. Applicant shall connect to proposed 12" water main to be located in Kinsman Road and the existing stub on Wilsonville Road located ±390 feet east of Kinsman Road centerline.

**PFC43.** Applicant shall obtain written approval from and comply with any and all conditions placed on construction within the existing easements of Bonneville Power Administration.

**PFC44.** When Kinsman Road is extended south of the project property, there may be a need for the City to acquire either an easement or right-of-way at the southwest corner of the Phase 1 property to allow a driveway connection to the OrePac property. This connection is anticipated to be through what is currently proposed to be landscape area southwest of the proposed parking area improvements on the Phase 1 property.

***Request F – DB09-0052: Partition***

***Standard Comments:***

**PFF1.** Applicant shall provide a minimum 8-foot Public Utility Easement along Kinsman Road public right-of-way, and if one does not already exists, a minimum 10-foot Public Utility Easement along Wilsonville Road public right-of-way.

**PFF2.** Applicant shall dedicate to the City a 73-ft right-of-way centered along the future extension of Kinsman Road south from Wilsonville Road to the south property boundary, location of said roadway as agreed upon with the City of Wilsonville.

**PFF3.** Wilsonville Road is already built to the fully anticipated width with bike lanes and sidewalks. Therefore, no additional right-of-way will be required from property frontage on Wilsonville Road.

**PFF4.** The applicant shall provide the appropriate easements to the City for any public sidewalk improvements that are constructed outside of the dedicated right-of-way.

<b>PFF5.</b>	Applicant shall provide an ingress and egress access easement acceptable to the City from the west property driveway to the City's water vaults and facilities located at the northwest corner of the west property.
<b>PFF6.</b>	Applicant shall provide the City with a temporary 20-ft wide pedestrian ingress and egress easement at the southwest corner of the tax lot in Phase 2. This temporary easement will extend from the west edge of the Kinsman Road right-of-way to the west property line, extending 20 feet north from the south property line. If in the future Kinsman Road is constructed southward to connect to Industrial Way/Brown Road, this temporary pedestrian easement will extinguish upon completion and acceptance of the new roadway improvements

<b>Natural Resources Division Conditions:</b>	
<i>Request C - DB09-0049: Stage 2 Final Development Plan</i>	
<b>Significant Resource Overlay Zone</b>	
<b>NRC1.</b>	All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager.
<b>NRC2.</b>	Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
<b>NRC3.</b>	The applicant shall minimize the impact to the SROZ during construction of the water quality swale and storm outlet structure, and stabilize (i.e. install matting) the swale bottom and slopes to avoid impacts associated with high water levels or stormwater runoff
<b>NRC4.</b>	All mitigation landscaping (Sheet LM1.0), required by Case Number 99AR02, shall be completed as part of the Phase 1 improvements. Maintenance of the mitigation area shall be the responsibility of the applicant, including: <ul style="list-style-type: none"> <li>a. Submitting a site preparation and maintenance plan for approval by the Natural Resources Program Manager;</li> <li>b. Preparing the site by removing invasive plants species;</li> <li>c. Providing water during the establishment period (i.e. first two years) of the plants; and</li> <li>d. Replacing any required plant material that dies within the first year of planting.</li> </ul>
<b>NRC5.</b>	Pursuant to Section 4.139(.03)(.05) of the Wilsonville Code, the applicant is encouraged to use habitat-friendly development practices to the extent practicable for any encroachment into the 25-foot Impact Area
<b>NRC6.</b>	All proposed surfaces within the SROZ shall be constructed of permeable materials
<b>Stormwater Management</b>	
<b>NRC7.</b>	Submit a drainage report and drainage plans. The report and plans shall demonstrate the proposed stormwater facilities satisfy the requirements of the City of Wilsonville's Public Works Standards.

<b>NRC8.</b>	Provide profiles, plan views and specifications for the proposed stormwater facilities consistent with the requirements of the City of Wilsonville's Public Works Standards
<b>NRC9.</b>	Pursuant to the Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed stormwater facilities prior to approval for occupancy of the associated development.
<b>NRC10.</b>	Pursuant to the City of Wilsonville's Public Works Standards, access shall be provided to all areas of the proposed stormwater facilities. At a minimum, at least one access shall be provided for maintenance and inspection
<b>Other</b>	
<b>NRC11.</b>	Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall submit an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary: <ul style="list-style-type: none"> <li>a. Gravel construction entrance;</li> <li>b. Stockpiles and plastic sheeting;</li> <li>c. Sediment fence;</li> <li>d. Inlet protection (Silt sacks are recommended);</li> <li>e. Dust control;</li> <li>f. Temporary/permanent seeding or wet weather measures (e.g. mulch);</li> <li>g. Limits of construction; and</li> <li>h. Other appropriate erosion and sedimentation control methods.</li> </ul>
<b>NRC12.</b>	An approved DEQ 1200C is required for the entire project.
<b>NRC13.</b>	Garbage/recycling enclosures must contain adequate area for proper use of all receptacles, no drain under enclosure and is recommended that the enclosure be covered.
<b>NRC14.</b>	All food service will be required to have a Pretreatment/Building Division approved oil/water interceptor.
<b>NRC15.</b>	Page 3C.2, Note 2, systems are to meet City of Wilsonville standards not the City of Tualatin.

**SMART/Transit Division Conditions:**

NO CONDITIONS.

**Tualatin Valley Fire and Rescue Conditions:**

**Request B – DB09-0048: Stage 1 Development Plan**

**FDB1. AERIAL FIRE APPARATUS ACCESS.** If any building is 30 feet in height above the lowest level of fire department vehicle access, then it shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. (OFC D105.1) Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum

	of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (OFC D105.1- .3).
<b>FDB2.</b>	<b>PHASE II ACCESS.</b> Submit conformation that a fire department turn-around is not required for Building 5. If a turn-around is required, that turn-around shall be approved by the fire marshal and shown on the plans.
<b>FDB3.</b>	<b>FDC SIGNAGE.</b> The location of the FDC for Phase II shall be approved by the fire marshal. (OFC 903.3.7) Phase I gang FDC location is approved. Since all buildings being served by the Phase I FDCs are not visible from the gang FDC location, a sign meeting the approval of the fire marshal shall be installed at the FDC location indicating the location of the building being served in the complex, and which FDC serves which building. This shall be addressed during plan review.
<b>FDB4.</b>	<b>PREMISE IDENTIFICATION.</b> Buildings shall have identification that is “plainly legible and visible from the street or road fronting the property.” (OFC 505) This would be Kinsman Road (Driveway access). Marquee or similar signage shall be installed at the driveway entrance unless building identification can be clearly seen from the driveway entrance.
<b>FDB5.</b>	<b>FIRE CALCS.</b> Fire calcs shall be submitted for each building at the time of building permit application. These calc sheets and instructions are available from the TVF&R web site. (tvfr.com /Departments/ Fire Prevention/ Forms and Brochures/ Fire Flow Calculations) The fire calcs will define how many hydrants are required, and if a building fire alarm or fire sprinkler system may be necessary. Neither hydrant location, number of required hydrants, nor building plan review can proceed without the completed fire calcs.
<b>FDB6.</b>	<b>ADVISORY. HYDRANTS.</b> A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. (Oregon Fire Code (OFC) Section 508.5.5) Items such as structures, electrical transformers, mail boxes, retaining walls, street signs, planters, and so on may not encroach into this space. The mature size of plantings shall be assumed when designing the landscaping plans so as to insure the 3-foot clear space. Exception: Low growing ground cover that is not a trip hazard. <i>Landscaping that presents a trip-hazard or visibly masks a hydrant is not acceptable.</i>

**MASTER EXHIBIT LIST**

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. This is the master exhibits list that includes exhibits for Planning Case Files DB09-0047 through DB09-0053 and DB10-0001.

**A. Staff's Written and Graphic Materials:**

**A1. STAFF REPORT:**

- Findings of Fact for Requests A through G
- Proposed Conditions of Approval for requests A through G
- Conclusionary Findings for requests A through G

**A2. WILSONVILLE TRANSPORTATION SYSTEM PLAN – FIGURE 4.8**

**A3. CASE FILE 99AR02**

**A4. CASE FILE 98CE12**

**A5. FIRMETTE, PANEL 242 OF 1175**

**A6. POWERPOINT PRESENTATION (To be presented at the 4/12/10 DRB meeting.)**

**A7. STAFF MEMORANDUM DATED APRIL 12, 2010 RECOMMENDING AMENDMENTS TO THE STAFF REPORT AND INCLUDING REVISED RESOLUTIONS NO. 194**

**A8. WILSONVILLE TRANSPORTATION SYSTEM PLAN – FIGURE 4.7 2020 ALTERNATIVE 2, RECOMMENDED ROADWAY NETWORK, ADOPTED BY CITY COUNCIL JUNE 2, 2003, REFERENCED BY COMMUNITY DEVELOPMENT DIRECTOR MICHAEL BOWERS DURING HIS TESTIMONY BEFORE THE BOARD.**

**B. Applicant's Written and Graphic Materials:**

**B1. APPLICATION**

**B2. NARRATIVE & PLAN SET revised December 7, 2009 - Reduced size and full size (SUBMITTED UNDER SEPARATE COVER):**

Sheet Index	
No.	Name
A0.1-DR	Cover Sheet
A1.1	Site Plan
A1.2	Master Signage Plan
A1.3	Details
C1.0	Civil Site Development Plan Cover Sheet
C1.5	Existing Conditions Plan
C1.7	Preliminary Plat
C2.0	West Site Conceptual Grading Plan
C2.1	East Site Grading Plan Sheet One
C2.2	East Site Grading Plan Sheet Two
C3.0	West Site Conceptual Utility Plan
C3.1	East Site Phase 1 Storm and Sanitary Plan Sheet One
C3.2	East Site Utility Plan Sheet Two
C4.0	Site Utility Details
P0.0	Cover Sheet
P1.0	Project Overview
P2.0	Kinsman Rd Public Street/Storm Plan and Profile
P3.0	Public Water Quality Swale Grading Plan
P4.0	Kinsman Rd Public Water Line Plan and Profile

P5.0	On Site Public Water Line Plan
P6.0	Kinsman Rd Public Street Concrete Scoring Plan
P7.0	Kinsman Rd Public Street Lighting Plan
L1.0	Landscape Plan
LM1.0	Landscape Plan SROZ Mitigation Area
1A2.1	Building 1 Floor Plan
2A2.1	Building 2 Floor Plan
3A2.1	Building 3 Floor Plan
4A2.1	Building 4 Floor Plan West
4A2.2	Building 4 Floor Plan East
1A3.1	Building 1 Elevations
2A3.1	Building 2 Elevations
3A3.1	Building 3 Elevations
4A3.1	Building 4 Elevations
5A3.1	Building 5 Rendering
E1.0	Electrical Title Sheet
E1.1	Electrical Site Plan
E1.1LC	Site Lighting Photometric
E1.2LC	Electrical Photometric Details
E1.3LC	Lighting Cut Sheets

**B3. COLOR & MATERIALS BOARD**

**B4. SUPPLEMENTAL FINDINGS WITH RESPECT TO CITY OF WILSONVILLE ORDINANCE 674**

**B5. MEMO FROM CURT TROLAN, MILDREN DESIGN GROUP, PC; DATED 03/19/10.**

**C. Development Review Team Correspondence:**

- C1. DKS Traffic Study (Excerpt)
- C2. Memo from Luke Bushman, Stormwater Management Coordinator; dated 01/26/10
- C3. Memo from D. Walters; Building Plans Examiner; dated 02/19/10.
- C4. Memo from Kerry Rappold, Natural Resources Program Manager; dated 03/03/10
- C5. Conditions of Approval from Steve Adams, Deputy City Engineer; dated 03/18/10.

**D. General Correspondence:**

**D1. LETTERS (NEITHER FOR NOR AGAINST):**

- D1.a. Letter from Jerry C. Reeves P.E.; dated February 25, 2010
- D1.b.1. Response from Ben Altman, SFA Design Group prepared for OrePac Building Products; dated March 31, 2010
- D1.b.2. Memo from Staff regarding response from Ben Altman; dated April 2, 2010
- D1.c. *E-mail from David Bernert to Kristin Retherford, Urban Renewal Manager; dated April 5, 2010*

**D2. LETTERS (IN FAVOR): None Submitted**

**D3. LETTERS (OPPOSED): None Submitted**



**E. Exhibits entered into the Record at the 04/12/10 hearing:**

- E1. Two-page letter dated April 12, 2010 from J. David Bennett, P.C., Landye, Bennett, Blumstein, LLP Attorneys, representing OrePac Building Products, Inc.*
- E2. One-page letter dated April 12, 2010 from David Bernert, President, Wilsonville Concrete Products, Inc.*
- E3. DRAFT Community Development Staff Report to Mayor and City Council dated February 24, 2010 from Michael Bowers, Community Development Director, submitted by Ben Altman, SFA Design Group.*
- E4. Two-page Notice of Pendency of an Action document regarding Case No: CV10040305 dated April 8, 2010. Submitted by Jerry Reeves.*
- E5. Court docket of the Clackamas County Circuit Court for Case No: CV10040305, Jerry C. Reeves Plaintiff v. Pacific NW Properties, LP, and John Does 1-10. Submitted by Jerry Reeves.*
- E6. Copy of Page 224 of 247 of the Staff report showing a prior site plan for the subject property dated July 23, 2008. Submitted by Jerry Reeves.*
- E7. PowerPoint presentation used by Ben Altman, SFA Design Group that summarized material contained in the packet.*

**FINDINGS OF FACT**

**1. Statutory Timeline:**

The statutory 120-day time limit applies to this application. The application was received on October 8, 2009. On January 26, 2010 the applicant submitted additional materials. It should be noted that the applicant submitted supplemental findings on February 5, 2010 and March 19, 2010; however, the findings were not required for the application to be deemed complete. On January 22, 2010 the application was deemed complete. The 120-day time limit for this application was May 22, 2010. On February 25, 2010, City Staff received a request from the applicant to continue the hearing to April 12, 2010 with a corresponding request to extend the 120-day time limit to June 26, 2010. The City must render a final decision for the request, including any appeals, by **June 26, 2010**.

**2. Adjacent land uses:**

Compass Direction	Zone:	Existing Use:
North:	PDI & PDC	ProGrass. (Industrial) Wilsonville Chevron & Tyler's Automotive (Commercial)
South:	PDI	OrePac (Industrial)
East: (across Railroad Tracks)	PDC	Lowrie's Marketplace Shopping Center (Commercial)
West: (west of Industrial Way)	R	Vacant Residential Parcel

**3. Comprehensive Plan and Zone Maps:** The site has a Comprehensive Plan designation of Industrial (Area G) and is zoned Residential Agricultural Holding (Industrial) RAH-I. Area G is located west of the railroad tracks and south of Wilsonville Road. It contains a mix of planned and existing uses. A detailed discussion regarding Area G can be found on page 39 of this report.

**4. Previous Planning Approvals:**

FILE NO	PROJECT NAME	TAX LOT/LOCATION GENERAL SITE	REQUEST
90AR17	Orepac	TL 100 & 700, Sec 23B	Install above ground diesel tank
98CE12	JC Reeves	TL 100 Sec. 23B	Tree cutting violation.
99AR02	Dan and Jerry Reeves	TL 100 Sec 23B SE corner of Wilsonville Rd and Industrial Way	Filbert Removal, Tree Cutting, Mitigation
00DB44	City of Wilsonville Water Treatment Plant	3 1 TL 100, 101, 200, 300, 400, 500, 600, 800, 900, 1300, 1800 and 1900 Sec 23B	Architectural and landscape revisions, identification signage, and gates along with bikeway and pedestrian routes, and reconfirm Industrial Way as the vehicular access route
AR07-0025	JC Reeves -- Filbert Issues	3S1W23B_00100 and 00101	Request to remove filberts and defer implementation of any mitigation plan until the site is developed.

5. **Natural Characteristics:** The subject site is relatively level. It consists of an undeveloped open field with some man-made rock outcroppings. Vegetation consists of mowed grass and weedy groundcover. The property is bordered by the Seely Ditch.
6. **Review Procedures:** The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

## GENERAL INFORMATION

### ***Section 4.008. Application Procedures - In General.***

The applicant is requesting the necessary site development permit applications to develop Tax Lots 100 and 101 in Section 23B, Clackamas County. Pacific NW Properties is proposing to develop the site in two (2) phases. Phase 1 will include partition of the property and construction of Kinsman Road. Phase 1 will also include four (4) industrial, office and service/retail buildings on the parcel east of the newly extended Kinsman (proposed Parcel 2). Phase 2 will include a two story office building to be construction west of the newly extended Kinsman right-of-way (proposed Parcel 1). Upon completion the complex will include approximately 111,535 sq. ft. (89,835 sq. ft. – Phase 1 and 21,700 sq. ft. – Phase 2).

### ***Section 4.009. Who May Initiate Applications.***

The application has been submitted by the property owner, Tom Stern of Pacific NW Properties, with the help of his representatives, Mildren Design Group, T.M. Rippey Consulting Engineers and Northwest Surveying. The applicant/property owner has signed the development application demonstrating compliance with this provision.

### ***Section 4.034. Application Requirements.***

Following is documentation, by request, of the standards and procedures appropriate to each application.

**REQUEST A  
DB09-0047: ZONE MAP AMENDMENT  
CONCLUSIONARY FINDINGS**

***WILSONVILLE DEVELOPMENT CODE***

***Section 4.029 - Zoning to be Consistent with Comprehensive Plan***

***If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.***

**A1.** The current RA-H zone serves as a holding zone to preserve the future urban development potential of sites which have not previously received development approval in accordance with the Comprehensive Plan. The RA-H zone requires that upon partition or subdivision or a property designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan, which identifies this property as Industrial. The proposal includes a request for a two-parcel partition, development and the accompanying zone change to Planned Development Industrial (PDI). This is consistent with the Comprehensive Plan as well as the requirements of the RA-H zone; therefore, this provision is satisfied.

***Section 4.110 – Zoning – Zones***

***(.01) The following Base Zones are established by this Code:***

- A. Residential Agricultural - Holding, which shall be designated “RA-H”.***
- E. Planned Development Industrial, which shall be designated “PDI”.***

**A2.** The parcels proposed for re-zoning from RA-H to PDI are within the city limits of Wilsonville and have a Comprehensive Map designation of Industrial. The zone change is being reviewed concurrently with a Master Plan and a Development Plan for industrial, office and service/retail uses. The PDI zone will implement the Industrial Comprehensive Plan Map designation.

***Section 4.135. PDI- Planned Development Industrial Zone.***

***(.01) Purpose: The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses.***

**A3.** The applicant has provided summary findings that “The proposed development is designed to allow light industrial operations to take place near retail and general office spaces. In creating a development that attracts a diversified group, a variety of new jobs will be created.” The applicant goes on to state that “Implementation Measure 4.1 .3.h supports appropriate retail development within Industrial areas. The project is designed to provide approximately 5,800 square feet of retail commercial space within the two northern buildings on the east parcel to serve the needs of the people living and/or working in the immediate vicinity.” Staff notes that the project is designed with 8,814 feet of retail commercial, but finds that the proposed and associated uses are consistent with the purpose of the PDI zone.

- (.03) *Uses that are typically permitted:*
- A. *Warehouses and other buildings for storage of wholesale goods, including cold storage plants.*
  - B. *Storage and wholesale distribution of agricultural and other bulk products, provided that dust and odors are effectively contained within the site.*
  - C. *Assembly and packing of products for wholesale shipment*
  - D. *Manufacturing and processing*
  - E. *Motor vehicle services, or other services complementary or incidental to primary uses, and which support the primary uses by allowing more efficient or cost-effective operations*
  - F. *Manufacturing and processing of electronics, technical instrumentation components and health care equipment.*
  - G. *Fabrication*
  - H. *Office complexes - Technology*
  - I. *Corporate headquarters*
  - J. *Call centers*
  - K. *Research and development*
  - L. *Laboratories*
  - M. *Repair, finishing and testing of product types manufactured or fabricated within the zone.*
  - N. *Industrial services*
  - O. *Any use allowed in a PDC Zone, subject to the following limitations:*
    - 1. *Service Commercial uses (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices) not to exceed 5000 square feet of floor area in a single building, or 20,000 square feet of combined floor area within a multi-building development.*
    - 2. *Office Complex Use (as defined in Section 4.001) shall not exceed 30% of total floor area within a project site.*
    - 3. *Retail uses, not to exceed 5000 square feet of indoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.*
    - 4. *Combined uses under Subsections 4.135(.03)(O.)(1.) and (3.) shall not exceed a total of 5000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.*
  - P. *Training facilities whose primary purpose is to provide training to meet industrial needs.*
  - Q. *Public facilities.*
  - R. *Accessory uses, buildings and structures customarily incidental to any permitted uses.*
  - S. *Temporary buildings or structures for uses incidental to construction work. Such structures to be removed within 30 days of completion or abandonment of the construction work.*
  - T. *Other similar uses, which in the judgment of the Planning Director, are consistent with the purpose of the PDI Zone.*

A4. The applicant has provided the following summary finding as it relates to use:

“This project is designed to accommodate industrial, office, and service/retail uses. The use allocation assumptions prepared for the traffic study are reflected in the allocations indicated on the plan sheets accompanying this application, and include:

Total floor area:  
Phase 1 = 89,835sf  
Phase 2 = 23,800sf  
Total = 113,633sf

Maximum office complex floor area = .30 X 113,633sf = 34,090sf

Phase 1 Allocations:  
Office = 10,290sf  
Service/retail = 8814sf (2860sf in Building 1 and 5954sf in Building 2)  
Industrial = 70,731 sf  
Total = 89,835sf  
Phase 2 = 21, 700sf Office”

The applicant is proposing 111,535 square feet; 70,731 square feet of industrial, 31,990 square feet (or 29%) of office and 8,814 square feet of commercial. Sheet A1.1 of Exhibit B2 provides a site plan outlining the allocation of proposed uses. It should be noted that pursuant to this provision the applicant is permitted up to 33,461 square feet (or 30%) of office and 20,000 square feet of commercial in multiple buildings. Staff finds the proposed uses and the allotment of proposed uses to be consistent with this provision. Condition of approval PDA1 will guarantee compliance with this provision.

**Section 4.197 Zone Changes and Amendments To This Code – Procedures.**

**(.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:**

**A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125 (.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and [Amended by Ord 557, adopted 9/5/03];**

**A5.** This application has been submitted in accordance with the procedures set forth in Sections 4.008 and 4.140. Section 4.125 (.18)(B)(2). applies to the Village (V) zone; therefore, it is not applicable.

**B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and**

**A6.** The Comprehensive Plan map designation for the subject parcels is Industrial and the requested PDI zone is consistent with and implements the Industrial plan designation. As described previously, the zone change from RA-H to PDI is consistent with the Comprehensive Plan. A detailed discussion on the goals, policies and objectives applicable to this proposal can be found beginning on page 34 of this report.

**C. 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 Implementation Measures 4.1.4.b, d, e, q, and x**

*of Wilsonville's Comprehensive Plan text; and [Amended by Ordinance No. 538, 2/21/02.]*

A7. No portion of the subject parcel is designated as “Residential” on the City’s Comprehensive Plan Map. Therefore, criterion C is not applicable to the zone change from RA-H to PDI.

*D. That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer 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 and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and*

A8. The applicant provided summary findings that “Primary public facilities are located within the right of way of Wilsonville Rd., which is adjacent to the north, and in addition a sanitary sewer is adjacent to the south property line of the site. The Wilsonville Road right of way includes roadway surface, sidewalks, water, sanitary sewer and storm sewer facilities. These public facilities have been found by City staff and the applicant’s consultant team to be of adequate size to serve the proposed development, as documented by the accompanying plan set. Kinsman Road is designed to extend south through the subject site to the southern property boundary. Within the proposed Kinsman Road extension are the public roadway surface, sidewalks and water service which will serve the proposed development and will be designed to extend to the south at such time when Kinsman Road is extended.” Existing and proposed utilities can be found on Sheets C3.0 to C4.0 of Exhibit B2. Approval of the development requires compliance with the Public Facilities (PF) and Building Division (BD) Conditions of Approval. The City Engineer must approve all construction plans prior to construction to insure that they comply with City standards. This requirement must be met at the time of development as monitored by the City Engineer.

*E. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone; and*

A9. The western 1/10 of proposed parcel 1 (Phase 2) is mapped within the Significant Resource Overlay Zone (SROZ). This mapping is in response to an existing drainageway, Seely Ditch, which runs along the west property line. The applicant has provided findings that “This area has been delineated and is indicated on the accompanying plans. A planting plan for this area is included in the plan set to document mitigation required as a result of a tree cutting violation by the prior property owner. In addition, the Stage 2 master plan responds to the buffer area outside of the SROZ and shows a preliminary approach to stormwater management and buffering, which will be fully refined with a future Site Development Review application. Finally, the applicant has worked with City staff with respect to the design of a stormwater outfall to the creek, and the related mitigation which is also shown on the accompanying plans.” Staff has worked with the applicant with respect to the stormwater outfall and related mitigation. Proposed impacts are limited to the stormwater facility, which pursuant to Section 4.139.04(.13) is exempt from SROZ regulations. Based upon the fact that the proposed use is exempt from the regulations, Staff finds that the proposed mitigation exceeds the requirements of the Code and moreover enhances the overall quality and function of the SROZ area. A detailed discussion regarding the SROZ can be found in Section 4.139.04 on page 61 of this report.



***F. 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; and***

**A10.** The applicant has provided summary findings that “This project will be developed in three phases, starting with the extension of Kinsman Road which will occur as soon as possible after the final development approvals and issuance of permits. Development of the easterly parcel will be the second phase, with the westerly parcel to follow.” Further discussions with the applicant revealed that construction on Kinsman Road is expected Summer 2010 with development of Phase 1 (Parcel 2) to be constructed in 2010 or 2011. Therefore, development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

***G. 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.***

**A11.** Compliance with the development standards for the PDI zone and other applicable Code standards is addressed in the other land use applications that have been filed concurrent with the zone change application. In particular, a discussion regarding the Stage I, Stage II, Site Design Review and Partition can be found in Requests B, C, D and F, respectively. The proposed project can be made to meet all applicable development standards through required conditions of approval.

## ***CITY OF WILSONVILLE COMPREHENSIVE PLAN***

### ***Public Facilities and Services***

***Primary facilities and services include: those which significantly impact public health and safety and are directly linked to the land development process, in terms of service capacity, location, and design, or directly affect public health and safety. Therefore, adequate provision must be made for these facilities/services prior to or concurrently with urban level development. These facilities and services include:***

***Sanitary sewer;  
Water service;  
Roads and transportation;  
Storm drainage;  
Fire protection; and  
Police protection and public safety.***

**A12.** As stated previously, public facilities are located within the Wilsonville Rd right-of-way, immediately north of the site. Sanitary sewer is also available through an existing sanitary sewer line that runs along the west edge of Parcel 1 and a public line south of Parcel 2. The application also includes plans for the dedication and construction of the Kinsman Road right-of-way consistent with the Transportation System Plan. This provision is therefore satisfied.

***GOAL 3.1: To assure that good quality public facilities and services are available with adequate capacity to meet community needs, while also assuring that growth does not exceed the community's commitment to provide adequate facilities and services.***

***Policy 3.1.1 The City of Wilsonville shall provide public facilities to enhance the health, safety, educational, and recreational aspects of urban living.***

**Implementation Measure 3.1.1.c** *Developments shall continue to be required to extend services/facilities to the far side of the subject property – assuring that the adjacent properties have access to those services/facilities. It is noted that unusual existing circumstances may necessitate creative solutions for the extension of services/facilities.*

A13. The subject site is identified in the Transportation System Plan as the location for a minor collector, specifically the southern extension of Kinsman Road (Project C-14<sup>1</sup>) that would pass through the site. Furthermore, the Wilsonville Road/Kinsman Road intersection, including the mouth of the Kinsman right-of-way, curb cuts and the majority of traffic signal equipment at the Wilsonville Road/Kinsman Road intersection are already in place. As demonstrated in the submitted plan set (See Exhibit B2), the applicant is proposing to extend Kinsman Road through the project site to the south property line. The proposal suggests stubbing the street to the south property line.

It will be the developer's responsibility to construct the portion of the Kinsman Road extension that passes through the project property. Based upon the proportionate impact of the project, extension of the Kinsman right-of-way south of the subject site will not be required at this time. The road system was analyzed as part of a Traffic Study completed by the City's traffic consultant, DKS & Associates (See Exhibit C1). According to the traffic study the portion of the Kinsman Road extension south of the project property will not be built, and the Industrial Way approach to Wilsonville Road will not be closed, until the remainder of the Kinsman Road extension (including the connection with Industrial Way) is constructed.

**Timing -- Concurrency Issues**

**Policy 3.1.2** *The City of Wilsonville shall provide, or coordinate the provision of, facilities and services concurrent with need (created by new development, redevelopment, or upgrades of aging infrastructure).*

**Implementation Measure 3.1.2.a** *Urban development will be allowed only in areas where necessary facilities and services can be provided.*

A14. As indicated previously, urban services including water, sewer and storm are available at a modest extension from Wilsonville Road. In addition to the previously mentioned primary facilities, the applicant is proposing to construct a portion of the Kinsman Road right-of-way. This provision is therefore satisfied.

**Implementation Measure 3.1.2.b** *Development, including temporary occupancy, that threatens the public's health, safety, or general welfare due to a failure to provide adequate public facilities and services, will not be permitted. Development applications will be allowed to proceed on the following basis:*

1. *Planning approvals may be granted when evidence, including listing in the City's adopted Capital Improvement Program, supports the finding that facilities/services will be available within two years. Applicants may be encouraged or required to plan and complete development in phases, in order to assure that*

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<sup>1</sup> City of Wilsonville Transportation System Plan, Prepared by Entranco, Adopted June 2, 2003; Table 4.g.

*the rate of development does not exceed the capacity of needed facilities/services.*

A15. As indicated previously, urban services including water, sewer and storm are available at a modest extension from Wilsonville Road. The proposal includes plan to develop the project in two (2) phases. This measure is therefore met.

*Paying For Needed Facilities And Services*

**Policy 3.1.3** *The City of Wilsonville shall take steps to assure that the parties causing a need for expanded facilities and services, or those benefiting from such facilities and services, pay for them.*

**Implementation Measure 3.1.3.c** *The City shall continue to employ pay-back agreements, development agreements, and other creative solutions for facilities that are over-sized or extended from off-site at the expense of only some of the benefited properties.*

A16. The City is working with the Applicant on a Development Agreement. Condition of Approval PFC28 will ensure compliance with this measure.

*Primary Facilities And Services*

*Roads And Transportation Plan*

*Note: This section will be redrafted with completion of the Transportation Systems Plan.*

*Street Improvements*

*Note: This section will be redrafted with completion of the Transportation Systems Plan.*

A17. The subject site is identified in the Transportation System Plan as the location for a minor collector, specifically the southern extension of Kinsman Road (Project C-14) that would pass through the site (See Exhibit A2, Wilsonville Transportation System Plan – Figure 4.8). Furthermore, the Wilsonville Road/Kinsman Road intersection, including the mouth of the Kinsman right-of-way, curb cuts and the majority of traffic signal equipment at the Wilsonville Road/Kinsman Road intersection are already in place. As demonstrated in the submitted plan set (See Exhibit B2) the applicant is proposing to extend Kinsman Road consistent with the Transportation System Plan. Kinsman Road will extend through the project site to the south property line.

*Land Use And Development*

*Industrial Development - Wilsonville is basically a compact City, for this reason all industrial development should be compatible with adjacent or nearby commercial and/or residential areas. Therefore, there is little need for more than one industrial designation. For all practical purposes, all development should be guided by the same general standards; dealing with intensity, etc.*

**Policy 4.1.3** *City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.*

***Implementation Measure 4.1.3.a Develop an attractive and economically sound community.***

**A18.** The applicant has not provided summary findings relative to this measure. It is the purpose of the City's Site Design Review process to assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment. A detailed discussion regarding the criteria and application of design standards specific to Site Design Review can be found in Request D beginning on page 103.

***Implementation Measure 4.1.3.b Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth and a broad tax base.***

**A19.** The applicant has provided summary findings that "The proposed design is consistent with this measure by incorporating space for light industrial, office and commercial uses. In having this varied design, the development promotes diversified economic growth and a broad tax base." Staff concurs with this statement and finds this measure to be met.

***Implementation Measure 4.1.3.c Favor capital intensive, rather than labor intensive, industries within the City.***

**A20.** Capital intensive industry is a term that describes a company with significant Capital Assets (e.g., machinery). They usually employ relatively few laborers, but use expensive equipment. The degree of capital intensity is easy to measure in nominal terms. It is simply the ratio of the total money value of capital equipment to the total amount of labor hired. Good examples are the automobile industry and the oil refining business. Labor intensive industry, on the other hand, is a process or industry that requires large amounts of human effort to produce goods. A good example is the hospitality industry (hotels, restaurants, etc), they are considered to be very people oriented. Industrial development, especially manufacturing and fabrication facilities, lends itself to capital intensive industry while office and commercial development lends itself to more labor intensive industry. The applicant has provided summary findings that the applicant "designed the proposed development to include a mix of predominantly light industrial with office and a small amount of commercial uses. This design encourages high-end, capital intensive industries." The PDI zone itself limits the amount of labor intensive industry can be provided by placing limits on office and commercial uses. Furthermore, condition of approval PDA1 will limit the amount of space can be utilized as office and commercial.

***Implementation Measure 4.1.3.d Encourage industries interested in and willing to participate in development and preservation of a high-quality environment. Continue to require adherence to performance standards for all industrial operations within the City.***

**A21.** Given the current economic client the application itself demonstrates a willingness on the applicant's part to participate in development in Wilsonville. As demonstrated in this report, Staff finds that as submitted or through conditions of approval, the project meets the performance standards of the PDI zone. A more detailed discussion on the performance standards can be found in Section 4.135(.05) on page 52. This measure is met.

***Implementation Measure 4.1.3.e Site industries where they can take advantage of existing transportation corridors such as the freeway, river, and railroad.***

**A22.** The applicant provided summary findings that "The proposed development site is located on Wilsonville Road which leads directly to the Interstate 5 freeway, both of which are major transportation

corridors. The location of the site is consistent with the intent of this Implementation Measure.” Staff concurs with the applicant’s finding; therefore, this measure is met.

**Implementation Measure 4.1.3.f** *Encourage a diversity of industries compatible with the Plan to provide a variety of jobs for the citizens of the City and the local area.*

A23. Staff concurs with the applicant’s finding that “Implementation Measure 4.1.3.f encourages a diversity of industries. The proposed development is designed to allow light industrial operations to take place near retail and general office spaces. In creating a development that attracts a diversified group, a variety of new jobs will be created.” This provision is therefore met.

**Implementation Measure 4.1.3.g** *Encourage energy-efficient, low-pollution industries.*

A24. The performance standards of the PDI zone help encourage energy-efficient, low-pollution industries. A detailed discussion on those performance standards can be found in Section 4.135(.05) of this report, beginning on page 52.

**Implementation Measure 4.1.3.h** *The City, in accordance with Title 4 of the Metro Urban Growth Management Functional Plan, supports appropriate retail development within Employment and Industrial Areas. Employment and Industrial areas are expected to include some limited retail commercial uses, primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas, as well as office complexes housing technology-based industries. Where the City has already designated land for commercial development within Metro’s employment areas, the City has been exempted from Metro development standards.*

A25. The proposal is for an industrial park which includes a mix of uses; i.e. industrial, office and service/retail. The applicant has provided summary findings that the retail commercial spaces within the two northern building on the east parcel are designed to “serve the needs of the people living and/or working in the immediate vicinity.” This implementation measure it therefore met.

**Implementation Measure 4.1.3.i** *The City shall limit the maximum amount of square footage of gross leasable retail area per building or business in areas designated for industrial development. In order to assure compliance with Metro’s standards for the development of industrial areas, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted in areas designated for industrial development.*

A26. The subject site is identified in the Comprehensive Plan as Industrial. The PDI zone, in particular Section 4.135(.03)O., limits the amount of commercial square footage. Staff finds that the proposal meets the requirements of that section and moreover this implementation measure. A detailed discussion of the proposed uses can be found in Section 4.135(.03)O. beginning on page 49.

**Implementation Measure 4.1.3.j** *All industrial areas will be developed in a manner consistent with industrial planned developments in Wilsonville. Non-industrial uses may be allowed within a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial development potential of the area.*

A27. The subject site is identified in the Comprehensive Plan as Industrial. The proposal includes a request to re-zone the site to Planned Development Industrial (PDI) consistent with the Comprehensive Plan. The PDI zone, in particular Section 4.135(.03)O., limits the amount of commercial/non-industrial square footage. Because the proposed service commercial use does not exceed the allowable amount within the PDI zone, Staff has not reason to believe the proposal would limit the industrial development potential of the area. A limited amount of commercial development is a provision that can be enjoyed by all development in the PDI Zone. Staff finds that the proposal meets the requirements of that section and moreover this implementation measure. A detailed discussion of the proposed uses can be found in Section 4.135(.03)O. beginning on page 49.

### *Areas Of Special Concern*

#### *Area G*

*This area, located west of the railroad tracks and south of Wilsonville Road, contains a mix of planned and existing uses. Existing uses in the area include a concrete plant, building products distribution, and an office building which also houses a church. There are several houses and barns towards the south end of the area. The rest of the area is currently farmed, and includes Coffee Lake Creek, which flows to the Willamette River in this area.*

*Wilsonville Concrete has conducted gravel and concrete operations at the south end of this area adjacent to the river since prior to the incorporation of the city. The plant is an aggregate resource-based operation that has relied upon the river for transport of raw materials, such as sand and gravel. Aggregate is not mined at the site, but it is brought there for processing. The continuing operation of the plant is important to meet the needs of the construction industry, which relies on the aggregate and concrete products. For that reason, there need to be provisions made to manage conflicts with neighboring uses and activities, while allowing for appropriate continued operations. At the same time, there will be a continuing need to provide for appropriate modernization, including environmental protection as the operation continues within an increasingly urbanized setting.*

*The owners of the concrete/gravel operation have taken steps to mitigate the effects of their operation on nearby residential development and to separate the truck traffic from their operation from non-industrial traffic. Operational changes at the site will need to be carefully considered in relation to other long-term uses planned for this area. Future planning will need to balance and mitigate conflicts between potentially non-compatible uses. Continued urbanization of this area creates some inherent potential conflicts for which there is a need for creative and cooperative solutions.*

*The extension of Kinsman Road, south to Industrial Way, and extension of Bailey and/or 5<sup>th</sup> Streets, west at least to Industrial Way/Kinsman, would improve access to and from Old Town. It would also provide a signalized intersection for the industrial truck traffic generated to the south. An extension from Kinsman Road, west to Brown Road, would further enhance access and circulation in this area, providing an alternative to Wilsonville Road, which is congested during rush-hour times.*

*Improved access into and through this area could actually result in conflicts between industrial truck traffic and general commercial and residential vehicles. These conflicts will be exaggerated if pedestrian paths and bikeways are not adequately separated from other street improvements. Such anticipated conflicts could increase resistance to the cooperation necessary in developing*

*streets south of Wilsonville Road and west of the railroad tracks. Therefore, the City will likely need to participate in a cooperative public/private partnership.*

*The West Side Master Plan also acknowledged public desire for more recreational access along the riverfront, and supported commercial and residential mixed-uses along the river frontage, east of Wilsonville Concrete and west of the railroad. This would also bring more non-industrial traffic and use into the area, although the various ravines provide separation between some of those uses. It should also be noted that those ravines provide important natural resource benefits to the area and will necessitate special designs for bridges or other crossings.*

*A portion of Area 'G' adjacent to Wilsonville Road was previously designated for commercial use. However, this designation conflicted with the city's policy to avoid strip-commercial development. Therefore, that area was designated for industrial development in 1980. During the formulation of the West Side Master Plan, commercial and industrial activities were reconsidered. In particular, the frontage south of Wilsonville Road, just west of the railroad, was recommended to be zoned for offices as well as industrial uses.*

**Design Objectives**

- 1. Require master planning (Stage I) of large areas to provide long-term protection of the concrete/gravel operation, accommodate the city's water treatment plant and associated water feature park, accommodate new compatible residential, industrial, and office development, and provide for continuity of design and coordination of uses. Note that residential development at moderate densities may be one alternative to other uses that would otherwise generate excessive traffic on Wilsonville Road.*

**A28.** The proposal is for the master plan of an approximately 8.81 acre industrial/mixed use development. The proposal includes a request for Stage I and Stage II approval for Phase 1 (Parcel 2) and Phase 2 (Parcel 1). The applicant is requesting Site Design Review for Phase 1 (Parcel 2) only. As the Comprehensive Plan outlines, the area located west of the railroad tracks and south of Wilsonville Road, contains a mix of planned and existing uses. In particular, as indicated in the Comprehensive Plan, the subject site was previously considered for commercial use. The Plan goes on to state that "However, this designation conflicted with the city's policy to avoid strip-commercial development. Therefore, that area was designated for industrial development in 1980. During the formulation of the West Side Master Plan, commercial and industrial activities were reconsidered. In particular, the frontage south of Wilsonville Road, just west of the railroad, was recommended to be zoned for offices as well as industrial uses." This report demonstrates how the proposal along with conditions of approval provides for compatible development, continuity of design and coordination of uses.

- 2. Provide coordinated access and circulation that accommodates industrial development, minimizes conflicts with residential neighborhoods, provides an alternate route for Boones Ferry Road and Old Town, and that helps to minimize congestion on Wilsonville Road, particularly where capacity is limited.*

**A29.** The subject site is not in the immediate vicinity of Boones Ferry Road and Old Town, however, Kinsman Road as shown on the site plan can provide access to properties to the south and tie into future roadways providing alternate routes for Boones Ferry Road and Old Town, meeting this objective.

- 3. The city shall work with property owners to identify appropriate street alignments that provide needed access and circulation while serving adjacent properties and Old Town.*

A30. The subject site is identified in the Transportation System Plan (TSP) as the location for a minor collector, specifically the southern extension of Kinsman Road (Project C-14) that would pass through the site. Furthermore, the Wilsonville Road/Kinsman Road intersection, including the mouth of the Kinsman right-of-way, curb cuts and the majority of traffic signal equipment at the Wilsonville Road/Kinsman Road intersection are already in place. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway. In particular it is identified as Project C21, the Water Treatment Plant connection. According to the Bicycle and Pedestrian Master Plan, “This project will extend the existing off-street path leading from the Water Treatment Plant to the ‘T’ intersection of Kinsman and Wilsonville Road. (It will) Provide(s) greater connectivity from homes and business north of Wilsonville Road to the Water Treatment Plant and the proposed regional Waterfront Trail.” The applicant has worked with the City and the City’s traffic consultant, DKS and Associates, to determine an appropriate alignment. As demonstrated in the submitted plan set (See Exhibit B2), the applicant is proposing to extend Kinsman Road through the project site to the south property line consistent with the TSP.

4. *Provide buffering along the western perimeter of the area for adjacent residential developments. Buffering can be provided by open space, walls, or berms; residentially sensitive buildings such as offices or light industrial; by visual barriers and sound control mechanisms and structures; or combinations thereof.*

A31. The subject site is not located on the western perimeter of the area, however, the site is located immediately east of Industrial Way and ultimately residentially zoned lands. The applicant has provided summary findings that “The proposed site includes an area of Significant Resource Overlay Zone (SROZ) on the west side of the subject site in response to an existing drainageway. This area has been delineated and is indicated on the accompanying plans. A planting plan for this area is included in the plan set to document mitigation required as a result of a tree cutting violation by the prior property owner.” Staff finds the proposed planting plan provides the appropriate buffering along the west edge of the site.

5. *Maintain and enhance the aesthetic and environmental quality of Seely Ditch, Coffee Lake Creek, and the Willamette River.*

A32. The western 1/10 of proposed parcel 1 (Phase 2) is mapped within the Significant Resource Overlay Zone (SROZ). This mapping is in response to an existing drainageway, Seely Ditch, which runs along the west property line. The applicant has provided findings that “This area has been delineated and is indicated on the accompanying plans. A planting plan for this area is included in the plan set to document mitigation required as a result of a tree cutting violation by the prior property owner. In addition, the Stage 2 master plan responds to the buffer area outside of the SROZ and shows a preliminary approach to stormwater management and buffering, which will be fully refined with a future Site Development Review application. Finally, the applicant has worked with City staff with respect to the design of a stormwater outfall to the creek, and the related mitigation which is also shown on the accompanying plans.” It is the professional opinion of Staff that the proposed planting plan (See Exhibit B2, Sheets L1.0 and LM1.0) ensures the maintenance, enhancement and environmental quality of Seely Ditch. This objective is therefore met.

6. *Carefully limit incompatible uses in this area, while minimizing noise and air quality impacts on adjacent residential neighborhoods.*

A33. The subject site is adjacent to a residential zoned property. Staff concurs with the applicant’s finding that “This residential area is buffered from the site by Seeley ditch.” Furthermore, the applicant is proposing an enhanced landscape to further buffer the uses.



7. *If possible, without damaging the viability of the railroad, minimize the disruptive and incompatible nature of the railroad, which abuts this area Pursue appropriate commuter rail service, which ultimately may extend south of Wilsonville.*

A34. The proposal is for an industrial business park. Industrial development is typically sited near railroad corridors due to dependence upon the rail system. The proposal does not include a request for a railroad spur, however, based upon traditional land use patterns, Staff does not find the proposed use to be incompatible with the railroad. To minimize visual impacts of the development and/or the railroad, the applicant is proposing a landscape buffer along the east property line. A detailed discussion of this buffer can be found in Finding C70.

**REQUEST B**  
**DB09-0048: STAGE I DEVELOPMENT PLAN**  
**CONCLUSIONARY FINDINGS**

*Section 4.035. Site Development Permits.*

*(.04) Site Development Permit Application.*

*A. An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.*

*1. A completed Permit application form, including identification of the project coordinator, or professional design team.*

**B1.** A completed Permit application form was submitted with the application. A copy of the application can be found in Exhibit B1.

*2. An explanation of intent, stating the nature of the proposed development, reasons for the Permit request, pertinent background information, information required by the development standards and other information specified by the Director as required by other sections of this Code because of the type of development proposal or the area involved or that may have a bearing in determining the action to be taken. As noted in Section 4.014, the applicant bears the burden of proving that the application meets all requirements of this Code.*

**B2.** The applicant has submitted a project narrative outlining the project. The narrative includes an analysis of pertinent code sections. The project narrative and submitted plans can be found in Exhibit B2.

*3. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all individuals or partners in ownership of the affected property.*

**B3.** The applicant has submitted a property deed outlining the ownership of the property. The property owner's signature on the Site Development application signifies consent to submit the application. This provision is therefore satisfied.

*4. Legal description of the property affected by the application.*

*5. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size and impact of the development on the community, public facilities and adjacent properties; and except as otherwise specified in this Code, shall be accompanied by the following information,*

*6. Unless specifically waived by the Director, the submittal shall include: ten (10) copies folded to 9" x 12" or (one (1) set of full-sized scaled drawings and nine (9) 8 1/2" x 11" reductions of larger drawings) of the proposed Site Development Plan, including a small scale vicinity map and showing:*

*a. Streets, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, garbage and recycling storage areas, power lines and railroad tracks, and shall indicate the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles.*

*b. The Site Plan shall indicate how utility service, including sanitary sewer, water and storm drainage, are to be provided. The Site Plan shall also show the following off-site features: distances from the subject property to any structures*

*on adjacent properties and the locations and uses of streets or driveways on adjacent properties.*

- c. Location and dimensions of structures, utilization of structures, including activities and the number of living units.*
- d. Major existing landscaping features including trees to be saved, and existing and proposed contours.*
- e. Relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space.*
- f. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, e.g., flood plain, forested areas, steep slopes or adjacent to stream banks, the elevations of all points used to determine contours shall be indicated and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals shall be shown:
  - i. One (1) foot contours for slopes of up to five percent (5%);*
  - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);*
  - iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and*
  - iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).**
- g. A tabulation of land area, in square feet, devoted to various uses such as building area (gross and net rentable), parking and paving coverage, landscaped area coverage and average residential density per net acre.*

**B4.** The aforementioned items can be found in the submitted plan set in Exhibit B2. This provision is therefore satisfied.

*h. An application fee as set by the City Council.*

**B5.** The applicant has submitted the required application form and required fees (See Exhibit B1).

- i. If there are trees in the development area, an arborist's report, as required in Section 4.600. This report shall also show the impacts of grading on the trees.*

**B6.** With the exception of street trees on SW Wilsonville Road, the subject site does not contain trees. It should be noted that the site is the subject of a previous code enforcement concerning tree removal (See Exhibit A4). The applicant has provided summary findings that “The landscape plan also shows the tree mitigation which is required as a result of a tree cutting permit violation by the previous owner of the property.”

- j. A list of all owners of property within 250 feet of the subject property, printed on label format. The list is to be based on the latest available information from the County Assessor.*

**B7.** A list of all owners of property within 250 feet of the subject property, printed on label format can be found in Exhibit B2. This provision is therefore satisfied.

**Subsection 4.140 Planned Development Regulations**

**(.06) Staff Report:**

- A.** *The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan. If there is a disagreement as to whether the use contemplated is consistent, the applicant, by request, or the staff, may take the preliminary information provided to the Development Review Board for a use interpretation.*
- B.** *The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.*

**B8.** The subject site is identified in the Comprehensive Plan as Industrial, Area of Special Concern G. A detailed discussion relative to the Comprehensive Plan designation can be found in Request A beginning on page 34. As determined in Request A, the proposal is consistent with the Comprehensive Plan. Stage I approval is for the use of the site (Phases 1 & 2) as 31,990 sq. feet of office, 8,814 sq. feet of commercial and 70,731 sq. Ft. of industrial as permitted by Section 4.135(.03)O. Condition of approval PDA1 will guarantee that proposed uses continue to meet the requirements of that section.

**(.07) Preliminary Approval (Stage One):**

**B9.** The applicant has provided authorization from the property owner(s) to pursue development of project plans for the subject property (See Exhibit B1).

**B10.** The applicant has submitted the required application form and required fees (See Exhibit B1).

**B11.** The applicant's professional design team is listed on the cover sheet of the submitted drawings.

**B12.** The applicant's proposal include a mix of land uses as outlined in the submitted narrative and permitted by Section 4.135(.03)O. The proposal includes a request for 31,990 sq. feet of office, 8,814 sq. feet of commercial, and 70,731 sq. Ft. of industrial as permitted by Section 4.135(.03)O. Condition of approval PDA1 will guarantee that proposed uses continue to meet the requirements of that section

**Subsection 4.140 (.07)B.:**

*The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:*

**B13.** The applicant has submitted a boundary survey including topographic information completed by a licensed surveyor (See Exhibit B2, Sheet C1.5 – Existing Conditions Plan).

**B14.** The applicant has submitted a tabulation of the proposed land uses. A more detailed analysis of the proposed development will occur with the Stage II Final Plan (Request C) and Site Design Review (Request D) application(s). The proposal does not include a request for residential development; therefore, there is no need to provide density calculations.

**B15.** The applicant is seeking Stage II approval for Phase I concurrent with the request for Stage I Preliminary Plan. The applicant has submitted a phased development schedule demonstrating intent to receive Stage II approval within two (2) years of receiving Stage I approval. More specifically, the applicant has indicated that "This application includes Stage II approval for the entire site, and construction will commence with the street and east parcel within two years of final approval." A

detailed discussion regarding the Stage 2 Final Plan can be found in Request C beginning on page 65.

**B16.** The applicant has provided has provided information that “One waiver (...) is requested as part of this application.” A detailed discussion regarding the proposed waiver to the rear setback requirement can be found in Request G beginning on page 129.

***Section 4.116. Standards Applying To Commercial Developments In Any Zone.***

***Any commercial use shall be subject to the applicable provisions of this Code and to the following:***

- (.01) Commercial developments shall be planned in the form of centers or complexes as provided in the City’s Comprehensive Plan. As noted in the Comprehensive Plan, Wilsonville’s focus on centers or complexes is intended to limit strip commercial development.***

**B17.** The subject area is identified in the Comprehensive Plan as being within Area of Special Concern G. Page F-8 of the Comprehensive Plan states:

“A portion of Area ‘G’ adjacent to Wilsonville Road was previously designated for commercial use. However, this designation conflicted with the city’s policy to avoid strip-commercial development. Therefore, that area was designated for industrial development in 1980. During the formulation of the West Side Master Plan, commercial and industrial activities were reconsidered.”

The applicant is proposing an industrial business complex with a mix of uses including office and commercial. The applicant has provided the following summary findings:

“Implementation Measure 4.1.3.h supports appropriate retail development within Industrial areas. The project is designed to provide approximately 5,800 square feet of retail commercial space within the two northern buildings on the east parcel to serve the needs of the people living and/or working in the immediate vicinity.”

While the proposal is not for a commercial center or complex the commercial uses are within an industrial complex and not strip that Staff concurs with the applicant’s statement and finds that the Comprehensive Plan recognizes that there are commercial areas of the City that do not clearly fall into the category of commercial complexes; therefore, Staff finds this provision to be satisfied.

- (.02) Where the land use map of Wilsonville’s Comprehensive Plan calls for “Office Commercial” development, not less than 60% of the total square footage of the ground floors of buildings within the development shall be in office use. Total floor area dedicated to retail use shall not exceed 30%. On-site parking may be limited in order to control traffic generation.***

**B18.** The subject site is not identified as a location for “Office Commercial”; therefore, this criterion does not apply.

- (.03) Where the land use map of Wilsonville’s Comprehensive Plan calls for “Commercial/Industrial mixed use” development, not more than 50% of the total floor area of the development shall consist of retail space.***

**B19.** The subject site is not identified as a location for “Commercial/Industrial mixed use”; therefore, this criterion does not apply.

*(.04) Where the land use map of Wilsonville's Comprehensive Plan calls for "Residential/Commercial mixed use" development, not less than 50% of the total floor area of the development shall consist of residential units.*

**B20.** The subject site is not identified as a location for "Residential/Commercial mixed use"; therefore, this criterion does not apply.

*(.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for:..*

**B21.** The proposal is for an industrial business park. The applicant has provided summary findings that "No outdoor activities are proposed as part of this application." This provision is satisfied.

*(.06) In any Commercial Development directly across the street from any Residential District, the loading facilities shall be at least twenty (20) feet from the street, shall be sited whenever practicable at the rear or side, and if facing a residential area, shall be properly screened. Screening shall be provided in a manner that is compatible with the adjacent residential development in terms of quality of materials and design. Such screening shall effectively minimize light glare and noise levels to those of adjacent residential areas.*

**B22.** Parcel 1 (Phase 2) is across Industrial Way from a residentially zoned property. Proposed development for that parcel includes a two-story office building. The applicant's findings do not indicate that loading facilities will be provided for that building. Phase 2, however, does not include a request for Site Design Review. Final design elements such as the location of loading docks will be reviewed at Site Design Review.

*(.07) Uses shall be limited to those which will meet the performance standards specified in Section 4.135(.05), with the exception of 4.135(.05)(M)(3.).*

**B23.** The applicant has submitted no information which would lead Staff to believe that the proposed storage use cannot meet the performance standards of Section 4.135(.05). Should the operation of the proposed project fail to meet any of the performance standards of Subsection 4.135(.05) of the City's Development Code, the property owner shall seek a Class II Administrative Review and approval from the Planning Division for the City of Wilsonville to mitigate the loss of performance. See condition of approval PDB1.

*(.08) Corner lots shall conform to the vision clearance standards set forth in Section 4.177.*

**B24.** The proposal includes plans for a two parcel partition and right-of-way dedication (Kinsman Road). The resulting parcels are by definition "corner lots". Parcels 1 and 2 will be required to conform to the vision clearance standards of Section 4.177. The Engineering Division, will examine vision clearance issues in more detail in the Public Works Permit. See condition of approval PDB2.

*(.10) Commercial developments generally.*

**B25.** Section 4.116(.10) outlines the setback, building height, lot size and coverage requirements for commercial development in any zone. While the subject site contains a small amount, i.e. 8,814 sq. ft. of commercial, the proposal is for a predominantly industrial business park within the PDI Zone. Staff finds the setback requirements of the PDI Zone, Section 4.135(.06), to be more restrictive and therefore the appropriate review standards. A detailed discussion regarding setbacks can be found under Section 4.135(.06) on page 55 of this report.

*(.12) Off-Street Parking is to be as specified in Section 4.155.*

B26. Please refer to the discussion within Section 4.155 beginning on page 70 of this report.

*(.13) Signs are subject to the standards of Section 4.156.*

B27. A detailed analysis of proposed signage can be found in Request E on page 109 of this report.

*(.14) Prohibited Uses.*

*B. Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05)(M.)(3.) is prohibited within commercial developments.*

B28. Should the operation of the proposed project fail to meet any of the performance standards of Subsection 4.135(.05) of the City's Development Code, the property owner shall seek a Class II Administrative Review and approval from the Planning Division for the City of Wilsonville to mitigate the loss of performance. See condition of approval PDB1.

***Section 4.117. Standards Applying To Industrial Developments In Any Zone.***

*(.01) All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4.135 (.05) (PDI Zone).*

B29. The proposal is for an industrial development subject to the performance standards specified in Section 4.135(.05). A detailed discussion of the performance standards of Section 4.135(.05) can be found beginning on page 52.

***Section 4.118. Standards applying to all Planned Development Zones:***

*(.01) Height Guidelines: In "S" overlay zones...*

B30. The project site is not within an "S" overlay zone; therefore, this provision does not apply.

*(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.*

B31. All utilities can be extended from existing underground lines in SW Wilsonville Road, Sanitary the existing sanitary sewer line that runs along the west edge of Parcel 1, or the existing sanitary sewer easement immediately south of the subject site. The applicant has provided summary findings and drawings demonstrating that proposed utilities will be underground. Condition of approval PDB3 will guarantee that Subsection 4.118(.02) is met.

*(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:*

- A. Waive the following typical development standards:
1. minimum lot area;
  2. lot width and frontage;
  3. height and yard requirements;

4. lot coverage;
5. lot depth;
6. street widths;
7. sidewalk requirements;
8. height of buildings other than signs;
9. parking space configuration;
10. minimum number of parking or loading spaces;
11. shade tree islands in parking lots, provided that alternative shading is provided;
12. fence height;
13. architectural design standards;
14. transit facilities; and
15. solar access standards, as provided in Section 4.137.

**B32.** The proposal includes a request for a waiver to the rear yard setback requirements of the PDI Zone. A detailed discussion regarding the waiver can be found in Request G beginning on page 129.

- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and*

**B33.** The site had been designed to comply with the regulations of Section 4.140. The location of buildings-primary and accessory, open space landscaping and screening are designed to respect lot lines as evidenced by the submitted plans (see Exhibit B2). This provision is therefore satisfied.

**Section 4.135. PDI- Planned Development Industrial Zone**

**(.03) Uses that are typically permitted:**

- A. Warehouses and other buildings for storage of wholesale goods, including cold storage plants.*
- B. Storage and wholesale distribution of agricultural and other bulk products, provided that dust and odors are effectively contained within the site.*
- C. Assembly and packing of products for wholesale shipment*
- D. Manufacturing and processing*
- E. Motor vehicle services, or other services complementary or incidental to primary uses, and which support the primary uses by allowing more efficient or cost-effective operations*
- F. Manufacturing and processing of electronics, technical instrumentation components and health care equipment.*
- G. Fabrication*
- H. Office complexes - Technology*
- I. Corporate headquarters*
- J. Call centers*
- K. Research and development*
- L. Laboratories*
- M. Repair, finishing and testing of product types manufactured or fabricated within the zone.*
- N. Industrial services*
- O. Any use allowed in a PDC Zone, subject to the following limitations:*
  - 1. Service Commercial uses (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices)*



- not to exceed 5000 square feet of floor area in a single building, or 20,000 square feet of combined floor area within a multi-building development.*
2. *Office Complex Use (as defined in Section 4.001) shall not exceed 30% of total floor area within a project site.*
  3. *Retail uses, not to exceed 5000 square feet of indoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.*
  4. *Combined uses under Subsections 4.135(.03)(O.) (1.) and (3.) shall not exceed a total of 5000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.*
- P. *Training facilities whose primary purpose is to provide training to meet industrial needs.*
- Q. *Public facilities.*
- R. *Accessory uses, buildings and structures customarily incidental to any permitted uses.*
- S. *Temporary buildings or structures for uses incidental to construction work. Such structures to be removed within 30 days of completion or abandonment of the construction work.*
- T. *Other similar uses, which in the judgment of the Planning Director, are consistent with the purpose of the PDI Zone.*

**B34.** The proposal is for an 113,635 square foot industrial business park. The applicant has provided summary findings that “This project is designed to accommodate industrial, office, retail and flex uses. The use allocation assumptions prepared for the traffic study and parking analysis indicate approximately 24,000 square feet of office space, approximately 55,000 square feet of industrial space and approximately 35,000 square feet of flex space, of which approximately 5,800 square feet of retail space between two buildings is included.” As indicated above, the PDI zone limits office complex use to a maximum of 30%. This would limit the project to 34,091 square feet of office space (113,635 sq. ft. x 30%). The applicant’s proposal for 31,990 square feet of office space (Phase 1 – 10,290 sq. ft. and Phase 2 – 21,700 sq. ft.) is within the allowed limits. It should also be noted that retail uses should not exceed 20,000 square feet in a multi-building development. The applicant is proposing a total of 8,814 sq. ft. of service commercial/retail which is within the allowed limit. Staff finds that the proposed uses in part and total are within the allowed uses of the PDI Zone.

*(.04) Block and access standards:*

*The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03).*

*(.03) Block and access standards*

*(Section 4.131. PDC - Planned Development Commercial Zone.):*

1. *The Development Review Board shall determine appropriate conditions of approval to assure that adequate connectivity results for pedestrians, bicyclists, and motor vehicle drivers. Consideration shall be given to the use of public transit as a means of meeting access needs.*
2. *Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, the Development Review Board shall assure that adequate connectivity is provided meeting the standards of Metro’s Urban Growth Management Functional Plan.*

3. *Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, and the application includes a land division, the following standards shall be applied:*
- a. *Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ordinance No. 538, 2/21/02.]*
  - b. *Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.*

**B35.** This property is within the PDI zone and is subject to the block and access standards of the PDC zone. The proposal is for an industrial business park that does not include residential. The proposal also includes a request for a partition. The proposed extension of Kinsman Road provides the boundary line between the two parcels. Access to, and within the site, was evaluated by the City's traffic consultant, DKS & Associates; a copy that report can be found in Exhibit C1. Access to each parcel will be provided by one driveway on each side of Kinsman Road. Below is an excerpt from the traffic study relative to Kinsman Road, Access, Internal Vehicular Circulation and Pedestrian Circulation. Following each excerpt (*in italics*) is a staff response to each issue raised.

**a. Kinsman Road:**

*"The City of Wilsonville Transportation Systems Plan (TSP) identifies a Kinsman Road extension project (Project C-14) that would pass through the project site. It is expected that the Kinsman Road extension will be a three-lane roadway through the project site. The center lane would be a northbound left-turn pocket at the Wilsonville Road/Kinsman Road intersection and a two-way left turn lane elsewhere to improve safety along the curve by better accommodating left turns at the driveways.*

The applicant's proposal includes provisions for Kinsman Road consistent with the Transportation System Plan.

**b. Access**

*"Based on the preliminary site plan, the proposed Wilsonville Road Business Park has two access points to the public street system. Both access points are onto the Kinsman Road extension, which connects to the Wilsonville Road/Kinsman Road intersection as the new south leg. The northern site driveway on Kinsman Road is shown on the site plan at approximately 175 feet from the Wilsonville Road/Kinsman Road intersection and provides access to both the east and west sections of the site. Considering the layout of the 100-foot northbound left-turn lane and associated 125-foot taper at the Wilsonville Road/Kinsman Road intersection, the northern site driveway should be shifted approximately 50 feet to the south for safety purposes. This will keep the site access out of the Wilsonville Road/Kinsman Road intersection's northbound left-turn transition area and reduce the chance of queues blocking the site driveway.*

The submitted plan was amended prior to submission for preliminary approval. The centerline of the northernmost driveway, i.e. access to Parcel 2, is approximately 225 feet from the center line of the Wilsonville Road/Kinsman Road intersection thereby meeting the suggested spacing. This provision is therefore satisfied.

**c. Internal Vehicular Circulation**

*“Based on the preliminary site plan, there do not appear to be any major concerns with the proposed facility’s internal roadway network. One location of potential concern is at the southern end of the parking lot on the west side of Kinsman Road. The four southernmost parking stalls are located next to, and angled towards the southern driveway. Vehicles pulling out of the parking spaces would likely block the driveway and create a potentially unsafe condition. At least the two stalls closest to Kinsman Road should be removed.”*

The submitted plan was amended prior to submission for preliminary approval. The four parking stalls referenced in the traffic study were removed. Staff does, however, have some concern with regard to the turning radius from the central driveway/loading zone on Parcel 2, specifically the easternmost drive aisle. Staff is concerned that large format trucks may have trouble negotiating a turn. Sheet A1.2 of Exhibit B2 appears to provide turning movements; however, it is not clear if that is the intent of the radii as they appear on the Master Sign Plan. Condition of approval PDB4 will require that the applicant supply evidence through AutoTurn exhibits or another acceptable method that large format vehicles can negotiate the turn. If it is determined that the turn cannot be made the applicant shall provide signage prohibiting large trucks from using the easternmost drive aisle.

**d. Pedestrian Circulation**

*“Three improvements are recommended to the site’s pedestrian network:*

- *A more convenient pedestrian connection between the Wilsonville Road/Kinsman Road intersection and the western flex-space building (i.e., at the northwest corner of the east parking lot); this connection would improve pedestrian access to the commercial and service retail establishments located in the flex-space buildings and would provide a more direct pedestrian route to the three-story office building (which would improve the ability of the flex-space to serve the office uses).*
- *Sidewalks and/or pedestrian paths throughout the west parking lot to accommodate convenient movement between the three-story office building entrance and the nearby parking stalls*
- *A sidewalk connection between the office building and Wilsonville Road*

Staff notes that an additional pedestrian connection has not been provided to serve the northwest corner of Parcel 2. Staff agrees with DKS’s position regarding pedestrian connectivity. Staff further notes that there is an outdoor pedestrian plaza area at the southwest corner of proposed Building 1 that would be a logical location for a connection to the sidewalk on Kinsman Road. Condition of approval PDB5 will require that the applicant revise the submitted site plan to include an additional pedestrian crossing from Building 1 to the sidewalk on the east side of Kinsman Road.

**(.05) Performance Standards.**

*The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.*

- A.** *All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.*

**B36.** The applicant is proposing an industrial business park. The applicant has provided summary findings that “No outdoor activities are proposed as part of this application.” Based upon the submitted plans, Staff has no reason to believe that the uses and operations will not be wholly enclosed. Furthermore, proposed loading and unloading areas are internal to the site and effectively screened from the right-of-way by presenting the loading and unloading docks toward the center of the site. This provision is therefore satisfied.

**B.** *Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.*

**B37.** The applicant has provided summary findings that “Future tenants will be required to comply with this standard.” Condition of approval PDB1 will guarantee compliance with this provision. In particular, uses shall not create vibrations perceptible without instruments at any boundary line of the subject site.

**C.** *Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.*

**B38.** The applicant has provided summary findings that “Future tenants will be required to comply with this standard.” Condition of approval PDB6 will guarantee that the applicant abide by state regulations as they relate to emissions control.

**D.** *Any open storage shall comply with the provisions of Section 4.176, and this Section.*

**B39.** The applicant has provided summary findings that “There are no open storage areas proposed with this development.” With the exception of the proposed refuse storage facilities, Staff concurs with the applicant’s findings. A detailed discussion regarding screening of the refuse storage facilities can be found in Section 4.430, specifically Finding D20.

**E.** *No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.*

**B40.** The applicant has provided summary findings that “No residential districts are located within 100 feet of the subject site.” Staff notes, however, that the property immediately west of the subject site is within the Residential (R) Zone. The adjacent property is separated from the subject site by an intervening roadway (Industrial Way); however, it is less than one hundred (100) feet away. While the ultimate user of proposed Parcel 1 is unknown at this time, the proposal includes a request for office use. Staff has no reason to believe that night operations will occur. It should be noted that the proposal does not include a request for Site Design Review of proposed Parcel 1; therefore, the ultimate design of the building is unknown at this time. Condition of approval PDB7 will guarantee that the future building will not including loading or unloading areas on the west side of the site.

**F.** *Heat and Glare:*

**B41.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards. The lighting plan submitted with this application has been designed in compliance

with the Wilsonville lighting ordinance.” A detailed discussion regarding lighting can be found in Section 4.199 of this report, beginning on page 99.

***G. Dangerous Substances:***

**B42.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards.” Condition of approval PDB8 will require that all potentially dangerous substances be stored within the building and according to Oregon Department of Environmental Quality (DEQ) standards.

***H. Liquid and Solid Wastes:***

**B43.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards.” Staff notes, however, that provisions have been made for outdoor waste storage. The propose outdoor waste storage will be screened by a tilt up concrete enclosure designed to match the materials of the proposed building. In addition to the concrete surround, the applicant is proposing additional landscaping to soften the look of the concrete surround (See Exhibit B2, Sheet L1.0 – Landscape Plan) consistent with Section 4.176. A detailed discussion regarding waster storage can be found in Section 4.430, beginning on page 105. Condition of approval PDB8 will ensure that all waste be disposed in a manner compliant with Public Works Standards and the State Department of Environmental Quality.

***I. Noise:***

**B44.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards.” Because specific users are unknown at this time it is difficult to determine the amount of noise that might be generated by the site. Condition of approval PDB9 will require that all noise generated, with the exception of traffic noise, must comply with the standards adopted by DEQ.

***J. Electrical Disturbances***

**B45.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards.” The subject site is within a one-quarter mile radius of a residential use area. In particular, the property immediately west of the subject site is within the Residential (R) Zone. Condition of approval PDB10 will require that no activities that might generate electrical disturbances will take place on the property.

***K. Discharge Standards:***

**B46.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards.” Condition of approval PDB8 will require that all processes incorporate pre-treatment devices to limit the amount of pollutants that may be released and that all facilities must meet applicable state emissions requirements.

***L. Open burning is prohibited.***

**B47.** The applicant has provided summary findings that “Future tenants will be required to comply with these standards.” Condition of approval PDB11 will guarantee compliance with this provision.

***M. Storage:***

***1. Outdoor storage must be maintained in an orderly manner at all times.***

2. *Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.*
3. *Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.*

**B48.** The applicant has provided summary findings that “No outdoor or open storage areas are designed within the proposed development. Future tenants will be required to comply with these standards.” As indicated previously, outdoor waste storage will be provided. Pursuant to Section 4.430 (.03) exterior storage areas must be enclosed by a sight obscuring fence, wall or hedge at least six (6) feet in height. The applicant has submitted plans to demonstrate that outdoor waste storage will be screened by a 6-foot high masonry enclosure with a sight obscured gate. This provision is therefore satisfied.

*N. Landscaping:*

**B49.** This code section deals predominantly with used portions of the property. The proposal includes a request for a two (2) stage development. The applicant has submitted a detailed landscape plan for Phase 1 (Parcel 2) and a partial (mitigation) landscape plan for Phase 2 (Parcel 1). Until such time as Parcel 1 develops, the applicant will be required to landscape and maintain the remainder of Parcel 1 with ornamental shrubs, lawn, native plants or seeded fieldgrass and must be mowed. Condition of approval PDB12 will guarantee compliance with this provision.

*(.06) Other Standards:*

- A. Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).*
- B. Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).*
- C. Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.*
- D. Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.*
- E. No setback is required when side or rear yards abut on a railroad siding.*
- F. Corner Vision: Corner lots shall have no sight obstruction to exceed the vision clearance standards of Section 4.177.*

**B50.** The proposal includes plans for a two (2) parcel partition. As demonstrated in the submitted plans with the exception of the rear setback, the plans have been designed to meet the standards of the PDI Zone. The applicant is requesting a waiver to the rear setback. A detailed discussion on the requested waiver can be found in Request G beginning on page 129.

*G. Off-Street Parking and Loading: As provided in Section 4.155.*

**B51.** The proposal is for an industrial business park with a mix of uses including industrial manufacturing and warehouse, office and commercial. A detailed discussion regarding off-street parking and loading can be found in Section 4.155 of this report beginning on page 70.

**H. Signs: As provided in Section 4.156.**

**B52.** The proposal includes a request for a Master Sign Plan. A detailed discussion regarding the Master Sign Plan, and in particular Section 4.156, can be found in Request E beginning on page 109.

**Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance**

**B53.** The City recently passed ordinance #674, an ordinance amending the comprehensive plan and planning and land development ordinance to comply with Metro’s Title 13 (Nature In Neighborhoods) of the Urban Growth Management Functional Plan. The ordinance was approved by Council on November 16, 2009 with an effective date of December 16, 2009. While the effective date was after the applicant’s official submittal date of October 8, 2009, the applicant has provided summary findings to demonstrate that the project would comply if reviewed against the new criteria. Amended criteria underlined or ~~struckthrough~~

**Section 4.139.01 SROZ – Purpose**

*The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated.*

**Section 4.139.02 Where These Regulations Apply**

*The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated “Impact Areas”. The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources.*

*Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply.*

*The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro’s UGMFP Title 3 Water Quality Resource Areas and Title 13 Habitat Conservation Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map.*

**Section 4.139.03 Administration**

- (.01) **Resources.** *The text provisions of this section shall be used to determine whether applications may be approved within the Significant Resource Overlay Zone. The following maps and documents may be used as references for identifying areas subject to the requirements of this Section:*
- A. Metro’s UGMFP Title 3 Water Quality Resource Area maps.*
  - B. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)*
  - C. The Wilsonville Local Wetland Inventory (LWI) (1998)*
  - D. The Wilsonville Riparian Corridor Inventory (RCI) (1998)*
  - E. Locally adopted studies or maps*
  - F. City of Wilsonville slope analysis maps*
  - G. Clackamas and Washington County soils surveys*
  - H. Metro’s UGMFP Title 13 Habitat Conservation Area Map*
- (.02) **Impact Area.** *The “Impact Area” is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.*
- (.03) **Significant Resource Impact Report (SRIR).** *For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.*

**B54.** Pursuant to Section 4.139.06 “Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR Review.” As evidenced in the submitted documents, impacts are limited to proposed parking for Phase 2, a refuse storage facility for Phase 2, landscaping and a stormwater facility. Pursuant to Sections 4.139.04(.11), (.13) and (.18) encroachments, i.e. the stormwater facility and landscaping, are exempt from these regulations; therefore, encroachments specific to this review are limited to the proposed parking area and refuse storage area. It has been concluded by the Director that an SRIR is not required. It should be noted that while an SRIR is not required, if Ordinance #674 had been in place the applicant would be required still be required to comply with the Habitat-friendly Development Practices outlined in Section 4.139.03(.05), a detailed discussion of which can be found below.

- (.05) **Habitat-Friendly Development Practices.** *To the extent practicable, development and construction activities that encroach within the Significant Resource Overlay Zone and/or Impact Area shall be designed, located and constructed to:*
- A. Minimize grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;*



- B. Minimize adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;*
- C. Minimize impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2; and*
- D. Consider using the practices described in Part (c) of Table NR-2.*

**B55.** The applicant has provided findings that “minor grading in the SROZ for the stormwater system outfall, as well as parking in the Impact Area, so this Code section applies. The design submitted for this project incorporates a number of the practices described in Table NR-2, including the use of permeable paving in the parking area which is within the SROZ Impact Area, stormwater treatment within the public right of way and minimizing the area devoted to paving. The design also protects the waterway and wetlands by minimizing the area to be affected by work, and by restoring vegetation in the SROZ area.” Staff concurs with the applicant’s statement and finds that the applicant is proposing Habitat-Friendly Development Practices to the extent practicable, specifically Items #a.2., a.3., c.1. and c.2. in Table NR-2 (see inset below) for the proposed parking. Condition of approval NRC5 will guarantee compliance with this provision. Staff further notes that a more detailed review of the refuse storage facility will occur with Site Design Review of Phase 2.

**Table NR-2: Habitat-Friendly Development Practices**

## Part (a) Design and Construction Practices to Minimize Hydrologic Impacts

1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots and walkways.
3. Incorporate stormwater management in road right-of ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater and groundwater re-charge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb and gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
16. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
17. Minimize the number of stream crossings and place crossing perpendicular to stream channel, if possible.
18. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b) Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage
1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts, wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (c) Miscellaneous Other Habitat Friendly Design and Construction Practices
1. Use native vegetation throughout the development.
2. Locate landscaping adjacent to SROZ.
3. Reduce light spill-off into SROZ areas from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

*Section 4.139.04 Uses and Activities Exempt from These Regulations*

*A request for exemption shall be consistent with the submittal requirements listed under Section 4.139.06(01)(B – D), as applicable to the exempt use and activity.*

- (.11) The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.*
- (.13) Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.*
- (.18) Private or public service connection laterals and service utility extensions.*

**B56.** The submitted plans propose an encroachment into the Significant Resource Overlay Zone (SROZ) Impact Area. In particular, Keynote 14 of Sheet A1.1 (See Exhibit B2, Sheet A1.1 – Site Plan) identifies the SROZ Impact Area. Proposed encroachment is limited to parking stalls, a refuse storage facility, landscaping and a stormwater outfall. As allowed by this provision, landscaping and the stormwater outfall are exempt from these regulations.

*Section 4.139.05 Significant Resource Overlay Zone Map Verification*

*The map verification requirements described in this Section shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or other land use decision. Map verification shall not be used to dispute whether the mapped Significant Resource Overlay Zone boundary is a significant natural resource. Map refinements are subject to the requirements of Section 4.139.10(01)(D).*

**B57.** The western 10% of the subject site is encumbered by the SROZ. The proposal includes a request for development within the Significant Resource Overlay Zone Impact Area. Furthermore, the proposal includes a request for a two (2) parcel partition. Based upon these requests, the applicant is required to apply for map verification. Staff concurs with the applicant’s findings that “This section of the code specifies the manner in which the SROZ area may be determined and verified by the City and the applicant for a development approval. In the current case, the SROZ is established by the location of the jurisdictional wetland, which was determined by the applicant’s consultant and verified by the applicable agencies. The agencies and the applicant/owner have concurred on the location of the SROZ.” This provision is therefore satisfied.

*Section 4.139.056 Significant Resource Impact Report (SRIR) and Review Criteria*

**B58.** Pursuant to Section 4.139.06, Staff concurs with the applicant’s findings that “The SRIR applies in cases where impacts of a development application are found to need evaluation to determine if additional review or mitigation is necessary. In cases where the Director can clearly determine that development is only in the Impact Area, and there is no impact on the Significant Resource, the development can be permitted without SRIR review. The current application proposes impact only to the extent of parking in the Impact Area and mitigated grading for the stormwater outfall in the SROZ, so it has been concluded by the Director that an SRIR is not required.” It should be noted that while an SRIR is not required, if Ordinance #674 had been in place the applicant would be required still be required to comply with the Habitat-friendly Development Practices outlined in Section 4.139.03(05), a detailed discussion of which can be found above.

***Section 4.139.067 Mitigation Standards***

*The following mitigation standards apply to significant wildlife habitat resource areas for encroachments within the Area of Limited Conflicting Uses, and shall be followed by those proposing such encroachments. Wetland mitigation shall be conducted as per permit conditions from the US Army Corps of Engineers and Oregon Division of State Lands. While impacts are generally not allowed in the riparian corridor resource area, permitted impacts shall be mitigated by: using these mitigation standards if the impacts are to wildlife habitat values; and using state and federal processes if the impacts are to wetland resources in the riparian corridor. Mitigation is not required for trees lost to a natural event such as wind or floods.*

**B59.** The applicant has provided summary findings that “This section applies to encroachments into significant habitat areas, and since no such impacts are proposed by this application, the provisions of this section do not technically apply. Nevertheless, it is noted that a mitigation landscape plan for restoration of the SROZ area has been proposed, which meets the intent of subsection .02 (E).” Staff finds that encroachments into the Area of Limited Conflicting Uses is limited to the stormwater outfall. Pursuant to Section 4.139.04(.18) a stormwater outfall is exempt from these regulations; mitigation is therefore not necessary. Pursuant to new code requirements not in effect at the time of this submittal Habitat-friendly development practices are required. The applicant has voluntarily included provisions for Habitat-friendly development as evidenced in Finding B55.

***Section 4.139.10 11 Special Provisions***

**(.03)** *Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.*

**B60.** Proposed development adjacent to the drainageway is limited to the stormwater outfall. Pursuant to Sections 4.139.04(.11), (.13) and (.18) the stormwater outfall is exempt from these regulations

***Section 4.167. General Regulations - Access, Ingress and Egress.***

**B61.** The proposal includes plans for the dedication and construction of Kinsman Road. Access to the site will be provided by driveways on each side of Kinsman Road. Access to the site was reviewed by the City’s traffic consultant, DKS & Associates. DKS provided suggestions with regard to driveway spacing, including the distance from the Wilsonville Road/Kinsman Road intersection. Pursuant to the Traffic Impact Study provided by DKS and Associates, the applicant eliminated a driveway on Parcel 1 and shifted both driveways south. Staff finds the proposed accesses to be acceptable.

***Section 4.169. General Regulations – Double-Frontage Lots.***

**(.01)** *Buildings on double frontage lots (i.e., through lots) and corner lots must meet the front yard setback for principal buildings on both streets.*

**B62.** Based upon the proposed layout and the addition of the Kinsman right-of-way both Parcel 1 and Parcel 2 are by definition corner lots; therefore, buildings on both lots must meet the front yard setback for the PDI zone. The front yard setback as established by Section 4.135(.06)C. of the Wilsonville Development Code requires a thirty (30) foot front yard setback. The submitted plans, in particular Sheet

A1.1 of Exhibit B2, demonstrates that proposed buildings meet the front yard setback on both Wilsonville Road and Kinsman Road.

*(.02) Given that double-frontage lots tend to have one end that is regarded as a rear yard by the owner, the Development Review Board may establish special maintenance conditions to apply to such areas. Such conditions may include the requirement that the subject homeowners association, if any, be responsible for the on-going maintenance of the street frontage areas of double-frontage lots.*

**B63.** This provision refers to homeowners associations as the appropriate body for regulating the maintenance of street frontage areas. The proposal is for an industrial business park. Condition of approval PDB13 will require that the property owner or an assigned property management company be responsible for the on-going maintenance of the street frontage areas.

***Section 4.171. General Regulations – Protection of Natural Features and Other Resources.***

*(.01) Purpose.*

**B64.** The purpose of this section is to protect valued natural features and resources and to encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas. The western 1/10 of proposed parcel 1 (Phase 2) is mapped within the Significant Resource Overlay Zone (SROZ). This mapping is in response to an existing drainageway, Seely Ditch, which runs along the west property line. The applicant has provided findings that “This area has been delineated and is indicated on the accompanying plans. A planting plan for this area is included in the plan set to document mitigation required as a result of a tree cutting violation by the prior property owner. In addition, the Stage 2 master plan responds to the buffer area outside of the SROZ and shows a preliminary approach to stormwater management and buffering, which will be fully refined with a future Site Development Review application. Finally, the applicant has worked with City staff with respect to the design of a stormwater outfall to the creek, and the related mitigation which is also shown on the accompanying plans.” Staff has worked with the applicant with respect to the stormwater outfall and related mitigation. Proposed impacts are limited to the stormwater facility, which pursuant to Section 4.139.04(.13) is exempt from the SROZ regulations. Staff finds that the applicant has met the purpose of this section through avoidance of SROZ.

*(.02) General Terrain Preparation:*

**B65.** With the exception of the Seely Ditch that runs along the west property line, the subject site is relatively flat. Site preparation will be limited to site grading. All grading, filling and excavating shall be done in accordance with the Oregon Structural Specialty Code. It should also be noted that Seely Ditch is a state regulated waterway. Because cuts may exceed the minimum state requirement of .50 cubic yards a Joint Permit Application or General Authorization from the Oregon Division of State Lands (DSL) and/or the Army Corps of Engineers may be required. Condition of approval PDB14 will require that all applicable state permits are requested. Approval of the applicable state permits as well as City Grading and Erosion Control permits will guarantee compliance with this provision.

*(.03) Hillsides:*

**B66.** With the exception of the Seely Ditch that runs along the west property line, the subject site is relatively flat. The stream channel and corresponding wetland boundary have been identified and are delineated on the submitted plans (See Exhibit B2, Sheets C1.5 and C1.7). As indicated on the plans, with the exception of the water quality outfall, all development and landscaping will occur within the upland areas.

**(.04) Trees and Wooded Areas.**

**B67.** While there are no stands of native trees or wooded areas, it should be noted that prior enforcements have necessitated mitigation for the removal of trees without a permit. A detailed discussion on the enforcement can be found in this report on page 3 under the heading “History”. Prior decisions approved a landscaping plan to mitigate the loss of 254 caliper-inches of trees with trees and shrubs totaling 261 caliper-inches in the future development plan for the subject property. Based upon prior approvals the subject development is required to comply with the existing approved landscape plan (See Exhibit A3). Staff finds that the submitted landscape plan complies with and exceeds the approved landscape plan.

**(.05) High Voltage Powerline Easements and Rights of Way and Petroleum Pipeline Easements:**

- A. Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage powerline easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage powerline easements and rights of way and petroleum pipeline easements shall be carefully reviewed.**
- B. Any proposed non-residential development within high voltage powerline easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.**

**B68.** The western ¼ of the subject site is encumbered by an existing Bonneville Power Administration (BPA) Easement. The proposal is for an industrial office park including industrial, office and commercial uses. Development within the BPA easement is limited to landscape as well as a water quality feature. Condition of approval PDB15 will require that the applicant obtain BPA approval of the submitted landscape plan prior to Public Works Permit approval for the Kinsman Road right-of-way.

**(.06) Hazards to Safety:**

**B69.** The subject site is not located within a soil or geological hazard area, nor is it located in an area prone to forest and brush fires. Review of the building plans and public works permit will ensure that best engineering practices are maintained.

**Section 4.800: Wireless communications facilities:**

**B70.** A conditional use permit is required for any wireless communications pursuant to Section 4.800 of the Wilsonville Code. No such facilities are currently proposed. See condition of approval PDB16.

**REQUEST C**  
**DB09-0049: STAGE 2 FINAL DEVELOPMENT PLAN**  
**CONCLUSIONARY FINDINGS**

The applicant is requesting approval of Stage II Final Plans for Phase 1 and Phase 2 of the proposed project. The proposal includes a request for a two-parcel partition divided by the Kinsman Road right-of-way. The newly created parcel west of Kinsman Road, Parcel 1, will include a two (2)-story office building and related site improvements. Submitted plans indicate that this will be Phase 2. The parcel east of Kinsman Road, Parcel 2 will include four (4) single-story industrial/office/service commercial buildings and related site improvements. Submitted plans indicate that this will be Phase 1. The gross floor area for Phase 1 is approximately 89,835 square feet. The gross floor area for Phase 2 will be 21,700 square feet.

<b>Table 1: Phase 1 - Site Analysis</b>			
<b>Area</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building 1	17,160	0.39	
Building 2	17,550	0.40	
Building 3	23,625	0.54	
Building 4	31,500	0.72	
Building Footprint	89,835	2.06	34%
Parking & Walks	135,658	3.11	51%
Landscape area	40,095	0.92	15%
<b>Parcel 2 Site area:</b>	<b>265,588</b>	<b>6.1</b>	<b>100%</b>

<b>Table 2: Phase 2 - Site Analysis</b>			
<b>Area</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building Footprint	11,966	0.27	13%
Parking & Walks	33,540	0.77	38%
Landscape area	43,729	1.00	49%
<b>Parcel 1 Site area:</b>	<b>89,235</b>	<b>2.05</b>	<b>100%</b>

<b>Table 3: Project - Site Analysis</b>			
<b>Area</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building Footprint			
Phase 1 Total	89,835	2.06	23%
Phase 2 Total	11,966	0.27	3%
Parking & Walks			
Phase 1 Total	135,658	3.11	35%
Phase 2 Total	33,540	0.77	9%
Landscape area			
Phase 1 Total	40,095	0.92	10%
Phase 2 Total	43,729	1.00	11%
Kinsman ROW Dedication	28,941	0.66	8%
<b>Total Site area:</b>	<b>383,764</b>	<b>8.81</b>	<b>100%</b>



**Section 4.140 Planned Development Regulations**

**Section 4.140 (.09) Final Approval (Stage Two):**

C1. This application contains a companion application for Stage 1 approval of Phases 1 and 2. The request for Stage II also includes approval of Phases 1 and 2. A hearing is scheduled for July 13, 2009. This criterion is satisfied.

C2. Staff is recommending conditional approval based upon the evidence provided herein.

**A. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:**

C3. Staff finds that the application for final approval of conforms to the preliminary plan for a two (2) phase five (5) building industrial business park. Phase 1 consists of four (4) single-story buildings. Phase 1 will consists of 70,731 sq. ft. of industrial, 10,290 sq. ft. of office and 8,814 sq. ft. of commercial. Phase 2 will consist of a two-story, 21,700 sq. ft. office building. Included in Exhibit B2 are development plans consistent with the requirements of this section.

**B. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.**

C4. The proposal includes a counterpart application for Site Design Review of Phase 1 only. It should be noted, however, that the applicant has including sketch drawings of Phase 2 to demonstrate massing. The applicant's submittal documents (Exhibit B, et. seq.) provide sufficient detail to satisfy the requirements of this section. This criteria is met

**C. Within thirty (30) days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board shall not act on a final development plan until it has first received a report from the agencies or until more than thirty (30) days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.**

C5. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the City's Building, Engineering and Natural Resources Program Managers as well as Tualatin Valley Fire & Rescue were received and are incorporated into this staff report.

**D. Upon receipt of the final development plan, the Development Review Board shall conduct a public hearing and examine such plan and determine:**

C6. This report and the attachments hereto provide a detailed discussion as to the applicable criteria and standards. The proposal together with the proposed conditions beginning on page 8 results in a development which conforms to the applicable criteria and standards.

*J. A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:*

- 1. 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.*

C7. The proposal is for a two (2) phase industrial business park including a mix of office and retail. The subject site is identified in the Comprehensive Plan as Industrial, Area of Special Concern G. A detailed discussion regarding this designation can be found in Request A, beginning on page 30. This criterion is met.

- 2. That 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 of Service D, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.*
  - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:*
    - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel; [Added by Ord. 561, adopted 12/15/03.]*
    - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations. [Amended by Ord 561, adopted 12/15/03.]*
  - b. The following are exempt from meeting the Level of Service D criteria standard:*
    - i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;*
    - ii. A planned development or expansion thereof which provides an essential governmental service.*
  - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant. [Added by Ord 561, adopted 12/15/03.]*
  - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations. [Added by Ord 561, adopted 12/15/03.]*

- e. *In no case will development be permitted that creates an aggregate level of traffic at LOS "F".* ([Added by Ord 561, adopted 12/15/03.]

C8. The applicant contracted through the City with DKS and Associates to perform a traffic study for the proposal (See Exhibit C1). The traffic study was conducted for a five (5) building business park with the following land use breakdowns: 30,000 square feet for office-complex use (one building), 60,000 square feet for industrial use (two buildings), and 37,250 square feet of flex space (two buildings). The traffic study conducted for the proposed project provides an estimate of the traffic trips based upon the development at full build-out (Phase 1 and Phase 2). The traffic study estimates a total of 186 pm peak hour trips for the proposed development based on the ITE Trip Generation Manual. In analyzing the impact of the development on the system these trips are then examined based upon an assumed distribution.

1

As provided in the Traffic Study:

“Under existing PM peak hour conditions, the study intersections meet the City of Wilsonville LOS “D” standard. With the addition of stage II traffic, the study intersections experience a significant increase in congestion and the Wilsonville Road/Boones Ferry Road intersection no longer meets applicable operating standards. The Wilsonville Road/Industrial Way intersection also operates above level of service (LOS) D. This is because the additional through volumes on Wilsonville Road make it more difficult for the northbound Industrial Way left turns to access Wilsonville Road. Though this is undesirable, because Industrial Way is a private road it is not required to meet the City’s LOS D standard.

Due to capacity constraints along Wilsonville Road, two improvement projects are planned in the vicinity of the Wilsonville Road/Boones Ferry Road intersection. First, the City of Wilsonville has a planned improvement project for the Wilsonville Road/Boones Ferry Road intersection that will add a second westbound left-turn lane (resulting in dual left-turns), a third eastbound through lane, and a northbound right-turn lane (which will allow the existing shared through-right lane to be used as a through-only lane). Boones Ferry Road south of the intersection will also be reconstructed in conjunction with the Fred Meyer development. Second, improvements are planned for the I-5/Wilsonville Road interchange area. These improvements will start east of Boones Ferry Road and extend west of Town Center Loop West. Recently, the City has signed an intergovernmental agreement and engineering design is underway to construct the first phase of these improvements.

In addition, the City of Wilsonville Transportation Systems Plan (TSP) identifies a Kinsman Road extension project (Project C-14)7 that would pass through the project site. It is expected that the Kinsman Road extension will be a three-lane roadway through the project site. The center lane would be a northbound left-turn pocket at the Wilsonville Road/Kinsman Road intersection and a two-way left turn lane elsewhere to improve safety along the curve by better accommodating left turns at the driveways. It is also expected that the extension would start at Wilsonville Road and curve around to the west before tying into Industrial Way, which would be realigned such that the Industrial Way approach to Wilsonville Road would be closed to vehicular traffic and the existing Industrial Way traffic would be rerouted to Kinsman Road. This would allow the existing and future developments in the area to access Wilsonville Road at the signalized Kinsman Road intersection instead of at the private Industrial Way stopped approach.”

This provision is therefore satisfied.

C9. The Oregon Department of Transportation (ODOT) seeks to preserve traffic capacity on the freeway system, so ODOT was notified of this proposal. No comments have been received from ODOT.

3. *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.*

C10. Roads – The subject site has frontage on SW Wilsonville Road. SW Wilsonville Road is identified in the Transportation System Plan as a Major Arterial with limited access points. The Wilsonville Transportation System Plan (TSP) identifies a Kinsman Road extension project that would pass through the project site (See Exhibit A2). Access to Wilsonville Road will ultimately be from Kinsman Road. The proposal includes plans for a driveway cut on the east and west sides of Kinsman Road to provide access for Phases 1 and 2, respectively. This provision is therefore satisfied.

C11. The Applicant has provided a general utility plan (See Exhibit B2, Sheet C5 of 5 – Preliminary Utilities Plan) demonstrating that it is feasible to connect to the project site.

C12. Storm – Each new development is responsible for mitigating its impacts on the public stormwater system. Pursuant to Section 301.4.02 of the City of Wilsonville Public Works Standards, on-site facilities shall be constructed when the proposed development establishes or increases the impervious surface area by more than 5,000 square feet. The proposal is for approximately 270,999 square feet of impervious surface including building pads, access drives and parking as well as 28,941 of new roadway (Kinsman Road). This exceeds the required 5,000 square feet.

According to City records there is a 48-inch storm mainline in Wilsonville Road with several stubs to the site. The site drains generally northeast to southwest; therefore, the proposal includes plans to collect runoff from Parcel 2 (Phase 1) through a system of catchbasins and swales to a manhole on the southwest corner of Parcel 2 and pipe it west, across the proposed Kinsman right-of-way to a water quality swale on Parcel 1 which will outfall directly into Seely Ditch.

The design engineer for this development will be required to submit documentation for review and approval by the City's authorized representative, of the downstream capacity of any existing storm facilities impacted by the proposed development. Condition of approval **PFB9** and the Public Works Standards will guarantee compliance with this provision.

C13. Water – According to City records there is an 18-inch water line in Wilsonville Road with a stub to the property at the proposed Kinsman Road intersection. The applicant's proposal includes a request to connect to the lateral with a line that will run south in SW Kinsman Road with intersection points and laterals to proposed parcels 1 and 2 at the proposed driveway connections. The proposed water system will create a looped system. Staff finds the proposed system to adequately serve the subject site. The design engineer for this development will be required to submit documentation for review and approval through the public works permit process. Condition of approval **PFB9** and the Public Works Standards will guarantee compliance with this provision.

C14. Sanitary – According to City records there is an existing 30-inch public line immediately south of the subject site that runs the length of the property. The proposal includes a request to connect to an existing manhole in that line to serve Parcel 2. Sewer service for Parcel 1 will come from the existing public main that runs along the west side of the development site.

**C15.** Compliance with Condition of Approval PFB5, PFB9 and PFB10 and the Public Works Standards will guarantee compliance with this provision will guarantee that the location, design and size of the proposed system are such that the establishment will be adequately served. The City's authorized representative shall determine which techniques may be used to satisfy this requirement.

**C16.** The City's Engineering Division has reviewed the Applicant's plans but has proposed that no construction of such utility improvements occur until all plans are approved by Engineering Staff. This initial review of design drawings by the City's Engineering Division, and assurance that a permit will not be issued until Staff approves all plans, is sufficient to insure that adequate public facilities are available to serve this project.

**Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.**

**(.02) General Provisions:**

**A. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.**

- 1. The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.**
- 2. Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.**

**C17.** The proposal does not include a request for a waiver or variance to the parking standards; therefore, this provision is not applicable.

**B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.**

**C18.** The applicant contracted with the City's traffic consultant, DKS & Associates to perform a Traffic Impact Analysis. As a part of that study, DKS analyzed on-site circulation. A detailed discussion regarding on-site circulation can be found in Finding B35 on page 51. With specific regard to parking, DKS noted that *"Based on the preliminary site plan, there do not appear to be any major concerns with the proposed facility's internal roadway network. One location of potential concern is at the southern end of the parking lot on the west side of Kinsman Road. The four southernmost parking stalls are located next to and angled towards the southern driveway. Vehicles pulling out of the parking spaces would likely block the driveway and create a potentially unsafe condition. At least the two stalls closest to Kinsman Road should be removed."* The submitted plan was amended prior to submission for preliminary approval. The four parking stalls referenced in the traffic study were removed. Staff does, however, have some concern with regard to the turning radius from the central driveway/loading zone on Parcel 2 to the easternmost drive aisle. Staff is concerned that large format trucks may have trouble negotiating a turn. Condition of approval PDB4 will require that the applicant supply evidence through AutoTurn exhibits or another acceptable method that large format vehicles can negotiate the turn. If it is determined that the turn cannot be made the applicant shall provide signage prohibiting large trucks from using the easternmost drive aisle.

***D. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below.***

C19. The proposal is for a two-parcel/two phase development. Below is an analysis of the parking requirements by phase.

- a. Phase 1 (Parcel 2): The applicant is proposing four (4) buildings for a total of 89,835 sq. ft. Including in that square footage is 10,290 sq. ft. of office, 8,814 sq. ft. of service/retail (commercial) and 70,731 sq. ft. of industrial. Table 4 on page 79 includes a breakdown of the proposed uses and the sum of the requirements.
- b. Phase 2 (Parcel 1): The applicant is proposing a two-story, 21,700 sq. ft. office building. Table 4 on page 79 includes a breakdown of the proposed uses and the sum of the requirements.

***E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.***

C20. The applicant has not included a request for joint use of proposed parking areas, nor has the applicant provided summary findings as to the peak hours of operation. Based upon the proposed parcelization, a reasonable assumption is that the site is intended to be shared among the various buildings and tenants. Because the applicant has not provided legal evidence of shared use Condition of Approval PDB17 will require that the applicant submit legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas.

***G. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.***

C21. The proposed parking areas are not located more than one hundred (100) from the structure. This provision is therefore satisfied.

***H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.***

C22. The Applicant is not proposing any business activity in the proposed parking areas. The owner will need to obtain a temporary use permit from the City's Planning Division for any business conducted within the parking area.

***I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.***

C23. Properties immediately west of the subject site are within the Residential (R) zone. The west property line is also the location of the Seely Ditch and is mapped as Significant Resource Overlay Zone (SROZ). As provided in the submitted drawings, specifically Sheet LM1.0, and the submitted narrative, the applicant is proposing mitigation plantings which are required as a result of a tree cutting violation by

the prior owner of the site. Staff finds that while the applicant has provided plantings they consist generally of deciduous trees. Condition of approval PDC2 will require that the applicant provide a distinct landscape hedge between the proposed parking lot on Parcel 1 (Phase 2) and the mitigation plantings. The hedge coupled with the mitigation tree planting will meet the City's low screen landscape standards of Section 4.176(.02)D.

- J.** *Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.*

**C24.** The applicant has not provided summary findings relative to this section. Staff finds that the majority of proposed parking spaces are along the boundaries of each lot. It is difficult to ascertain from the submitted plans whether or not proposed parking spaces are provided with a curb at least six (6) inches high or if bumper guards will be provided. Condition of approval PDC3 will require that all parking spaces immediately adjacent to sidewalks include a sturdy bumper guard.

- K.** *All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as "grasscrete" in lightly-used areas, that is found by the City Engineer to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City Engineer, shall be provided.*

**C25.** The applicant has not provided summary findings relative to this section, however, the submitted plans indicate that all areas intended for parking and maneuvering of cars will be surfaced with pavement or concrete (See Exhibit B2, Sheet A1.1 – Site Plan). This provision is therefore satisfied.

- L.** *Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.*

**C26.** The City recently passed a Dark Sky Ordinance, Ordinance #649, which implemented Section 4.199.50 into the Development Code. A more in depth discussion regarding Section 4.199.50 can be found on Page 99.

- N.** *Compact car spaces.*

**C27.** The applicant is proposing 62 compact spaces in Phase 1 and 34 compact spaces in Phase 2. The applicant is permitted up to 94 spaces in Phase 1 (234 total spaces \* 40% = 94 spaces) and 36 spaces in Phase 2 (89 total spaces \* 40% = 36 spaces). The number of proposed spaces is below the maximum allowed; therefore this provision is satisfied.

- O.** *Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.*

**C28.** The applicant has not provided summary findings relative to this section. A discussion of each phase follows:

- a.** Phase 1: Parking areas on the north, west and east boundaries as well as proposed parking areas within the central access drive between proposed buildings 1 & 2 and between buildings 3 & 4) are designed to overhang beyond curbs. Proposed planting areas

adjacent to the curbs are a minimum of seven (7) feet in depth. It should be noted that with the exception of the parking areas within the central access drive (between proposed buildings 1 & 2 and between buildings 3 & 4) parking areas adjacent to proposed Buildings 1-4 are designed to abut a sidewalk. As discussed in Finding C24 above, pursuant to Section 4.155(.02)J, parking spaces immediately adjacent to proposed sidewalks shall include a sturdy bumper guard.

- b. Phase 2: Because the applicant is not requesting Site Design Review for Phase 2 it is difficult to ascertain the full extent of proposed plantings. In review of the submitted Site Plan (See Exhibit B2, Sheet A1.1) it appears as though planting areas adjacent to parking will be at least seven (7) feet in depth. A more detailed review of the site will occur with a future request for Site Design Review.

***(.03) Minimum and Maximum Off-Street Parking Requirements:***

- A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:***
- 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.***
  - 2. To the greatest extent possible, separate vehicle and pedestrian traffic.***

**C29.** The applicant has not provided summary findings relative to this section. A discussion of each phase follows:

- a. Phase 1: Phase 1 has been designed such that the area between Buildings 1 & 2 and Buildings 3 & 4 will serve as a loading and unloading area as well as site circulation. The applicant is proposing several accessible routes as demonstrated by Keynote #9 on Sheet A1.1 (See Exhibit B2 – Sheet A1.1, Site Plan). Proposed walkways will be painted to differentiate between pedestrian and vehicle/truck traffic. In addition to painted walkways, the applicant is proposing a system of traditional sidewalks that are linked to the painted walkways. It is the professional opinion of Staff that the applicant has separated loading and delivery as well as vehicle and pedestrian traffic to the greatest extent practicable.
- b. Phase 2: Because the applicant is not requesting Site Design Review for Phase 2 it is difficult to ascertain the full extent of proposed plantings and building plans. In review of the submitted Site Plan (See Exhibit B2, Sheet A1.1 – Site Plan) Staff has concern for pedestrians maneuvering from the south end of the site (near the Kinsman Road access) to the proposed building. A more detailed review of the circulation system will occur with an application for Site Design Review of Phase 2.
- B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:***
- 1. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.***



**C30.** While the applicant has not provided summary findings specific to this provision, Sheet A0.1-DR indicates that approximately 18% of Parcel 2/Phase 1 will be landscaped. The proposed landscape includes perimeter landscaping as well as interior landscape islands which would be identified as parking area landscaping. In particular, the applicant is proposing an approximately 9 to 12 foot wide landscape perimeter along SW Wilsonville Road and SW Kinsman Road. The proposed landscaping strips/areas provide screening from the public right-of-way. Staff finds that the applicant's proposal meets this requirement.

2. *Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.*
  - a. *Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.*

**C31.** Because the applicant is proposing a two phase development with an intervening right-of-way it is appropriate to review each phase separately. The applicant is proposing a total of two hundred thirty four (234) parking spaces in Phase 1 and eighty-nine (89) parking spaces in Phase 2. Based upon this requirement, the applicant is required to provide thirty-nine (39) trees for Phase 1 (234 parking spaces ÷ 6 trees per space = 39 trees) and eleven (11) trees for Phase 2 (89 parking spaces ÷ 8 trees per space = 11 trees). The applicant has provided a landscape plan for Phase 1 that proposes two hundred seventy (270) trees in and around the proposed parking areas. The submitted application does not include a request for Site Design Review; therefore, the applicant has not provided a detailed landscape plan for Phase 2. The applicant has provided a landscape plan for Kinsman Road, which identifies approximately ten (10) street trees as well as approximately eleven (11) existing street trees on the northern edge of Parcel 1/Phase 2. The applicant will be required to submit a detailed landscape plan for Phase 2 at the time of Site Design Review. This provision is therefore satisfied

3. *Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards:*
  - a. *One (1) trees shall be planted per six (6) parking spaces or fraction thereof. At least twenty-five percent (25%) of the required trees must be planted in the interior of the parking area.*
  - b. *Required trees may be planted within the parking area or the perimeter, provided that a minimum of forty percent (40%) of the canopy dripline of mature perimeter trees can be expected to shade or overlap the parking area. Shading shall be determined based on shadows cast on the summer solstice.*

**C32.** The applicant is proposing a total of two hundred thirty four (234) parking spaces in Phase 1. Based upon this requirement, the applicant is required to provide thirty-nine (39) trees for Phase 1 (234 parking spaces ÷ 6 trees per space = 39 trees). Pursuant to this provision at least ten (10) trees (39 required trees \* 25% = 10) must be planted in the interior of the parking area. The applicant has not provided summary findings relative to this provision, however, the applicant has provided a landscape plan that proposes two hundred seventy (270) trees in and around the proposed parking areas. Approximately thirty (38) of those trees are within landscape islands thereby exceeding the ten (10) plant minimum.

- c. *All parking lots in excess of two hundred (200) parking spaces shall provide an internal pedestrian walkway for every six (6) parking aisles. Minimum walkway clearance shall be at least six (6) feet in width. Walkways shall be designed to provide pedestrian access to parking areas in order to minimize pedestrian travel among vehicles. Walkways shall be designed to channel pedestrians to the front entrance of the building.*

C33. While the applicant is proposing a total of two hundred thirty four (234) parking spaces in Phase 1, the parking areas are not designed as parking aisles but rather perimeter style parking. The applicant is proposing several accessible routes as demonstrated by Keynote #9 on Sheet A1.1 (See Exhibit B2 – Sheet A1.1, Site Plan). It is the professional opinion of Staff that the submitted site plan provides for pedestrian access that channels pedestrians to the front entrance of each building. Condition of approval PDC4 will require that the applicant stripe proposed walkways to alert motorists to pedestrian crossing. This provision is therefore satisfied.

- d. *All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.*

C34. The subject site fronts on SW Wilsonville Road and includes right-of-way dedication for Kinsman Road. Based upon the proposed layouts proposed Parcels 1 and 2 will be viewed from both rights-of-ways. The applicant has provided written findings that, "The parking lot has a perimeter landscape area 12 feet in width..." Staff notes that both parcels include a meandered sidewalk on both sides of the Kinsman Road right-of-way to create interest. The effect of the meandering sidewalk is also a meandering of the landscape. While the landscape strip might not be twelve (12) uninterrupted feet the total area exceeds the minimum requirement in many areas. It is not clear at what point the parking lot for Phase 2 will be constructed. Sheet L1.0 – Landscape Plan includes Red Sunset Maple and rough seeded lawn "until future development". Condition of approval PDB12 will require that the applicant provide a row of bushes immediately adjacent to the parking lot and similar to Phase 1 (For Phase 1, the applicant is proposing a continuous hedge of Otto Luyken and Escallonia as well as Red Sunset Maple.). Shrubs must be consistent with the low screen standard of 4.176(.02)(D).

- e. *Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bioswales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.*

C35. The submitted plans, in particular Sheet L1.0 – Landscape Plan, provides for a “Streetscape Water Quality Swale.” The side is graded such that the applicant can include a water quality swale between the travel land and the sidewalk. Conditions of approval PFC1, PFC11 and NRC7 will ensure that the swale meets Public Works Standards. This provision is therefore satisfied.

- f. In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.*

C36. The applicant’s submittal includes a request for Master Sign Plan approval. The submitted Landscape Plan demonstrates the placement of the “project entry signage” for Phase 1 as it relates to proposed landscaping. The submitted plans do not include a request for Site Design Review for Phase 2 (Parcel 1); therefore, placement of the proposed sign will likely occur prior to development of Phase 2. Condition of approval PDE5 will require that the applicant submit a landscape plan for the area immediately surrounding the sign for Phase 2.

- 4. Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.*

C37. The applicant is proposing a total of two hundred thirty four (234) spaces in Phase 1 and eight-nine (89) spaces in Phase 2. Based upon this provision the applicant is required to provide five (5) ADA-accessible parking spaces for Phase 1 and two (2) for Phase 2. The applicant is proposing twelve (12) for Phase 1 and four (4) for Phase 2 thereby exceeding the minimum requirement. This provision is therefore satisfied

- 5. Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.*

C38. The proposal is for a multi-building, multi-phase development. While shared parking cannot be achieved between phases due to the presence of the Kinsman Road right-of-way, the proposal does include plans for shared parking among buildings. Condition of approval PDB17 will require that the applicant demonstrate proof of shared parking prior to final plat approval for the partition.

- 6. In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.*

C39. The proposal is for the development of an industrial/office/flex use project not multi-family dwelling development. This provision is therefore not applicable.

7. *On-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.*

C40. Access to the site will ultimately be from SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. The proposal also includes plans for the extension of Kinsman Road. Kinsman Road is identified in the TSP as Minor Collector with the option of parking. The applicant is proposing a fifty (50) foot paved section which will accommodate 8-foot parallel parking and 5-foot bike lanes on both sides as well as two 12-foot travel lanes. While the street has been designed to include on-street parking the applicant has not specifically requested to count it towards meeting the minimum off-street parking standards nor is it necessary. This provision is therefore not applicable.

8. *Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required.*

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
<b>e. Commercial</b>			
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1500 sq. ft. gross floor area or less	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
2. Commercial retail, 1501 sq. ft. or more	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
3. Service or repair shops	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft.
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building	1.67 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 8000 sq. ft. Min. of 2
5. Office or flex space (except medical and dental)	2.7 per 1000 sq. ft.	4.1 per 1000 sq. ft.	1 per 5000 sq. ft.
Bank with drive-thru	4.3 per 1000 sq. ft.	6.5 per 1000 sq. ft.	
6. Medical and dental office or clinic area	3.9 per 1000 sq. ft.	5.9 per 1000 sq. ft.	1 per 5000 sq. ft. Min. of 2
7. Eating or drinking establishments	15.3 per 1000 sq. ft.	23 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 4
Fast food (with drive-thru)	9.9 per 1000 sq. ft.	14.9 per 1000 sq. ft.	
Other			
8. Mortuaries	1 space/4 seats, or 8ft. of bench length in chapels	No Limit	Min. of 2
<b>f. Industrial</b>			
1. Manufacturing establishment	1.6 per 1000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 sq. ft.	.5 per 1000 sq. ft.	1 per 20,000 sq. ft. Min. of 2
<b>g. Park &amp; Ride or Transit Parking</b>	As needed	No Limit	10 per acre, with 50% in lockable enclosures

**C41. Vehicular Parking:**

- a. Phase 1: Pursuant to Section 4.155(.02)D, when several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirement when computed separately. Phase 1 will include four (4) industrial, office and service/retail buildings at a total of 89,835 sq. ft. Included in that square footage is 70,731 sq. ft. of industrial, 10,290 sq. ft. of office and 8,814 sq. ft. of service/retail commercial. As identified in Table 4 on page 79, the applicant is required to provide a minimum of one hundred seventy seven (177) parking spaces with no maximum noted in industrial developments. As demonstrated in Table 4 the applicant is proposing two hundred thirty four (234) parking spaces. This provision is therefore satisfied.
- b. Phase 2: Phase 2 includes a two-story, 21,700 square foot office building. As identified in Table 4 on page 79, the applicant is required to provide a minimum of fifty nine (59) parking spaces and a maximum of one hundred twenty eight (128) parking spaces. The applicant is proposing eighty nine (89) parking spaces. This provision is therefore satisfied

**C42. Bicycle Parking:**

- a. Phase 1: Pursuant to Section 4.155(.02)D, when several uses occupy a single structure or parcel of land, the total requirement shall be the sum of the requirement when computed separately. Phase 1 will include four (4) industrial, office and service/retail buildings at a total of 89,835 sq. ft. Included in that square footage is 70,731 sq. ft. of industrial, 10,290 sq. ft. of office and 8,814 sq. ft. of service/retail commercial. As identified in Table 4 below, the applicant is required to provide ten (10) bicycle parking spaces. As demonstrated in Table 4 on page 79 the applicant is proposing fourteen (14) bicycle spaces thereby exceeding the required minimum. This provision is therefore satisfied.
- b. Phase 2: Phase 2 includes a two-story, 21,700 square foot office building. As identified in Table 4 on page 79, the applicant is required to provide a minimum of four (4) bicycle parking spaces. As demonstrated in Table 4 the applicant is proposing five (5) bicycle spaces thereby exceeding the required minimum. This provision is therefore satisfied.

TABLE 4: PARKING STANDARDS

Use	Building					% of Phase Total	Parking Minimum	Parking Maximum	Bicycle Minimum	Loading Berths
	1	2	3	4	Total					
Industrial	9,155	6,451	23,625	31,500	70,731	79%	113	No Limit	6	
Office	5,145	5,145	0	0	10,290	11%	28	42	2	
Retail	2,860	5,954	0	0	8,814	10%	36	55	2	
<b>Phase 1 Total</b>	<b>17,160</b>	<b>17,550</b>	<b>23,625</b>	<b>31,500</b>	<b>89,835</b>	<b>100%</b>	<b>177</b>	<b>No Limit</b>	<b>10</b>	<b>5</b>
<b>Proposed</b>							<b>234</b>		<b>14</b>	<b>28</b>
<b>Difference</b>							<b>57</b>		<b>4</b>	<b>23</b>
Industrial	0				0	0%	0	0	0	0
Office	21,700				21,700	100%	59	128	4	0
Retail	0				0	0%	0	0	0	0
<b>Phase 2 Total</b>	<b>21,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21,700</b>	<b>100%</b>	<b>59</b>	<b>128</b>	<b>4</b>	<b>0</b>
<b>Proposed</b>							<b>89</b>		<b>5</b>	<b>0</b>
<b>Difference</b>							<b>30</b>		<b>1</b>	<b>0</b>
<b>Project Total</b>					<b>111,535</b>		<b>236</b>	<b>No Limit</b>	<b>15</b>	<b>5</b>

\*Calculation based upon square footage of each building.

**(.03) Minimum Off-Street Loading Requirements:**

**A. Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:**

- 1. Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following tables:**

Square feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

- 2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use which has a gross floor area of 30,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:**

Square feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

**C43.** Phase 1 will include four (4) industrial, office and service/retail buildings at a total of 89,835 sq. ft. Buildings range in size from 17,160 square feet to 31,500 square feet. The applicant is required to provide one (1) loading berth per building less than 30,000 sq. ft. and one (1) loading berth per building between 30,000 sq. ft. and 100,000 sq. ft. Based upon these requirements of as they relate to the square footage of each building, the applicant is required to provide five (5) loading berths. The applicant is proposing twenty-eight (28) loading berths thereby exceeding the required minimum. This provision is therefore satisfied.

**C44.** Phase 2 includes a two-story, 21,700 square foot office building. As required by this provision, based upon the square footage of the building, the applicant is not required to provide a loading berth for Phase 2.

**Section 4.172. Flood Plain Regulations.****(.01) Purpose:**

- A. To minimize public and private losses due to flood conditions in flood-prone areas.**

- B. To regulate uses and alteration of land which would otherwise cause erosion, decreased storm water storage capability, increased flood heights or velocities.*
- C. To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, alteration or remodeling.*
- D. To restrict filling, grading, dredging, and other development which would increase flood damage.*
- E. To prevent construction of flood barriers which would unnaturally divert flood waters or increase flood hazards in other areas.*
- F. To properly regulate the 100-year flood plain identified by the Federal Insurance Administration (FIA) in the "Flood Insurance Study for Clackamas County and Incorporated Areas dated effective June 17, 2008", and displayed on FIA Floodway and Flood Insurance Rate Maps dated effective June 17, 2008, which are on file with the City's Community Development Department.*
- G. To implement the policies of the Comprehensive Plan and to provide standards consistent with - Wilsonville's adopted Storm Drainage Master Plan.*
- H. To insure the City and its residents and businesses, continued eligibility in the National Flood Insurance Program by complying with the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.*

***(.02) General Provisions Affecting Flood Plains:***

- A. This section shall apply to all flood plain areas in the City of Wilsonville identified by the Flood Insurance Rate Map. No Building Permits or Construction Permits for development within the flood plain shall be issued except in compliance with the provisions of the Section.*

**C45.** A portion of the Seely Ditch runs along the west side of the subject site. Seely Ditch is identified by the Flood Insurance Rate Map as a Floodway (See Exhibit A5 – Firmette, Panel 242 of 1175). The applicant has provided summary findings that “There is a small area of 100-year floodplain as indicated on FIRM map 242D, along Seeley Ditch at the west side of the site. The work in this area is limited to removal of approximately 17 cubic yards of material for the stormwater outfall connection to the creek, and landscaping for mitigation as described elsewhere in this narrative. For the purposes of this application, the quantity is estimated at 25 cubic yards, and the volume calculation methodology is indicated on the accompanying grading plan. Subsection .02 provides four items with which a proposal must comply. These relate to construction materials and fill, none of which are proposed with this application.” Staff finds that this provision relates to building and grading permits. Future construction will be required to comply with these provisions. Condition of approval PDB14 will guarantee that future building and grading permits meet the requirements of this section. The applicant shall provide full calculations regarding cut and fill balancing and floodplain compensation with submittal of building and/or grading permits. All calculations and details shall be provided at that time.

***(.03) Development Permit Required:***

- A. A Development Permit shall be obtained before construction or development, including grading, begins within any area of special flood hazard. The Permit shall be for all*



*structures including manufactured homes and for all development including fill and other activities.*

**B. Outright Permitted Uses in the 100-year Flood Plain:**

1. *Agricultural use that is conducted without a structure other than a boundary fence.*
2. *Recreational uses which would require only minor structures such as picnic tables and barbecues.*
3. *Residential uses that do not contain buildings.*
4. *Underground utility facilities.*
5. *Repair, reconstruction or improvement of an existing structure, the cost of which is less than 50 percent of the market value of the structure, as determined by the City's Building Official, prior to the improvement or the damage requiring reconstruction, provided no development occurs in the floodway.*

C46. Based upon the submitted plans and narrative, Staff has determined that development within the 100-year floodplain will be limited to a stormwater outfall and landscape/mitigation plantings. These uses are not permitted outright by this provision; therefore a Flood Plain Permit is required.

**(.04) Uses within the 100-year Flood Plain requiring a Flood Plain Permit:**

- A. *Any development except as specified in subsection (.03), above, that is otherwise permitted within the Zoning District provided such development is consistent with the Flood Plain Standards.*
- B. *All subdivisions and land partitions.*
- C. *Installation of dikes to provide buildable or usable property, provided that said dikes do not conflict with the policies of the Comprehensive Plan and this Section.*

C47. Staff concurs with the applicant's findings that "any 'development' including grading is permitted subject to the 'Floodplain Standards'. Furthermore, the proposal includes a request for a partition of lands that include areas within the 100-year Flood Plain. The proposal is therefore subject to the Flood Plain Permit Review Process a detailed discussion of which can be found below.

**(.06) Flood Plain Permit Review Process:**

- E. *Any flood plain development proposed for property regulated under Section 4.140 shall be considered by the Development Review Board and the Community Development Director as part of the Planned Development Permit process.*

C48. The proposal is subject to the Flood Plain Permit Review Process as discussed above. The subject site is also regulated by the Planned Development Regulations of Section 4.140; therefore, the Flood Plain Permit must be reviewed as part of this application.

**F. Submittal requirements.**

1. *A field survey in relation to mean sea level by a licensed surveyor or civil engineer of the actual location of the 100-year flood plain, fringe, floodway and the lowest habitable finished floor elevations, including basements, of all existing structures.*

C49. The applicant has submitted an Existing Conditions Plan and Preliminary Plat prepared by a licensed surveyor. The Existing Conditions Plan and Preliminary Plat demonstrate the actual location of the 100-year flood plain as well as existing features (See Exhibit B2 – Sheets C1.5 and C1.7). This provision is therefore satisfied.

2. *A Site Plan map showing all existing and proposed contours and development and supplemented by a soils and hydrologic report sufficient to determine the net effect of the proposed development on the flood plain elevations on the subject site and adjacent properties. Proposed areas of cut or fill shall be clearly indicated.*

C50. The applicant has submitted plans that demonstrate existing and proposed contours (See Exhibit B2 – Sheets C1.5, C2.0, C2.1 and C2.2). This provision is therefore satisfied.

3. *A soils stabilization plan for all cuts, fills and graded areas.*

C51. The applicant has submitted a conceptual grading plan (See Exhibit B2 – Sheets C2.0, C2.1 and C2.2). Condition of approval PDC5 will require that the applicant submit a final soils stabilization plan for all cuts, fills and graded areas prior to building and/or grading plan approval.

**H. Monumentation and Recordation:**

1. *Prior to issuance of a Flood Plain Permit, the Community Development Director shall cause the placement of an elevation marker, set at two (2) feet above the 100-year flood elevation, on the subject property. The marker shall be properly identified and permanently monumented in concrete.*
2. *A Site Plan or map showing the location and elevation of the monument shall be submitted to and maintained on file by the Community Development Director.*

C52. The applicant has not provided summary findings specific to this criteria. Condition of approval PDC6 will require that the applicant place an elevation marker, set at two (2) feet above the 100-year flood elevation. Staff would recommend installing the marker within the stormwater facility walls within Parcel 2 if final placement of the structure is at the appropriate elevation.

3. *Prior to issuance of an Occupancy Permit, for any structure within the 100-year flood plain, the Community Development Director shall insure by signature of a licensed surveyor or civil engineer (elevation certificate) that the finished floor elevation of commercial, industrial and public buildings are one and one-half (1-1/2) feet above the 100-year flood elevation and that residential uses are two (2) feet above the 100-year flood elevation. The finished floor elevation shall be in relation to mean sea level, of the lowest floor (including basement) of all structures.*

C53. Submitted plans demonstrate that with the exception of the stormwater facility, namely the outfall, structures will be placed above the 100-year flood elevation. This provision is therefore not applicable.

**(.07) General Standards:**

**A. Anchoring:**

1. *All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.*

C54. Impacts to the flood plain are limited to a water quality swale, namely the outfall. With the exception of water quality plantings, there will be no physical structures placed within the 100-year flood plain. Matting shall be in place until such time as plantings have taken root. Matting must be anchored to prevent flotation or movement. Condition of approval NRC3 will guarantee compliance with this provision.

**B. Construction materials and methods:**

1. *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
2. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

C55. The applicant has not provided summary findings specific to this criteria. Condition of approval PDC7 will guarantee compliance with this provision.

**C. Utilities:**

1. *All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
2. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*
3. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*

C56. The applicant has not provided summary findings specific to this criteria, however, the submitted utility plans demonstrate that no new replacement water supply system, sanitary sewage system or waste disposal system are proposed within the 100-year flood plain (See Exhibit B2, Sheets C3.0 through C3.2). This provision is therefore not applicable.

**D. Alteration of Watercourses:**

1. *Provide description of the extent to which a watercourse will be altered or relocated as a result of proposed development.*
2. *Notify adjacent communities and the Federal Emergency Management Agency, Army Corps of Engineers, Department of Land Conservation and Development and Department of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.*

3. *Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (Amended by Ord. #316, 7/6/87).*

C57. The applicant has provided summary findings that “The quantity is estimated at 25 cubic yards, and the volume calculation methodology is indicated on the accompanying grading plan.” Condition of approval PDC8 will require that the applicant notify the Federal Emergency Management Agency, Army Corps of Engineers, Department of Land Conservation and Development and Department of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

**F. Nonresidential Construction:**

- l. *New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest finished floor, including basement, elevated one and one-half (1-1/2) feet above the 100-year flood elevation; or, together with attendant utility and sanitary facilities, shall:*
  - a. *Be floodproofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water.*
  - b. *Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.*
  - c. *Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Floodproofing certifications are required to be provided to the Community Development Director.*
  - d. *Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as prescribed for residential construction, above.*
  - e. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).*

C58. While the proposal includes plans for nonresidential construction, the submitted plans demonstrate that proposed buildings will be outside the 100-year flood plain; therefore this provision is not applicable.

**H. Floodways:**

- l. *Located within the flood plain - are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:*
  - a. *Encroachments, including fill in any new development or substantial improvements, shall be prohibited unless certification by a registered professional engineer is provided, demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the 100-year flood discharge.*

C59. The applicant has provided summary findings that “a ‘hydrological report’ is not included due to the small amount of material removal and resulting small increase in floodplain capacity in the area.” Condition of approval PDC9 will require that the applicant submit certification by a registered professional engineer that the water quality swale will not result in any increase flood levels during the occurrence of the 100-year flood discharge.

*b. All development shall comply with all applicable flood plain standards of Section 4.172.*

C60. A detailed discussion of the applicable flood plain standards can be found in Section 4.172 of this report beginning on page 80.

*c. All buildings designed for human habitation and/or occupancy shall be prohibited within the floodway.*

C61. While the proposal includes plans for nonresidential construction, the submitted plans demonstrate that proposed buildings will be outside the 100-year flood plain; therefore this provision is not applicable.

***Section 4.175: Public Safety and Crime Prevention***

*(.01) All developments shall be designed to deter crime and insure public safety.*

C62. Staff concurs with the applicant’s findings that “The provisions of this code section are addressed by the lighting of interior areas, appropriate graphic display of building identification and by the site design which provides an open circulation system. In addition, the site plan avoids a potential crime area by moving the southerly industrial building as close as practical to the south property line, as addressed in the waiver discussion in this narrative.” This provision is therefore satisfied.

*(.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.*

C63. The proposal includes a full complement of building signage. Staff finds that the buildings will be clearly addressed for easy identification. Directional signing will also be provided as determined appropriate to assure identification by emergency response personnel, as well as the general public. This provision is therefore satisfied.

*(.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.*

C64. With the exception of the southern most extent of the project site, the design of the site provides view corridors around each building. In addition, the applicant has oriented all loading areas to the center of the project on axis with the site entrance from Kinsman Road providing good site surveillance for the loading docks. The applicant has provided summary findings that “the site plan avoids a potential crime area by moving the southerly industrial building as close as practical to the south property line.” Staff concurs with the applicant’s statement and finds this provision to be satisfied.

*(.04) Exterior lighting shall be designed and oriented to discourage crime.*

C65. The applicant has provided summary findings that “The provisions of this code section are addressed by the lighting of interior areas.” A detailed discussion on outdoor lighting can be found on page 99.

*Section 4.176: Landscaping, Screening, and Buffering**(.01) Purpose*

C66. The purpose of the landscaping and screening standards is to mitigate the loss of native vegetation, establish and enhance visual character which recognizes aesthetics and safety issues, and to promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses. While the applicant is providing the required amount of landscaping. It is important to note that the applicant is also providing landscaping in the form of mitigation which is required as a result of a tree cutting violation by the prior owner of the site. It is also important to note that the proposal is for a two (2) phase development. The proposal includes a request for Site Design Review for Phase 1 (Parcel 2) only. Based upon the two (2) phase development each landscaping provision will be discussed by phase.

*(.02) Landscaping and Screening Standards**C. General Landscaping Standard.*

1. *Intent(...)*
2. *Required Materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:*
  - a. *Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.*
  - b. *Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.*

C67. **Phase 1:** The General Landscaping Standard is intended to be utilized in areas that are generally open. Phase 1 does not include large areas that are generally open. Proposed plantings for Phase 1 are typically in the form of landscape islands and buffer plantings, a detailed discussion of which can be found below.

C68. **Phase 2:** The General Landscaping Standard is intended to be utilized in areas that are generally open. With the exception of proposed mitigation plantings and water quality swale, a detailed review of landscaping for Phase 2 will occur with Site Design Review. Because the site will remain vacant for a time uncertain Staff is concerned about the state of Phase 2. When considered the anticipated site improvements for Phase 2 the planting areas may be less than thirty (30) feet and not subject to this condition, however, in its current state Phase 2 will include approximately 2 acres of open space. The applicant is proposing to maintain existing field grass, install mitigation plantings and a water quality swale. When reviewed against the General Landscaping Standards, the applicant is required to provide 112 trees and 446 tall shrubs or 670 low shrubs. The applicant is proposing to install 77 trees and 600 shrubs (see table below). In order to meet the requirements of the General Landscaping Standards while

respecting anticipated site improvements, Staff is recommending that the applicant provide additional plantings along the north edge of Phase 2 (Parcel 1), immediately south of the existing sidewalk, as well as additional shrubs along the east edge of Phase 2, specifically the applicant is required to provide 35 additional trees and 70 additional shrubs pursuant to the General Landscape Standards. Staff recommends that the applicant maintain consistency with the Low Screen Landscape Standards of Section 4.176(.02)D to reduce redundant plantings with the development of Phase 2. Condition of Approval PDB12 will guarantee compliance with this provision. It should be noted that Based upon a recent site visit, Staff notes that there are some existing shrubs planted on the north edge of Phase 2 (Parcel 1) immediately south of the existing sidewalk. The applicant is permitted to utilize those plantings to meet Condition of Approval PDB12; however, the applicant is not required to maintain such plantings as they were not a part of a previously approved landscape plan.

	Area		Trees	Tall Shrubs	Low Shrubs
	Acres	Sq. Ft.			
<b>Phase II</b>	2.05	89,298	112	446	670
<b>Proposed</b>			77		600
<b>Difference</b>			35		70

#### ***D. Low Screen Landscaping Standard***

**C69.** The intent of the Low Screen Landscaping Standard is to provide a landscape treatment that uses a combination of distance and screening to separate uses or developments. This standard is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The applicant is utilizing distance as a means of buffering Phase 1 (Parcel 2) from both the SW Wilsonville Road and the SW Kinsman Road rights-of-way. In particular, the Low Screen Landscape Standard requires low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. The applicant is proposing a primary hedge of Escallonia ‘Pink Princess’ and Otto Luyken Laurel along both the north (Wilsonville Road) and west (Kinsman) property lines with additional grass accents of Miscanthus and Hamelin Pennisetum grasses along the north (Wilsonville Road) property line. The applicant is also proposing to install a row of Red Sunset Maples along both the north and west property lines at 30 feet on center. The proposed shrubs and trees are consistent with the Low Screen Landscape Standard, however, it is not clear whether or not ground cover is proposed for the remainder of the landscaped areas. Condition of approval PDC10 will guarantee compliance with the purpose of the landscaping and screening standards.

**C70.** The applicant is also proposing to utilize the Low Screen Landscaping Standards along the east property line to buffer Phase 1 (Parcel 2) from the railroad right-of-way. The applicant is proposing a hedge of Compact Strawberry Madrone with Red Oaks. Staff notes that the proposed plantings are within an existing 25-foot BPA Transmission Line Easement. Based upon Staff’s previous experience with BPA easements, Staff has concern that the Bonneville Power Administration (BPA) will not permit such plantings, in particular the Red Oak. Condition of approval PDB15 will require that the applicant obtain BPA approval for all development within the easement. Conditions of Approval PDB15 will allow for modification of the landscaping along the east property line if determined necessary by the BPA. Should the applicant not be permitted to plant Red Oaks along the east property line, Staff would recommend that the applicant install a hedge consistent with the High Screen landscaping Standard of Section

4.176(.02)E. and eliminate proposed trees.

**E. High Screen Landscaping Standard.**

1. **Intent.** *The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.*
2. **Required materials.** *The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 23: High Screen Landscaping).*

C71. The applicant is requesting a waiver to the south property line, a detailed discussion of which can be found in Request G beginning on Page 129. The reduce setback thereby decreases the available landscape buffer between the proposed development and the south property line. To mitigate the reduced setback, Staff is recommending a landscape buffer along the southern edge of Phase 1 (Parcel 2) consistent with the High Screen Landscape Standard. The current proposal includes plans for a hedge of Pacific Wax Myrtle and Compact Strawberry Madrone with groupings of Bowhall Columnar Maple, Vine Maple and Hogan Cedar. While the Pacific Wax Myrtle meets the requirements for the High Screen Landscape Standard, Staff does not believe the Compact Strawberry Madrone will reach the desired effect within three (3) years as required by Section 4.176(.06)A. Condition of Approval PDC11 will require that the applicant provide plantings that will form a continuous screen at least six (6) feet high and 95% opaque, year-round.

**(.03) Landscape Area**

C72. This section requires that not less than 15% of the total lot area be landscaped with plants. The applicant has provided summary findings that “The site development data included with the plan set shows that over the minimum 15% landscaped area is provided, which is consistent with Section 4.176. The parking lot area landscaping requirement (10% minimum) is included within the 15% lot coverage.” In addition to summary findings, Sheet A0.1-DR, includes site data to demonstrate that approximately 17.8% of Phase 1 will be landscaped and approximately 49% of Phase 2 will be landscaped at anticipated build out. Based upon Staff’s calculation, the applicant is proposing 15% landscape area for Phase 1 and 49% landscape area for Phase 2 (See Tables 6 through 8 below). It should be noted that the applicant’s calculations are based upon net landscape area (after right-of-way dedication) and per phase. When reviewing the proposal as a whole Staff has determined that the applicant is proposing a total of 18% landscaping for the project (See Table 8 below). Based upon these findings, the applicant meets the required landscape area from either a net per phase perspective or a project/gross area perspective. This standard is therefore satisfied.



<b>Table 6: Phase 1 - Site Analysis</b>			
<b>Area</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building 1	17,160	0.39	
Building 2	17,550	0.40	
Building 3	23,625	0.54	
Building 4	31,500	0.72	
Building Footprint	89,835	2.06	34%
Parking & Walks	135,658	3.11	51%
Landscape area	40,095	0.92	15%
<b>Parcel 2 Site area:</b>	<b>265,588</b>	<b>6.1</b>	<b>100%</b>

<b>Table 7: Phase 2 - Site Analysis</b>			
<b>Area</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building Footprint	11,966	0.27	13%
Parking & Walks	33,540	0.77	38%
Landscape area	43,729	1.00	49%
<b>Parcel 1 Site area:</b>	<b>89,235</b>	<b>2.05</b>	<b>100%</b>

<b>Table 8: Project - Site Analysis</b>			
<b>Area</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building Footprint			
Phase 1 Total	89,835	2.06	19%
Phase 2 Total	11,966	0.27	3%
Parking & Walks			
Phase 1 Total	135,658	3.11	29%
Phase 2 Total	33,540	0.77	7%
Landscape area			
Phase 1 Total	40,095	0.92	
Phase 2 Total	43,729	1.00	
Project Total	83,824	2	18%
Kinsman ROW Dedication	28,941	0.66	6%
<b>Total Site area:</b>	<b>467,588</b>	<b>10.73</b>	<b>82%</b>

**(.04) Buffering and Screening**

C73. The Buffering and Screening section requires that all intensive developments be screened and buffered from less intensive developments and that roof and ground mounted HVAC equipment and outdoor storage areas be adequately screened from off-site view. The applicant has not provided specific

summary findings for this section. According to the submitted drawings the roof line is varied to provide character and also breakup the overall length of the building. It is the professional opinion of Staff that much of the mechanical equipment will be screened by the roofline, i.e. the false front. Condition of approval PDC12 will ensure sufficient screening.

*(.06) Plant Materials.*

**C74.** Shrubs - This code sections specifies the size of plant material required for new development as well as standards related to species selection, and growth rate. Shrubs are required to be equal or better than two-gallon containers, and shall have a 10"-12" spread. Sheets L1.0 and LM1.0 provide a summary of proposed plants. With the exception of the ornamental grasses and rhododendron, the applicant is proposing two-gallon containers. The code is particularly silent when it comes to the subject of ornamental grasses. The applicant is proposing one-gallon containers. It is the professional opinion of Staff that a one-gallon ornamental grass will be of sufficient size at maturity. Condition of approval PDC13 will guarantee that all shrubs meet the code requirements.

**C75.** Ground cover - Ground covers in one gallon containers are to be planted on 4' centers minimum, 4" pots are to be spaced at 2' centers, 2 ¼" pots are to be spaced at 18" centers. All ground covers are to be planted at a density so as to cover 80% of the planting area within 3-years of planting. Sheets L1.0 and LM1.0 provides a summary of proposed plants. The applicant is proposing one (1) gallon pots which are generally equal to an approximately 6" pot; therefore, this provision is satisfied. Condition of approval PDC13 will guarantee that all ground cover meets the code requirements.

**C76.** Trees are required to be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:

1. Primary trees which define, outline or enclose major spaces, shall be a minimum of 2" caliper.
2. Secondary trees which define, outline or enclose interior areas shall be a minimum of 1-3/4" to 2" caliper.
3. Accent trees which, are used to add color, variation and accent to architectural features, shall be 1-3/4" minimum caliper. 4. Large conifer trees shall be installed at a minimum height of eight feet.
5. Medium-sized conifers shall be installed at a minimum height of five to six feet.

Sheets L1.0 and LM1.0 provides a summary of proposed plants. Staff notes that several of the plants proposed for Parcel 1, Phase 2 are 1" caliper. Condition of approval PDC13 will require that the trees be sized to meet the aforementioned requirements.

*(.07) Installation and Maintenance.*

**C77.** Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by City decision-making body acting on an application, shall be

continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the City approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the City Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result. Staff notes that the applicant has not provided an irrigation plan. Condition of approval PDC14 will require that the applicant submit a Final Landscape Plan including an Irrigation Plan through a Class I Administrative Review.

***(.08) Landscaping on Corner Lots***

**C78.** The proposal includes a partition and dedication of right-of-way (SW Kinsman Road). The dedication of the right-of-way is such that proposed parcels 1 and 2 become by definition “corner lot(s)”; therefore, this provision is applicable. Proposed parcels will be required to meet the vision clearance requirements of Section 4.177. The Engineering Division, however, will examine vision clearance issues in more detail in the Public Works Permit. Condition of approval PDB2 will guarantee compliance with this provision.

***(.10) Completion of Landscaping.***

**C79.** The applicant’s submittal documents do not specify whether a deferment of the installation of the proposed planting plan is requested. The applicant/owner will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscaping, should the approved landscaping not be installed at the time of final occupancy of the proposed building. Condition of approval PDC15 will guarantee compliance with this provision.

***Section 4.177. Street Improvement Standards.***

***(.01) Except as specifically approved by the Development Review Board -, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards, together with the following standards:***

***A. All street improvements and intersections shall conform to the Public Works Standards and shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.***

**C80.** The subject site fronts on SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements are not warranted.

**C81.** The subject site is also identified in the TSP as the location for the Kinsman Road extension project (Project C-14). Kinsman Road is identified in the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway. In particular it is identified as Project C21, the Water Treatment Plant connection. According to the Bicycle and Pedestrian Master Plan, “This project will extend the existing off-street path leading from the Water Treatment Plant to the ‘T’ intersection of Kinsman and Wilsonville Road. (It will) Provide(s) greater connectivity from homes and business north of Wilsonville Road to the Water Treatment Plant and the proposed regional Waterfront Trail.” Pursuant to the TSP, Minor Collectors with on-street parking are required to provide a 69-73 foot right-of-way which includes a 5-foot sidewalk, 6.5-foot planter strip, 8-foot parallel parking, 5-foot bike lane and 12-foot travel lane

on each side. The applicant is proposing a 73-foot right-of-way that will extend from the existing traffic signal at SW Wilsonville Road to the south property line. The 73-foot right-of-way will include a fifty (50) foot paved section which will accommodate 8-foot parallel parking lanes and 5-foot bike lanes on both sides as well as two 12-foot travel lanes. The applicant is proposing a 6-foot meandered sidewalk that will jog in and out of the public right-of-way. Conditions of approval PDC16 and PFF4 will require that the applicant provide a public sidewalk easement to accommodate those sections of the proposed sidewalk outside the public right-of-way. Condition of approval PFC1 as well as review of construction documents through a Public Works Permit will guarantee compliance with Public Works Standards.

***B. 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.***

***1. Within a Planned Development the Development Review Board 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.***

**C82.** As indicated previously, the subject site fronts on SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements are not warranted. The subject site is also identified in the TSP as the location for the Kinsman Road extension project (Project C-14). Kinsman Road is identified in the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway. In particular it is identified as Project C21, the Water Treatment Plant connection. According to the Bicycle and Pedestrian Master Plan, “This project will extend the existing off-street path leading from the Water Treatment Plant to the ‘T’ intersection of Kinsman and Wilsonville Road. (It will) Provide(s) greater connectivity from homes and business north of Wilsonville Road to the Water Treatment Plant and the proposed regional Waterfront Trail.” Pursuant to the TSP, Minor Collectors with on-street parking are required to provide a 69-73 foot right-of-way which includes a 5-foot sidewalk, 6.5-foot planter strip, 8-foot parallel parking, 5-foot bike lane and 12-foot travel lane on each side. The applicant is proposing a 73-foot right-of-way that will extend from the existing traffic signal at SW Wilsonville Road to the south property line. The 73-foot right-of-way will include a fifty (50) foot paved section which will accommodate 8-foot parallel parking lanes and 5-foot bike lanes on both sides as well as two 12-foot travel lanes. The applicant is proposing a 6-foot meandered sidewalk that will jog in and out of the public right-of-way. Conditions of approval PDC16 and PFF4 will require that the applicant provide a public sidewalk easement to accommodate those sections of the proposed sidewalk outside the public right-of-way.

***C. Rights-of-way.***

***1. Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.***

**C83.** As indicated previously, the subject site fronts on SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements and/or right-of-way are not warranted. The subject site is also identified in the TSP as the location for the Kinsman Road extension project (Project C-14). Kinsman Road is identified in the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and

Pedestrian Master Plan as a proposed Community Walkway and Bikeway thereby requiring a 69-73 foot right-of-way. The applicant submittal includes plans for a two-parcel partition and right-of-way dedication. Dedication of the Kinsman Road right-of-way will occur with the recordation of the final plat. A detailed discussion on the preliminary plat can be found in Request F beginning on Page 119 of this report.

2. *The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.*

**C84.** Proposed rights-of-way are shown on the submitted plans (See Exhibit B2). Rights-of-way will be dedicated through the final plat. Condition of Approval PDC17 will require that the Applicant/Owner waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. A waiver of right to remonstrance shall be submitted to the City Attorney prior to final plat approval.

3. *In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.*

**C85.** The subject site fronts on SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements and/or right-of-way dedication are not warranted. It should be noted that the proposed parking area is setback approximately 60 feet from the centerline and 14.5 feet from the right-of-way line. This exceeds the required minimum; therefore, this provision is satisfied.

- D. *Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design. No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards. [Amended by Ord. # 674 11/16/09]*

**C86.** The proposal includes plans for the construction of Kinsman Road from the existing intersection with Wilsonville Road to the south property line. The road will terminate at the south property line until further development occurs. Condition of approval PFC32 will guarantee that the Applicant/Owner erect a barricade with warning signage alerting the public to the terminus.

***E. Access drives and travel lanes.***

C87. The applicant has not provided findings specific to this provision, however, Staff finds that the proposal includes plans for a coordinate circulation system from the public right-of-way through the site. The proposed access has been reviewed by the City's Traffic Consultant, DKS and Associates, a detailed discussion of which can be found in Finding B35 and the traffic study (Exhibit C1). Condition of approval PFC1 will guarantee that access drives connected to the public right-of-way are in conformance to the Public Works Standards.

***F. Corner or clear vision area.***

C88. Clear vision areas and vertical clearance will be reviewed by the City Engineering Division at the time of Public Works permitting to assure compliance with the Section 4.177 (see conditions PDB2 and PFC4.g.).

***G. Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.***

C89. Based upon the submitted plans, because the applicant is not proposing any archways or covered driveways, Staff has no reason to believe that a minimum clearance of 12 feet above the pavement surface can be maintained over all streets and access drives. Pursuant to Section 4.176(.07) maintenance of landscaped areas will be the on-going responsibility of the property owner.

***H. Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.***

C90. As indicated previously the subject site fronts on SW Wilsonville Road which is improved to current standards and does not warrant further construction. The subject site is also identified in the TSP as the location for the Kinsman Road extension project (Project C-14). The submitted plan set includes plan and profile sections of proposed right-of-way improvements. The proposal does not include a request for interim improvements. Furthermore, the submitted plans demonstrate the applicant's intent to provide full street construction. This provision is therefore not applicable.

***Section 4.178 Sidewalk and Pathway Standards***

***(.01) Sidewalks***

C91. All sidewalks are required to be a minimum of five (5) feet in width, except where the walk is adjacent to a commercial storefront where they shall be increased to a minimum of ten (10) feet in width. This provision is intended to work with the minimum setbacks of the commercial zone wherein public storefronts are encouraged to be adjacent to the public right-of-way. While the proposed development is by definition an industrial development, the Planned Development Industrial (PDI) zone allows for up to 20,000 square feet of commercial development. Sheet A1.1 provides a site plan outlining proposed uses for individual buildings within the project. The west end of proposed Building 1 of Phase 1 and the east end of proposed Building 2 of Phase 1 are identified as potential retail locations. Sheet A1.1 further demonstrates that proposed sidewalks fronting these locations are at least ten (10) feet in width. Sidewalk

Sheet A1.1 also demonstrates that sidewalks within the development are a minimum of five (5) feet in width thereby meeting this requirement.

**(.02) Pathways**

**A. *Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. Other facility designs described in the Public Works Standards shall only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The order of preference for bicycle facilities is:***

- 1. *Bike lane.***
- 2. *Shoulder bikeway.***
- 3. *Shared roadway.***

**B. *Pedestrian and Bicycle Facilities located within the public right-of-way or public easement shall be constructed in conformance with the Public Works Standards.***

**C92.** As indicated previously, the subject site fronts on SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements and/or right-of-way are not warranted. The subject site is also identified in the TSP as the location for the Kinsman Road extension project (Project C-14). Kinsman Road is identified in the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway thereby requiring a 69-73 foot right-of-way. The right-of-way is sized to accommodate a 5-foot bike lane; however, the submitted plans do not specifically indicate that a striped bicycle lane will be provided. Conditions of approval PFC20 and PFC29 will require that the applicant stripe the SW Kinsman Road to include a bicycle lane consistent with the TSP and Public Works Standards.

**C. *To increase safety, all street crossings shall be marked and should be designed with a change of pavement such as brick or exposed aggregate. Arterial crossings may be signalized at the discretion of the City Engineer.***

**C93.** The applicant is not proposing additional street crossings. The subject site fronts on SW Wilsonville Road and is identified in the TSP as the location for the Kinsman Road right-of-way. The Wilsonville Road/Kinsman Road intersection was constructed as a part of a previous City project. Additional street crossings are not warranted.

**D. *All pathways shall be clearly posted with standard bikeway signs.***

**C94.** As indicated previously, the subject site fronts on SW Wilsonville Road, which is identified in the Transportation System Plan (TSP) as a Major Arterial with no on-street parking. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements and/or right-of-way are not warranted. The subject site is also identified in the TSP as the location for the Kinsman Road extension project (Project C-14). Kinsman Road is identified in the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway thereby requiring a 69-73 foot right-of-way. The right-of-way is sized to accommodate a 5-foot bike lane, however, the submitted plans do not specifically indicate that a striped bicycle lane with posted signs will be provided. Conditions of approval PFC20 and PFC29 will require that the applicant stripe the SW Kinsman Road to include a bicycle lane and standard bikeway signage consistent with the TSP and Public Works Standards.

***E. Pedestrian and equestrian trails may have a gravel or sawdust surface if not intended for all weather use.***

C95. The proposal does not include a request for pedestrian and/or equestrian trails; therefore this provision is not applicable. Furthermore, submitted plans indicate that sidewalks and pathways will be constructed of asphalt or concrete.

***(.03) Bicycle and pedestrian paths shall be located to provide a reasonably direct connection between likely destinations. A reasonably direct connection is a route which minimizes out-of-direction travel considering terrain, physical barriers, and safety. The objective of this standard is to achieve the equivalent of a 1/4 mile grid of routes.***

C96. The applicant has not provided summary findings relative to this provision; however, the submitted plans demonstrate pedestrian connections to the public sidewalk system as well as within the site. One-quarter mile is approximately 1,320 feet. The subject site itself is only 1,045 feet at its longest measurement; therefore, all pedestrian connections within the site can reach the public sidewalk in a reasonably direct manner via a route that is less than ¼ mile. This provision is therefore satisfied.

***(.04) Pathway Clearance.***

***A. Vertical and horizontal clearance for bicycle and pedestrian paths is specified in the Public Works Standards. The clearance above equestrian trails shall be a minimum of ten feet.***

C97. The proposal does not include a request for equestrian paths. Condition of approval PDC18 will require that vertical and horizontal clearance for bicycle and pedestrian paths meet Public Works Standards. Furthermore, Section 4.176(.07) of the Wilsonville Development Code requires on-going maintenance of landscaped areas by the property owner.

***Section 4.179 Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings.***

***(.03) The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.***

C98. The applicant is requesting Stage II approval for Phases 1 and 2. Phase I is comprised of 10,290 sq. ft., or 11% Office, approximately 8,814 sq. ft., or 10%, Service/Retail; and approximately 70,731 sq. ft., or 79%, industrial. Pursuant to this requirement, Office and Service/Retail do not occupy more than 20 % of the floor area; therefore, the storage area requirement is based upon the predominant use industrial “Wholesale/Warehouse/Manufacturing”.

***(.04) Storage areas for multiple uses on a single site may be combined and shared.***

C99. The applicant is proposing two (2) storage facilities on Parcel 2 (Phase 1) that will be utilized by the four buildings in Phase 1 and one (1) storage facility on Parcel 1 (Phase 2) for the proposed office building. Because the facilities will be utilized by multiple parties, Condition of Approval PDF1 will



require that the applicant/owner record an appropriate easement and maintenance agreement for use of such facilities. The easement and/or maintenance agreement can be in the form of CC&Rs or a note on the final plat.

**(.06) Specific Requirements for Storage Areas**

**C100.** Pursuant to Subsection 4.179(.03), the storage area requirement shall be based on the predominant use(s) of the building. As indicated in Finding C98, the dominant use for Phase 1 is industrial “Wholesale/Warehouse/Manufacturing” and the dominant use for Phase 2 is “Office”. Pursuant to this subsection, Phase 1 is required to provide approximately 549 sq. ft. of storage and Phase 2 is required to provide approximately 86.8 sq. ft. The applicant is proposing approximately 574 sq. ft. for Phase 1 and 287 sq. ft. for Phase 2. This exceeds the required minimums; therefore this provision is satisfied. It should be noted that Staff’s calculations are based upon a 14’ by 20.5’ storage facility (See Table 9 below).

Use	Sq. Ft.	% of Total	Calculation	Result (Sq. Ft.)
Office	10,290	11%	4/1,000 SF of GFA *	
Service/Retail	8,814	10%	10/1,000 SF of GFA *	
Industrial	70,731	79%	6/1,000 SF of GFA	
Phase 1 Total	89,835	100%		549.0
Phase 1 Proposed				574.0
Difference				+25.0
Office	21,700	100%	4/1,000 SF of GFA	86.8
Phase 2 Proposed				287.0
Difference				+200.2
Project Total Required	635.8			
Project Total Proposed	861.0			

\*Pursuant to Section 4.179(.03) the storage area requirement shall be based on the predominant use(s) of the building.

**(.07) Access to the Storage Area**

**C101.** The Applicant has provided a preliminary letter from Allied Waste Services demonstrating the feasibility of the project (See Exhibit B2). Condition of approval PDC19 will require that the Applicant provide the Planning Division staff with a letter from Allied Waste Services, the City’s franchised solid waste hauler indicating approval of the final plan.

**Section 4.199 Outdoor Lighting**

**Section 4.199.40. Lighting Systems Standards for Approval**

**(.01) Non-Residential Uses and Common Residential Areas.**

**A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.**

**C102.** The proposal is for an industrial business park with a mix of office, service/retail and industrial uses such as wholesale, manufacturing and warehouse. Site Design Review is limited to Phase 1 of the proposal; therefore, lighting will be reviewed for Phase 1 only. Future development of Phase 2 will require a separate lighting analysis.

**C103.** The applicant has provided findings and drawings demonstrating the Performance Option. Specifically the applicant has provided the following summary findings:

“The lighting design which is included in the plan set accompanying this narrative is based on utilization of the Performance Option.

The lighting zone for this property is LZ-2. Curfew light reduction will be in effect at midnight as required by Table 5, through the lighting control system. Similarly, all luminaires shall be turned off during daylight hours by the lighting control system.

As shown by the cut sheets included in the lighting plans, all fixtures have 0% uplight lumens and cutoff angles of 90 degrees or greater to meet dark sky compliance.”

**C. Performance Option. If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting all of the following:**

**1. The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 10.**

**C104.** The subject site is within the LZ 2 zone. Pursuant to Table 10 of Section 4.199, the weighted average percentage of direct uplight lumens shall be less than 5%. The Design Narrative of Sheet E1.1LC indicates that “all fixtures shall have 0% uplight lumens and cutoff angles of 90 degrees or greater.” This provision is therefore satisfied.

**2. The maximum light level at any property line shall be less than the values in Table 10, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein:**

- a. *Exception 1. If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way.*
- b. *Exception 2. If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology.*

<b>Table 10: Performance Method</b>			
<b>Lighting Zone</b>	<b>Maximum percentage of direct uplight lumens</b>	<b>Maximum Light Level at Property Line</b>	
		<b>Horizontal plane at grade (foot candles - fc)</b>	<b>Vertical plane facing the site in question, from grade to mounting height of highest mounted luminaire (foot candles - fc)</b>
LZ 0	0	0.01 fc	0.02 fc
LZ 1	1%	0.05 fc	0.1 fc
LZ 2	5%	0.2 fc	0.4 fc
LZ 3	10%	0.4 fc	0.8 fc
LZ 4	20%	0.8 fc	1.6 fc

**C105.** The subject site is within the LZ 2 zone. Pursuant to Table 10 of Section 4.199, the maximum light level at any property line shall be less than 0.2 fc on the horizontal plane at grade and 0.4 fc on the vertical plane facing the site in question, from grade to mounting height of highest mounted luminaire. The applicant has provided a photometric site lighting plan to demonstrate proposed lighting levels. Sheet E1.1LC demonstrates lighting levels on the horizontal plane at the property line are 0.2 fc or less. Sheet E1.2LC demonstrates lighting levels on the vertical plane are between 0.0 and 0.07 fc. This provision is therefore satisfied.

3. *The maximum pole or mounting height shall comply with Table 9.*

<b>Lighting Zone</b>	<b>Lighting for private roads, driveways, parking, bus stops and other transit facilities</b>	<b>Lighting for walkways, bikeways, plazas and other pedestrian areas</b>	<b>All other lighting</b>
LZ 0	20	8	4
LZ 1	25	12	4
LZ 2	40	18	8
LZ 3	40	18	16
LZ 4	Height limit to be determined by Special Use Permit Only		

Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 33.33 percent of the horizontal distance of the light from the nearest property line, whichever is less.

**C106.** Pursuant to the Table 9 the maximum pole or mounting height is 40 feet for lighting for private roads, driveways, parking, bus stops and other transit facilities; and 18 feet for lighting for walkways, bikeways, plazas and other pedestrian areas. All other lighting shall be a maximum of 8 feet. As demonstrated by Sheet E1.2LC, proposed lighting is discussed by compass direction. The submitted plans appear to demonstrate lighting at two separate levels; lighting for the purpose of lighting vehicular accessways, which is limited to 40 feet, and general building lighting, which is limited to 8 feet. The applicant is proposing a maximum mounting height for the purpose of lighting vehicular accessways is approximately 20 feet. General building lighting is approximately 4 feet. This provision is therefore satisfied.

- D. Curfew.** *All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:*
- 1. Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 5; or*
  - 2. Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in Table 2 unless waived by the DRB due to special circumstances; and*
  - 3. Extinguish or reduce lighting consistent with a) and b) above on Holidays.*
- The following are exceptions to curfew:*
- a. Exception 1: Building Code required lighting.*
  - b. Exception 2: Lighting for pedestrian ramps, steps and stairs.*
  - c. Exception 3: Businesses that operate continuously or periodically after curfew.*

**C107.** The Design Narrative on Sheet E12.1LC indicates that “The Lighting Zone for this property is LZ-3. Curfew light reduction shall be in effect at midnight per Table 5 via lighting control system. All luminaires shall be turned off during daylight hours via lighting control system.” The subject site is actually within the LZ 2 zone. Pursuant to Table 5 of Section 4.199, the curfew for the LZ 2 zone is 10:00 PM (2200 hours). Condition of approval PDC20 will require that curfew light reduction shall be in effect at 10:00 PM (2200 hours) per Table 5 of Section 4.199 via a lighting control system.

Table 11: Curfew	
Lighting Zone	Curfew Time
LZ 0	8:00 PM (2000 hours)
LZ 1	
LZ 2	10:00 PM (2200 hours)
LZ 3	Midnight (2400 hours)
LZ 4	

#### TRANSIT SERVICE

**C108.** The subject site has access to transit. An existing SMART transit stop is located immediately north of proposed Parcel 2 (Phase 1) on SW Wilsonville Road. Additional transit service is therefore not warranted.

**REQUEST D**  
**DB09-0050: SITE DESIGN REVIEW (Phase 1 Only)**  
**CONCLUSIONARY FINDINGS**

*Subsection 4.420. Jurisdiction and Powers of the Board*

*(.02) Development in Accord with Plans.*

**D1.** This section specifies that construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. This has been added as a condition of approval (see condition of approval PDD1). Minor amendments to the project that are to be conducted by Planning Staff may be processed by the Planning Director through a Class I Administrative Review process. Condition of approval PDD2 will require that a copy of all DRB approved conditions of approval be given to general contractor for the proposed project to ensure compliance with all conditions of approval and allow building permits to be issued in a timely fashion. The Planning Division will review and approve the building permit set for compliance with the plans approved by the DRB. The applicant is hereby given notice that the Planning Division will not approve the building permit sets of plans until all conditions of approval requiring action by the applicant prior to building permit are met, nor will the Planning Division approve the certificate of occupancy for the proposed project until all conditions of approval are satisfied.

*Section 4.421. Criteria and Application of Design Standards.*

*(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)*

*A. Preservation of Landscape.*

**D2.** The applicant has provided summary findings that, “The site has been cleared as a result of activity by the former owner, and there are no significant grade changes on the site which would be impacted by development. The dringeway and related SROZ on the west side of the site are reflected in the site design.” As provided under the heading “History” on page 3, in 1999 a total of sixteen (16) non-exempt/non-filbert trees were removed without permits. 254-caliper inches were subject to mitigation. The applicant’s submitted landscape plan for Parcel 1 complies with prior settlements and Staff decisions. Condition of approval PDD4 will guarantee that the mitigation plantings occur in conjunction with Phase 1 development.

*B. Relation of Proposed Buildings to Environment.*

**D3.** Staff concurs with the applicant’s findings that, “The site plan orients the more active spaces, specifically the "flex" building fronts and the future office building, toward the streets while creating a trucking area in a central courtyard to isolate it from public areas and adjacent properties. The plan also responds to the SROZ area noted above by identifying and buffering it as a function of the site plan for

the office building.” It is the professional opinion of Staff that the applicant has given special attention to the enclosure of space, in particular truck loading and unloading areas. Proposed buildings have been oriented such that it is screened from Wilsonville Road by proposed buildings and it is treated as a focal point from SW Kinsman Road.

**D4.** Portions of the subject site, specifically Phase 2 are located within the Significant Resource Overlay Zone (SROZ). While Phase 2 (Parcel 1) is not included in the request for Site Design Review, elements of Parcel 1 should be reviewed with Phase 1. In particular proposed plantings and a storm water quality facility. The applicant has designed the water quality facility as a swale to blend with the natural environment of the SROZ and provide additional habitat.

**D5.** It is the professional opinion of Staff that based upon the enclosure of space, creation of focal points and consideration given to the SROZ, proposed structures have been located and designed to harmonize with the natural and built environment. This provision is therefore satisfied.

**D6.** It should be noted that the submitted Stage 2 plans for Phase 2 indicate an encroachment within the SROZ Impact area for parking. Sheet C2.0 indicates that the applicant proposes to utilize permeable paving to reduce the impact. A more detailed review of Phase 2 will occur with a future application for Site Design Review.

### **C. Drives, Parking and Circulation.**

**D7.** Staff concurs with the applicant’s findings that “The access points to the site are as required by the traffic study findings and recommendations. Internal circulation is designed to avoid dead-end areas and to accommodate fire access and trucking requirements. The pedestrian circulation has been indicated to create separated, safe methods for connections to the street system as well as internally in the site.” As provided in Finding B35 the submitted plans were amended prior to submission for preliminary approval. The submitted plans are consistent with DKS (the City’s Traffic Engineer) recommendations for access and circulation. Section 4.155, starting on page 70, provides a detailed discussion regarding drives, parking and circulation.

### **D. Surface Water Drainage.**

**D8.** The applicant has provided the following summary finding related to surface water drainage:

“Surface water will be collected in a system of catch basins and piping according to Wilsonville design standards. Surface water quality facilities are provided for part of the on-site and street impervious area as shown on the accompanying plans. The storm system transmits drainage to the natural drainage system in a manner consistent with City standards, and as reviewed by City staff for consistency with those requirements.”

According to City records there is a 48-inch storm mainline in Wilsonville Road with several stubs to the site. The site drains generally northeast to southwest; therefore, the proposal includes plans to collect runoff from Parcel 2 (Phase 1) through a system of catchbasins and swales to a manhole on the southwest corner of Parcel 2 and pipe it west, across the proposed Kinsman right-of-way to a water quality swale on Parcel 1 which will outfall directly into Seely Ditch, the natural drainage system.

Condition of approval PFX will require the applicant to provide storm water calculations to ensure the downstream capacity of the public storm drainage system and not adversely affect neighboring properties.

***E. Utility Service.***

**D9.** The applicant has provided the following summary finding regarding utility service: “Utilities will be all underground, and are indicated on the utility plan in the plan set.” A detailed discussion of utilities can be found on page 69 of this document. Engineering review of construction documents will ensure compliance with this provision.

***F. Advertising Features.***

**D10.** The applicant has provided the following summary finding regarding advertising features: “The location and size of anticipated signs are indicated on the accompanying site plan and building elevations.” A detailed discussion regarding signage can be found in Request E on page 109.

***G. Special Features.***

**D11.** The applicant has indicated that “There are no areas for “exposed” machinery or storage. The trucking area is within a central courtyard, which screens it from public areas and other properties.” In particular, the applicant has designed the site such that truck loading areas are screened from SW Wilsonville Road through the orientation of proposed buildings and from SW Kinsman Road by landscape islands. The subject site is located within the PDI zone which generally consists of warehouse style buildings with loading and unloading docks. The central courtyard is, however, not screened from the commercial development east of the subject site. Condition of Approval PDD5 will require that the applicant provide screening along the east property line to screen the site from adjacent properties. Condition of approval PDB15 will require that the applicant work with BPA to determine the suitability of proposed plantings with the BPA easement.

**D12.** The proposal also includes refuse storage facilities. Staff finds that the proposed facility meets the requirements of Subsection 4.176(.02)F.2. with concrete tilt-up walls designed to coordinate with the proposed building. Condition of Approval PDD6 will ensure that the refuse facility is painted to match proposed buildings.

**D13.** A detailed discussion regarding screening and buffering these and other special features can be found in Section 4.176 beginning on page 87 of this report.

***(.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.***

**D14.** With the exception of the proposed refuse container, the applicant is not proposing accessory building, structures or other site features. Staff finds that the proposed refuse container meets the requirements of this section.

***Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas***

***(.01) The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.***

***(.02) Location Standards:***

***A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.***



**D15.** The applicant has not provided summary findings specific to this subsection; however, the applicant supplied a letter from Allied Waste, the City's contract waste hauler, indicating a request for recycling cars to be placed in the back of each enclosure. Furthermore, the City recently adopted an ordinance, Ordinance #664, to comply with Metro's adoption to the Regional Solid Waste Management Plan to include a requirement that businesses in the region source separate recyclable materials and provide recycling containers to allow all recyclable materials be to be collected and stored. Pursuant to Allied Waste's request, Ordinance #664 and this provision, Condition of Approval PDD7 will require the applicant to co-locate source separated recyclables with the storage area for residual mixed solid waste.

***B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.***

**D16.** The proposed trash/recycling enclosure will be reviewed at the time of building permits to ensure compliance with Uniform Building and Fire Code requirements.

***C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.***

**D17.** As reflected in the submitted drawings (See Exhibit B2), storage area is provided in two locations within Phase 1; on the east property line and between proposed buildings 3 and 4. Staff finds that the applicant has provided sufficient storage for the proposed development. A detailed analysis of the storage area requirements can be found in Section 4.179 on page 97.

***D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.***

**D18.** As indicated previously, the proposal includes plans for two (2) shared mixed solid waste and recycling storage area; on the east property line and between proposed buildings 3 and 4. Sheet A1.1 of Exhibit B2 demonstrates that the facility on the east side of the site is to be located approximately 6.5 feet from the east property line and the facility between buildings 3 and 4 is to be located approximately 10 feet from the south property line. This exceeds the allowed minimum setback of three (3) feet; therefore, this provision is satisfied.

***E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.***

**D19.** The applicant has provided summary findings that, "Subsection .02 requires that solid waste areas be located convenient for users as well as for collection vehicles. The proposed solid waste enclosures are accessible from drive aisles for tenant access and to ensure that collection vehicles can approach them without blocking on-site or off-site traffic." Proposed facilities are located within shared parking areas; in particular on the edge of the central truck loading and unloading "courtyard". The proposed facility on the east edge of the site is on the edge of the general circulation pattern for the site. The proposed facility between proposed buildings 3 and 4 is located on axis with the anticipated front door for the respective end unit for each building creating enhanced security for users. This provision is therefore satisfied.

***F. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below.***

**D20.** As indicated previously, the proposal includes plans for two (2) shared mixed solid waste and recycling storage area; on the east property line and between proposed buildings 3 and 4. As discussed in Section 4.155 on page 70, the proposal does not include a request for a parking waiver. The facility will be screened with a tilt up concrete wall designed to match the materials of the proposed building. In addition to the concrete surround, the applicant is proposing additional landscaping to soften the look of the concrete surround (See Exhibit B2, Sheet L1.0 – Landscape Plan). This provision is therefore satisfied.

**G. *The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.***

**D21.** Depending upon whether a side loading or front loading collection vehicle is utilized, the location may cause a temporary obstruction to vehicle circulation on trash collection days. The applicant has provided summary findings that “the enclosures can be accessed by the trash hauler without backing into a public street, which is achieved by locating the proposed enclosures in the internal parking area with access from the drive aisles.” The applicant has also provided a letter from Allied Waste (See Exhibit B2) demonstrating that Allied can provide complete waste removal and recycling services for the site. The letter indicates that “(My drivers) should be able to safely service these enclosures as you have designed them.” Based upon this evidence, Staff finds that the facility is accessible for collection vehicles as well as the intended users.

**(.03) *Design Standards.***

**D22.** The applicant has provided summary findings that “Subsection .03 requires a six-foot high sight obscuring enclosure with a gate at least ten feet in width. The proposed enclosures are constructed of masonry, and are six feet in height with a gate opening of over ten feet in width.” Staff finds that the proposed storage area meets the design standards of this subsection.

**D23.** The applicant has provided a letter from Allied Waste Services, the City’s franchised solid waste hauler demonstrating service ability. Should the applicant make minor changes (through a Class I Administrative Review) to the facilities or access to the facilities, the applicant will be required to provide Planning Division staff with a final letter from Allied Waste Services. See condition of approval PDC19.

**(.04) *Access Standards.***

**A. *Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service.***

**D24.** The applicant has not provided summary findings as to whether or not the facility will be limited for security reasons. Staff notes that the proposed facilities appear to be completely fenced; however, Staff is not certain if the applicant intends to lock the gates. Should the applicant choose to secure the facilities, the storage areas will need to be accessible to users and collect service personnel. In terms of general access to the facilities, the facilities are sited such that a front or side loading vehicle can access each facility utilizing a three point turn. The applicant will need consult with Allied Waste of Wilsonville to assure that the facility can be accessed by collection vehicles. Condition of approval PDC19 will guarantee compliance with this standard.

***B. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.***

**D25.** The proposal is for two (2) partially enclosed refuse storage facilities with concrete tilt up walls and black vinyl chain link gate (See Exhibit B2, Sheet A1.3 – Details). The facility does not include a covering; therefore, eight (8) feet of vertical clearance can be achieved. Based upon the submitted plans the gate system appears to provide approximately 17.5 feet horizontal clearance. This provision is therefore satisfied.

***C. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion. (Added by Ordinance #426, April 4, 1994.)***

**D26.** The applicant has provided summary findings that “the enclosures can be accessed by the trash hauler without backing into a public street, which is achieved by locating the proposed enclosures in the internal parking area with access from the drive aisles.” The applicant has also provided a letter from Allied Waste (See Exhibit B2) demonstrating that Allied can provide complete waste removal and recycling services for the site. The letter indicates that “(My drivers) should be able to safely service these enclosures as you have designed them.” Staff finds that the facilities are sited such that a front or side loading vehicle can access each facility utilizing a three point turn without backing onto a public street. This provision is therefore satisfied.

**REQUEST E**  
**DB09-0051: MASTER SIGN PLAN**  
**CONCLUSIONARY FINDINGS**

**E1.** The applicant is requesting approval of a Master Sign Plan. Master Sign Plans are designed to provide a unified sign package by placing limitations on size, type and materials. The applicant has provided several materials which address the Master Sign Plan; Section VII of Exhibit B2, Sheet A1.2 of Exhibit B2 and a memo included as Exhibit b5).

**E2.** As provided in the Applicant's memo dated March 19, 2010 (See Exhibit B5), tenants are permitted up to 26 square feet of signage for each entry with a maximum square footage of 600 square feet for the project. The memo goes on to state that the plan provides signage for up to 23 tenants each with a maximum of 26 square feet of signage each. As outlined in the memo each tenant is given the option of sign placement; above the entry door, at the concrete panel adjacent to the entry door, or in the case of end units, around the corner from the entry door. Tenants at the end bay of all buildings are allowed multiple, smaller signs "as long as the total area of the signage falls within 26 sf per tenant." Tenants with more than 1 bay are allowed up to 26 square feet per bay occupied. That being said, a tenant could potentially have up to 52 square feet or the equivalent of two (2) bays. This raises concern that tenant shapes, sizes and entrances may change over time. Condition of approval PDE6 will guarantee that the project wall signs shall not exceed 600 square feet total and that each sign is limited to 26 square feet for single bay signs and 52 square feet for tenants with more than 1 bay or unit. Condition of approval PDE6 also guarantees that sign size and placement shall be consistent with Sheet A1.2 of Exhibit B2 and Exhibit B5.

**E3.** In addition to the walls signs mentioned above, the applicant is requesting two (2) freestanding signs; one (1) on Parcel 1 and one (1) on Parcel 2. Each freestanding sign measures 4 ft. by 8 ft. or 32 square feet and is approximately six feet tall. Condition of approval PDE7 will guarantee that freestanding signs be limited as such.

***CITY OF WILSONVILLE PLANING AND LAND DEVELOPMENT ORDINANCE***

***Section 4.156. Sign Regulations***

***(.01) Purpose.***

- A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;***

**E4.** Signs are an essential element of information for the motoring public and local residents. They provide needed information to the motoring public. In *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981) –after thorough review of all available evidence by the litigants and the U.S. Supreme Court, the litigants stipulated, and the court accepted, that there was no positive correlation between private signs and traffic accidents. As a result, traffic safety, in a negative sense, is not an issue and this provision is satisfied. The proposed freestanding signs will need to conform to vision clearance standards for the intersection of SW Wilsonville Road and SW Kinsman Road. Sign contractors should obtain building permits when necessary to ensure public safety is provided and the owner of the facility has the responsibility to ensure that routine maintenance is performed.

***B. To allow and promote positive conditions for meeting the needs of sign users while avoiding nuisances to nearby properties and the community overall;***

**E5.** Nuisances can be private or public. A private nuisance is one that affects the use or enjoyment of land, while a public nuisance affects the public at large. The proposed signs will increase the visibility of the proposed businesses, preventing confusion about its location, and safe route of travel to reach it. The proposed monument Sign and wall signs are not excessive and will increase the visibility of the proposed businesses from the street providing direction of travel to reach the building. Furthermore, the proposed signs would avoid nuisances to nearby properties, i.e. confusion about the buildings location. As a general rule, an owner is at liberty to use his property as he sees fit provided that it does not injure the legal rights of surrounding property owners. Staff has no reason to believe that the proposed sign package will create a nuisance to adjacent properties or passersby. This code criterion is met.

***C. To reflect and support the desired character and development patterns of the various zones;***

**E6.** The applicant has provided summary findings that the proposed signs “reflect and support the character and the development patterns of the PDI zone by identifying locations for tenant identification commensurate with the character of the area.” simple and aesthetically designed and are compatible with surrounding signage. The proposed signage is in character with the building architecture. The number, size, and location of signs are consistent with code requirements.” The proposed sign package includes plans for internally illuminated wall signs and two (2) freestanding signs. The subject site is within the Planned Development Commercial (PDI) zone, generally surrounded by existing development. To the west is a vacant parcel zoned Residential (R), to the east across the railroad right-of-way is the Lowrie’s Marketplace commercial development, to the north (across Wilsonville Road) is a gas station (Chevron), an industrial business park (ProGrass), and to the south is an industrial development (OrePac). There is a mix of sign types within the general vicinity. Styles range from free-standing, monument, illuminated and non-illuminated wall signs. It is the professional opinion of Staff that the Applicant’s proposed free-standing concrete panel signs with brick masonry bases and illuminated and non-illuminated wall signs are compatible with signage within the eclectic mix of signs within the general vicinity and moreover the PDI zone. This provision is satisfied.

***D. To allow for variety in number and type of signs in appropriate locations, while preventing signs from dominating the visual appearance of the area;***

**E7.** The PDI zone supports a variety of sign types including monument, pylon, and building signs constructed of wood, metal, and composite materials, with and without illumination. The size, scale, and design of the proposed signs are similar to other signs in the PDI zone, and would not visually dominate the signs of surrounding properties. This criterion is met.

***E. To prevent the construction or use of signs that would otherwise detract from the design of adjacent buildings or properties;***

**E8.** Through the use of similar color and materials, i.e. painted concrete, masonry and consistent color branding, the proposed signage has been designed to blend with the construction of the proposed building. The size, scale, and location of the proposed signs (wall and freestanding) are not excessive and would not detract from the design of adjacent buildings. This criterion is met.

- F. To provide the public with adequate opportunity for needed information that can be supplied through signage;*

E9. The applicant's proposed sign package would provide the public with needed business information about the proposed project through identification of the project from on as well as off-site. This criterion is met.

- G. To stabilize and improve property values and prevent the creation of blighted areas;*

E10. Through its use as a property identification tool, the proposed signage would improve the value of the subject property and the proposed project. This code criterion is met.

- H. To provide for the clear identification of structures in order to enhance public safety; and*

E11. The proposed sign package enables clear identification of the proposed project as well as individual (future) tenants. This code criterion is met.

- I. To ensure the protection of the constitutionally guaranteed right of free speech.*

E12. The proposed sign package is consistent with the constitutionally guaranteed right of free speech and the Wilsonville Code. This right would not be altered by the applicant's proposal. This code criterion is met.

**(.02) Application For Sign Permits.**

*B. Review Processes.*

2. *Any decision for approval of a sign proposal shall include written findings addressing the following criteria:*
- a. The proposed signage complies with the specific objectives in subsection 4.156(.01) of this Code;*

E13. Please refer to a detailed discussion of subsection 4.156(.01) above.

- b. The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of adjacent development;*

E14. The proposed signage meets the requirements of the PDI Zone (Subsection 4.156(.08)). There is a mix of sign types within the general vicinity. Styles range from free-standing, monument, canopy, illuminated and non-illuminated wall signs. As provided in finding E6, Staff finds that the proportion of the signs is similar to that of signage on properties in the general vicinity, i.e. ProGrass (north of the subject site, across Wilsonville Road), Wilsonville Self Storage (northwest of the site, across Wilsonville Road), Chevron Gas Station (north of the subject site) Lowrie's Marketplace (east of the subject site), and the Water Treatment Plant, located immediately northwest of the site. This provision is therefore satisfied.

- c. The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;*

E15. Staff has no reason to believe that the proposed signs will intentionally interfere with the use or enjoyment of surrounding properties or cause substantial harm, i.e. reduction in value of property. This code criterion has been met.

- d. If the proposed signage is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the signs that are proposed, but not to exceed one (1) year from the date of approval;*

E16. Temporary signs are not proposed.

- e. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196; and*

E17. The proposal does not include a request for a variance. This provision is therefore, not applicable.

- f. All of the relevant application filing requirements of Chapter 4 have been met.*

E18. The applicant has met all of the relevant filing requirements for DRB review of this application. This code criterion has been met.

**(.03) General Provisions Affecting Signs.**

**A. Approval of Permits.**

**B. Sign Measurement.**

**D. Master Sign Plans.** *A master sign plan is required for developments containing three (3) or more non-residential occupants, including but not limited to tenants, businesses, agencies, and entities. Additionally, the developer of any project may apply to have the development's signs reviewed through master sign plan procedures. A master sign plan shall be submitted at the time the development is reviewed by the Development Review Board. Master sign plans shall contain the method of illumination, the number, locations, and sizes of signs. The proposed master sign plan shall also show the estimated number of tenant signs and the total square footage of all signs within the development. Lettering styles and sizes for all occupants of the development shall be shown if known at the time of application.*

E19. The proposal is for a development containing more than three (3) non-residential occupants. The Applicant has submitted a Master Sign Plan with information relative to the method of illumination, number, location and size of signs. With specific regard to this provision, the applicant has provided summary findings that "Sheet A 1.2 indicates the potential location of tenant signs on the individual buildings as well as the freestanding signs. The signs will be either internally lighted or by external lighting, depending on the particular sign and its location. The lettering style, color and size will be a function of the tenant requirements, but in all cases the copy will fit within the area indicated." A detailed discussion of the Master Sign Plan follows.

1. *In reviewing a master sign plan, the Development Review Board may regulate size, location, number and type of proposed signage in accordance with Sections 4.400 through 4.450 of this Code.*

E20. For a detailed discussion of Sections 4.400 through 4.450, please refer to Request D, beginning on page 103.

2. *The Development Review Board may grant waivers from the requirements of this Section where the overall design of the master sign plan is found by the Board to assure attractive and functional signage. The Board shall give consideration to the size and scale of the proposed development, as well as the number of separate entrances, when acting on a master sign plan for a large development.*

E21. A detailed discussion with regard to this provision can be found in this request (Request E) beginning on page 117.

3. *Any existing sign, whether or not it is to be retained, must be shown on the plan. It shall be the responsibility of the property owner or the owner's agent to administer and control any aspect of an approved master sign plan that is more restrictive than the City's sign regulations. Individual business signs that are part of a master sign plan are subject to the permit application process.*

E22. The subject site does not contain existing signage. The proposal is for a master sign plan consistent with this provision. A detailed analysis of the proposed signage is included in Exhibits B2 and B5.

4. *Applications for temporary signs on properties that are subject to master sign plans shall be reviewed by the Planning Director or Development Review Board through the Administrative Review process. Such temporary signs are not required to meet the strict standards of the approved master sign plan but shall be required to be designed, or limited in duration, to avoid conflicts with the master sign plan.*

E23. The application does not include a request for temporary signage; therefore, this provision is not applicable. Future requests for temporary signage will be required to comply with this provision.

*(.06) Sign Area*

E24. Sign area for projects in the PDI Zone are regulated by Table 6 of Section 4.156. A detailed analysis of Sign Area can be found within the Waiver request, beginning on page 117 of this report.

- (.08) Sign Permit Requirements In PDC And PDI Zones. In implementing the permanent sign footage per lot allowed by the provisions of Sign Table 6, the following standards and conditions shall apply to all signs in PDC and PDI zones, other than the Town Center area:*

*A. Freestanding Signs*

E25. The proposal includes a request for two (2) freestanding signs. Section 4.156(.08)A. permits one freestanding sign per two-hundred (200) linear feet of site frontage. One additional freestanding sign may be added for through lots having at least two-hundred (200) feet of frontage. The applicant is proposing



one (1) freestanding sign per parcel; one on the northeast corner of Parcel 1 and one on the northwest corner of Parcel 2. This provision is therefore satisfied.

**B. Signs on Buildings**

**1. Total area of building signs shall be determined as follows:**

- a. *Square feet of all building signs shall not exceed the longest side of the largest building (i.e., one square foot of sign area for each linear foot of building) occupied by the use advertised, up to a maximum of two-hundred (200) square feet, whichever amount is less, except as provided in “b” and “c” below. The length of building is to be measured at the building line.*
- b. *The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by twenty (20) percent to allow for building signs at separate building entrances; or*
- c. *The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by fifty (50) percent to allow for building signs at separate entrances that are located at least fifty (50) feet apart or on different sides of the building.*

ZONE	TOTAL SQUARE FOOTAGE OF SIGNAGE PERMITTED PER LOT	TOTAL SQ. FT. SIGN AREA TO LENGTH OF BUILDING (SQ. FT. : LINEAR FT)
R, RA-1, PDR (0-3 u/ac.)	3	1:1
PDR (3-7 u/ac)-	3	1:1
PDR (7+ u/ac)	6/D.U., 80 for non-res.	1:1
PF, PDC (not Town Ctr)	200	1:1
PDC-Town Center *	*	1:1
PDI	200	1:1

**Table 6: Sign Size Standards by Zone (Permanent Signs)**

**E26.** Pursuant to this section and Table 6; above, the applicant is permitted total sign area not to exceed the longest side of the building up to 200 square feet. The two-hundred (200) square foot maximum can be increased by fifty (50) percent to allow for building signs at separate building entrances that are located at least fifty (50) feet apart for a total of 300 square feet. The longest wall measures 220 lineal feet with multiple building entrances many at least fifty (50) feet apart. Pursuant to this provision, the applicant is permitted up to 300 square feet of wall signage. The applicant is requesting a waiver to the maximum sign area to permit up to 600 square feet “to address the requirements of the individual tenants in the project.” A detailed discussion on the waiver can be found beginning on page 117 of this report

2. *Types of signs permitted on buildings include wall flat, fascia, projecting, marquee and awning signs. Roof-top signs are prohibited.*

**E27.** The applicant has provided summary findings that “Building signage will be of wall flat type, with either individual letters applied to the building wall. Sheet A 1.2 indicates typical wall flat signage, and the Sign Criteria which will be included in the individual leases provides additional detail.” More

specifically, Sheet A1.2 indicates that typical wall flat signage will be painted gatorfoam signage, wood fiber impregnated resin signs with polystyrene foam core or Alumicorr or Alupalite signage with aluminum sheet mounted on a corrugated plastic core. Retail wall signage will consist of flat, internal lighted signage or signage similar to typical signage. Sheet A1.2 indicates that color, font and company logos will be evaluated on a case by case basis. Conditions of approval PDE1 and PDE6 will guarantee compliance with these requirements.

**C. Additional signs. Notwithstanding the sign footage allowed based on the site and building frontages as shown in Table 6, the following signs may be permitted, subject to standards and conditions in this Section:**

**1. Directional signs.**

**E28.** The applicant has provided summary findings that “No directional signs are proposed”. This provision is therefore not applicable.

**2. Special event signs**

**E29.** The applicant has provided summary findings that “Any special event signage will be applied for under a separate application.” Future applications for special event signage will be required to comply with this provision.

**3. Inflatable signs**

**E30.** The applicant has provided summary findings that “No inflatable signage will be allowed in this project.” This provision is therefore satisfied.

**4. District or Planned Development signs - one (1) on-site monument sign, or one (1) off-site monument sign on an adjacent parcel identifying that Planned Development project, may be permitted, subject to the following standards and conditions:**

**E31.** No monument signs are proposed as part of this application; therefore, this provision is not applicable.

<b>Walk Signs</b>					
Building	Elevation	Elevation Length	Allowed Square Footage	Number of Signs	Square Footage
1	North	220	26	5	130
	South	220	0	0	0
	East	78	26	1	26
	West	78	26	2	52
<b>Subtotal</b>				8	208
2	North	220	26	6	156
	South	220	0	0	0
	East	78	26	1	26
	West	78	26	1	26
<b>Subtotal</b>				8	208
3	North	220	26	4	104
	South	220	0	0	0
	East	78	26	1	26
	West	78	26	1	26
<b>Subtotal</b>				6	156
4	North	220	26	6	156
	South	220	0	0	0
	East	78	26	1	26
	West	78	26	1	26
<b>Subtotal</b>				8	208
5	North	220	0	0	0
	South	220	0	0	0
	East	78	0	0	0
	West	78	0	0	0
<b>Subtotal</b>				0	0
<b>Total</b>		220		30	736
<b>Max Allowed Per MSP</b>				23	610
<b>Allowed by Code</b>					300**
<b>Difference</b>					-300***

\*Longest Elevation

\*\*Pursuant to Section 4.156(.08)B.

\*\*\*Waiver required.

<b>Freestanding Signs</b>								
Parcel	Sign Type	Dimensions					Number of Signs	Square Footage
1	Monument	4	ft.	x	8	ft.	1	32
2	Monument	4	ft.	x	8	ft.	1	32
<b>Total</b>							2	64
<b>Allowed by Code</b>							2	N/A
<b>Difference</b>							0	N/A

**DB10-0001: CLASS 3 WAIVER TO THE SIGN CODE  
CONCLUSIONARY FINDINGS**

*Section 4.156 (.03) D.2. Master Sign Plans*

*The Development Review Board may grant waivers from the requirements of this Section where the overall design of the master sign plan is found by the Board to assure attractive and functional signage. The Board shall give consideration to the size and scale of the proposed development, as well as the number of separate entrances, when acting on a master sign plan for a large development.*

**E32.** As demonstrated in Finding E19, the proposal is for more than three (3) non-residential occupants; therefore, consistent with Section 4.156(.03)D. the applicant has submitted a request for a Master Sign Plan. As a part of the Master Sign Plan the applicant may request a waiver to the general Code standards. As a part of this application, the applicant is requesting a waiver to the sign code. In order to obtain a wavier for signage exceeding Code maximums, the applicant must demonstrate, to the satisfaction of the Board, that the proposed signage in excess of standards is incorporated into a master sign plan that is designed and programmed to provide "attractive and functional signage." The applicant has provided summary findings as to the attractive and functional qualities. The applicant has provided the following findings that Staff feels speaks to the attractiveness of proposed signage:

“The Code provides that the Board may grant waivers based on "attractive and functional signage". While the term "attractive" may be subjective, the accompanying building elevations and sign criteria demonstrate that the proposed signage will be compatible with the building design and will be functional as a method to identify the tenants without being offensive to the casual viewer. The applicant in this case is a long term investor, who must have the larger interest in mind to regulate signage and to preserve the aesthetic quality of the project. The accompanying sign criteria document, which is embodied into this waiver application, will also be part of the lease agreements as a way of ensuring that this goal is met.”

In terms of functionality, the applicant has provided the following findings:

“Subsection B as worded appears to indicate that each "use" may have wall sign area based on I square foot per lineal foot of building up to 200 square feet, with possible additions to result in a maximum of 300 square feet. However, this section has traditionally been interpreted to apply not to individual uses but rather to an overall development even if there are separate tenant uses in the effected buildings. Therefore, in this case since the longest building in the project is over 200 feet long, the total sign area for all of the tenants in combination would be 300 square feet. It is also important to note that this project includes the four buildings in question on a single parcel, while if the plan included creating a parcel for each building the allowed sign area in total would be potentially 1200 square feet since each building is over 200 feet in length. This proposed waiver will allow additional wall sign area, up to a total of 600 square feet, needed to address the requirements of the individual tenants in the project.”

The applicant goes on to state that “This application includes a request for a waiver from the maximum sign area of Subsection B, which establishes the allowed building wall sign area. This waiver applies only to the Phase I portion of the project, which includes Buildings One through Four.” It is important to note that the Master Sign Plan encompasses the project and not just Phase 1. Staff notes that with the exception of the freestanding sign on the northeast corner of Parcel 1 (Phase 2), the applicant has not

provided an allowance for signage within Phase 2. Staff does agree that pursuant to Table 6, note d. total sign area **per lot** shall not exceed 1 sq. ft. for each 1 linear foot of building. Based upon this provision and the lack of findings, Building Signs and/or monument signs for Phase 2 will necessitate a modification to the Master Sign Plan at the time of Site Design Review. It is the professional opinion of Staff that based upon the submitted findings; the proposed MSP meets the intent of the Sign Code and provides attractive and functional signage relative to the site and surrounding development.

***Subsection 4.156(.02)(B)(2)(e): Variance.***

**E33.** The applicant is requesting approval of an increase in total sign area. Per subsection 4.156.03(D), the application must be reviewed as a waiver and not a variance. In order for the DRB to approve the proposed Master Sign Plan and waiver, the DRB must make findings that the proposed signage is “attractive and functional.” As discussed above, it is the professional opinion of Staff that the proposed revised MSP meets the intent of the Sign Code and provides attractive and functional signage relative to the site and surrounding development.

***Subsection 4.156(.06): Sign Area.***

**E34.** According to Section 4.156(.06) total square footage of signage per lot is regulated by Table 6, Permanent Signs. According to Table 6 and Section 4.156(.08)B.1. subject sites within the PDI zone are permitted a maximum of 200 square feet per lots unless, as allowed by sub-reference (e), “Total sign area per lot may be increased by up to 50% per street frontage for corner and double frontage lots.” The proposed partition and right-of-way dedication creates double frontage lots with frontage on both SW Wilsonville Road and SW Kinsman Road. Based upon the provisions of subsection (e), the application is permitted to increase the total sign area by 100 square feet, or 50%, for SW Wilsonville Road and 100 square feet, or 50%, for SW Kinsman Road for a total of 400 square feet for Parcel 1 and 400 square feet for Parcel 2. The applicant is proposing one (1) freestanding sign for Parcel 1 at 32 sq. ft. each and approximately 600 square feet of building signage and one (1) freestanding sign for Parcel 2 at 32 sq. ft. for a total of 632 sq. ft. of signage for Parcel 2; therefore, a waiver to the maximum allowed sign per lot is required for Parcel 2.

**E35.** It is not clear from the Table or Section 4.156(.06) if freestanding signage should be included in the overall square footage; however, for the sake of argument, Staff is including it in the overall calculation. Section 4.156(.08)B.1. goes on to limit “Signs on Buildings” to 200 square feet unless, as allowed by sub-reference 1.(c.), “The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by fifty (50) percent to allow for building signs at separate entrances that are located at least fifty (50) feet apart or on different sides of the building.” The applicant has included a request for up to 600 square feet of building signage; however, Staff has determined that the request should be a dual waiver request from the total “Sign Area” for Parcel 2 to allow 632 total square feet and a waiver request from the allowed square footage for “Signs on Building(s)” to allow 600 square feet of “Signs on Building(s)”.

**REQUEST F  
DB09-0052: PARTITION  
CONCLUSIONARY FINDINGS**

**F1.** The subject site consists of two parcels Tax Lots 3S123B00100 and 3S123B00101. As indicated previously, the subject site is identified in the TSP as the location for the Kinsman Road right-of-way. Given the need for right-of-way dedication and relocation of property lines, a partition is the appropriate land division request. The subject site as a whole contains approximately 8.81 acres. The site will be partitioned into two (2) lots; Parcel 1, west of the Kinsman right-of-way, will be approximately 2.05 acres; and Parcel 2, east of the Kinsman right-of-way, will be approximately 6.10 acres with a 0.66 acre, right-of-way dedication. The right-of-way will serve as the dividing line between the proposed parcels.

**Section 4.210. Application Procedure.**

**(.01) *Pre-application conference.*** *Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.*

**A. *Preparation of Tentative Plat.***

**F2.** Planning Staff met with the applicant for a Pre-application meeting on October 30, 2008 and again on June 25, 2009. Staff provided the applicant with information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, roads and public utilities. The applicant reviewed the materials and followed with a tentative plat prepared by Scott Field, an Oregon licensed professional land surveyor with NW Surveying. This provision is therefore satisfied.

**B. *Tentative Plat Submission.***

**F3.** The applicant's submittal materials meet these code criteria as evidenced by Exhibit B, et. seq. This provision is therefore satisfied.

**D. *Action on proposed tentative plat:***

**2. *Consideration of tentative partition plat.*** *The Planning Director shall review and consider any proposed land partition plat through the procedures for Administrative Reviews specified in Section 4.030 and 4.035.*

**F4.** This code section requires the Planning Director review partition plats through the Administrative Review procedures specified in Section 4.030 and 4.035. The applicable criteria are therefore 4.030(.01)B.6. and 4.035(.03)&(.04). Staff is referring this application to the DRB to ensure consistency in the timing of this application with the proposed development on the resultant parcels. See review of companion case files DB09-0047 through DB09-0053 of this report.

**Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.**

**(.01) *Authority of Planning Director.***

**B.**

**6. *Land partitions, other than expedited land divisions, pursuant to Section 4.210.***  
*Approval of land partitions shall be based on all of the following findings of fact:*

- a. *The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;*

F5. As provided in Finding F3, the applicant's submittal materials meet the submittal requirements of Section 4.210 as evidenced by Exhibit B. This provision is therefore satisfied.

- b. *The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;*

F6. The proposal includes a request for a Zone Change consistent with the Comprehensive Plan from Residential Agricultural Holding – Industrial to Planned Development Industrial (PDI). A detailed analysis of the proposed zone change can be found in Request A beginning on page 30. Below is a table of the Code required minimum lot size and yard setbacks for the PDI zone as identified in Section 4.135(.06) of the Wilsonville Development Code. The submitted plans demonstrate that the proposal meets the required setbacks with the exception of the rear setback for Parcel 2 (Phase 1). The applicant has requested a waiver to the rear setback for Buildings 3 and 4 of Phase 1. A detailed analysis of the requested waiver can be found in Request G beginning on Page 129. Proposed development will be required to comply with the requirements listed below as well as the plans approved with this action together with conditions of approval.

	Required	Parcel 1 (Phase 2)	Parcel 2 (Phase 1)
<b>Lot Size</b>	No limit save and except as shall be consistent with the other provisions of this Code	2.05 AC	6.10 AC
<b>Lot Coverage</b>	No limit save and except as shall be consistent with the other provisions of this Code	13%	34%
<b>Front</b>	30 ft.	30 ft.	Approx. 86 ft.
<b>Side</b>	30 ft.	Approx. 130 ft.	At least 54 ft.
<b>Rear</b>	30 ft.	Approx. 174 ft.	10.08 ft.

- c. *The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;*

F7. The applicant has not provided summary findings for this provision; however, Staff concludes that approval of this partition will not impede the orderly development of adjoining property. Consistent with the TSP, the applicant is proposing to develop SW Kinsman Road. Should redevelopment of properties to the south occur, SW Kinsman Road will provide direct access from SW Wilsonville Road to adjoining properties.

- d. *The public right-of-way bordering the lots or parcels will meet City standards;*

F8. The subject site fronts on SW Wilsonville Road and is identified in the TSP as the location for the Kinsman Road extension. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements are not warranted. Kinsman Road is identified in

the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway. In particular it is identified as Project C21, the Water Treatment Plant connection. According to the Bicycle and Pedestrian Master Plan, “This project will extend the existing off-street path leading from the Water Treatment Plant to the ‘T’ intersection of Kinsman and Wilsonville Road. (It will) Provide(s) greater connectivity from homes and business north of Wilsonville Road to the Water Treatment Plant and the proposed regional Waterfront Trail.” Pursuant to the TSP, Minor Collectors with on-street parking are required to provide a 69-73 foot right-of-way which includes a 5-foot sidewalk, 6.5-foot planter strip, 8-foot parallel parking, 5-foot bike lane and 12-foot travel lane on each side. The applicant is proposing a 73-foot right-of-way that will extend from the existing traffic signal at SW Wilsonville Road to the south property line. The 73-foot right-of-way will include a fifty (50) foot paved section which will accommodate 8-foot parallel parking lanes and 5-foot bike lanes on both sides as well as two 12-foot travel lanes. The applicant is proposing a 6-foot meandered sidewalk that will jog in and out of the public right-of-way. Conditions of approval PDC16 and PFF4 will require that the applicant provide a public sidewalk easement to accommodate those sections of the proposed sidewalk outside the public right-of-way. Conditions of approval as well as review of construction documents through a Public Works Permit will guarantee compliance with Public Works Standards.

*e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;*

**F9.** As indicated previously, the proposal includes plans for the dedication of SW Kinsman Road. Condition of Approval PDF2 will guarantee that all dedications have been approved by the City and will be recorded with the County prior to final plat approval.

*f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;*

**F10.** Sheet C1.7, Preliminary Plat, of Exhibit B2 provides proposed easements. Conditions of approval PFC2, PFC4, PFC23 and PFF1 will ensure that adequate easements exist were existing or proposed utility lines cross property/parcel lines.

*g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and*

**F11.** As provided in Findings C10 through C16, public utilities and facilities are available or can be made available to serve the site through a modest extension. Review of the Public Works Permit and Condition of Approval PFC1 will ensure facilities meet the City’s Public Works Standards.

*h. Roads extended or created as a result of the land division will meet City standards.*

**F12.** Review of the Public Works Permit and Condition of Approval PFC1 will ensure facilities meet the City’s Public Works Standards.

**C. Action on proposed tentative plat:**

**F13.** The proposed Tentative Subdivision, as seen on Plan Sheet C1.7 is included with this application for review by the Development Review Board.



**F14.** Any Conditions of Approval adopted by the Board shall be reflected on the final plat. The final plat will not be approved by the City until all the conditions of approval adopted by the DRB for the Tentative Subdivision are satisfied.

**F15.** The applicant must acknowledge the authority of the Board to limit the content of the deed restriction or covenants.

**F16.** After approval of the Tentative Subdivision, a final plat must be prepared and submitted to the Planning Division within two years if an extension is not provided.

***D. Land division phases to be shown.***

**F17.** Development of this partition is proposed in two (2) phases. In terms of actual construction, the applicant has indicated that “This project will be developed in three phases, starting with the extension of Kinsman Road which will occur as soon as possible after the final development approvals and issuance of permits. Development of the easterly parcel will be the second phase, with the westerly parcel to follow.” In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval. A time limit is not warranted as the proposal includes a request for development of the site.

***E. Remainder tracts to be shown as lots or parcels.***

**F18.** The proposal does not include remainder tracts. This provision is therefore not applicable.

***Section 4.236. General Requirements - Streets.***

***(.01) Conformity to the Master Plan or Map:***

**F19.** As discussed in Finding F8, The subject site fronts on SW Wilsonville Road and is identified in the TSP as the location for the Kinsman Road extension. Staff finds that SW Wilsonville Road is improved to current TSP and Public Works standards; therefore, additional improvements are not warranted. Kinsman Road is identified in the TSP as a Minor Collector with the option of parking. Kinsman Road is also identified in the Bicycle and Pedestrian Master Plan as a proposed Community Walkway and Bikeway. In particular it is identified as Project C21, the Water Treatment Plant connection. According to the Bicycle and Pedestrian Master Plan, “This project will extend the existing off-street path leading from the Water Treatment Plant to the ‘T’ intersection of Kinsman and Wilsonville Road. (It will) Provide(s) greater connectivity from homes and business north of Wilsonville Road to the Water Treatment Plant and the proposed regional Waterfront Trail.” Pursuant to the TSP, Minor Collectors with on-street parking are required to provide a 69-73 foot right-of-way which includes a 5-foot sidewalk, 6.5-foot planter strip, 8-foot parallel parking, 5-foot bike lane and 12-foot travel lane on each side. The applicant is proposing a 73-foot right-of-way that will extend from the existing traffic signal at SW Wilsonville Road to the south property line. The 73-foot right-of-way will include a fifty (50) foot paved section which will accommodate 8-foot parallel parking lanes and 5-foot bike lanes on both sides as well as two 12-foot travel lanes. The applicant is proposing a 6-foot meandered sidewalk that will jog in and out of the public right-of-way. Condition of approval PFF4X will require that the applicant provide a public sidewalk easement to accommodate those sections of the proposed sidewalk outside the public right-of-way. Conditions of approval as well as review of construction documents through a Public Works Permit will guarantee compliance with Public Works Standards.

*(.02) Relation to Adjoining Street System.*

**F20.** As identified by this provision, a land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. The subject site is identified in the TSP as the location for the Kinsman Road extension. Furthermore, the Wilsonville Road/Kinsman Road intersection is already improved to City standards at this location. The road improvements were completed as a part of the (insert year here) improvement of SW Wilsonville Road. The proposal includes plans for the continuation of the stub street to the south property line. The TSP identifies SW Kinsman Road as a Minor Collector requiring a 69-73 foot right-of-way. The Bicycle and Pedestrian Master Plan also identifies this segment of SW Kinsman Road as a proposed Community Walkway and Bikeway. The applicant is proposing a 73 foot right-of-way sufficient to include a sidewalk and bike lane.

*(.03) All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.*

**F21.** A detailed discussion of Section 4.177 can be found on page 92 of this report.

**F22.** The PDI Zone is subject to the same block and access standards as the PDC Zone, Section 4.131(.02) and (.03). A detailed discussion of these provisions can be found beginning on page 50 of this report.

*(.04) Creation of Easements:*

**F23.** Section 4.236(.04) enables the Planning Director or Development Review Board to approve easements when such an easement is the only reasonable method by which a portion of a lot large enough to allow partition may be provided with vehicular access and adequate utilities. The provision goes on to say that if the lot is large enough to divide into more than two (2) parcels a street dedication may be required. The subject site is large enough to divide into more than two (2) parcels and is identified in the TSP as the location for the Kinsman Road right-of-way. The proposal is for a two (2) parcel partition with a street dedication. The proposal also includes plans for water and sewer easements to provide utilities to each building. Conditions of approval PFC1 and PFC4 will guarantee that the easements meet Public Works Standards.

*(.05) Topography:*

**F24.** This provision requires that the layout of streets give suitable recognition to surrounding topographical conditions. With the exception of the Seely Ditch that runs along the west property line, the subject site is relatively flat. The proposal includes plans for the dedication and construction of SW Kinsman Road. The applicant proposes to extend the street south from the existing improved intersection at SW Wilsonville Road. Staff finds that the proposed street includes a horizontal curve to match existing grades. This provision is therefore satisfied.

*(.06) Reserve Strips:* The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the - Director or Board determine that a strip is necessary:

- A. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or

- B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards established by the City; or
- C. To prevent access to land abutting a street of the land division but not within the tract or parcel of land being divided; or
- D. To prevent access to land unsuitable for building development.

*(.07 Future Expansion of Street:* When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

*(.08) Existing Streets:*

**F25.** As indicated previously, the subject site fronts on SW Wilsonville Road which is currently built to Public Works Standards and does not warrant additional width. It should be noted that the proposal does include the extension of SW Kinsman Road consistent with the TSP.

*(.09) Street Names:*

**F26.** The submitted preliminary plat identifies the proposed right-of-way as “Kinsman Road”. This is consistent with the TSP and established name system within the City. This provision is therefore satisfied.

**Section 4.237. General Requirements – Other.**

*(.01) Blocks:*

**F27.** This property is within the PDI zone and is subject to the block and access standards of the PDC zone. A detailed discussion regarding block and access standards can be found in Finding B35 beginning on page 51 of this report.

*(.02) Easements:*

*A. Utility lines.*

**F28.** The applicant has not provided summary findings relative to this provision. Condition of Approval PDF3 will guarantee compliance with this provision.

*B. Water courses.*

**F29.** As indicated previously, the western 1/10 of proposed Parcel 1 (Phase 2) is mapped within the Significant Resource Overlay Zone (SROZ). This mapping is in response to an existing drainageway, Seely Ditch, which runs along the west property line. This provision requires that where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. The applicant has proposed a stormwater easement to cover the proposed water quality facility on Parcel 1; however, the plans do not include an easement to cover the entire drainageway. Condition of approval PDF4 will require that the applicant provide an easement or drainage right-of-way conforming substantially to the Seely Ditch drainage way.

*(.03) Pedestrian and bicycle pathways.*

F30. A detailed discussion regarding pedestrian circulation can be found in Finding B35.d. on page 52 of this report. I should be noted that because the proposal does not include residential development, Section 4.131(.03) does not impose maximum block lengths. It should also be noted that SW Wilsonville Road and SW Kinsman Road are identified in the Wilsonville Bicycle and Pedestrian Master Plan as an existing and propose Community Walkway and Bikeway, respectively. SW Wilsonville Road is developed to current standards and Condition of Approval PFC20 and PFC29 will guarantee provisions for a bicycle lane on SW Kinsman Road.

*(.04) Tree planting.*

F31. Plan Sheet L1.0 – Landscape Plan shows proposed street tree plantings. Proposed street trees meet the minimum size requirements of Section 4.176(.06)D.1., however, the proposed street trees are outside the right-of-way and Public Utility Easement. Condition of Approval PDF5 will require that the applicant provide an easement or other document guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees.

*(.05) Lot Size and shape.*

F32. Pursuant to this provision, lots shall meet the requirements of the zone where they are located. The proposal includes a request for a zone change to Planned Development Industrial (PDI). Pursuant to Section 4.135(.06) has no limit save and except it shall be consistent with the other provisions of this code. This report demonstrates that the development meets the provisions of the Code directly or through conditions of approval. This provision is therefore satisfied.

*(.06) Access.*

F33. This code section requires that the division of land be such that each lot meets the minimum frontage standards of the zone. The PDI zone does not specify a minimum frontage requirement; therefore, this provision is not applicable.

*(.07) Through lots.*

F34. The proposed partition does not create through lots as defined in Section 4.001.153. This provision is therefore not applicable.

*(.08) Lot side lines.*

F35. The horizontal curve of the proposed Kinsman right-of-way creates a challenge from a lotting pattern standpoint. Based upon the curve, as far as practicable, proposed side lines of lots run at right angles to the streets upon which the lots face meeting code.

*(.09) Large lot land divisions.*

F36. The proposed tentative plat does include a large tract.

*(.10) Building line.*

F37. No special building lines are proposed.

***(.11) Build-to line.***

F38. No special build-to lines are proposed.

***(.12) Land for public purposes.***

F39. No land for public purposes is proposed.

***(.13) Corner lots.***

F40. The applicant has not provided summary findings for this provision. Proposed Parcels 1 and 2 are by definition “corner lots”. Dedication of the Kinsman Road right-of-way results in the creation of corner lots. Condition of approval PDF6 will require that both parcels have a corner radius of not less than ten (10) feet and meet Public Works Standards. This provision is therefore satisfied.

***Section 4.262. Improvements - Requirements.***

***(.01) Streets. Streets within or partially within the development shall be graded for the entire right-of-way width, constructed and surfaced in accordance with the Transportation Systems Plan and City Public Works Standards. Existing streets which abut the development shall be graded, constructed, reconstructed, surfaced or repaired as determined by the City Engineer.***

F41. The applicant has submitted a preliminary Grading and Erosion Control Plan as well as preliminary plan and profile for SW Kinsman Road (See Exhibit B2, Sheets C2.0-2.2 and P0.0-7.0) to demonstrate accordance with the Transportation Systems Plan and City Public Works Standards. The City Engineer is required to review and approve all construction plans for public improvements prior to construction and inspect the completed improvements to insure that requirements such as these are met. Final compliance with this standard will be met at the time of development as monitored by the City Engineer through the Public Works Permit process.

***(.02) Curbs. Curbs shall be constructed in accordance with standards adopted by the City.***

F42. The City Engineer is required to review and approve all construction plans for public improvements prior to construction and inspect the completed improvements to insure that requirements such as these are met. Final compliance with this standard will be met at the time of development as monitored by the City Engineer through the Public Works Permit process.

***(.03) Sidewalks. Sidewalks shall be constructed in accordance with standards adopted by the City.***

F43. The City Engineer is required to review and approve all construction plans for public improvements prior to construction and inspect the completed improvements to insure that requirements such as these are met. Final compliance with this standard will be met at the time of development as monitored by the City Engineer through the Public Works Permit process.

***(.04) Sanitary sewers. When the development is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City. When the development is more than two hundred (200) feet from an existing public sewer main, the City Engineer may approve an alternate sewage disposal system.***

**F44.** Submitted preliminary utility plans (See Exhibit B2, Sheets C3.0–C4.0 and P0.0-7.0) illustrate existing and proposed sanitary sewer lines. The submitted plans demonstrate that the development is within two hundred feet of an existing public sewer main or can be serviced through a modest extension of existing lines. The proposal includes a request to connect to an existing manhole in that line to serve Parcel 2. Sewer service for Parcel 1 will come from the existing public main that runs along the west side of the development site. The City Engineer is required to approve all construction plans for the sanitary sewer system prior to construction to insure that they comply with City standards. This must be met at the time of development as monitored by the City Engineer. Approval of a final plat must be met upon compliance with the Public Facilities (PF) Conditions of Approval.

**(.05) Drainage.** Storm drainage, including detention or retention systems, shall be provided as determined by the City Engineer.

**F45.** Each new development is responsible for mitigating its impacts on the public stormwater system. Pursuant to Section 301.4.02 of the City of Wilsonville Public Works Standards, on-site facilities shall be constructed when the proposed development establishes or increases the impervious surface area by more than 5,000 square feet. The proposal is for approximately 270,999 square feet of impervious surface including building pads, access drives and parking as well as 28,941 of new roadway (Kinsman Road). This exceeds the required 5,000 square feet.

According to City records there is a 48-inch storm mainline in Wilsonville Road with several stubs to the site. The site drains generally northeast to southwest; therefore, the proposal includes plans to collect runoff from Parcel 2 (Phase 1) through a system of catchbasins and swales to a manhole on the southwest corner of Parcel 2 and pipe it west, across the proposed Kinsman right-of-way to a water quality swale on Parcel 1 which will outfall directly into Seely Ditch.

The design engineer for this development will be required to submit documentation for review and approval by the City's authorized representative, of the downstream capacity of any existing storm facilities impacted by the proposed development. Condition of approval NRC7 and the Public Works Standards will guarantee compliance with this provision.

**(.06) Underground utility and service facilities.** All new utilities shall be subject to the standards of Section 4.300 (Underground Utilities). The developer shall make all necessary arrangements with the serving utility to provide the underground services in conformance with the City's Public Works Standards.

**F46.** All utilities can be extended from existing underground lines in SW Wilsonville Road, Sanitary the existing sanitary sewer line that runs along the west edge of Parcel 1, or the existing sanitary sewer easement immediately south of the subject site. The applicant has provided summary findings and drawings demonstrating that proposed utilities will be underground. Condition of approval PDB3 will guarantee that Subsection 4.118(.02) is met.

**(.07) Streetlight standards.** Streetlight standards shall be installed in accordance with regulations adopted by the City.

**F47.** Streetlights shall be installed in accordance with City standards and including PGE approved fixtures and luminaries. Condition of approval PFC33 will guarantee compliance with this provision.

**(.08) Street signs.** Street name signs shall be installed at all street intersections and dead-end signs at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required by the City Engineer.

**F48.** The applicant has not provided summary findings relative to this provision. Staff has determined that street name signage was installed as a part of the Wilsonville Road public improvements. Additional street signs at the intersection of SW Wilsonville Road and SW Kinsman Road are not warranted. Staff notes that the proposal includes plans for the extension of SW Kinsman Road to the south property line, but does not propose extension beyond that point. Because the street will not provide an immediate connection Staff is recommending that the applicant install signs at the terminus of SW Kinsman Road. Condition of approval PFC32 will guarantee compliance with this provision.

**(.09) Monuments.**

**F49.** Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and will be of such material, size, and length as required by State Law (General Requirements). Any monuments that are disturbed before all improvements are complete must also comply with the requirements of State Law and must be installed by the developer and accepted by the City.

**(.10) Water.**

**F50.** Water mains and fire hydrants must be installed to serve each parcel in accordance with City standards. The applicants have provided drawings demonstrating placement of water mains and fire hydrants (See Exhibit B2, Sheets A1.1, C1.5, P4.0 or P5.0, ). The City Engineer is required to approve all construction plans for the water system prior to construction to insure that they comply with City standards. This must be met at the time of development as monitored by the City Engineer. Compliance with the Public Facilities (PF) and Building Division (BD) Conditions of Approval must be met prior to approval of the Final Plat.

**REQUEST G  
DB09-0053: CLASS 3 SETBACK WAIVER  
CONCLUSIONARY FINDINGS**

*Proposed Buildings 3 and 4 are setback 10' from the south property line; the minimum rear setback in the PDI zone is 30'.*

*Section 4.118 Standards Applying to All Planned Development Zones: ;*

*(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:*

*A. Waive the following typical development standards:*

*3. height and yard requirements;*

**G1.** This proposal includes a request for a waiver from the rear setback requirement of Section 4.135(.06)D. Section 4.135(.06)D requires a rear yard setback of 30 feet. The applicant proposes to reduce that setback to ten (10) feet. Pursuant to Section 4.118(.03)A.8. the height of buildings can be waived in order to implement the purposes and objective of Section 4.140, and based on findings of fact supported by the record. The applicant has provided findings that the decreased setback is "due to the relatively limited depth of the site in a north-south dimension, and the resulting building layout constraints." Below is a detailed analysis of the purpose and objectives of Section 4.140.

*Section 4.140 Planned Development Regulations*

*(.01) B. Purpose*

- 1. To take advantage of advances in technology, architectural design, and functional land use design;*
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;*
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;*
- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.*
- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.*
- 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.*
- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.*



**G2.** The applicant has provided summary findings that “This application package is explicitly consistent with the purposes of the PD process, in that it addresses a significant parcel of land with an overall master plan and it provides for a mix of activities through the design. The PD provisions allow the opportunity to address the specific site issues described in a preceding section with respect to the south building setback, which is consistent with the purpose of this section.” In the preceding section, the applicant provided that “This waiver is requested due to the relatively limited depth of the site in a north-south dimension, and the resulting building layout constraints. Specifically, if one starts from the Wilsonville Road right of way and moving south provides the required landscape area, a double-loaded parking aisle, a “flex” building, a trucking area, and an industrial building, it is not possible to both meet the dimensional standards of the Code and also provide building dimensions appropriate to the uses expected.” If sufficient depth existed to provide circulation south of Building 3 and 4, given existing vegetation immediately south of the subject site and distance from the right-of-way, Staff finds that the area would be more vulnerable to crime than the current configuration. Deviation from setback permits flexibility in the placement of buildings thereby providing an open circulation system i.e. centralized truck loading courtyard, resulting in good site surveillance for loading docks.

The applicant adds that the intent of the 30-foot building setback is to “preserve open areas between buildings and other properties, notwithstanding that such areas may be used for vehicle areas if provided with appropriate perimeter landscaping. In this particular case, there is an existing 20-foot wide public sewer easement along the entire north side of the abutting property to the south of the subject site. Since this easement is permanent, it ensures that there will always be no less than 30 feet between the proposed building and any future building on the property to the south, even if the DRB were to approve a waiver to reduce the building setback on the adjacent property to the maximum extent possible.” Staff finds that it is unlikely that the public sanitary sewer line would be abandoned or relocated thereby resulting in the abandonment of the easement.

The Applicant goes on to state that “Vegetative buffering is not inherently required as a result of a 30-foot setback. However, the setback area does provide some degree of buffer between uses even if not fully landscaped, so a part of meeting the intent of the setback in this area is addressed by increased landscaping in the proposed 10-foot wide area. The increased landscape standard for this area is shown on the landscape plan.” Staff finds that landscaping of at least 15% of the site is required; therefore, vegetative buffering is inherently required as a result of the 30-foot setback. The landscape requirements of Section 4.176, specifically Section 4.176(.01)E., take into consideration buffering of adjacent properties recognizing the reduction of visual, noise and lighting impacts of development on abutting sites or uses.

In order to mitigate the reduced setback, Staff is recommending additional buffering consistent with the High Screen Buffer Standards of Section 4.176(.02)E. A detailed discussion of landscape buffering can be found in Section 4.176(02)E. on page 89.

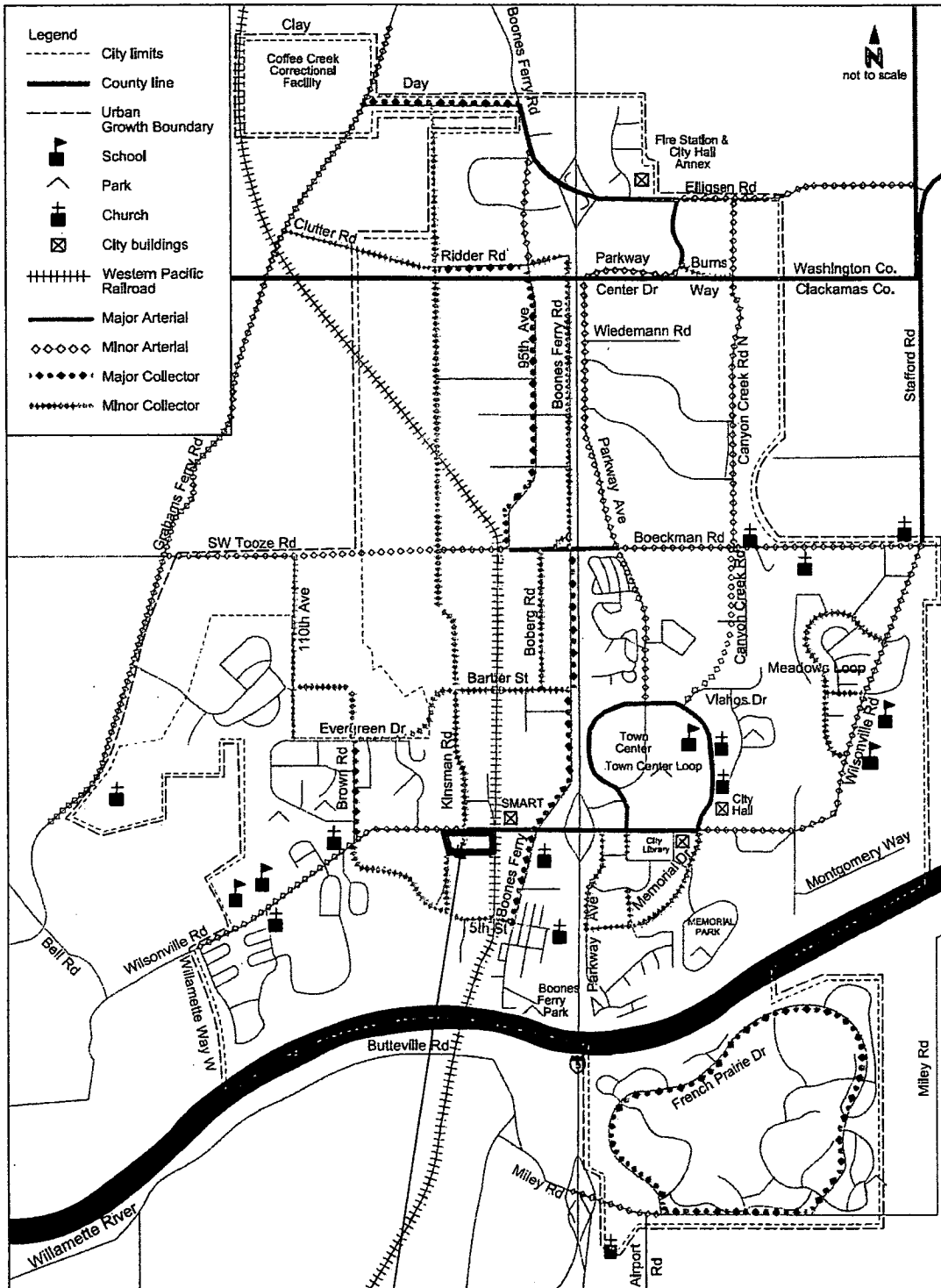
Staff further notes that the south façades of Buildings 3 and 4 are relatively blank, therefore, Staff is recommending that the applicant continue the paint banding treatment to the south elevation. Specifically, by utilizing the proposed color palette; paint P-1 (Miller Paint Strafford Brown) above 10’ above finished floor and paint P-2 (Miller Pain Barn Rafter) below 10’ above finished floor. Condition of approval PDG1 will help to mitigate the decreased setback and provide visual interest from adjacent properties.

With Conditions of Approval, Staff finds that this design produces a comprehensive development equal to or better than that resulting from building layout that respects building setbacks. Staff therefore supports a ten (10) foot setback along the south edge of Parcel 2.

**Exhibit A2**

**WILSONVILLE TRANSPORTATION  
SYSTEM PLAN – FIGURE 4.8**

June 3, 2003



City of  
**WILSONVILLE**  
in OREGON

Transportation  
Systems Plan

### Subject Site

Figure 4.8  
2020 Alternative 2 Arterial and Collector Classifications  
(adopted by City Council June 2, 2003)



City of Wilsonville  
Exhibit A2  
DB09-0047

**Exhibit A3**

**CASE FILE 99AR02**

**(On File, Available on Request.  
A copy will be available at the hearing.)**

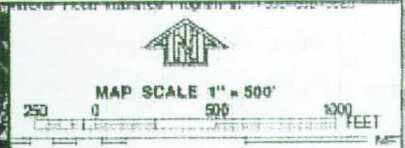
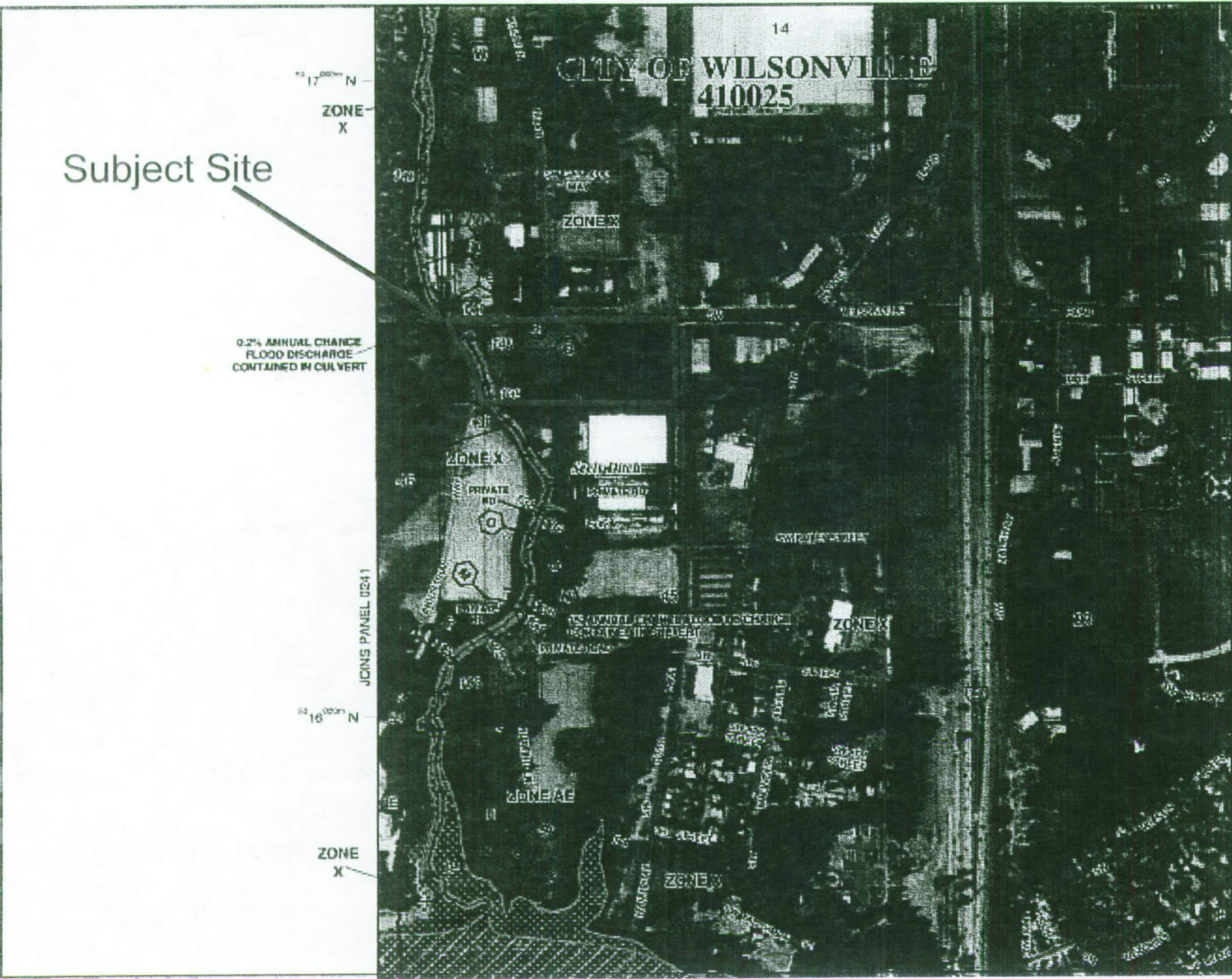
**Exhibit A4**

**CASE FILE 98CE12**

**(On File, Available on Request.  
A copy will be available at the hearing.)**

**Exhibit A5**

**FIRMETTE, PANEL 242 OF 1175**



**NFP**

PANEL 0242D

**FIRM**  
FLOOD INSURANCE RATE MAP  
CLACKAMAS COUNTY,  
OREGON  
AND INCORPORATED AREAS

PANEL 342 OF 1175  
(SEE MAP KEY FOR FIRM PANEL LAYOUT)

CONTENTS:

COUNTY	SHEET	PANEL	SHEET
CLACKAMAS COUNTY	11000	110	11
WILSONVILLE CITY	11001	111	11

Based on the The Base Flood Elevation (BFE) shown on the map is shown as a guide only. The Clackamas County Flood Control District is responsible for the accuracy of the BFE data shown on this map.

MAP NUMBER  
4100250242D  
EFFECTIVE DATE  
JUNE 17, 2008

Federal Emergency Management Agency

**City of Wilsonville**  
Exhibit A5  
DB09-0047

This is an official copy of a portion of the above-referenced flood map. It was produced using FIRM Desktop. This map was not subject to a change of any kind. It may have been subject to a change of any kind. For the latest product information about this map, please contact the City of Wilsonville Flood Control District at 503-398-1100. A Change Record sheet is available from the FIRM Map Store at www.firm.com.

## **Exhibit A6**

**POWERPOINT PRESENTATION  
(To be presented at the 4/12/10 DRB  
meeting.)**





# Wilsonville Road Business Park

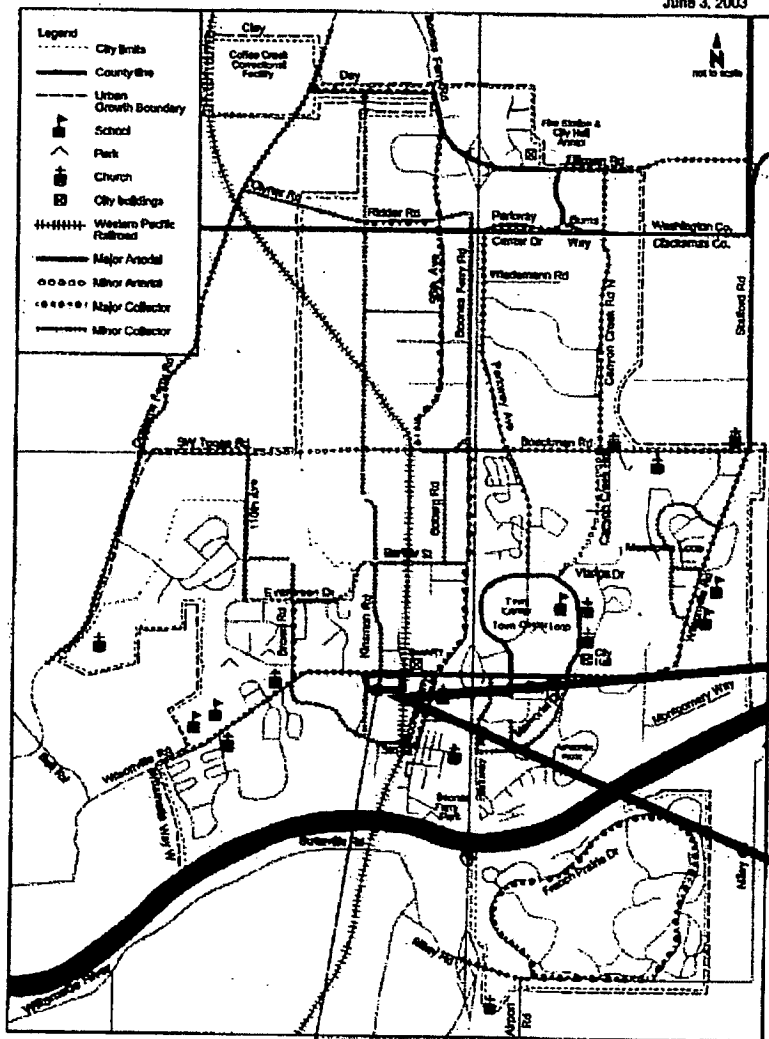
Development Review Board - Panel A

April 12, 2010



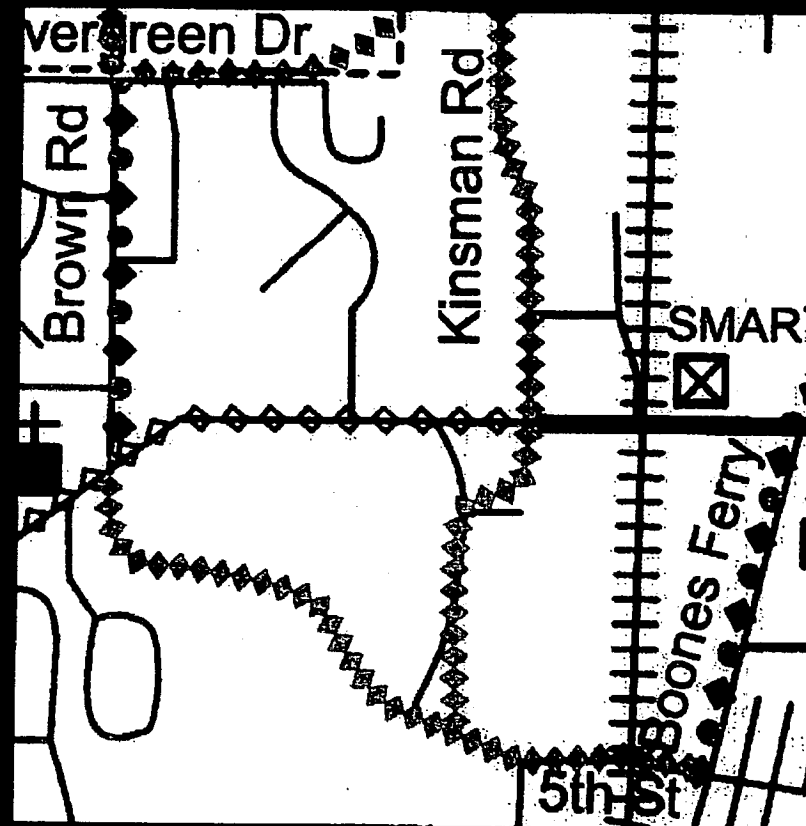
City of Wilsonville  
Exhibit A6  
DB09-0047

June 3, 2003



**CITY OF WILSONVILLE**  
AN UNINCORPORATED CITY  
**Transportation Systems Plan**

**Subject Site** **Figure 4.8**  
 2020 Alternative 2 Arterial and Collector Classifications  
 (adopted by City Council June 2, 2003)



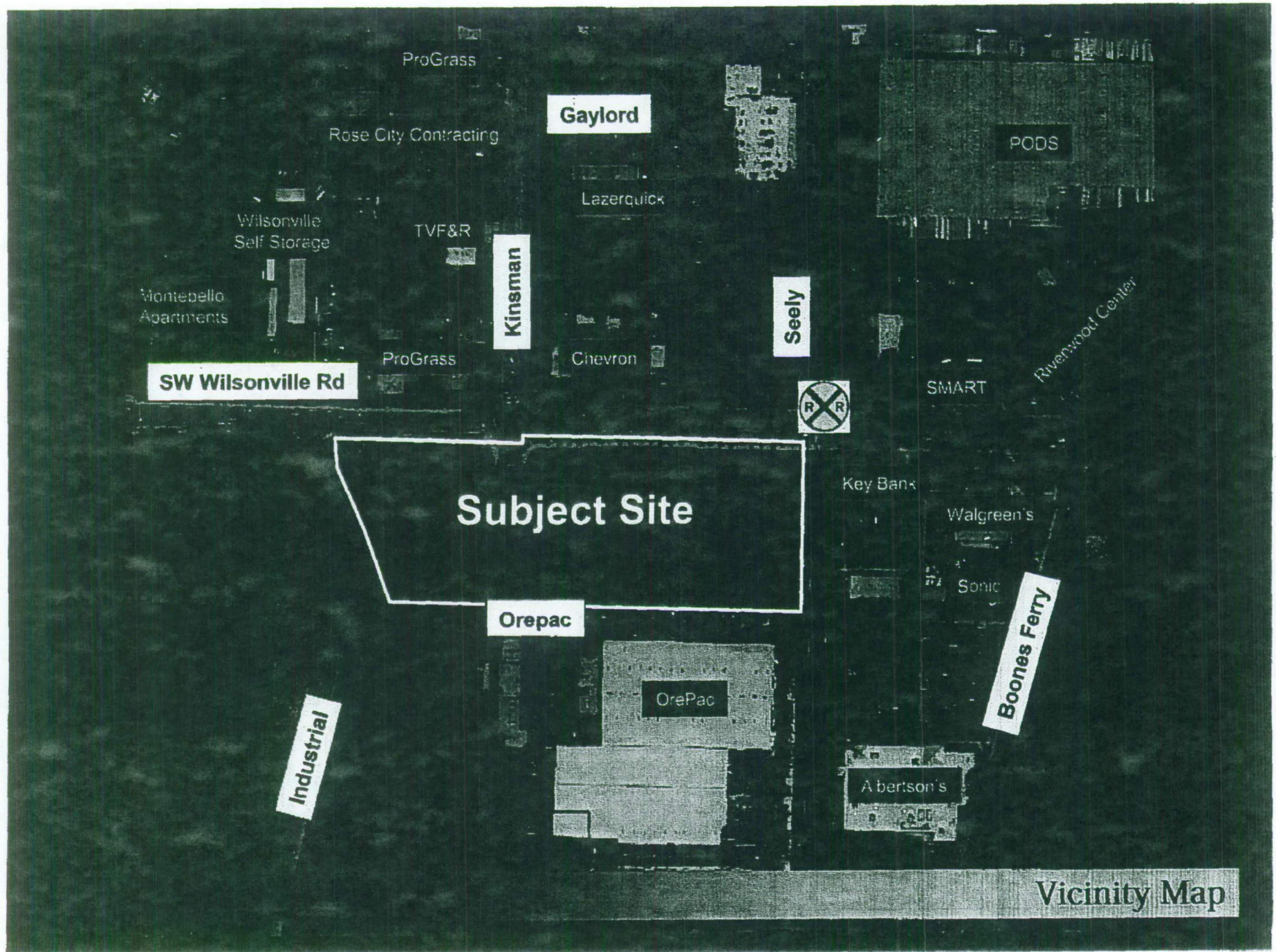




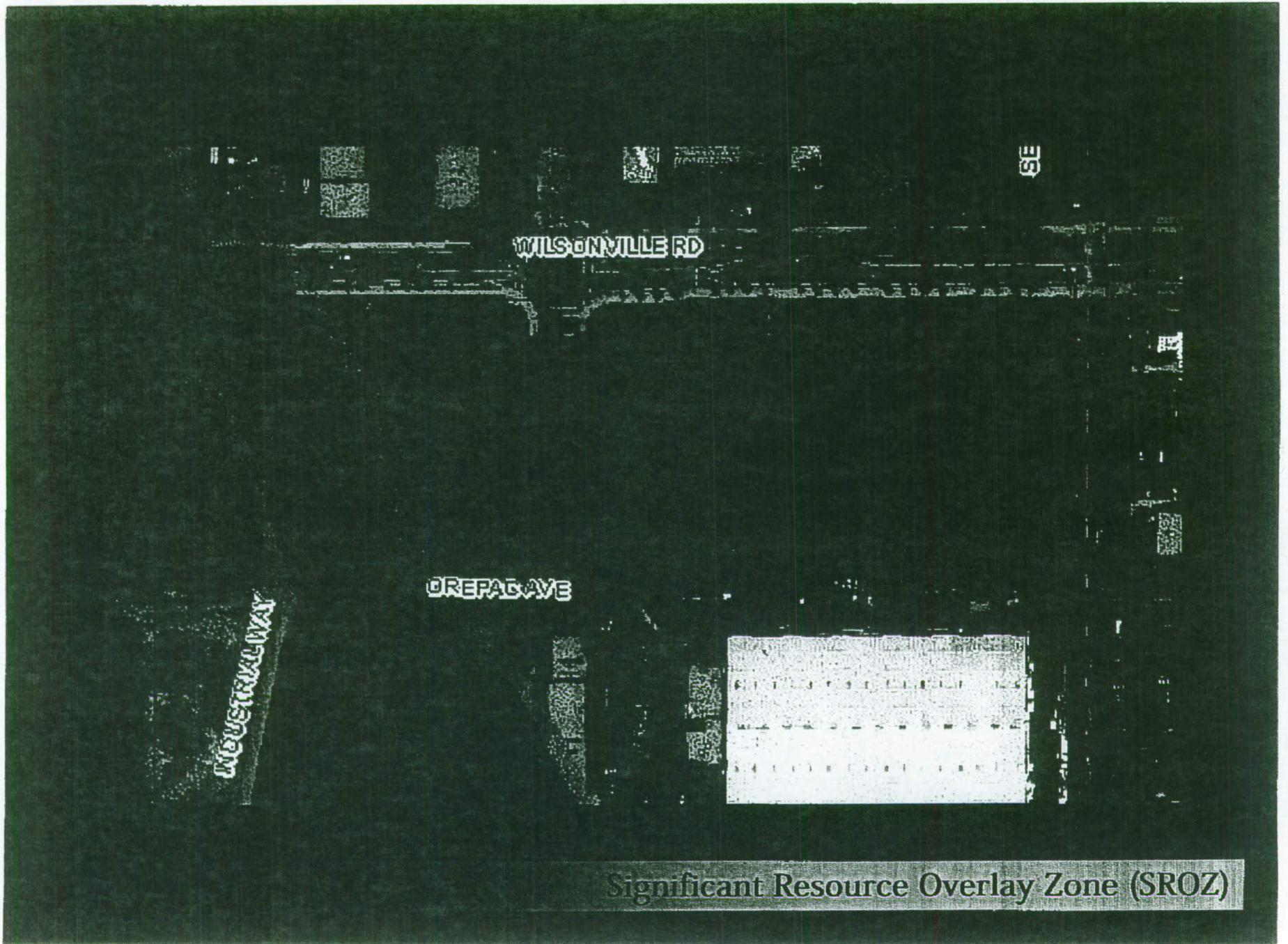
# Wilsonville Road Business Park

Development Review Board – Panel A  
April 12, 2010









Significant Resource Overlay Zone (SROZ)



Subject Site

17' N  
ZONE  
X

8.75' ANTIWAVE ORDNANCE  
FLOOD EMBANKMENT  
CONTAINED IN CULVERT

JOHN'S PANEL 024

10' N

ZONE  
X

14  
WILSONVILLE  
410025

MAP SCALE 1" = 500'

PANEL 024D

**FIRM**  
FLOOD INSURANCE RATE MAP  
CLACKAMAS COUNTY,  
OREGON  
AND INCORPORATED AREAS

FIGURE NO. OF FIRM  
ONE MAP SHEET FOR THIS PANEL, LAYOUT:  
CONTRACT NO. \_\_\_\_\_  
CONTRACT NAME \_\_\_\_\_  
CONTRACT DATE \_\_\_\_\_

DATE OF MAP: This map sheet was prepared by  
NATIONAL FLOOD INSURANCE PROGRAM  
DATE: \_\_\_\_\_

MAP NUMBER  
CONTRACT NO.  
EFFECTIVE DATE  
JUNE 17, 1983

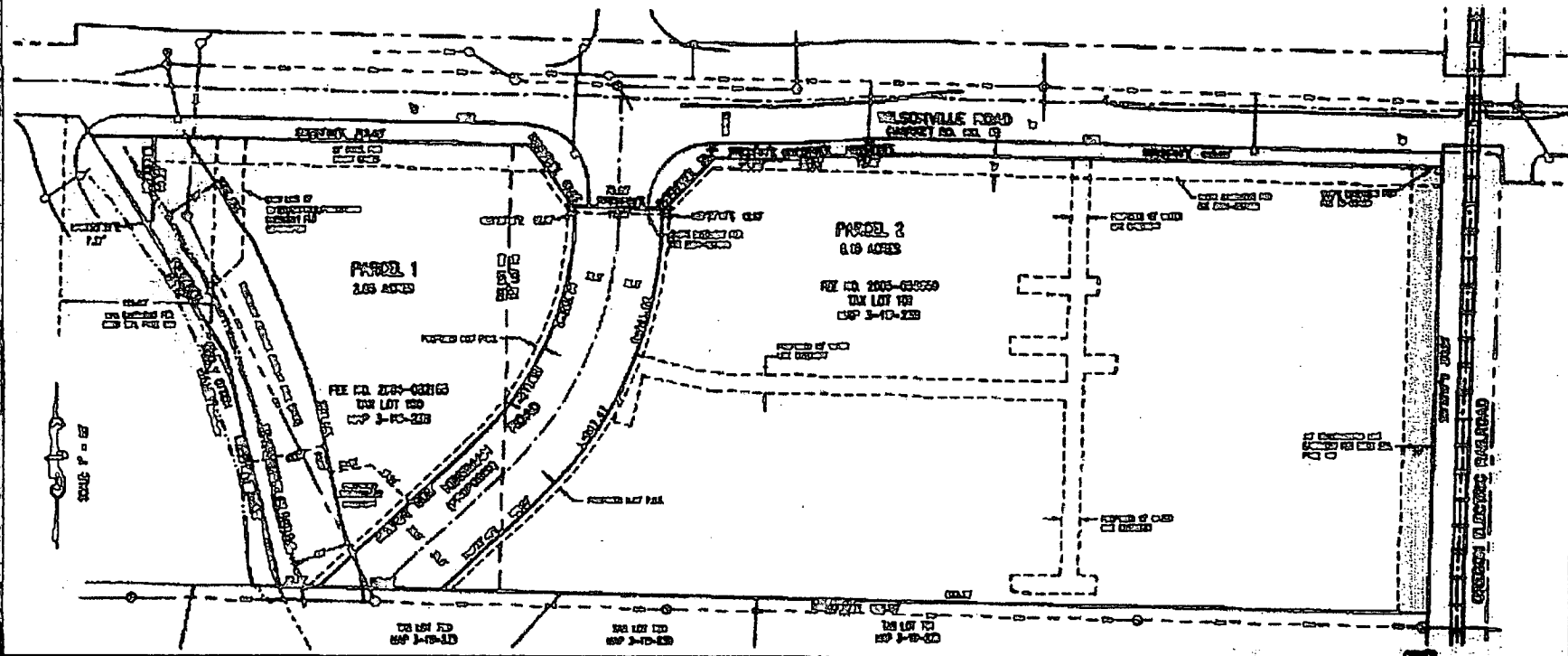
Federal Emergency Management Agency

This is not a final map of any kind. It is a preliminary map and should not be used for any purpose other than to provide information to the public. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.

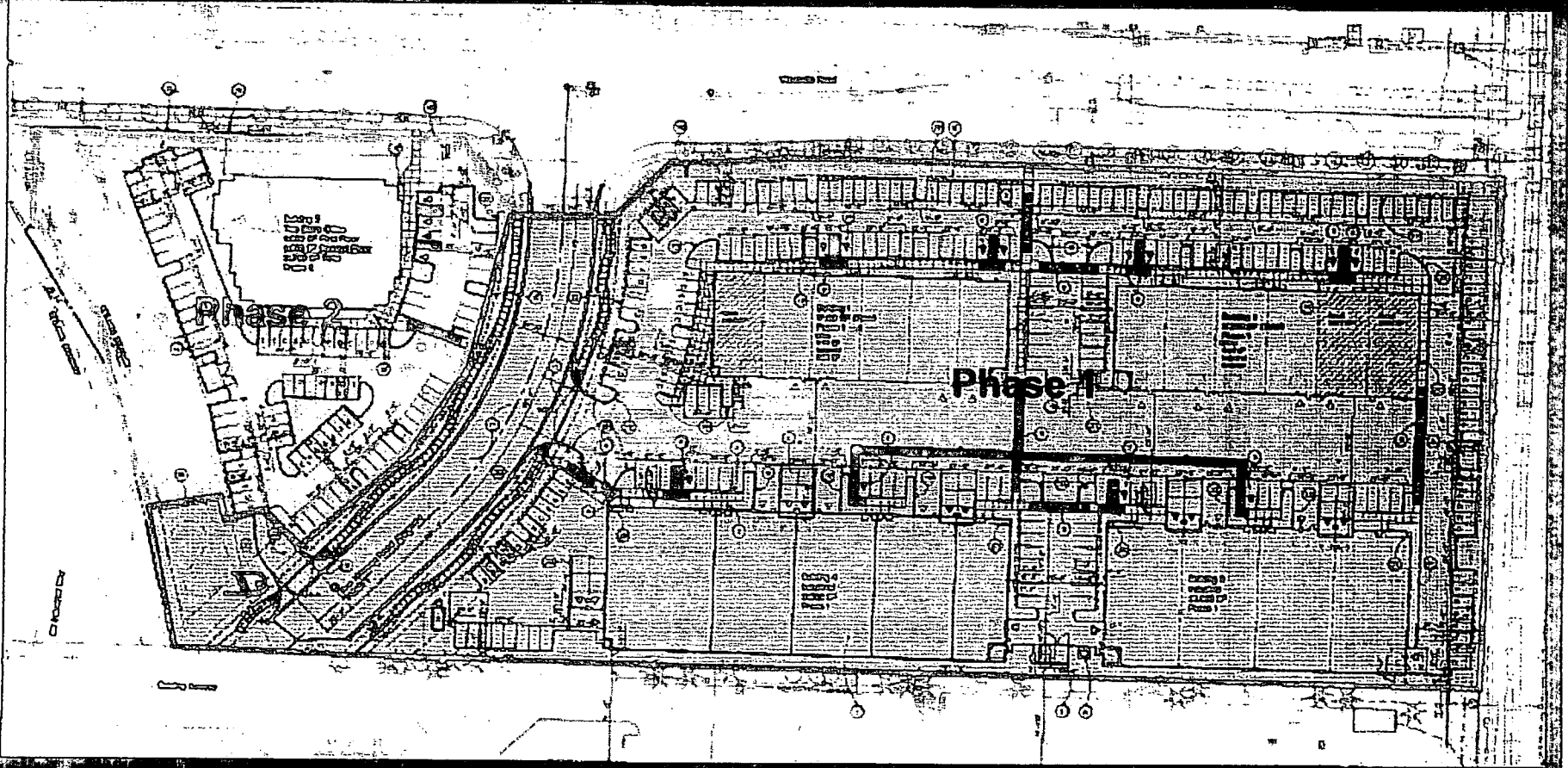
Firmette

### PRELIMINARY PARTITION PLAT

LOCATED IN THE NW 1/4 OF SECTION 23, T. 3 S., R. 1 E., W.M., CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

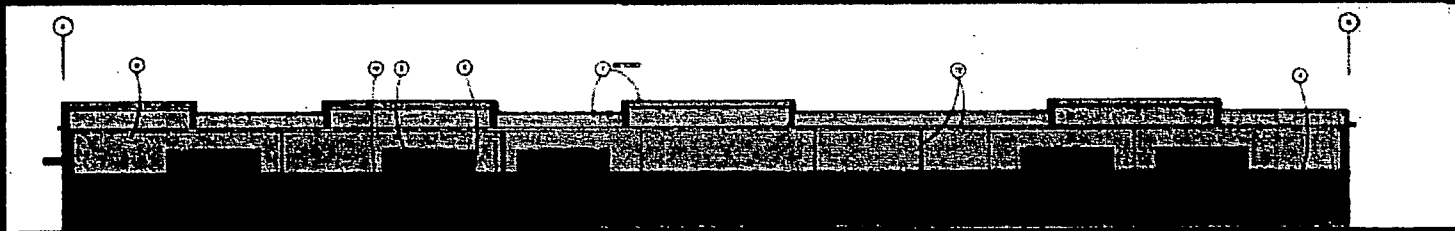


2-Parcel Partition



Site Plan

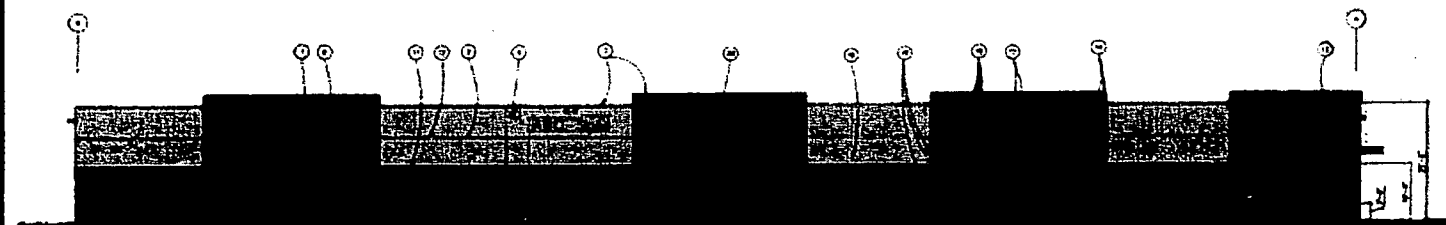




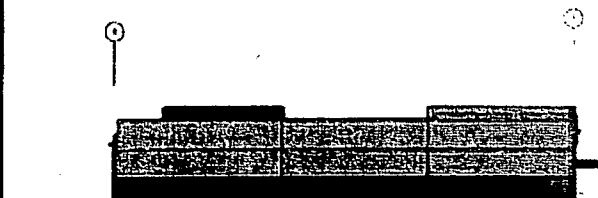
South Elevation



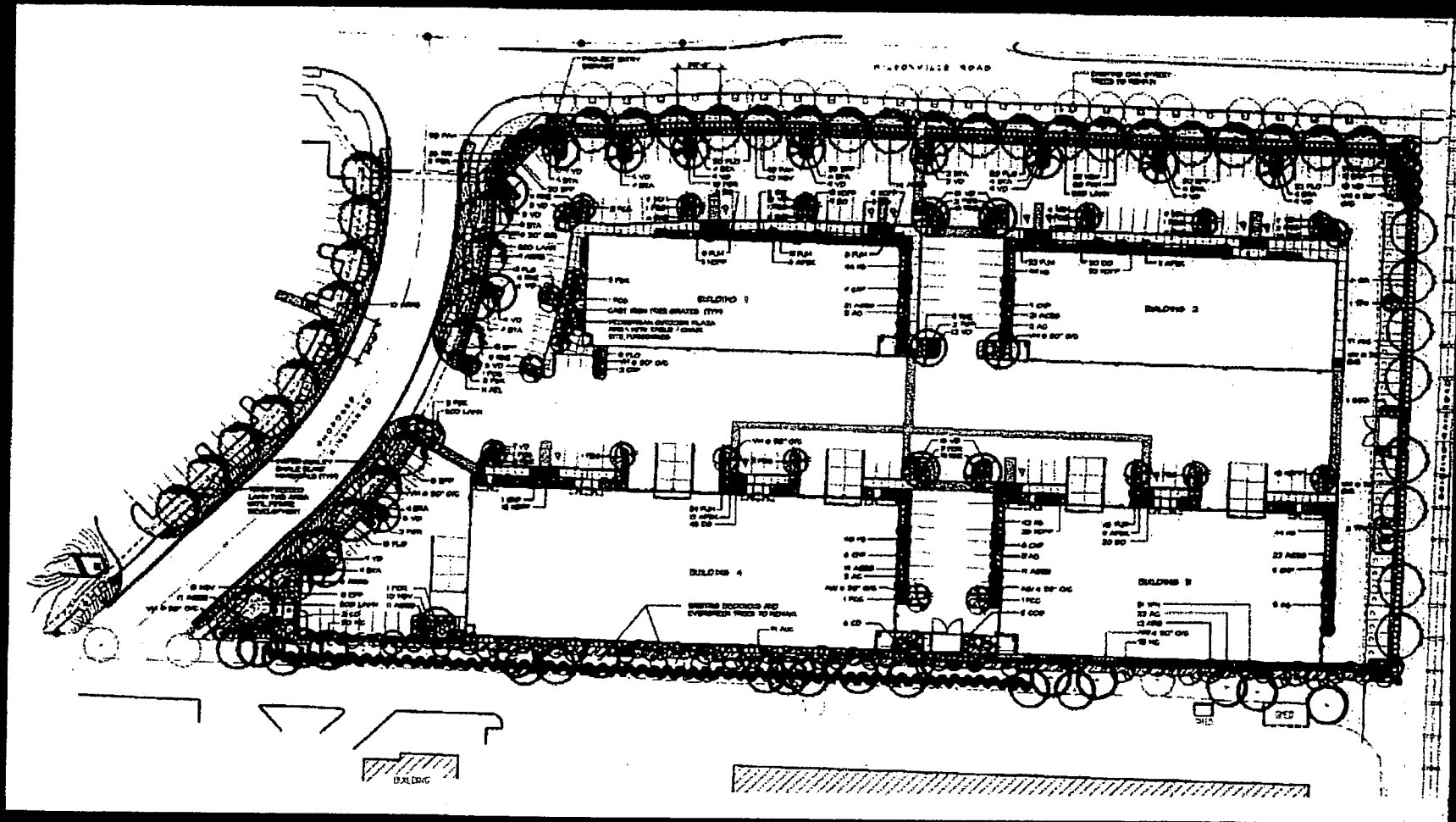
West Elevation



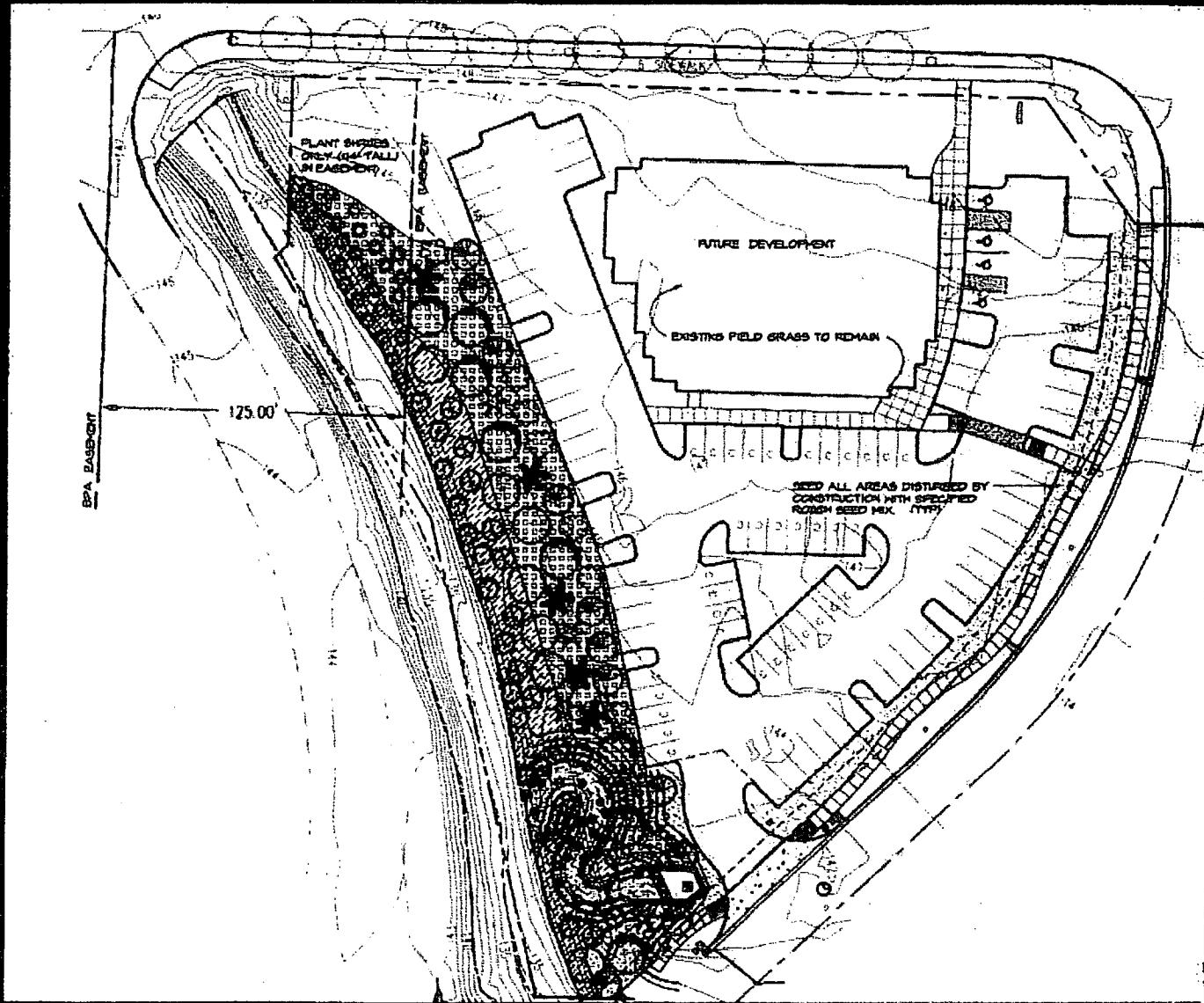
North Elevation



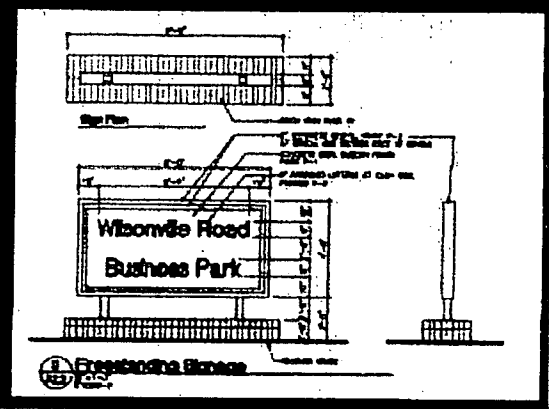
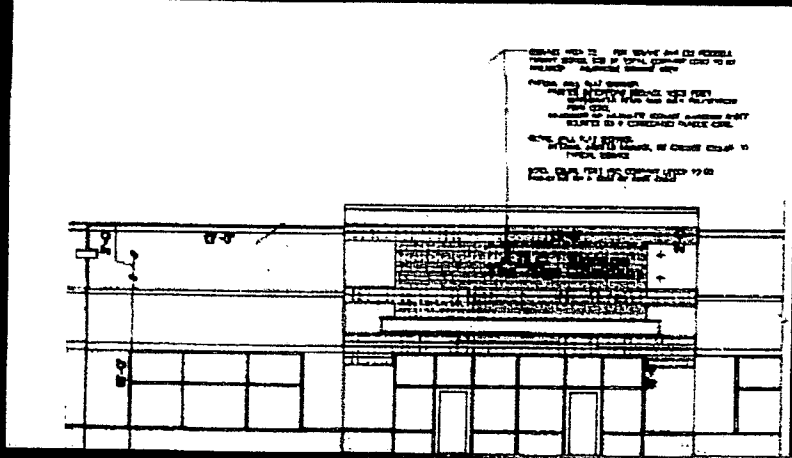
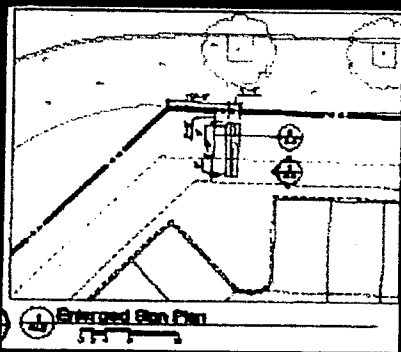
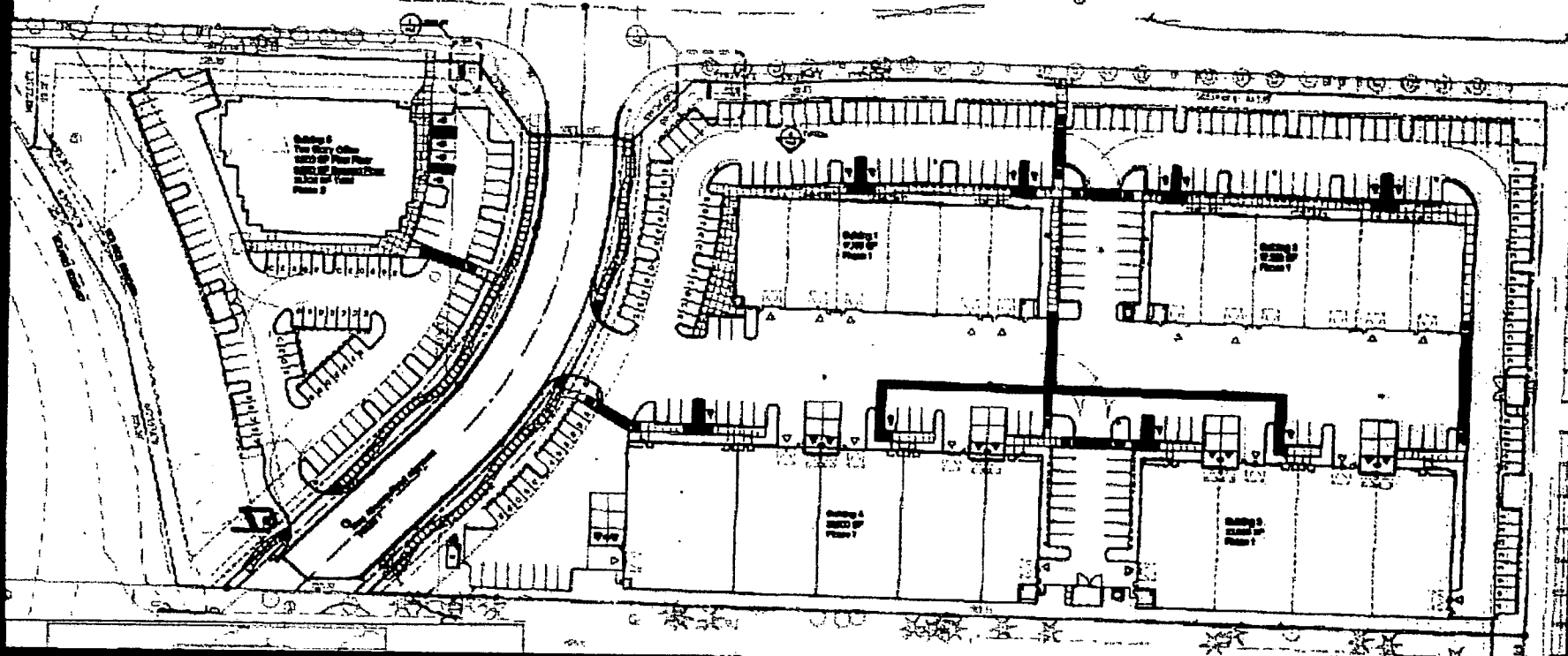
Sample Elevations



Landscape Plan - Phase 1 (Parcel 2)



Landscape Plan - Phase 1 (Parcel 1/Phase 2)



# Master Sign Plan

# Issues:

- Phasing.
- Setback Waiver.

The End

**Exhibit A7**

**STAFF MEMORANDUM  
DATED APRIL 12, 2010  
RECOMMENDING  
AMENDMENTS TO THE STAFF REPORT  
AND  
INCLUDING REVISED RESOLUTIONS  
NO. 194**



## INTEROFFICE MEMORANDUM

**TO:** Development Review Board Members – Panel A  
**FROM:** Kristy Lacy, Associate Planner  
**SUBJECT:** Wilsonville Road Business Park  
(DB09-0047 through DB09-0053 and DB10-0001)  
**DATE:** April 12, 2010

---

Dear Board Member,

It has come to my attention that there are some errors and/or areas in the submitted resolution that require amendment. I am recommending amending the resolution as attached. Please note that additional language is identified in **bold, italic** and deleted language is ~~struck through~~.

In addition to proposed changes to the resolution, I am recommending amending the following language in the Staff Report (Exhibit A1) as noted. Please note that additional language is identified in **bold, italic** and deleted language is ~~struck through~~. This memorandum will be included in the Staff Report as Exhibit A7.

- **Page 9 of 129, Condition of Approval PDB12** – Should be amended as follows:

~~Until such time as Parcel 1 (Phase 2) develops, the Applicant/Owner is required to landscape and maintain the remainder of Parcel 1 with ornamental shrubs, lawn, native plants or seeded fieldgrass. Specifically, the Applicant/Owner shall provide additional plantings along the north edge of Phase 2 (Parcel 1), immediately south of the existing sidewalk, as well as additional shrubs along the east edge of Phase 2. The Applicant/Owner is required to provide 35 additional trees and 70 additional shrubs pursuant to the General Landscape Standards. Plantings must be consistent with the Low Screen Landscape Standards of Section 4.176(02)D.~~ ***The initial construction associated with Phase 1 shall include landscaping on the Phase 2 site, including the SROZ mitigation, stormwater outfall area, and field grass seeding in the future development area as shown on the submitted landscape plan. A final landscape plan shall be submitted through a Class I Administrative review, which in addition to the landscaping as noted shall add plant materials as required along both street frontages (SW Wilsonville Road and SW Kinsman Road) in order to result in a five-foot wide Low Screen Landscape of Section 4.176(02)D.*** Staff recommends that the Applicant/Owner utilize plantings similar to Phase 1; Otto Luyken, Escallonia and Red Sunset Maple. It should be noted that Based upon a recent site visit, Staff notes that there are some existing shrubs planted on the north edge of Phase 2 (Parcel 1) immediately south of the existing sidewalk. The applicant is permitted to utilize those plantings to meet this requirement. ~~A revised landscape plan shall be submitted to the Planning Division through a Class I Administrative Review. See Findings B49, C8 and C34.~~

DRB Panel A – Wilsonville Road Business Park Amendments

Exhibit A7

Page 154 of 363



City of Wilsonville  
Exhibit A7  
DB09-0047



- **Page 12 of 129, Condition of Approval PDD3** – Should be amended as follows:

~~Buildings 1 and 2 include brick veneer and soldier coursing at tenant storefront entries. The north elevation of buildings 3 and 4 shall be revised to provide a similar treatment.~~ ***In the final design, the NE corner of Building 3 and the NW corner of Building 4 shall incorporate brick in an area and amount sufficient to relate the design of these buildings to the brick theme included for the storefronts on Buildings 1 and 2. In addition, the final paint scheme will provide a brick red painted band in the storefront areas of these buildings to provide a design relationship to the brick storefronts in Buildings 1 and 2. Paint color shall be submitted through a Class I Administrative review.***

- **Page 18 of 129, Condition of Approval PFC28** – The fifth paragraph should be amended as follows:

The City ~~has entered into~~ ***shall negotiate*** a development agreement with the Applicant which specifies the City is responsible for 50% of the ***dedication and*** street construction costs plus reimbursement to the Applicant for upgrading their 50% of the street from asphalt to concrete. This cost sharing is roughly proportionate to the impacts created and of benefits received by the proposed development.

- **Page 25 of 129, the following exhibit is added to the record (see attached)**

***D1.c. E-mail from David Bernert to Kristin Retherford, Urban Renewal Manager; dated April 5, 2010***

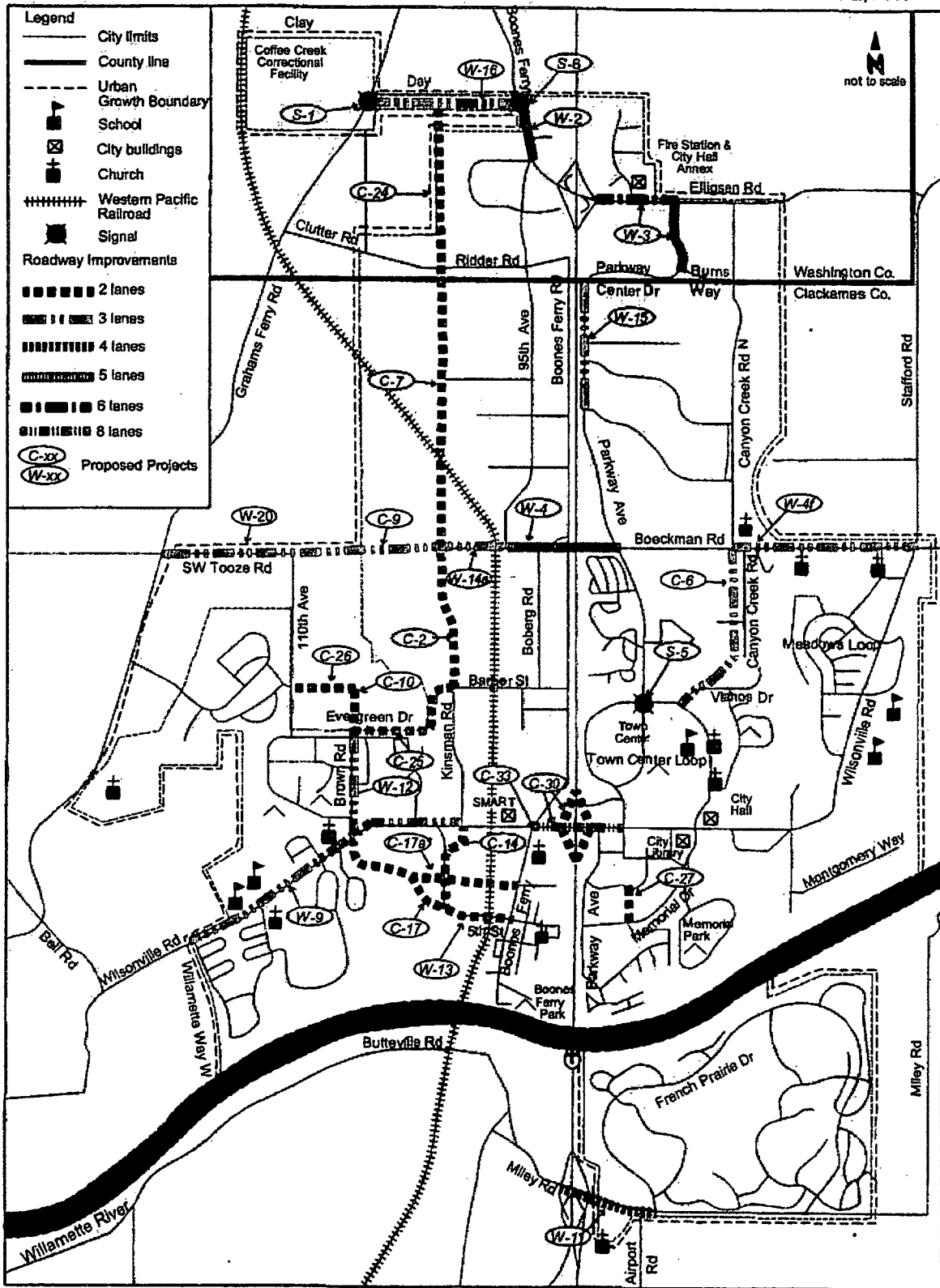
- **Pages 102-129:** It has been brought to Staff's attention that the footer on pages 102-129 contains an error and should be amended, specifically the date and title. The date and title should be amended as follows (change applies to pages 102 through 129):

---

Development Review Board, Panel A	Staff Report - Exhibit A1	<del>April 5, 2010</del> July 20, 2009
<del>Wv Self Storage</del> Just Store-It	Wilsonville Road Business Park	Page 2 of 2

**Exhibit A8**

**WILSONVILLE TRANSPORTATION  
SYSTEM PLAN – FIGURE 4.7 2020  
ALTERNATIVE 2,  
RECOMMENDED ROADWAY  
NETWORK, ADOPTED BY CITY  
COUNCIL JUNE 2, 2003, REFERENCED  
BY COMMUNITY DEVELOPMENT  
DIRECTOR MICHAEL BOWERS DURING  
HIS TESTIMONY BEFORE THE BOARD.**



Notes:

1. Spot Improvements are detailed in Figure 4.4 (continued.) All improvements are described in Table 4.b, 4.d, and 4.p through 4.r. All new 2-lane roads assumed to be 35 mph.
2. C-17a\* - Brown Road Extension to Galley added as alternate route.

City of  
**WILSONVILLE**  
in OREGON

Transportation  
Systems Plan

**Figure 4.7**  
**2020 Alternative 2**  
**Recommended Roadway Network**  
(adopted by City Council June 2, 2003)



City of Wilsonville  
**Exhibit A8**  
TR00.0017

**Exhibit B1**

**APPLICATION**

**CITY OF WILSONVILLE**

29799 SW Town Center Loop East  
 Wilsonville, OR 97070  
 Phone: 503.682.4960  
 Fax: 503.682.7025  
 Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

**Planning Division  
 Development Permit Application**

*Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175*

*A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements*

*Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.*

Pre-Application meeting date: \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT:**

Please PRINT legibly

Legal Property Owner's Name: <u>PACIFIC NW PROPERTIES LP</u>	Authorized Representative: <u>MILDREN DESIGN GROUP; GENE MILDREN</u>
Address: <u>6600 SW 105<sup>TH</sup> #175</u> <u>BEAVERTON OR 97005</u>	Address: <u>7650 SW BEVELAND #120</u> <u>TIGARD OR 97223</u>
Phone: <u>503/626-3500</u>	Phone: <u>503/244-0552</u>
Fax: <u>503/671-0211</u>	Fax: <u>503/244-0417</u>
E-mail: <u>TDY.STERN@PNWPPRYR.COM</u>	E-mail: <u>GENE@MDGPG.COM</u>

Property Owner or Authorized Signature: <u>[Signature]</u>	Name Printed: <u>TOM STERN</u>	Date: <u>9/23/09</u>
Title: <u>PARTNER</u>		

**Site Location and Description:**

Project Address if Available: 9900 SW WILSONVILLE RD. Suite/Unit \_\_\_\_\_  
 Project Location: WILSONVILLE RD AT KINSMAN RD.  
 Tax Map #(s): 35-1W-23B Tax Lot #(s): 100 + 101 County:  Washington  Clackamas

Request: ZONE CHANGE TO PD1; STAGE 1+2 PD; SITE DESIGN REVIEW;  
TWO LOT PARTITION

Project Type: Class I  Class II  Class III

- Residential       Commercial       Industrial       Other (describe below)

**Application Type:**

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Annexation                    | <input type="checkbox"/> Appeal                         | <input type="checkbox"/> Comp Plan Map Amend            | <input type="checkbox"/> Conditional Use                |
| <input type="checkbox"/> Final Plat                    | <input type="checkbox"/> Major Partition                | <input checked="" type="checkbox"/> Minor Partition     | <input type="checkbox"/> Parks Plan Review              |
| <input type="checkbox"/> Plan Amendment                | <input checked="" type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat               | <input type="checkbox"/> Request to Modify Condition    |
| <input type="checkbox"/> Request for Special Meeting   | <input type="checkbox"/> Request for Time Extension     | <input type="checkbox"/> Signs                          | <input checked="" type="checkbox"/> Site Design Review  |
| <input type="checkbox"/> SROZ/SRJR Review              | <input type="checkbox"/> Staff Interpretation           | <input checked="" type="checkbox"/> Stage I Master Plan | <input checked="" type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan      | <input type="checkbox"/> Tree Removal Permit (B or C)   | <input type="checkbox"/> Temporary Use                  | <input type="checkbox"/> Variance                       |
| <input type="checkbox"/> Villebois SAP                 | <input type="checkbox"/> Villebois PDP                  | <input type="checkbox"/> Villebois FDP                  | <input checked="" type="checkbox"/> Waiver              |
| <input checked="" type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Other                          |   |   |

**FOR STAFF USE ONLY:**

Application Rec'd: \_\_\_\_\_ Fee: \_\_\_\_\_ Check #: \_\_\_\_\_ Application Complete: \_\_\_\_\_ By: \_\_\_\_\_  
 File No (s) \_\_\_\_\_



**Exhibit B2**

**NARRATIVE & PLAN SET**

**Revised December 7, 2009 - Reduced size and  
full size**

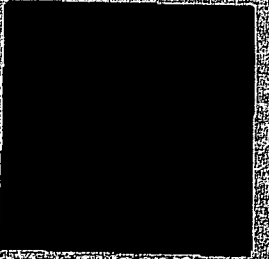
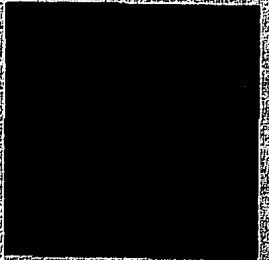
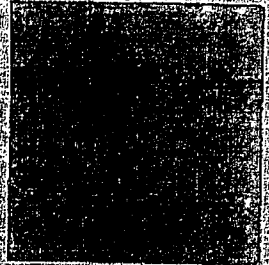
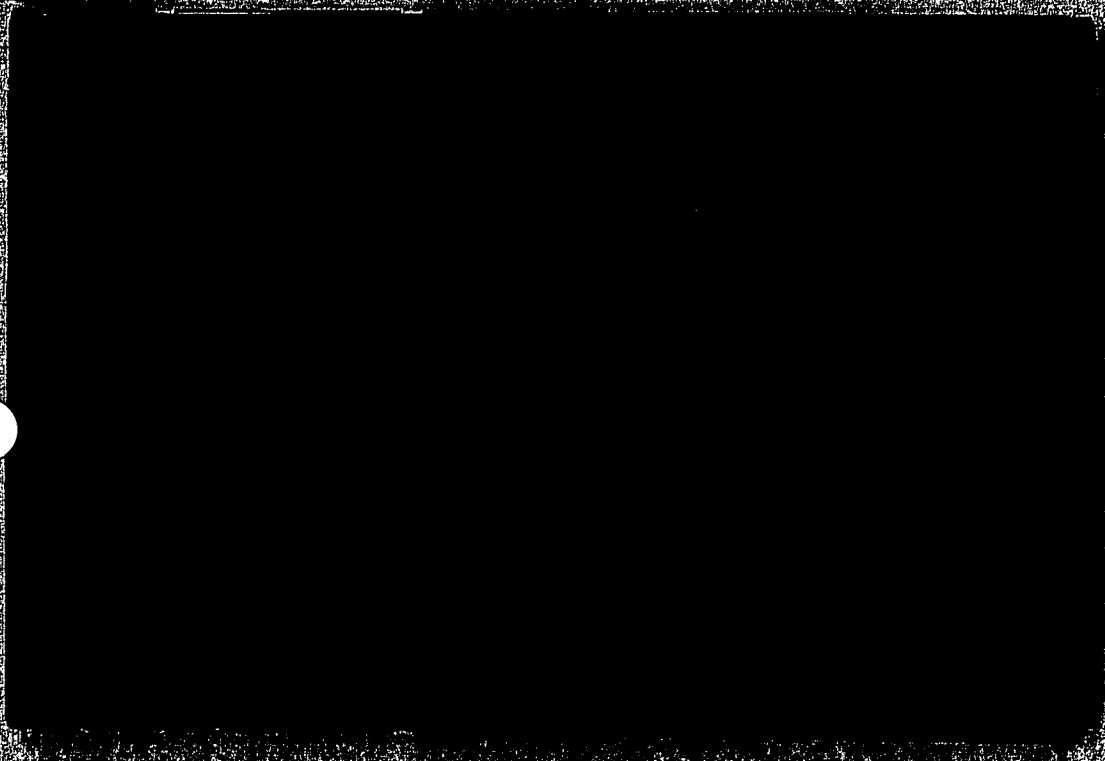
**(SUBMITTED UNDER SEPARATE  
COVER)**

**Exhibit B3**

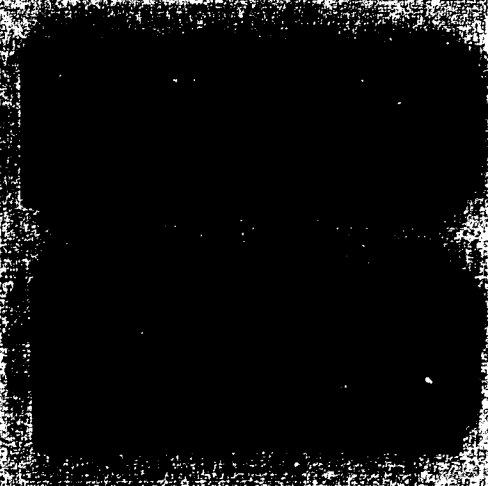
**COLOR & MATERIALS BOARD**

# Materials Board

**Project:** Wilsonville Road Business Park  
**Project Number:** 108131  
**Date:** 28 September 2009



**Color:** Vinton, Versalux Blue RC  
**Storefront:** US Aluminum Black  
**Paint:**  
P-1 - Miller Paint #7040, Stratford Brown  
P-2 - Miller Paint #7050, Barn Redder  
P-3 - Miller Paint #0131, Orange to match storefront  
**Brick:**  
B-1 - Mutual Materials, Dark Mission  
B-2 - Mutual Materials, Teal Brown Mission





**Exhibit B4**

**SUPPLEMENTAL FINDINGS WITH  
RESPECT TO CITY OF WILSONVILLE  
ORDINANCE 674**

## **WILSONVILLE ROAD BUSINESS PARK**

### **Supplemental Findings With Respect to City of Wilsonville Ordinance 674**

January 25, 2010

The following findings have been prepared by Lans Stout, Planning Consultant with T.M. Rippey Consulting Engineers, at the recommendation of Wilsonville City staff. The purpose of this document is to address the Development Code revisions implemented by Ordinance 674, which was adopted by City Council November 16, 2009, with an effective date of December 16, 2009. This ordinance included provisions which address the standards of Metro Title 13.

The application package for the Wilsonville Road Business Park was prepared with the knowledge that Ordinance 674 was in process, and the draft provisions were taken into account in the design as submitted. Since the application was originally submitted in October 2009, well prior to the effective date of the Ordinance, the revised Code provisions do not technically apply to the application. Further, according to City staff the prior provisions of the SROZ section of the Code have been found to be in substantial compliance with Title 13, so the revisions were not significant in terms of technical requirements. Therefore, through compliance with the prior Code standards and by considering the new provisions in the design, the application is in substantial compliance with the Ordinance 674 requirements as well as Metro Title 13 itself.

The following findings will address the specific provisions of Section 4.139 of the Code, as amended by Ordinance 674, which may apply to the Wilsonville Road Business Park:

#### **Section 4.139.03.05 Habitat-Friendly Development Practices.**

This section of the Code applies to projects which include development in the SROZ or the SROZ Impact area. The application includes minor grading in the SROZ for the stormwater system outfall, as well as parking in the Impact Area, so this Code section applies. The design submitted for this project incorporates a number of the practices described in Table NR-2, including the use of permeable paving in the parking area which is within the SROZ Impact Area, stormwater treatment within the public right of way and minimizing the area devoted to paving. The design also protects the waterway and wetlands by minimizing the area to be affected by work, and by restoring vegetation in the SROZ area.

#### **Section 4.139.05 Significant Resource Overlay Zone Map Verification.**

This section of the code specifies the manner in which the SROZ area may be determined and verified by the City and the applicant for a development approval. In the current case, the SROZ is established by the location of the jurisdictional wetland, which was determined by the applicant's consultant and verified by the applicable agencies. The agencies and the applicant/owner have concurred on the location of the SROZ.



**City of Wilsonville  
Exhibit B4  
DB09-0047**

**Section 4.139.06 Significant Resource Impact Report and Review Criteria.**

The SRIR applies in cases where impacts of a development application are found to need evaluation to determine if additional review or mitigation is necessary. In cases where the Director can clearly determine that development is only in the Impact Area, and there is no impact on the Significant Resource, the development can be permitted without SRIR review. The current application proposes impact only to the extent of parking in the Impact Area and mitigated grading for the stormwater outfall in the SROZ, so it has been concluded by the Director that an SRIR is not required.

**Section 4.139.07 Mitigation Standards.**

This section applies to encroachments into significant habitat areas, and since no such impacts are proposed by this application, the provisions of this section do not technically apply. Nevertheless, it is noted that a mitigation landscape plan for restoration of the SROZ area has been proposed, which meets the intent of subsection .02 (E).

**Exhibit B5**

**MEMO FROM CURT TROLAN,  
MILDREN DESIGN GROUP, PC;  
DATED 03/19/10.**



MILDREN DESIGN GROUP, P.C.  
 ARCHITECTURE • SPACE PLANNING  
 7650 S.W. Beveland, Suite 120  
 Tigard, Oregon 97223  
 Voice: 503-244-0552 Fax 503-244-0417



# MEMO

To: City of Wilsonville Date: March 19, 2010

Attention: Kristy Lacy

Copy to:

Project Name: Wilsonville Road Business Park Project Number: 108131

Subject: Signage Options

This memo will clarify the various signage options at the Wilsonville Road Business Park. The full size elevations in the submittal show some of these options, and the sheets accompanying this memo identify others. The total wall signage for buildings 1, 2, 3 and 4 is 600 sf total based on the exception requested and recommended for approval by the staff. The 600 sf total sign area is divided by 23 entry locations allowing 26 sf for each entry (598 sf in reality). Tenants which occupy more than one tenant bay have up to 26 sf per entry door. Signage may be smaller than the maximum listed sizes.

**Tenant signage above entry door:**

Signage above the entry door will be within the area above the door in the B2 brick location at buildings 1 and 2 or between the vertical reveal at buildings 3 and 4. Tenants with only one bay with signage above the entry door can not extend beyond the demising wall line which is located at the mid point of the B2 brick at the entry at buildings 1 and 2 or half way between the reveals at buildings 3 and 4. For a 1 bay tenant with signage over the entry door there are 2 sizes available which consist of 8'-8" wide by 3'-0" tall or 10'-0" wide by 2'-7" tall. Both of these signs fall under the 26 sf per tenant. See figure 1 for examples of this option.

**Tenant signage at the concrete panel adjacent to the entry door:**

Signage is allowed at the concrete panel adjacent to the entry door. At this condition the space above the entry door will not have signage above it. The adjacent tenant is not allowed to extend their signage into the unused space. For a 1 bay tenant with signage at the concrete panel adjacent to the entry door there are 4 sizes available which consist of 17'-4" wide by 1'-6" tall, or 13'-0" wide by 2'-0" tall, or 10'-0" wide by 2'-7" tall or 8'-8" wide by 3'-0" tall. These signs are to fall under the 26 sf per tenant. See figures 2 and 3 for examples this option.

**End bay signage for 1 sign:**

Signage at the end bay of all the buildings is allowed within the entire space above the entry and need not share the space above the entry with another tenant. The signage above the entry must fit within the B2 brick above the entry at buildings 1 and 2 and at the west end of building 4, or fall between the reveals at building 3 or the east end of building 4. For a 1 bay tenant with signage over the entry door at the end bay of the building there are 4 sizes available which consist of 17'-4" wide by 1'-6" tall, or 13'-0" wide by 2'-0" tall, or 10'-0" wide by 2'-7" tall or 8'-8" wide by 3'-0" tall. These signs are to fall under the 26 sf per tenant. The end bay signage can locate



City of Wilsonville  
 Exhibit B5  
 DB09-0047

the signage in the concrete panel adjacent to the entry door similar to the previous option discussed or on the wall panel around the corner from the entry. See figure 4 for examples of this option.

**End bay signage for tenants with 2 signs:**

Signage at the end bay of all the buildings is allowed to use smaller signage areas and have multiple signs as long as the total area of the signage falls within 26 sf per tenant. The signage is allowed above the entry within the B2 brick above the entry at buildings 1 and 2 and at the west end of building 4, or between the reveals at building 3 or the east end of building 4. A second sign is allowed to be located in the B2 brick area above the storefront windows around the corner from the entry at buildings 1 or 4 or above the storefront windows around the corner from the entry at buildings 2 or 3. For a 1 bay tenant with 2 signs there are 4 sizes available which consist of 13'-0" wide by 1'-0" tall, or 8'-8" wide by 1'-6" tall, or 5'-6" wide by 2'-0" tall, or 5'-2" wide by 2'-6" tall or 4'-4" wide by 3'-0" tall. The total area of the signs is to be under the 26 sf per tenant. The end bay signage can also be located in the concrete panel adjacent to the entry door. See figure 5 for examples of this option.

**Tenants with more than 1 bay:**

Signage for tenants with more than 1 bay is allowed up to 26 sf per bay occupied. For tenants which have 2 bays where the entry doors are located at the same storefront opening the tenant is allowed to use the entire space above the entry. The signage above the entry must fit within the B2 brick above the entry at buildings 1 and 2 and at the west end of building 4, or fall between the reveals at building 3 or the east end of building 4. For a 2 bay tenant with signage over the entry door at the end bay of the building there are 3 sizes available which consist of 20'-0" wide by 2'-7" tall, 17'-4" wide by 3'-0" tall, or 13'-6" wide by 4'-0" tall. These signs are to be under the 52 sf for 2 bays. The signage can be located in the concrete panel adjacent to the entry door similar to the previous option discussed using the sizes available to 2 bay tenants. Tenants with more than one bay are allowed to have more than 1 sign using any of the signage sizes previously discussed as long as the total signage area does not exceed 26 sf per bay occupied. For tenants which occupy more than 1 bay, however, the entries are located at different storefront openings the tenant will be only be allowed to use the area directly above the storefront not extending beyond the midpoint of the entry panel similar to single bay tenants, or they are allowed to locate signs in the concrete panel adjacent to the entry door. See figures 6 and 7 for this option.

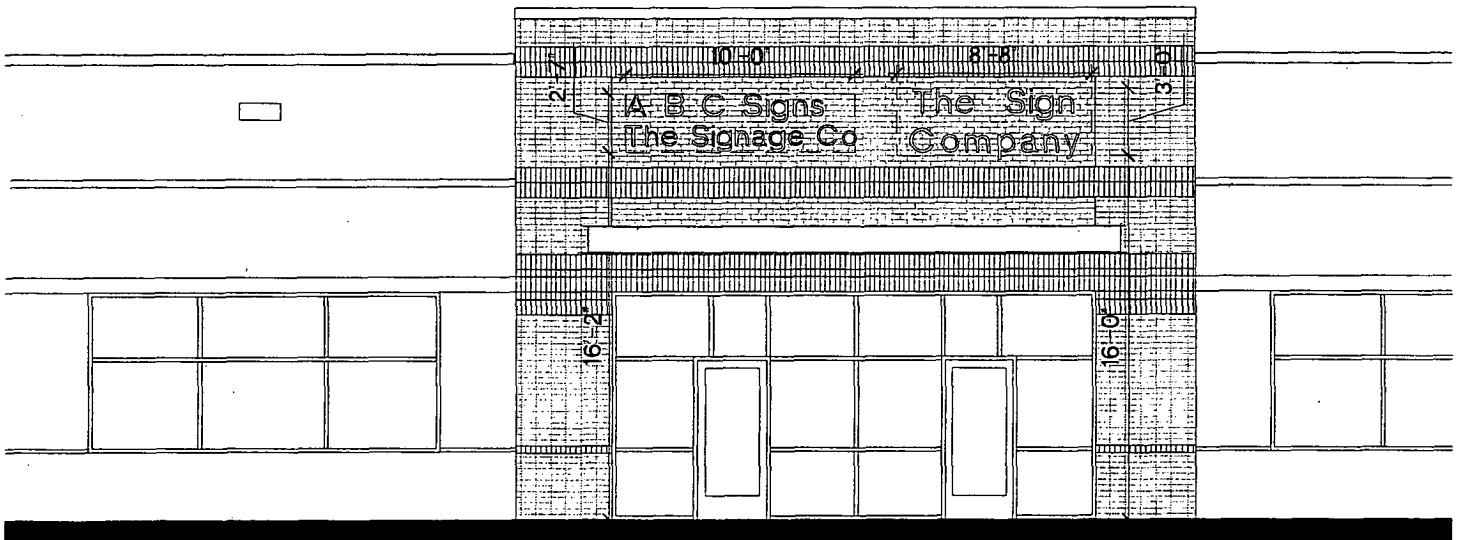
**Narrative Correction:**

Page 33 of the general narrative incorrectly notes that there are to be 24 tenants with up to 25 sf of signage each. This should be corrected to indicate 23 tenants with up to 26 sf each, resulting in a total sign area of 598 sf, which is consistent with the proposed exception to allow up to 600 sf.

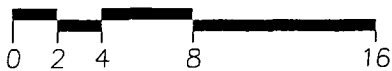
Signed:

Curt Trolan

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Signage at Entry - Figure 1



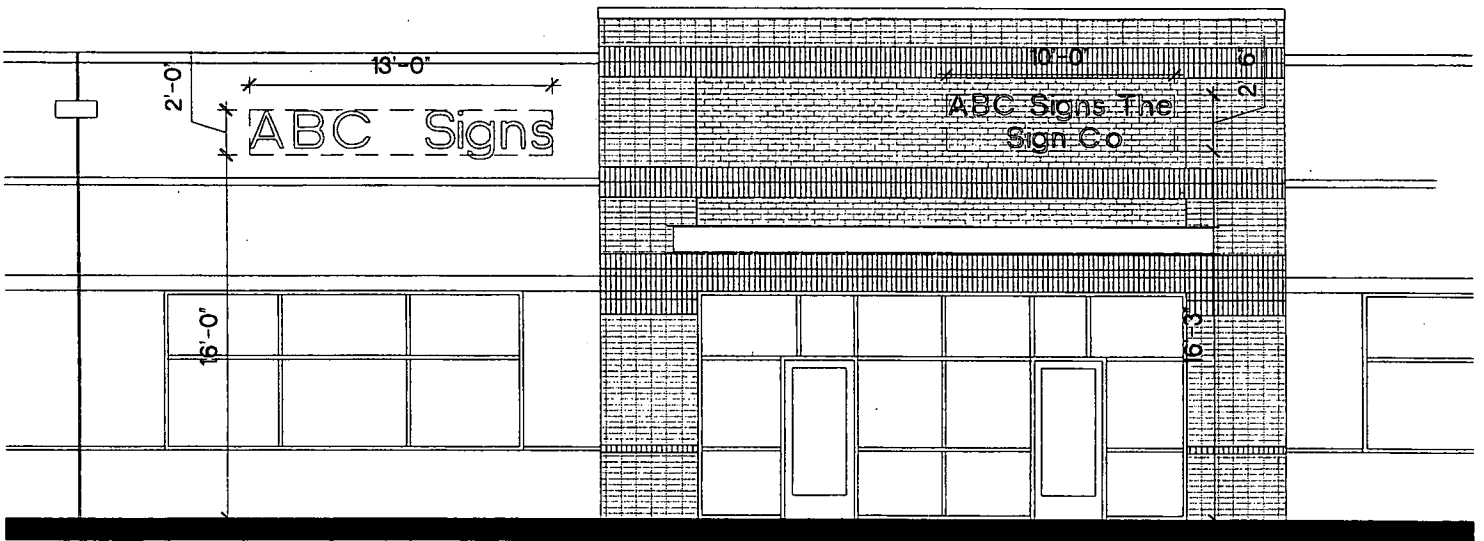
*M*  
 MILDREN DESIGN GROUP, P.C.  
 ARCHITECTURE • SPACE PLANNING  
 7650 S.W. Beveland, Suite 120  
 Tigard, Oregon 97223-8692

Wilsonville Road Bus Park  
 Signage Options

Revisions:

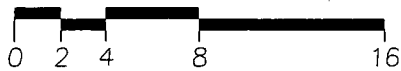
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 Drawn by: CLT  
 Checked by: WEM  
 Sheet 1 of 1  
 Job Number: 10813

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# Signage at and Adjacent to Entry

## - Figure 2



  
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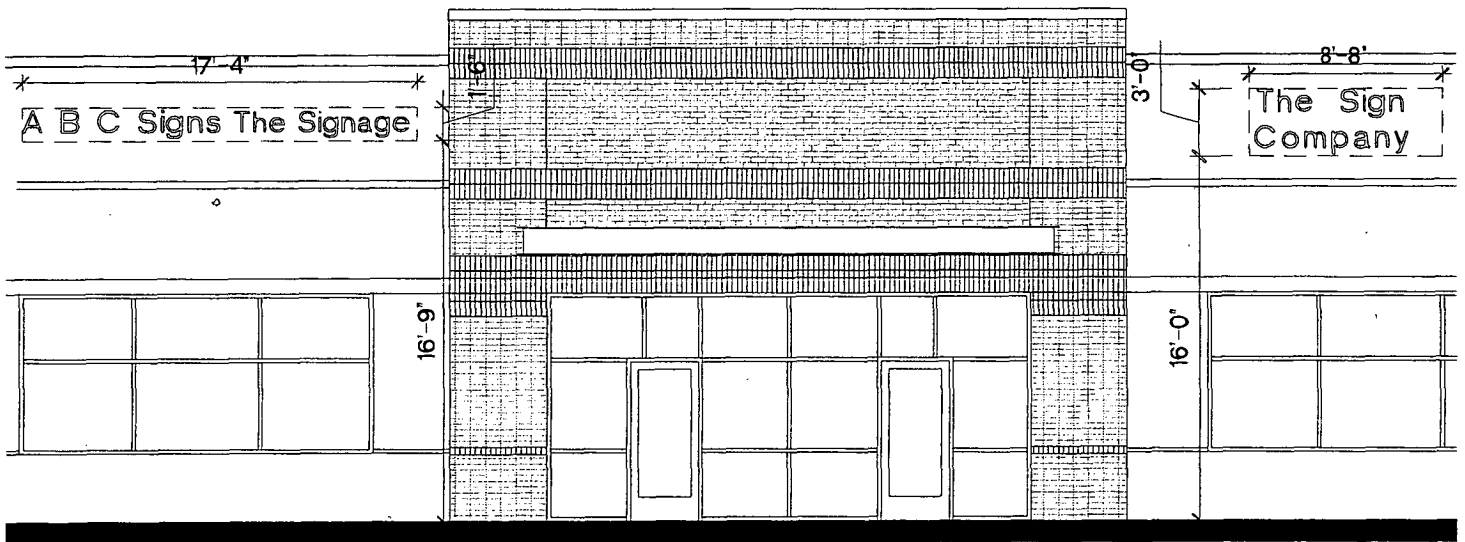
Wilsonville Road Bus Park  
 Signage Options

Revisions:

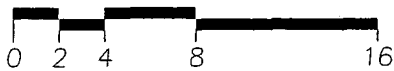
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Signage Adjacent to Entry  
- Figure 3



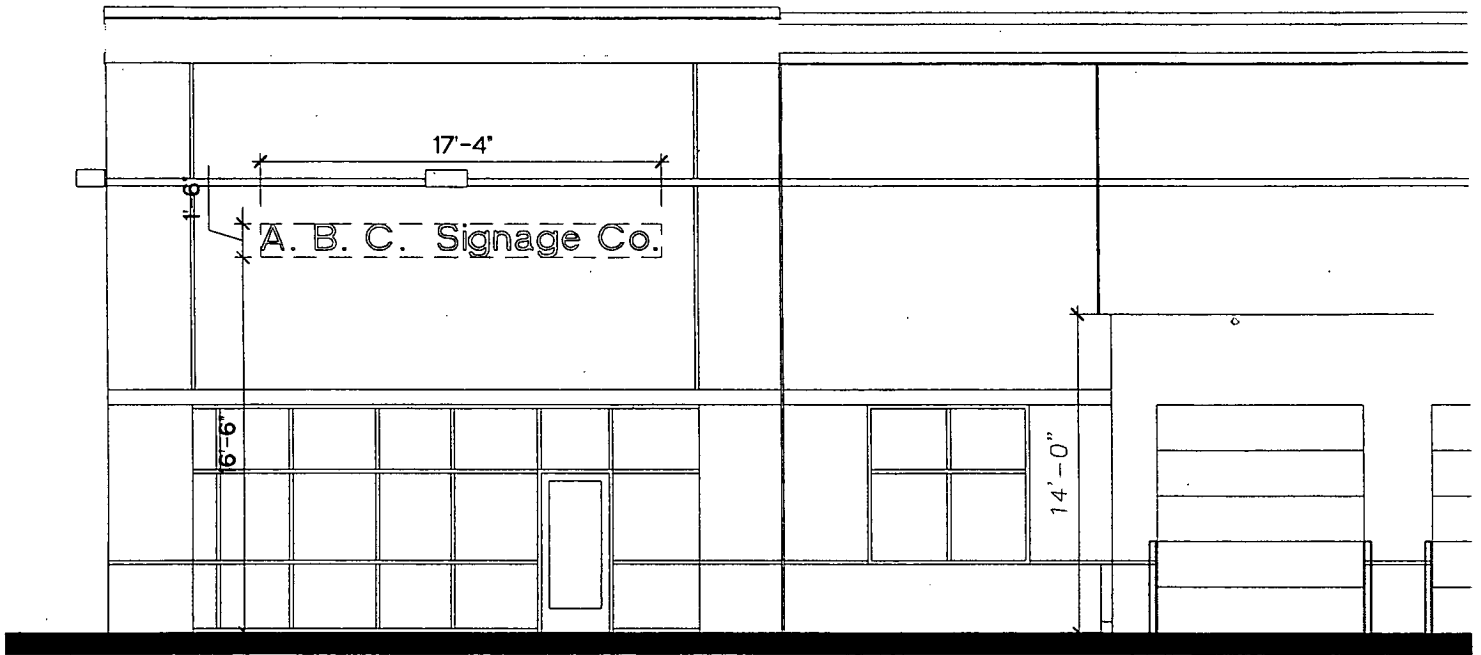
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Wilsonville Road Bus Park  
Signage Options

Revisions:

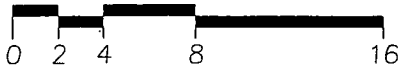
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## Signage at End Bay at Entry

- Figure 4



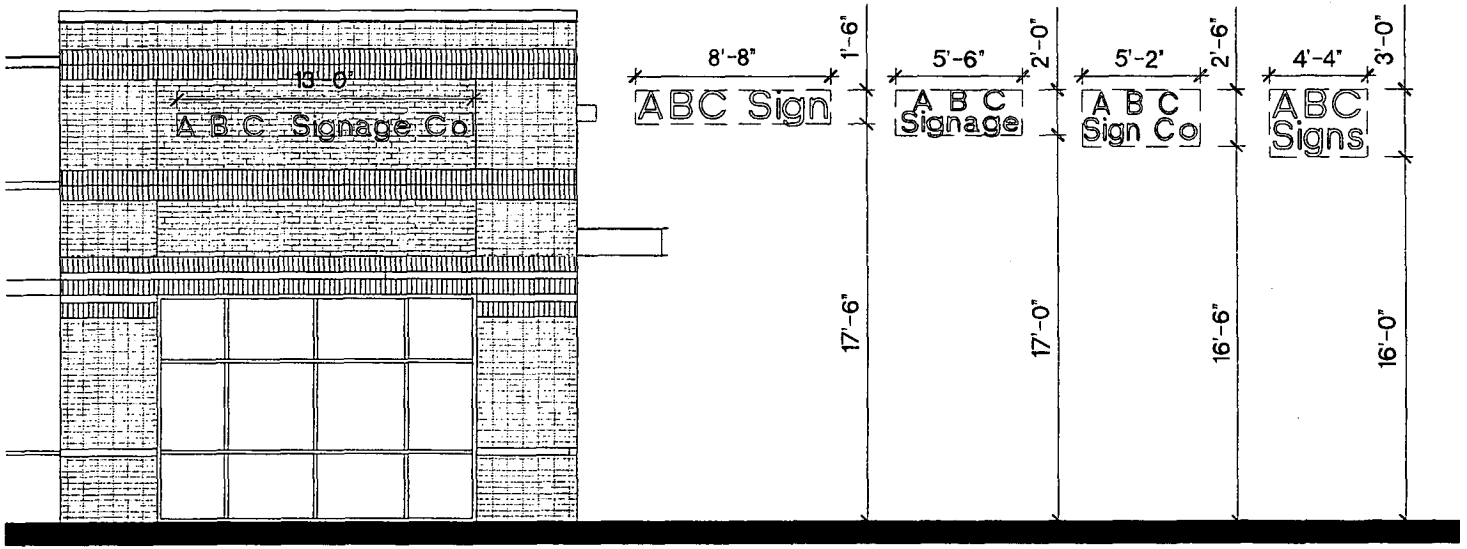
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Wilsonville Road Bus Park  
 Signage Options

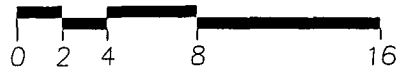
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Signage at End Bay at Entry  
 - Figure 5  
 2 Signs at Corner



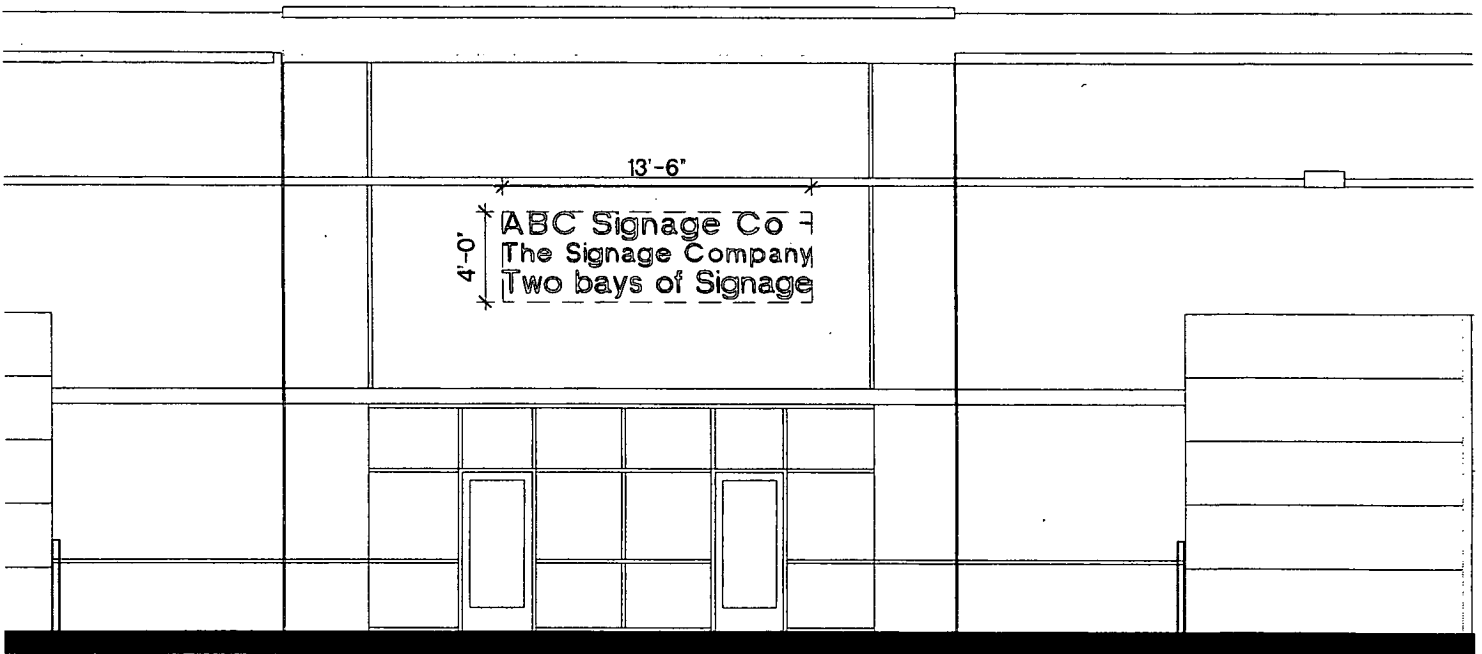
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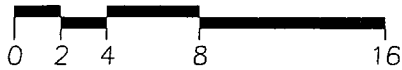
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 Job Number: 10813

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Signage at Entry 2 bays - Figure 6

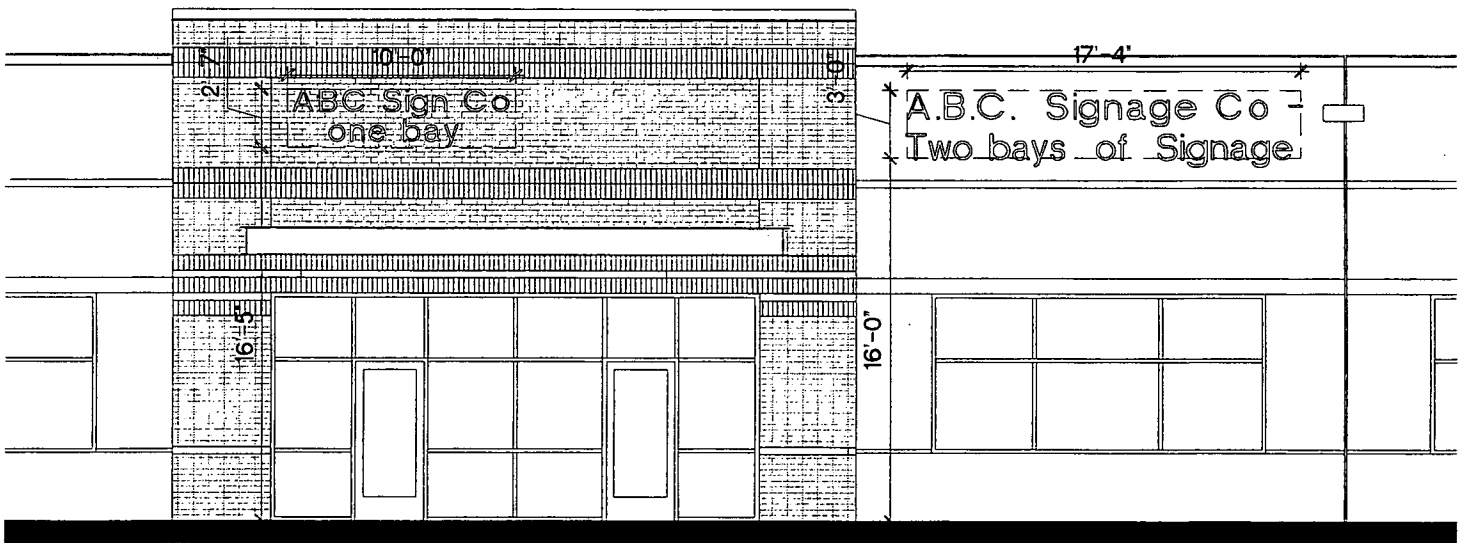


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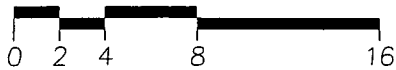
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 Signage Options

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 Job Number: 10813

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Signage at Entry 2 bays - Figure 7



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 Job Number: 10813

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**Exhibit C1**

**DKS Traffic Study  
(Excerpt)**

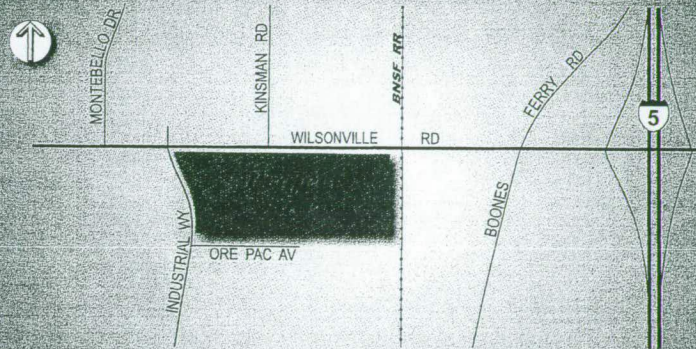
**Full study on file.**





# Wilsonville Road Business Park

Tract and Subdivision Map



Prepared by  
**DKS Associates**

April 2010



City of Wilsonville  
Exhibit C1  
DB09-0047



# DKS Associates

TRANSPORTATION SOLUTIONS

April 22, 2009

Steve Adams, P.E.  
Deputy City Engineer  
City of Wilsonville  
29799 Town Center Loop East  
Wilsonville, OR 97070

**Subject: Wilsonville Road Business Park Transportation Impact Study**

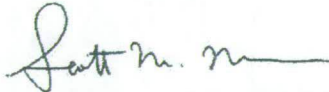
P09003-003-000

Dear Steve,

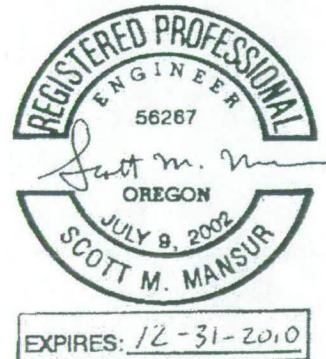
DKS Associates is pleased to submit this traffic impact study for the proposed Wilsonville Road Business Park located south of the Wilsonville Road/Kinsman Road intersection in the City of Wilsonville, Oregon. One reproducible copy has been included for your use. Please feel free to call if you have any questions or comments regarding this study.

Sincerely,

**DKS Associates**  
A Corporation



Scott Mansur, P.E., P.T.O.E.  
Transportation Engineer



117 Commercial Street NE, Suite 310  
Salem, OR 97301  
(503) 391-8773  
(503) 391-8701



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## **CHAPTER 1: INTRODUCTION AND SUMMARY**

---

This study evaluates the transportation impacts for the proposed Wilsonville Road Business Park located at 9900 SW Wilsonville Road in Wilsonville, Oregon, immediately south of the Wilsonville Road/Kinsman Road intersection. In addition, this study recommends mitigation measures that offset the impacts of the proposed development.

Based on the preliminary site plan provided by the project sponsor,<sup>1</sup> the proposed Wilsonville Road Business Park will include five buildings with the following land use breakdown: 30,000 square feet for office-complex use (one building), 60,000 square feet for industrial use (two buildings), and 37,250 square feet of flex space (two buildings). To account for highest use traffic impacts, the site was analyzed assuming 48,175 square feet of general office space, and 79,075 square feet of industrial space. The general office space includes 10,000 square feet of service commercial or retail space (that mainly serve the nearby office and industrial uses) and 38,175 square feet of office complex space.<sup>2</sup>

Because a zone change will be required with the development application, the potential for additional Transportation Planning Rule (TPR) analysis was considered. The vacant site is currently zoned as Residential Agricultural Holding (RA-H) and would be changed to Planned Development Industrial (PDI). The City of Wilsonville uses the RA-H zone as a holding zone that accommodates existing farmland or residences but specifies that the land will need to be changed to another zone prior to redevelopment. The city's Comprehensive Plan indicates the PDI zoning is planned for the site; therefore, the proposed development is consistent with the City's Comprehensive Plan. In addition, the transportation demand model used for the city's Transportation Systems Plan (TSP) was reviewed and was found to account for the City's Comprehensive Plan land use assumptions. Therefore, even though a zone change is required, the City's TSP already accounts for the PDI land use, and TPR analysis is not needed.

The study area for the project is shown in Figure 1 and was determined based on discussions with City staff. Within the study area, traffic operations were analyzed at the following intersections:

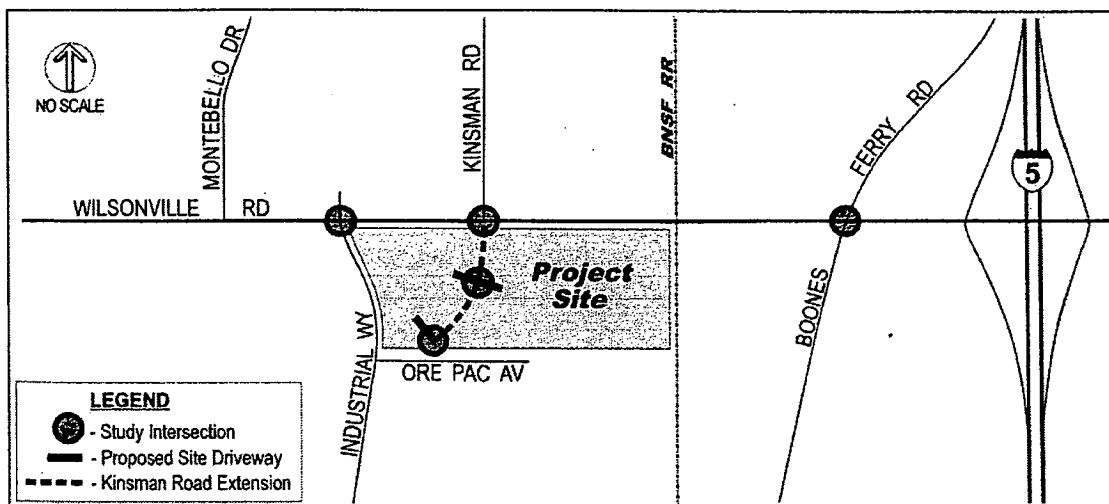
- Wilsonville Road/Boones Ferry Road
- Wilsonville Road/Kinsman Road
- Wilsonville Road/Industrial Way
- Kinsman Road/Project accesses<sup>3</sup>

---

<sup>1</sup> Traffic study request from Lans Stout, TM Rippey Consulting Engineers, January 30, 2009.

<sup>2</sup> The City of Wilsonville Zoning Code specifies how the 37,250 square feet of flex space can be used. Given the number of buildings and the development's total gross floor area of 127,250 square feet, a Planned Development Industrial (PDI) zone would allow the flex space to include a maximum of 10,000 square feet of service commercial or retail space (i.e., a maximum of 5,000 square feet per flex use building) and a maximum of 8,175 square feet of additional office complex space (assuming 30% of total site gross floor area is office space and given that 30,000 square feet is allotted to the three-story office building). Therefore, the following total floor area breakdown would be allowed on the site: 10,000 square feet of service commercial or retail space (that mainly serves the nearby office and industrial uses), 38,175 square feet of office complex space, and 79,075 square feet of industrial space. When Institute of Transportation Engineers (ITE) land use codes and trip generation rates were considered, it was determined that the General Office (710) land use adequately accounts for the service commercial and retail space. Therefore, the 10,000 square feet of service commercial or retail space and 38,175 square feet of office complex space were analyzed as 48,175 square feet of general office space.

<sup>3</sup> Even though the preliminary site plan shows two project accesses onto Kinsman Road, all project traffic was assumed to use



**Figure 1: Study Area**

Project traffic impacts were evaluated at the study intersections for the weekday PM peak hour. The impact analysis includes trip generation, trip distribution, PM peak hour project trips through the two City of Wilsonville I-5 interchange areas, and future traffic operating conditions at the study intersections. The analysis also includes scenarios that account for developments in the area that have Stage II approval, including those under construction or built but not yet occupied. Following the analysis, recommended mitigations are described and analyzed.

This report also addresses potential Transportation Planning Rule (TPR) analysis, access issues (i.e., location and spacing), sight distance, on-site parking, and a site evaluation (i.e., internal vehicular circulation and pedestrian facilities). At the end of the report, a summary of the recommended transportation mitigation measures that are expected to offset the negative transportation impacts of future traffic growth is presented.

Table 1 lists important characteristics of the study area and proposed project.

---

only the northern access. This is a "highest impact" scenario that accounts for potential changes to site access.

**Table 1: Study Area and Proposed Project Characteristics**

Characteristics	Information
<b>Study Area</b>	
Number of Study Intersections	4 (3 Existing + 1 Proposed Site Access)
Analysis Period(s)	Weekday PM Peak Hour (one hour between 4 p.m. and 6 p.m.)
<b>Proposed Development</b>	
Total PM Peak Hour Project Trips	186 (28 in, 158 out)
Estimated Weekday Peak Hour Project Trips Through I-5/Wilsonville Road Interchange <sup>a</sup>	126
Estimated Weekday Peak Hour Project Trips Through I-5/Elligsen Road Interchange	6
Vehicle Access Points	A south leg will be added to the Wilsonville Road/Kinsman Road intersection, and the site will access the new section of Kinsman Road. Full access driveways are proposed approximately 175 feet and 375 feet south of the Wilsonville Road/Kinsman Road intersection. To analyze highest use impact, the intersection analysis was performed assuming all trips for the western portion of the site use only the southern driveway and all trips for the eastern portion of the site use only the northern driveway.
<b>Other Transportation Facilities</b>	
Bicycle and Pedestrian Facilities	Wilsonville Road and Kinsman Road both have sidewalks and bike lanes; however, the bike lanes on Kinsman Road do not extend to Wilsonville Road (they end approximately 300 feet to the north).
Nearest Transit Stop	Near the Wilsonville Road/Kinsman Road intersection (SMART Route 4)

<sup>a</sup> The Wilsonville Road interchange area includes the Boones Ferry Road/Wilsonville Road and Town Center Loop West/Wilsonville Road intersections.

### Project Traffic Impact

To determine project impact at the study intersections, traffic operating conditions were analyzed during the weekday PM peak hour. The analysis was performed using *2000 Highway Capacity Manual* methodology<sup>4</sup> for signalized and unsignalized intersections for the following scenarios:

- 2009 Existing Conditions
- Existing plus Project
- Existing plus Stage II
- Existing plus Stage II plus Project

<sup>4</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.

The only intersection improvement assumed for these scenarios is the construction of the south leg at the Wilsonville Road/Kinsman Road intersection under the Existing plus Project and Existing plus Stage II plus Project scenarios. This leg was assumed to be constructed as part of this development in order to provide project access to Wilsonville Road. However, it was not assumed to connect to Industrial Way. Based on City input and to analyze highest use impact, the analysis also assumed that all trips for the western portion of the site use only the southern driveway onto the Kinsman Road extension and all trips for the eastern portion of the site use only the northern driveway.

The study intersection operating conditions for the Existing, Existing plus Stage II, and Existing plus Stage II plus Project scenarios are listed in Table 2. By comparing the intersection performance between the scenarios that have and don't have project traffic, the project impacts at the study intersections can be determined. Under existing PM peak hour conditions, the study intersections meet the City of Wilsonville LOS "D" standard. With the addition of stage II traffic, the study intersections experience a significant increase in congestion and the Wilsonville Road/Boones Ferry Road intersection no longer meets applicable operating standards. The Wilsonville Road/Industrial Way intersection also operates above level of service (LOS) D. This is because the additional through volumes on Wilsonville Road make it more difficult for the northbound Industrial Way left turns to access Wilsonville Road. Though this is undesirable, because Industrial Way is a private road it is not required to meet the City's LOS D standard.

**Table 2: Intersection Operations (Existing Geometry)**

Intersection	Operating Standard	2009 Existing			Existing + Stage II			Existing + Stage II + Project		
		Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS	V/C
<b>Signalized</b>										
Wilsonville Rd/Boones Ferry Rd	LOS D	31.3	C	0.64	>80	<b>E</b>	1.18	>80	<b>E</b>	1.22
Wilsonville Rd/Kinsman Rd	LOS D	12.0	B	0.64	20.1	C	0.88	22.8	C	0.91
<b>Unsignalized</b>										
Wilsonville Rd/Industrial Wy	<sup>a</sup>	33.8	B/D	0.59	>50	D/F	>2.0	>50	E/F	>2.0
Kinsman Rd/Northern Access	<sup>a</sup>							9.1	A/A	0.10
Kinsman Rd/Southern Access	<sup>a</sup>							8.9	A/A	0.08
<u>Signalized Intersections:</u> Delay = Average Stopped Delay per Vehicle (sec) LOS = Level of Service of Intersection V/C = Volume-to-Capacity Ratio of Intersection					<u>Unsignalized Intersections:</u> Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement					
<b>Bold Underlined</b> values do not meet standards.										

<sup>a</sup> The City's LOS D standard does not apply to private driveways or roadway approaches; however, LOS D operations or better are preferred.

The Wilsonville Road/Boones Ferry Road intersection was analyzed approximately 6 months ago in conjunction with the *Fred Meyer Transportation Impact Study*,<sup>5</sup> in which higher existing congestion levels were reported. The February 2009 counts collected for the current analysis indicate that through volumes on Wilsonville Road have decreased by approximately 300 vehicles (bi-directional) since last year. It is likely that this is due to either the recent economic downturn or traffic pattern changes related to the recent completion of the Boeckman Road extension. Whatever the cause, it is unlikely that the difference in volumes would affect the overall findings of the current analysis.<sup>6</sup>

### **Planned Improvements**

Due to capacity constraints along Wilsonville Road, two improvement projects are planned in the vicinity of the Wilsonville Road/Boones Ferry Road intersection. First, the City of Wilsonville has a planned improvement project for the Wilsonville Road/Boones Ferry Road intersection that will add a second westbound left-turn lane (resulting in dual left-turns), a third eastbound through lane, and a northbound right-turn lane (which will allow the existing shared through-right lane to be used as a through-only lane). Boones Ferry Road south of the intersection will also be reconstructed in conjunction with the Fred Meyer development. Second, improvements are planned for the I-5/Wilsonville Road interchange area. These improvements will start east of Boones Ferry Road and extend west of Town Center Loop West. Recently, the City has signed an intergovernmental agreement and engineering design is underway to construct the first phase of these improvements.

In addition, the City of Wilsonville Transportation Systems Plan (TSP) identifies a Kinsman Road extension project (Project C-14)<sup>7</sup> that would pass through the project site. It is expected that the Kinsman Road extension will be a three-lane roadway through the project site. The center lane would be a northbound left-turn pocket at the Wilsonville Road/Kinsman Road intersection and a two-way left turn lane elsewhere to improve safety along the curve by better accommodating left turns at the driveways. It is also expected that the extension would start at Wilsonville Road and curve around to the west before tying into Industrial Way, which would be realigned such that the Industrial Way approach to Wilsonville Road would be closed to vehicular traffic and the existing Industrial Way traffic would be rerouted to Kinsman Road. This would allow the existing and future developments in the area to access Wilsonville Road at the signalized Kinsman Road intersection instead of at the private Industrial Way stopped approach. It will be the developer's responsibility to construct the portion of the Kinsman Road extension that passes through the project property (additional details regarding the developer's responsibility for the Kinsman Road extension improvements are provided in the mitigations section of this report). It is our understanding that the portion of the Kinsman Road extension south of the project property will not yet be built and the Industrial Way approach to Wilsonville Road will not be closed until the remainder of the Kinsman Road extension (including the connection with Industrial Way) is constructed.

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<sup>5</sup> *Fred Meyer Transportation Impact Study*, DKS Associates, August 2008.

<sup>6</sup> A detailed look at Wilsonville Road/Boones Ferry Road intersection operations shows that after the planned Wilsonville Road improvements and under the Existing plus Stage II plus Project scenario, sufficient additional capacity is still available.

<sup>7</sup> *City of Wilsonville Transportation System Plan*, Prepared by Entranco, Adopted June 2, 2003; Table 4.g.

Additional operations analysis was performed for the Wilsonville Road/Boones Ferry Road and Wilsonville Road/Kinsman Road intersections to estimate the resulting traffic operating conditions following the Wilsonville Road/Boones Ferry Road improvements and the Kinsman Road extension. Because the Industrial Way approach to Wilsonville Road would be closed to vehicular traffic in conjunction with the Kinsman Road extension, no further analysis was performed for the Wilsonville Road/Industrial Way intersection.

The operations analysis results for the improved Existing plus Stage II and Existing plus Stage II plus Project scenarios are provided in Table 3. As shown, the Wilsonville Road/Boones Ferry Road and Wilsonville Road/Kinsman Road intersections would both meet the City of Wilsonville LOS "D" standard. This is an improvement for the Wilsonville Road/Boones Ferry Road intersection, which otherwise would not meet the standard. On the other hand, the Wilsonville Road/Kinsman Road intersection was already expected to meet the standard, and it continues to do so even with the rerouted traffic. In fact, operations are improved at the Wilsonville Road/Kinsman Road intersection due to more efficient use of the green-time allocation. In other words, the rerouting took advantage of the fact that there was more available capacity (and less congestion) on the northbound approach to the Wilsonville Road/Kinsman Road intersection (to which the rerouted trips were added) than on the eastbound approach (from which the majority of the rerouted trips were removed).

**Table 3: Improved Intersection Operations**

Intersection	Operating Standard	Existing + Stage II + Improvements			Existing + Stage II + Project + Improvements		
		Delay	LOS	V/C	Delay	LOS	V/C
Wilsonville Rd/Boones Ferry Rd	LOS D	39.4	D	0.71	40.0	D	0.72
Wilsonville Rd/Kinsman Rd	LOS D	18.9	B	0.83	24.7	C	0.89

Delay = Average Stopped Delay per Vehicle (sec)      V/C = Volume-to-Capacity Ratio of Intersection  
 LOS = Level of Service of Intersection      **Bold Underlined** values do not meet standards.

## Project Impact Mitigations

To preserve the performance of the study area roadways and provide safe access to the proposed Wilsonville Road Business Park and surrounding land uses, it is recommended that a series of transportation mitigation measures be performed. The following project related measures would typically be required as conditions of approval if the project were approved:

### Kinsman Road Extension

Each of the following Kinsman Road extension improvements shall be performed by the developer and coordinated with City of Wilsonville staff:

- Construct the portion of the Kinsman Road extension that passes through the project property. Adjacent to the Wilsonville Road/Kinsman Road intersection, the cross-section shall include a 100-foot northbound left-turn pocket plus 125-foot taper.<sup>8</sup>

<sup>8</sup> This correlates with other analysis recently performed, which also recommended that 100 feet of storage should be provided *Brown Road Extension Alternatives Analysis*, DKS Associates, March 13, 2009 (Draft Report).



- Modify the Wilsonville Road/Kinsman Road traffic signal as needed to accommodate service to the new south leg.
- Install traffic detection for the new northbound approach to the Wilsonville Road/Kinsman Road intersection.
- Modify the westbound approach to the Wilsonville Road/Kinsman Road intersection to allow use of the westbound left-turn lane. This includes removing the existing traffic separators on Wilsonville Road to allow access to the left-turn lane, restriping the turn lane, and installing any new signs and traffic signal detection that are needed in conjunction with the improvements.

**Access**

- Given the 100-foot northbound left-turn lane and associated 125-foot taper that are needed at the Wilsonville Road/Kinsman Road intersection, the northern site access to Kinsman Road should be shifted approximately 50 feet to the south to keep the site access out of the Wilsonville Road/Kinsman Road intersection's northbound left-turn transition area and reduce the chance of queues blocking the site driveway.
- Due to the curvature of the Kinsman Road extension adjacent to the northern driveway, the project sponsor should coordinate with City staff to determine whether the west leg of the northern driveway should be removed or possibly have turn movement restrictions applied to it.
- Because of the potential rerouting of Industrial Way traffic onto Kinsman Road, the southern driveway should be coordinated with City staff to confirm that it is located directly across from a potential realignment of OrePac Avenue.

**Sight Distance**

- The sight triangle at each driveway should be clear of objects (large signs, landscaping, etc.) that could potentially limit vehicle sight distance. All proposed site driveways should meet American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements<sup>9</sup> as measured from 14.5 feet back from the edge of pavement. The site driveways would require a minimum of 335 feet of sight distance based on a 30 mph speed limit on the Kinsman Road extension. Prior to occupancy, sight distance at the access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

**Internal Vehicular Circulation**

- Two of the four southernmost parking stalls on the west side of Kinsman Road should be removed because vehicles pulling out of the parking spaces would likely block the southern driveway and create a potentially unsafe condition.

**Pedestrian Facilities**

- A more convenient pedestrian connection is recommended between the Wilsonville Road/Kinsman Road intersection and the western flex-space building (i.e., at the

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<sup>9</sup> *Geometric Design of Highways and Streets*, AASHTO, 2004; Case B1, p. 661.

northwest corner of the east parking lot). This connection would improve pedestrian access to the commercial and service retail establishments located in the flex-space buildings and would provide a more direct pedestrian route to the three-story office building (which would improve the ability of the flex-space to serve the office uses).

- Sidewalks and/or pedestrian paths should be provided throughout the west parking lot to accommodate convenient movement between the three-story office building entrance and the nearby parking stalls.
- A sidewalk connection should be provided between the three-story office building and Wilsonville Road.
- All sidewalks within the site should conform to ADA requirements.<sup>10</sup>

### **Parking**

- On the east side of Kinsman Road, there are 42 more parking stalls provided than are allowed by City code and approximately 80 more stalls than are estimated to be needed to service the peak parking demand. Therefore, it is recommended that the number of parking stalls be reduced by at least 42 stalls to meet the maximum as allowed by code. If a greater number of stalls than the maximum number allowed by City code are desired, then justification should be provided.
- City code requires that a minimum of 17 bicycle parking spaces be provided to accommodate the proposed uses of the Wilsonville Road Business Park. More spaces can be provided if desired, but the site should include a minimum of six spaces for the three-story office building, eight spaces for the flex-space buildings, and three spaces for the industrial buildings. These spaces should be located near building entrances in order to provide convenient access.

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<sup>10</sup> *ADA Accessibility Guidelines for Buildings and Facilities*, Department of Justice, January 2004.

## CHAPTER 2: EXISTING CONDITIONS

This chapter provides documentation of existing study area conditions, including the project site, study area roadway network, existing traffic volumes, existing PM peak hour traffic operations, and recent collision history. Supporting details are provided in the appendix.

### Project Site

The site for the proposed Wilsonville Road Business Park is located at 9900 SW Wilsonville Road, immediately south of the Wilsonville Road/Kinsman Road intersection. The lot is currently vacant and will access Wilsonville Road via the Kinsman Road extension (i.e., the south leg of the Wilsonville Road/Kinsman Road intersection). The curb cuts and the majority of traffic signal equipment at the Wilsonville Road/Kinsman Road intersection are already in place.

### Study Area Roadway Network

Key study area roadways are listed in Table 4 along with their functional classifications and other important roadway characteristics. The functional classifications for City of Wilsonville streets are provided in the City of Wilsonville Transportation System Plan (TSP).<sup>11</sup> The three main functional classes are local (more access but less mobility), collector (balanced access and mobility), and arterial (less access but more mobility). In the immediate vicinity of the site, Wilsonville Road is a major arterial and Kinsman Road is a minor collector (the proposed Kinsman Road extension is also planned as a minor collector).

**Table 4: Study Area Roadway Characteristics**

Roadway	Wilsonville Classification	Cross Section	Posted Speed	On-Street Parking	Sidewalks	Bike Lanes
Wilsonville Rd	Major Arterial	3 to 5 Lanes	25-35 mph	No	Yes	Yes
Boones Ferry Rd	Major Collector	2 to 3 Lanes	35 mph	No	Yes	Yes
Kinsman Rd	Minor Collector	2 Lanes	40 mph	No	Yes	Yes <sup>a</sup>
Industrial Wy <sup>b</sup>	Local	2 Lanes	25 mph	No	No	No

<sup>a</sup> The bike lanes on Kinsman Road do not extend to Wilsonville Road (they end approximately 300 feet to the north).

<sup>b</sup> Industrial Way is a private road.

### Existing Traffic Volumes and Operations

Existing PM peak hour traffic operations were analyzed at the following three existing study intersections, which were selected in consultation with City of Wilsonville staff:

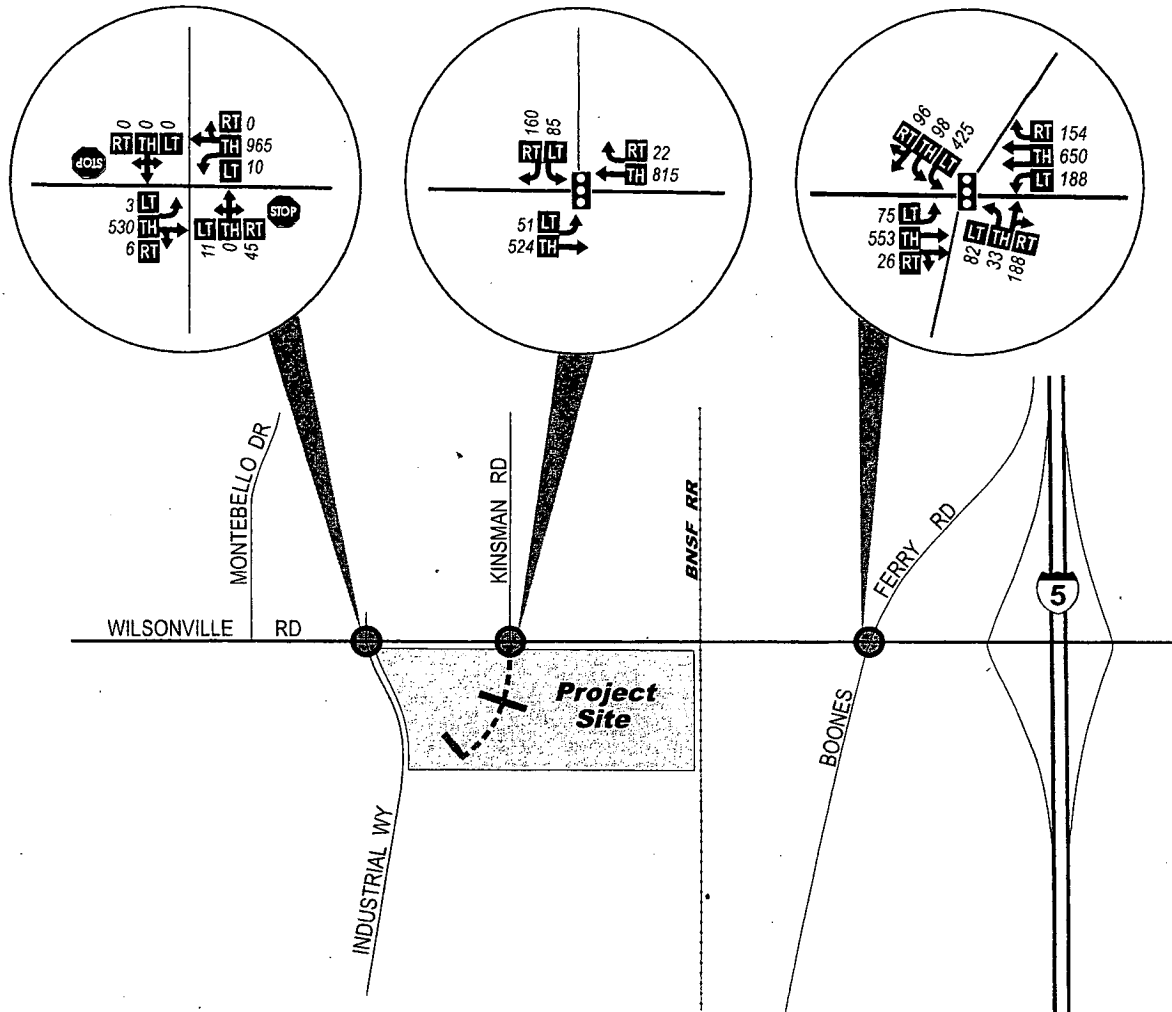
- Wilsonville Road/Boones Ferry Road
- Wilsonville Road/Kinsman Road
- Wilsonville Road/Industrial Way

To perform the analysis, traffic counts were collected during the PM peak period (4:00 p.m. to 6:00 p.m.) on Tuesday February 24<sup>th</sup>, 2009. The PM peak hour traffic volumes are shown in Figure 2, and the detailed two-hour traffic counts are included in the appendix.

<sup>11</sup> City of Wilsonville Transportation Systems Plan, Figure 4.8, Adopted June 2, 2003.

# Wilsonville Road Business Park

## Transportation Impact Study



### LEGEND

- Study Intersection
- Lane Configuration
- 000 - Existing PM Peak Hour Volumes
- Volume Turn Movement (Left-Thru-Right)
- Traffic Signal
- Stop Sign
- Proposed Site Access Driveway
- Kinsman Road Extension

**DKS Associates**  
TRANSPORTATION SOLUTIONS



Figure 2

**2009 EXISTING  
PM PEAK HOUR  
TRAFFIC VOLUMES**

The purpose of intersection analysis is to ensure that the transportation network remains within desired performance levels as required by the City code. Intersections are the focus of the analysis because they are the controlling bottlenecks of traffic flow and the ability of a roadway system to carry traffic efficiently is nearly always diminished in their vicinity.

Before the analysis results of the study intersections are presented, discussion is provided for two important analysis issues: intersection performance measures (definitions of typical measures) and required operating standards (as specified by the agency with roadway jurisdiction).

### **Intersection Performance Measures**

Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two commonly used performance measures that provide a good picture of intersection operations. In addition, they are often incorporated into agency mobility standards.

- **Level of service (LOS):** A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection.<sup>12</sup> LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity. This condition is typically evident in long queues and delays.
- **Volume-to-capacity (v/c) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

### **Required Operating Standards**

All study intersections of public streets are required to meet the City of Wilsonville’s operating standard. For peak periods, the City’s minimum acceptable level of service (LOS) is LOS D.<sup>13</sup> While private driveway approaches are not required by City code to meet the City’s LOS standard, lower congestion levels are preferred.

### **Existing Operating Conditions**

The existing traffic operations at the study intersections were determined for the PM peak hour based on the *2000 Highway Capacity Manual* methodology<sup>14</sup> for signalized and unsignalized intersections. The estimated average delay, level of service (LOS), and volume to capacity (v/c) ratio of each study intersection are shown in Table 5, and all intersections currently meet City of Wilsonville operating standards.

<sup>12</sup> A description of Level of Service (LOS) is provided in the appendix and includes a list of the delay values (in seconds) that correspond to each LOS designation.

<sup>13</sup> *City of Wilsonville Code*, City of Wilsonville Section 4.140, p.163.

<sup>14</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.

**Table 5: Existing Study Intersection Operations (PM Peak Hour)**

Intersection	Operating Standard	Existing-PM Peak Hour		
		Delay	LOS	V/C
<b>Signalized</b>				
Wilsonville Rd/Boones Ferry Rd	LOS D	31.3	C	0.64
Wilsonville Rd/Kinsman Rd	LOS D	12.0	B	0.64
<b>Unsignalized</b>				
Wilsonville Rd/Industrial Wy	<sup>a</sup>	33.8	B/D	0.59
<u>Signalized Intersections:</u>		<u>Unsignalized Intersections:</u>		
Delay = Average Stopped Delay per Vehicle (sec)		Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement		
LOS = Level of Service of Intersection		LOS = Level of Service of Major Street/Minor Street		
V/C = Volume-to-Capacity Ratio of Intersection		V/C = Volume-to-Capacity Ratio of Worst Movement		
<b><u>Bold Underlined</u></b> values do not meet standards.				

<sup>a</sup> The City's LOS D standard does not apply to private driveways or roadway approaches; however, LOS D operations or better are preferred.

The Wilsonville Road/Boones Ferry Road intersection was analyzed approximately 6 months ago in conjunction with the *Fred Meyer Transportation Impact Study*,<sup>15</sup> in which higher existing congestion levels were reported. The February 2009 counts collected for the current analysis indicate that through volumes on Wilsonville Road have decreased by approximately 300 vehicles (bi-directional) since last year. It is likely that this is due to either the recent economic downturn or traffic pattern changes related to the Boeckman Road extension.

### Collision History

The collision histories of the study intersections were obtained for 2005 through 2007 from the Oregon Department of Transportation (ODOT) Crash Analysis and Reporting Unit. Based on the collision data and peak hour traffic counts, collision rates were estimated at the study intersections and are shown in Table 6 along with the breakdown of collisions by severity. As shown, between 2005 and 2007, most collisions caused property damage only, and there were no fatal collisions reported. Also, a collision rate greater than or equal to 1.0 collision per million entering vehicles (MEV) generally indicates a higher than average collision rate and that additional collision analysis should be performed. Because none of the study intersections had collision rates in excess of 1.0, no additional collision analysis was performed.<sup>16</sup>

<sup>15</sup> *Fred Meyer Transportation Impact Study*, DKS Associates, August 2008.

<sup>16</sup> The number of collisions at the Wilsonville Road/Boones Ferry Road intersection reported in this study is slightly higher than was reported in the *Fred Meyer Transportation Impact Study* (DKS Associates, August 2008). The reason for the discrepancy is that it was discovered that only collisions occurring *within* the intersection were previously included in the *Fred Meyer TIS* analysis. In the current analysis, collisions *associated with* the intersection (e.g., rear-ends within a few hundred feet) were also included because they likely resulted from intersection operations and queuing.

**Table 6: Study Intersection Collisions (2005-2007)**

Intersection	Collisions (by Severity)				Collisions Per year	Collision Rate <sup>b</sup>
	Fatal	Injury	PDO <sup>a</sup>	Total		
<b>Signalized</b>						
Wilsonville Rd/Boones Ferry Rd	0	3	15	18	6.0	0.64
Wilsonville Rd/Kinsman Rd	0	4	2	6	2.0	0.33
<b>Unsignalized</b>						
Wilsonville Rd/Industrial Wy	0	0	1	1	0.3	0.06

<sup>a</sup> PDO = Property damage only.

<sup>b</sup> Collision rate = average annual collisions per million entering vehicles (MEV); MEV estimates based on PM peak-hour traffic count.

### Public Transit Service

South Metro Area Rapid Transit (SMART) operates several fixed routes that serve Wilsonville and the surrounding area.<sup>17</sup> The SMART bus stop closest to the project site is located immediately north of the site on the west leg of the Wilsonville Road/Kinsman Road intersection. This stop services Route 4, which connects east and west city limits and also provides service to the SMART Central at Wilsonville Station transit center (where connections can be made to all other SMART routes).

<sup>17</sup> South Metro Area Regional Transit (SMART) operates several fixed routes that serve Wilsonville and make connections to TriMet in Portland, Cherriots in Salem, and Canby Area Transit. The new "SMART Central at Wilsonville Station" transit center has recently opened and services all routes, the majority of which have new routing and changed names. Route 201 is now Route 2X, Route 203 is now Route 5, Route 204 is now Route 4, Route 205 is now Route 3, and Route 1X is still Route 1X. There is also a new Route 6. Besides the new transit center, the other main transfer locations are the Tualatin Park and Ride (Route 2X), Barbur Boulevard Transit Center (Route 2X), Salem Transit Center (Route 1X), and Canby Transit Center (Route 3). In addition, Route 4 provides service on Wilsonville Road and Town Center Loop connecting the east and west city limits, Route 5 runs along the west side of I-5 between SMART Central and Commerce Circle, and Route 6 runs along the east side of I-5 between SMART Central and Argyle Square, serving major employment sites. SMART also operates a shuttle service to and from Villebois and SMART Central as well as a dial-a-ride system that operates on a demand-responsive basis. This information was obtained on March 20, 2009 from the SMART Web Page: <http://www.ridesmart.com>.

## CHAPTER 3: IMPACTS

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This chapter reviews the impact that the proposed Wilsonville Road Business Park would have on the study area transportation system in the City of Wilsonville. Although the development would generate traffic throughout the week, the weekday PM peak hour was the main period analyzed since this is when the greatest impact is expected (the sum of project traffic and traffic on adjacent streets is generally greatest during this period).

The PM peak hour analysis includes trip generation and distribution, project trips through the two City of Wilsonville I-5 interchange areas, future year traffic volumes and operating conditions, and planned improvements. This chapter also discusses Transportation Planning Rule (TPR) evaluation, access issues (i.e., location and spacing), sight distance, on-site parking, and a site evaluation (i.e., internal vehicular circulation and pedestrian facilities). First, the proposed development is described.

### Proposed Development

Based on the preliminary site plan provided by the project sponsor,<sup>18</sup> the proposed Wilsonville Road Business Park will include five buildings with the following land use breakdown: 30,000 square feet for office-complex use (one three-story building), 60,000 square feet for industrial use (two buildings), and 37,250 square feet of flex space (two buildings). To account for highest use traffic impacts, the site was analyzed assuming 48,175 square feet of general office space, and 79,075 square feet of industrial space. The general office space includes 10,000 square feet of service commercial or retail space (that mainly serve the nearby office and industrial uses) and 38,175 square feet of office complex space.<sup>19</sup>

The 30,000 square-foot three-story office building is located on the west side of the Kinsman Road extension, and the four other buildings (i.e., the flex-space and industrial buildings) are located on the east side of the Kinsman Road extension. The future intersection analysis assumes that all trips for the western portion of the site use only the southern driveway onto the Kinsman Road extension and all trips for the eastern portion of the site use only the northern driveway. A more detailed explanation concerning this assumption is provided later in this chapter when project access is discussed (see "Access" section).

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<sup>18</sup> Traffic study request from Lans Stout, TM Rippey Consulting Engineers, January 30, 2009.

<sup>19</sup> The City of Wilsonville Zoning Code specifies how the 37,250 square feet of flex space can be used. Given the number of buildings and the development's total gross floor area of 127,250 square feet, a Planned Development Industrial (PDI) zone would allow the flex space to include a maximum of 10,000 square feet of service commercial or retail space (i.e., a maximum of 5,000 square feet per flex use building) and a maximum of 8,175 square feet of additional office complex space (assuming 30% of total site gross floor area is office space and given that 30,000 square feet is allotted to the three-story office building). Therefore, the following total floor area breakdown would be allowed on the site: 10,000 square feet of service commercial or retail space (that mainly serves the nearby office and industrial uses), 38,175 square feet of office complex space, and 79,075 square feet of industrial space. When Institute of Transportation Engineers (ITE) land use codes and trip generation rates were considered, it was determined that the General Office (710) land use adequately accounts for the service commercial and retail space. Therefore, the 10,000 square feet of service commercial or retail space and 38,175 square feet of office complex space were analyzed as 48,175 square feet of general office space.



### Trip Generation

Trip generation is the method used to estimate the number of vehicles that are added to the site driveways and roadway network by the proposed development during a specified period (i.e., such as the PM peak hour). Trip rates and/or trip equations (based on land use square footage) provided by the Institute of Transportation Engineers (ITE)<sup>20,21</sup> were used to estimate PM peak hour project trips levels. As shown in Table 7, the uses provided within the Wilsonville Road Business Park are expected to generate 186 (28 in, 158 out) PM peak hour trips and approximately 1,300 daily trips.

**Table 7: Project Trip Generation Summary**

Land Use (ITE Code)	Size (SQFT)	PM Peak Hour Trip Rate	PM Peak Hour Trips			Daily Trips
			In	Out	Total	
General Office (710)	48,175	2.26 trips/KSF <sup>a</sup>	19	90	109	750
General Light Industrial (110)	79,075	0.97 trips/KSF <sup>a</sup>	9	68	77	550
<b>Total</b>	<b>127,250</b>		<b>28</b>	<b>158</b>	<b>186</b>	<b>1,300</b>

<sup>a</sup> KSF = 1,000 square feet

### Trip Distribution

Trip distribution provides an estimation of where project trips would be coming from and going to and is given as percentages at key gateways to the study area. The trip distribution for the proposed Wilsonville Road Business Park was estimated based on existing traffic patterns at the study area intersections and Metro’s travel demand model developed for the I-5 to 99W Connector Project.<sup>22</sup> The trip distribution percentages and resulting project trip routing are shown in Figure 3.

### Project Trips through City of Wilsonville Interchange Areas

Based on the trip generation and distribution, the proposed Wilsonville Road Business Park would generate 126 new PM peak hour trips through the I-5/Wilsonville Road interchange area (which includes the Wilsonville Road/Boones Ferry Road intersection). It would also generate six new PM peak hour trips through the I-5/Elligsen Road-Boones Ferry Road interchange area.<sup>23</sup>

<sup>20</sup> *Trip Generation, 8<sup>th</sup> Edition*, Institute of Transportation Engineers, 2008; General Light Industrial (Land Use 110) average rate

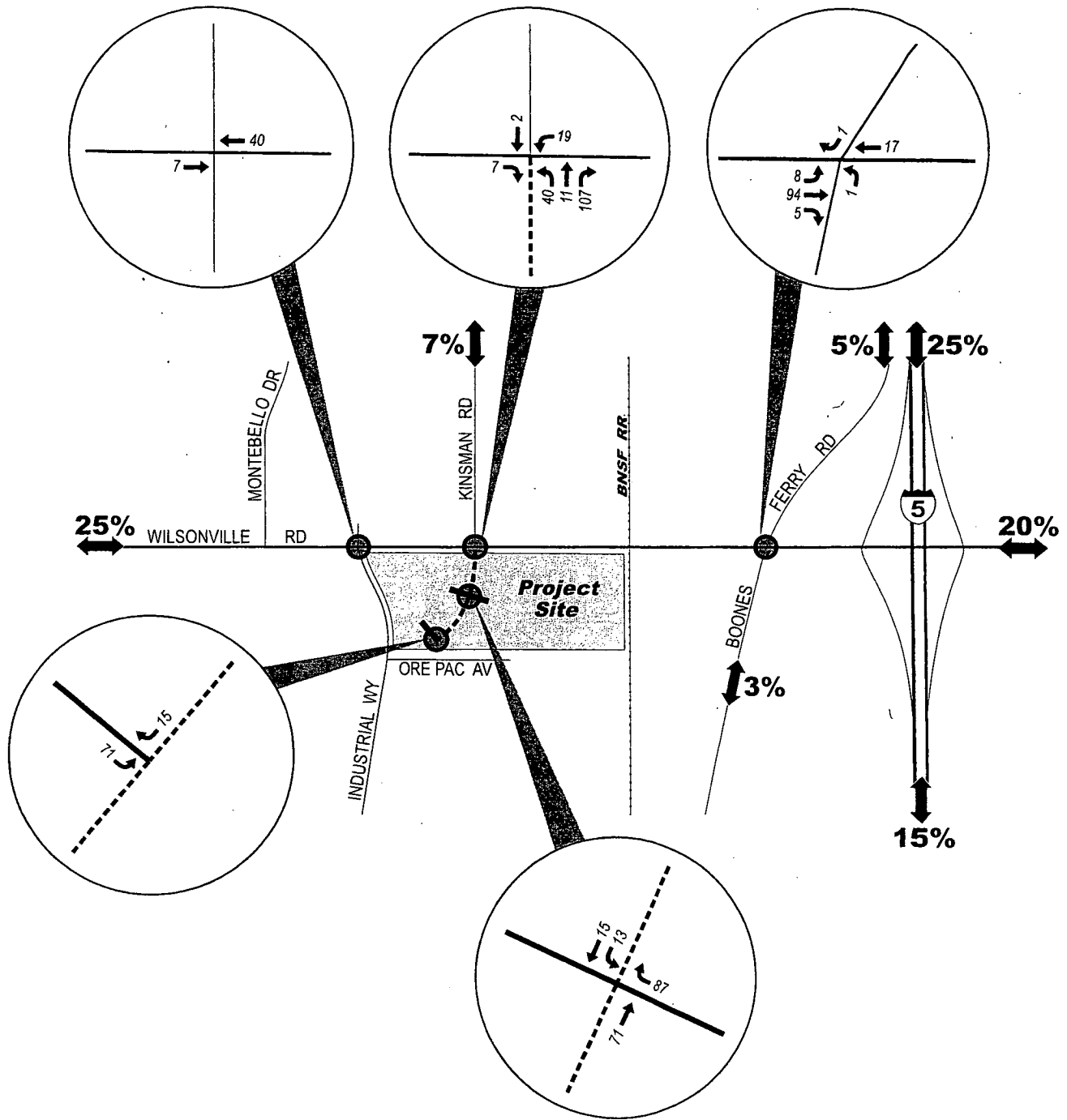
<sup>21</sup> *Trip Generation, 6<sup>th</sup> Edition*, Institute of Transportation Engineers, 1997; General Office Building (Land Use 710) equation; The 6<sup>th</sup> edition equation for General Office (710) is considered more accurate when the square footage is less than 70 KSF.

<sup>22</sup> See [http://www.i5to99w.org/project\\_reports\\_and\\_informat.php](http://www.i5to99w.org/project_reports_and_informat.php) for associated information.

<sup>23</sup> These are trips that use the freeway to access north Wilsonville.

# Wilsonville Road Business Park

## Transportation Impact Study



\*Trip distribution based on Metro 2030 99W Connector Model.

### LEGEND

- Study Intersection
- PM Peak Hour Project Trips
- Trip Distribution Percentage

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TRANSPORTATION SOLUTIONS



NO SCALE

Figure 3

**TRIP DISTRIBUTION AND  
PROJECT TRAFFIC VOLUMES**

## Transportation Planning Rule (TPR) Evaluation

Because a zone change will be required with the development application, the potential for additional Transportation Planning Rule (TPR) analysis was considered. The vacant site is currently zoned as Residential Agricultural Holding (RA-H) and would be changed to Planned Development Industrial (PDI). The City of Wilsonville uses the RA-H zone as a holding zone that accommodates existing farmland or residences but specifies that the land must be changed to another zone prior to redevelopment.<sup>24</sup> The city's Comprehensive Plan indicates the PDI zoning is planned for the site; therefore, the proposed development is consistent with the City's Comprehensive Plan.

In addition, the transportation demand model used for the city's Transportation Systems Plan (TSP) was reviewed and found to account for the City's Comprehensive Plan land use assumptions; it assumed that the currently undeveloped land in the vicinity of the project site would generate approximately 325 PM peak hour trips. As indicated previously, the proposed Wilsonville Road Business Park is estimated to generate only 186 PM peak hour project trips. Therefore, even though a zone change is required for the development, the City's adopted TSP accounts for the development's proposed PDI zoning, and additional TPR analysis is not needed.

## Future Conditions (Existing Wilsonville Road Geometry)

Future operating conditions were analyzed at the study intersections for three traffic scenarios:

- Existing plus Project (includes project traffic from the proposed Wilsonville Road Business Park)
- Existing plus Stage II (includes traffic from Stage II approved developments)
- Existing plus Stage II plus Project (includes project traffic from the proposed Wilsonville Road Business Park as well as from Stage II approved developments)

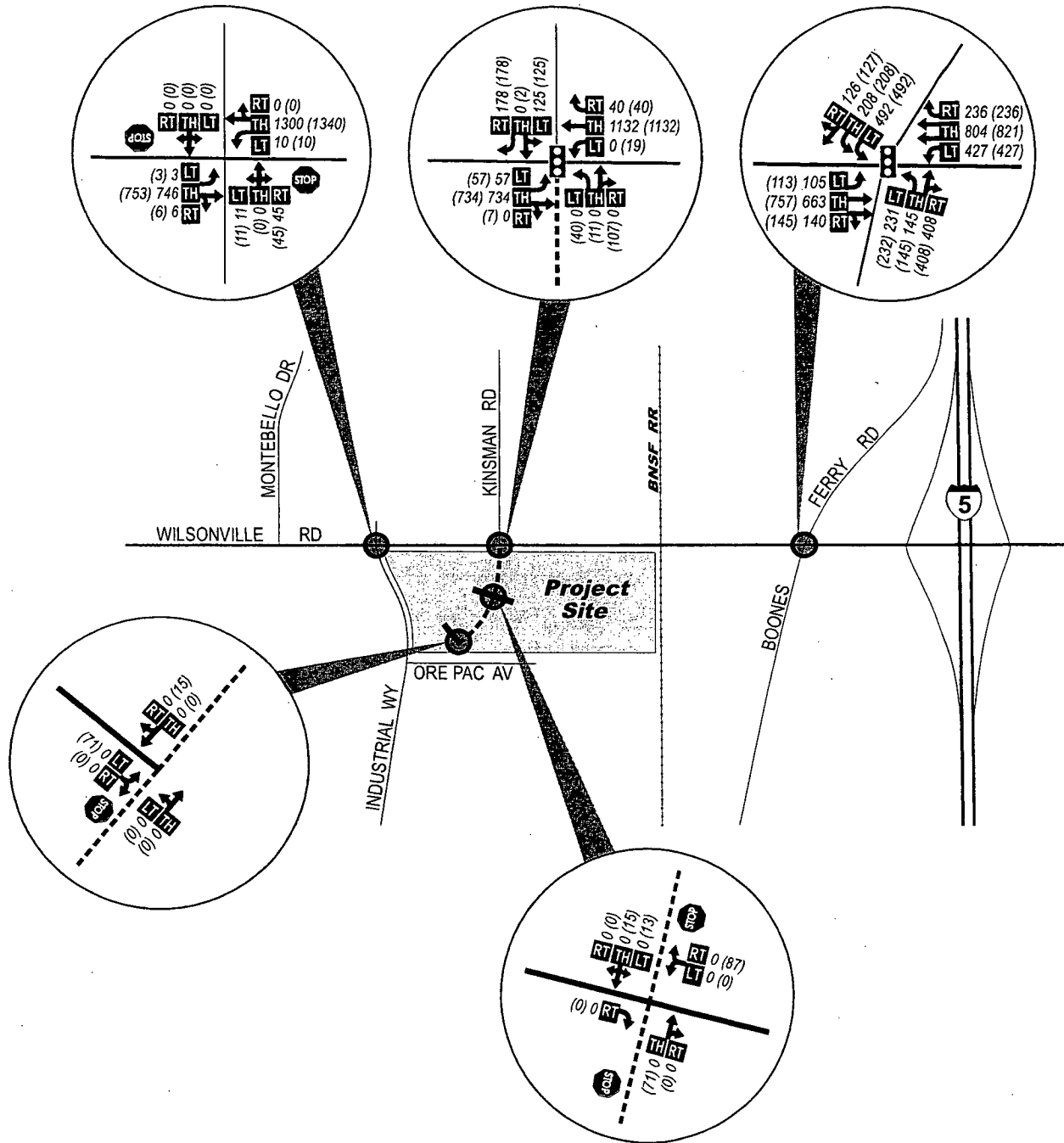
Future traffic volumes were estimated at the study intersections for each scenario. The three future operating scenarios include various combinations of three types of traffic: existing, project, and stage II. Existing and project traffic have both been explained previously. Stage II traffic is estimated based on the list of currently approved Stage II developments, which was provided by City staff.<sup>25</sup> This list and the corresponding PM peak hour trip generation estimates for these developments are included in the appendix. The weekday PM peak hour traffic volumes used to analyze the Existing plus Stage II and the Existing plus Stage II plus Project scenarios are shown in Figure 4.

<sup>24</sup> City of Wilsonville Zoning Code, Section 4.120.Zones.RA-H Residential Agriculture – Holding Zone

<sup>25</sup> Email from Blaise Edmonds, City of Wilsonville, February 24, 2009 (see appendix for Stage II list).

# Wilsonville Road Business Park

## Transportation Impact Study



**LEGEND**

- Study Intersection
- Lane Configuration
- Traffic Signal
- Stop Sign
- Volume Turn Movement
- Traffic Volumes**
- 000 - Existing + Stage II
- (000) - Existing + Stage II + Project

**DKS Associates**  
TRANSPORTATION SOLUTIONS

**Figure 4**

**EXISTING+STAGE II+PROJECT  
PM PEAK HOUR  
TRAFFIC VOLUMES**

NO SCALE

As was done in the existing conditions analysis, the three future scenarios were analyzed during the weekday PM peak hour using *2000 Highway Capacity Manual* methodology. By comparing the intersection performance between the scenarios, the project impacts at the study intersections can be determined. The only intersection improvement assumed for this analysis was the construction of the south leg (i.e., the Kinsman Road extension) at the Wilsonville Road/Kinsman Road intersection under the two project scenario (i.e., the Existing plus Project and Existing plus Stage II plus Project scenarios). In conjunction with this project, the Kinsman Road extension was assumed to provide project access to Wilsonville Road and was not assumed to extend south of the project site or to connect to Industrial Way.

### “Existing” and “Existing plus Project” Scenarios

For the Existing and the Existing plus Project scenarios, the study intersection operating conditions are listed in Table 8. As shown, all study intersection meet operating standards under both scenarios.

**Table 8: Existing plus Project Intersection Operations (Existing Geometry)**

Intersection	Operating Standard	Existing			Existing + Project		
		Delay	LOS	V/C	Delay	LOS	V/C
<b>Signalized</b>							
Wilsonville Rd/Boones Ferry Rd	LOS D	31.3	C	0.64	30.8	C	0.65
Wilsonville Rd/Kinsman Rd	LOS D	12.0	B	0.64	17.1	B	0.66
<b>Unsignalized</b>							
Wilsonville Rd/Industrial Wy	<sup>a</sup>	33.8	B/D	0.59	32.8	B/D	0.60
Kinsman Rd/Northern Access	<sup>a</sup>				9.1	A/A	0.10
Kinsman Rd/Southern Access	<sup>a</sup>				8.9	A/A	0.08
<u>Signalized Intersections:</u>		<u>Unsignalized Intersections:</u>					
Delay = Average Stopped Delay per Vehicle (sec)		Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement					
LOS = Level of Service of Intersection		LOS = Level of Service of Major Street/Minor Street					
V/C = Volume-to-Capacity Ratio of Intersection		V/C = Volume-to-Capacity Ratio of Worst Movement					
<b><u>Bold Underlined</u></b> values do not meet standards.							

<sup>a</sup> The City's LOS D standard does not apply to private driveways or roadway approaches; however, LOS D operations or better are preferred.

### “Existing plus Stage II” and the “Existing plus Stage II plus Project” Scenarios

Intersection operations were also compared for the Existing plus Stage II and the Existing plus Stage II plus Project scenarios. Because there is a considerable amount of Stage II approved development traffic on Wilsonville Road and Boones Ferry Road, the study intersections experience a significant increase in congestion under these two scenarios. As shown in Table 9, with the addition of stage II traffic, the Wilsonville Road/Boones Ferry Road intersection no longer meets applicable operating standards.

Improvements are planned for the Wilsonville Road/Boones Ferry Road intersection and are addressed in the following section of this study. In addition, the Wilsonville Road/Industrial

Way intersection is expected to experience increased congestion; however, the City plans to close the Industrial Way approach to Wilsonville Road to vehicle traffic once the Kinsman Road extension is connected to Industrial Way south of the project property, as shown in the City's TSP. The Kinsman Road extension project is also addressed in the following section of this study.

**Table 9: Existing plus Stage II plus Project Intersection Operations (Existing Geometry)**

Intersection	Operating Standard	Existing + Stage II			Existing + Stage II + Project		
		Delay	LOS	V/C	Delay	LOS	V/C
<b>Signalized</b>							
Wilsonville Rd/Boones Ferry Rd	LOS D	>80	E	1.18	>80	E	1.22
Wilsonville Rd/Kinsman Rd	LOS D	20.1	C	0.88	22.8	C	0.91
<b>Unsignalized</b>							
Wilsonville Rd/Industrial Wy	<sup>a</sup>	>50	D/F	>2.0	>50	E/F	>2.0
Kinsman Rd/Northern Access	<sup>a</sup>				9.1	A/A	0.10
Kinsman Rd/Southern Access	<sup>a</sup>				8.9	A/A	0.08
<u>Signalized Intersections:</u> Delay = Average Stopped Delay per Vehicle (sec) LOS = Level of Service of Intersection V/C = Volume-to-Capacity Ratio of Intersection				<u>Unsignalized Intersections:</u> Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement			
<b><u>Bold Underlined</u></b> values do not meet standards.							

<sup>a</sup> The City's LOS D standard does not apply to private driveways or roadway approaches; however, LOS D operations or better are preferred.

## Planned Improvements

Future improvements at the Wilsonville Road/Boones Ferry Road intersection are planned and funded, and a future roadway extension of Kinsman Road (which affects the Wilsonville Road/Industrial Way intersection) has also been planned. The projects are described below, and the resulting study intersection operations are then provided.

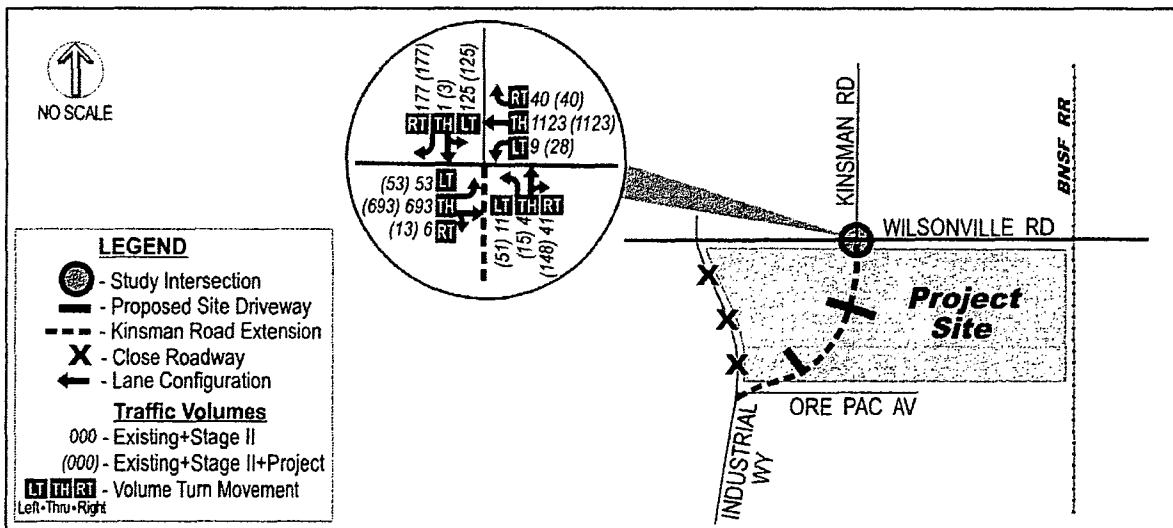
### Wilsonville Road/Boones Ferry Road Improvements

Due to capacity constraints along Wilsonville Road, two improvement projects are planned in the vicinity of the Wilsonville Road/Boones Ferry Road intersection. First, the City of Wilsonville has a planned improvement project for the Wilsonville Road/Boones Ferry Road intersection that will add a second westbound left-turn lane (resulting in dual left-turns), a third eastbound through lane, and a northbound right-turn lane (which will allow the existing shared through-right lane to be used as a through-only lane). Boones Ferry Road south of the intersection will also be reconstructed in conjunction with the Fred Meyer development. Second, improvements are planned for the I-5/Wilsonville Road interchange area. These improvements will start east of Boones Ferry Road and extend west of Town Center Loop West. Recently, the City has signed an intergovernmental agreement and engineering design is underway to construct the first phase of these improvements.

**Kinsman Road Extension**

The City of Wilsonville Transportation Systems Plan (TSP) identifies a Kinsman Road extension project (Project C-14)<sup>26</sup> that would pass through the project site. It is expected that the Kinsman Road extension will be a three-lane roadway through the project site. The center lane would be a northbound left-turn pocket at the Wilsonville Road/Kinsman Road intersection and a two-way left turn lane elsewhere to improve safety along the curve by better accommodating left turns at the driveways. It is also expected that the extension would start at Wilsonville Road and curve around to the west before tying into Industrial Way, which would be realigned such that the Industrial Way approach to Wilsonville Road would be closed to vehicular traffic and the existing Industrial Way traffic would be rerouted to Kinsman Road. This would allow the existing and future developments in the area to access Wilsonville Road at the signalized Kinsman Road intersection instead of at the private Industrial Way stopped approach.

The Kinsman Road extension and Industrial Way realignment are shown conceptually in Figure 5, along with the resulting Existing plus Stage II and Existing plus Stage II plus Project traffic volumes at the Wilsonville Road/Kinsman Road intersection. It will be the developer's responsibility to construct the portion of the Kinsman Road extension that passes through the project property (additional details regarding the developer's responsibility for the Kinsman Road extension improvements are provided in the mitigations section of this report). It is our understanding that the portion of the Kinsman Road extension south of the project property will not yet be built and the Industrial Way approach to Wilsonville Road will not be closed until the remainder of the Kinsman Road extension (including the connection with Industrial Way) is constructed.



**Figure 5: Kinsman Road Extension and Resulting Traffic Volumes**

<sup>26</sup> City of Wilsonville Transportation System Plan, Prepared by Entranco, Adopted June 2, 2003; Table 4.g.

**Improved Intersection Operations**

Additional analysis was performed for the Wilsonville Road/Boones Ferry Road and Wilsonville Road/Kinsman Road intersections to estimate the resulting traffic operating conditions following the Wilsonville Road/Boones Ferry Road improvements and the Kinsman Road extension.

Because the Industrial Way approach to Wilsonville Road is a private road and would be closed in the future, no analysis was performed for the Wilsonville Road/Industrial Way intersection. Instead additional analysis was performed at the Wilsonville Road/Kinsman Road intersection due to the addition of the rerouted Industrial Way traffic.

The operations analysis results for the improved Existing plus Stage II and Existing plus Stage II plus Project scenarios are provided in Table 10. As shown, the Wilsonville Road/Boones Ferry Road and Wilsonville Road/Kinsman Road intersections would both meet the City of Wilsonville LOS "D" standard. This is an improvement for the Wilsonville Road/Boones Ferry Road intersection, which otherwise would not meet the standard. On the other hand, the Wilsonville Road/Kinsman Road intersection was already expected to meet the standard, and it continues to do so even with the rerouted traffic. In fact, operations are improved at the Wilsonville Road/Kinsman Road intersection due to more efficient use of the green-time allocation. In other words, the rerouting took advantage of the fact that there was more available capacity (and less congestion) on the northbound approach to the Wilsonville Road/Kinsman Road intersection (to which the rerouted trips were added) than on the eastbound approach (from which the majority of the rerouted trips were removed).

**Table 10: Existing plus Stage II plus Project Intersection Operations (Planned Improvements)**

Intersection	Operating Standard	Existing + Stage II + Improvements			Existing + Stage II + Project + Improvements		
		Delay	LOS	V/C	Delay	LOS	V/C
Wilsonville Rd/Boones Ferry Rd	LOS D	39.4	D	0.71	40.0	D	0.72
Wilsonville Rd/Kinsman Rd	LOS D	18.9	B	0.83	24.7	C	0.89

Delay = Average Stopped Delay per Vehicle (sec)      V/C = Volume-to-Capacity Ratio of Intersection  
 LOS = Level of Service of Intersection      **Underlined** values do not meet standards.

**Access**

Based on the preliminary site plan, the proposed Wilsonville Road Business Park has two access points to the public street system. Both access points are onto the Kinsman Road extension, which connects to the Wilsonville Road/Kinsman Road intersection as the new south leg.

The northern site driveway on Kinsman Road is shown on the site plan at approximately 175 feet from the Wilsonville Road/Kinsman Road intersection and provides access to both the east and west sections of the site. Considering the layout of the 100-foot northbound left-turn lane and associated 125-foot taper at the Wilsonville Road/Kinsman Road intersection, the northern site driveway should be shifted approximately 50 feet to the south for safety purposes. This will keep the site access out of the Wilsonville Road/Kinsman Road intersection's northbound left-turn transition area and reduce the chance of queues blocking the site driveway.



In addition, the curvature of the Kinsman Road extension adjacent to the northern driveway may limit sight distance for vehicles turning left out of the western site. The project sponsor should coordinate with City staff to determine whether the west leg of the northern driveway should be removed or possibly have turn movement restrictions applied to it (due to this possibility and to analyze highest use impacts, all traffic from the western portion of the site was analyzed at the southern driveway). It should also be noted that the western portion of the project site would still have full access at the southern driveway and the eastern portion of the project site would still have full access at the northern driveway because sight distance should not be an issue and because it has no other access location.

The southern site driveway on Kinsman Road provides access to the west section of the site and is located approximately 375 feet from Wilsonville Road. Because of the potential rerouting of Industrial Way traffic onto Kinsman Road, the southern driveway should be coordinated with City staff to confirm that it is located directly across from a potential realignment of OrePac Avenue, which currently accesses Industrial Way and provides access to the existing OrePac industrial site. Otherwise, if the OrePac driveway is connected to the Kinsman Road extension at some point in the future but is not aligned with the southern Wilsonville Road Business Park driveway, then it is likely that access management spacing standards along the Kinsman Road extension would not be met and safety issues could arise due to offset driveways located along a curve.

### **Sight Distance**

The sight triangle at each driveway should be clear of objects (large signs, landscaping, parked cars, etc.) that could potentially limit vehicle sight distance. In addition, all proposed site driveways should meet American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements<sup>27</sup> as measured from 14.5 feet back from the edge of pavement. The site driveways would require a minimum of 335 feet of sight distance based on a 30 mph speed limit on the Kinsman Road extension. Prior to occupancy, sight distance at the access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

### **Parking**

The proposed Wilsonville Road Business Park is required to comply with the City of Wilsonville Planning and Land Development code for the number of vehicular parking stalls and bicycle parking spaces that are provided on site.<sup>28</sup> The requirements are based on the types of uses and the total building square footage of each use.

#### ***Vehicular Parking***

Regarding vehicular parking, the site plan indicates that a total of approximately 325 parking stalls are planned for the site. There are two general areas where the stalls are located:

- Near the proposed three-story office building (west side of Kinsman Road)
- Near the flex-space and industrial buildings (east side of Kinsman Road)

<sup>27</sup> *Geometric Design of Highways and Streets*, AASHTO, 2004; Case B1, p. 661.

<sup>28</sup> City of Wilsonville, Planning and Land Development Ordinance, Sections 4.154-4.198, Updated Feb. 2004.

A breakdown of the parking stalls provided east and west of Kinsman Road is given in Table 11. As shown in the table, the number of parking stalls on the west side of Kinsman Road satisfies City code and also meets the weekday peak parking demand estimated based on parking data published by the Institute of Transportation Engineers (ITE).<sup>29</sup> On the east side of Kinsman Road, however, there are 42 more parking stalls provided than are allowed by City code and approximately 80 more stalls than are estimated to be needed to service the peak parking demand. Therefore, it is recommended that the number of parking stalls be reduced by at least 42 stalls to meet the maximum as allowed by code. If a greater number of stalls than the maximum number allowed by City code are desired, then justification should be provided; however, it should be remembered that the primary focus of the service commercial and retail space should be to serve the nearby industrial uses and not to attract a large amount of traffic from other areas of town.

**Table 11: Vehicular Parking Summary**

Land Use	Size (KSF) <sup>a</sup>	Stalls Provided	Estimated Peak Demand <sup>b</sup>	Spaces Required by City Code <sup>c</sup>	
				Minimum	Maximum
<b>West Side of Kinsman Rd</b>					
3-story Office Building	30.0 KSF	100	87	81	123
<b>East Side of Kinsman Rd</b>					
Flex-Space (2 buildings)	37.3 KSF		108	101	153
Industrial (2 buildings)	60.0 KSF		38	18 <sup>d</sup>	30 <sup>d</sup>
<b>Total East Side</b>		<b>225</b>	<b>146</b>	<b>119</b>	<b>183</b>
<b>Total</b>	<b>127.3 KSF</b>	<b>325</b>	<b>233</b>	<b>200</b>	<b>306</b>

<sup>a</sup> KSF = 1,000 square feet

<sup>b</sup> Estimated demand based on *Parking Generation, 3<sup>rd</sup> Edition*, Institute of Transportation Engineers, 2003.

<sup>c</sup> City of Wilsonville, Planning and Land Development Ordinance, Section 4.155, Updated Feb. 2004.

<sup>d</sup> City code requirements for industrial space are based on Use f.2 in Table 5 of Code Section 4.155.

### **Bicycle Parking**

For bicycle parking, it is not clear how many bicycle parking spaces are planned for the site. However, the City of Wilsonville Planning and Land Development code requires a minimum of 17 total bicycle parking spaces be provided for the proposed uses.<sup>30</sup> Table 12 lists the breakdown of bicycle parking spaces by land use. These spaces should be distributed throughout the development based on the breakdown shown in Table 12 and should be located near building entrances in order to provide convenient access to each building.

<sup>29</sup> *Parking Generation, 3<sup>rd</sup> Edition*, Institute of Transportation Engineers, 2003.

<sup>30</sup> City of Wilsonville, Planning and Land Development Ordinance, Sections 4.154-4.198, Updated Feb. 2004.

**Table 12: Bicycle Parking Summary**

Land Use	Size (KSF) <sup>a</sup>	Bicycle Parking Spaces Provided	Bicycle Parking Spaces Required by City Code
<b>West Side of Kinsman Rd</b> 3-story Office Building	30.0 KSF	c	6
<b>East Side of Kinsman Rd</b> Flex-Space (2 buildings)	37.3 KSF	c	8
Industrial (2 buildings) <sup>d</sup>	60.0 KSF	c	3 <sup>d</sup>
<b>Total</b>	<b>127.3 KSF</b>	c	<b>17</b>

<sup>a</sup> KSF = 1,000 square feet

<sup>b</sup> City of Wilsonville, Planning and Land Development Ordinance, Sections 4.154-4.198, Updated Feb. 2004.

<sup>c</sup> Number of bicycle parking spaces not specified on site plan.

<sup>d</sup> City code requirements for industrial space based on Use f.2 in Table 5 of Code Section 4.155.

## Site Plan Evaluation

The site provided by the project sponsor<sup>31</sup> was evaluated with consideration for internal vehicular circulation and pedestrian facilities.

### Internal Vehicular Circulation

Based on the preliminary site plan, there do not appear to be any major concerns with the proposed facility's internal roadway network. One location of potential concern is at the southern end of the parking lot on the west side of Kinsman Road. The four southernmost parking stalls are located next to and angled towards the southern driveway. Vehicles pulling out of the parking spaces would likely block the driveway and create a potentially unsafe condition. At least the two stalls closest to Kinsman Road should be removed.

### Pedestrian Facilities

Three improvements are recommended to the site's pedestrian network:

- A more convenient pedestrian connection between the Wilsonville Road/Kinsman Road intersection and the western flex-space building (i.e., at the northwest corner of the east parking lot); this connection would improve pedestrian access to the commercial and service retail establishments located in the flex-space buildings and would provide a more direct pedestrian route to the three-story office building (which would improve the ability of the flex-space to serve the office uses).
- Sidewalks and/or pedestrian paths throughout the west parking lot to accommodate convenient movement between the three-story office building entrance and the nearby parking stalls
- A sidewalk connection between the office building and Wilsonville Road

<sup>31</sup> The site plan was provided with the "Request for Traffic Study" form and is included in the Appendix.

## **CHAPTER 4: MITIGATION**

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To preserve the performance of the study area roadways and provide safe access to the proposed Wilsonville Road Business Park and surrounding land uses, it is recommended that a series of transportation mitigation measures be performed. The following project related measures would typically be required as conditions of approval if the project were approved:

### ***Kinsman Road Extension***

Each of the following Kinsman Road extension improvements shall be performed by the developer and coordinated with City of Wilsonville staff:

- Construct the portion of the Kinsman Road extension that passes through the project property. Adjacent to the Wilsonville Road/Kinsman Road intersection, the cross-section shall include a 100-foot northbound left-turn pocket plus 125-foot taper.<sup>32</sup>
- Modify the Wilsonville Road/Kinsman Road traffic signal as needed to accommodate service to the new south leg.
- Install traffic detection for the new northbound approach to the Wilsonville Road/Kinsman Road intersection.
- Modify the westbound approach to the Wilsonville Road/Kinsman Road intersection to allow use of the westbound left-turn lane. This includes removing the existing traffic separators on Wilsonville Road to allow access to the left-turn lane, restriping the turn lane, and installing any new signs and traffic signal detection that are needed in conjunction with the improvements.

### ***Access***

- Given the 100-foot northbound left-turn lane and associated 125-foot taper that are needed at the Wilsonville Road/Kinsman Road intersection, the northern site access to Kinsman Road should be shifted approximately 50 feet to the south to keep the site access out of the Wilsonville Road/Kinsman Road intersection's northbound left-turn transition area and reduce the chance of queues blocking the site driveway.
- Due to the curvature of the Kinsman Road extension adjacent to the northern driveway, the project sponsor should coordinate with City staff to determine whether the west leg of the northern driveway should be removed or possibly have turn movement restrictions applied to it.
- Because of the potential rerouting of Industrial Way traffic onto Kinsman Road, the southern driveway should be coordinated with City staff to confirm that it is located directly across from a potential realignment of OrePac Avenue.

### ***Sight Distance***

- The sight triangle at each driveway should be clear of objects (large signs, landscaping, etc.) that could potentially limit vehicle sight distance. All proposed site driveways

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<sup>32</sup> This correlates with other analysis recently performed, which also recommended that 100 feet of storage should be provided *Brown Road Extension Alternatives Analysis*, DKS Associates, March 13, 2009 (Draft Report).

should meet American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements<sup>33</sup> as measured from 14.5 feet back from the edge of pavement. The site driveways would require a minimum of 335 feet of sight distance based on a 30 mph speed limit on the Kinsman Road extension. Prior to occupancy, sight distance at the access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

**Internal Vehicular Circulation**

- Two of the four southernmost parking stalls on the west side of Kinsman Road should be removed because vehicles pulling out of the parking spaces would likely block the southern driveway and create a potentially unsafe condition.

**Pedestrian Facilities**

- A more convenient pedestrian connection is recommended between the Wilsonville Road/Kinsman Road intersection and the western flex-space building (i.e., at the northwest corner of the east parking lot). This connection would improve pedestrian access to the commercial and service retail establishments located in the flex-space buildings and would provide a more direct pedestrian route to the three-story office building (which would improve the ability of the flex-space to serve the office uses).
- Sidewalks and/or pedestrian paths should be provided throughout the west parking lot to accommodate convenient movement between the three-story office building entrance and the nearby parking stalls.
- A sidewalk connection should be provided between the three-story office building and Wilsonville Road.
- All sidewalks within the site should conform to ADA requirements.<sup>34</sup>

**Parking**

- On the east side of Kinsman Road, there are 42 more parking stalls provided than are allowed by City code and approximately 80 more stalls than are estimated to be needed to service the peak parking demand. Therefore, it is recommended that the number of parking stalls be reduced by at least 42 stalls to meet the maximum as allowed by code. If a greater number of stalls than the maximum number allowed by City code are desired, then justification should be provided.
- City code requires that a minimum of 17 bicycle parking spaces be provided to accommodate the proposed uses of the Wilsonville Road Business Park. More spaces can be provided if desired, but the site should include a minimum of six spaces for the three-story office building, eight spaces for the flex-space buildings, and three spaces for the industrial buildings. These spaces should be located near building entrances in order to provide convenient access.

<sup>33</sup> *Geometric Design of Highways and Streets*, AASHTO, 2004; Case B1, p. 661.

<sup>34</sup> *ADA Accessibility Guidelines for Buildings and Facilities*, Department of Justice, January 2004.

# Appendix

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**Site Information**

**Wilsonville Stage II Project List**

**Weekday PM Peak Hour Traffic Counts**

**Level of Service Descriptions**

**HCM Analysis – Existing Geometry**

**HCM Analysis – with Improvements**

**ODOT Collision Data**

## Site Information

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City of Wilsonville  
Community Development Department  
Engineering and Planning Divisions

29799 SW Town Center Loop E  
Wilsonville, OR 97070  
Phone: 503 682-1011; Fax 503 682-7025  
adams@ci.wilsonville.or.us

This form must be completed and returned to Steve Adams, Deputy City Engineer, to initiate a traffic Scope of Services, a request for a traffic study waiver, a determination of de minimus traffic impact, or other traffic-related issues.

**REQUEST FOR TRAFFIC STUDY – PLEASE READ COMPLETELY**

<input checked="" type="checkbox"/> Traffic Study Scope of Services	<input type="checkbox"/> Waiver from Traffic Study requirement
Other Traffic Related Request _____	

Requested by: KARL KOROCH, PE Date: 1-30-09

Property address: 9900 SW WILSONVILLE ROAD

Legal description: Tax lot(s) 100 & 101 Section T35 R1W  
MAP 235

Project name: PNWP - WILSONVILLE ROAD

Property owner:  
Name: PACIFIC NORTHWEST PROPERTIES, LP  
Address: TOM STERN  
6600 SW 105 AVE  
SUITE 175  
BEAUGLTON, OR 97008

Applicant:  
Name: LANS STOUT / TM RIPPEY CONSULTING INC.  
Address: 7650 SW BEVELAND STREET  
TIGARD OR 97223

Authorized representative:  
(Contact person)\*  
Name: LANS STOUT

Company: TM RIPPEY CONSULTING ENGINEERS

Address: 7650 SW BEVELAND TIGARD 97223

Phone: 503 443 3906 Email: LSTOUT@TMRIPPEY.COM

\*Note: This person will receive all correspondence regarding traffic analysis.

*Process: A Request, along with a site plan and project description must be submitted to the Engineering Division. The request is forwarded to the City's traffic consultant who will prepare a Scope of Services, which will include the necessary fee. The prepared Scope will be reviewed by the Engineering Division, and once approved, will be forwarded to the authorized representative listed above. When the applicant reviews and submits the fee indicated in the Scope of Services, the scope will be authorized by Staff and forwarded to the traffic consultant. When the traffic study has been received and approved by the City's Engineering Division, it will be forwarded to the applicant and the Planning Division.*

*A request for a Waiver from a traffic study will be reviewed by the Community Development Director and the Engineering Division and the requestor will be notified by mail.*

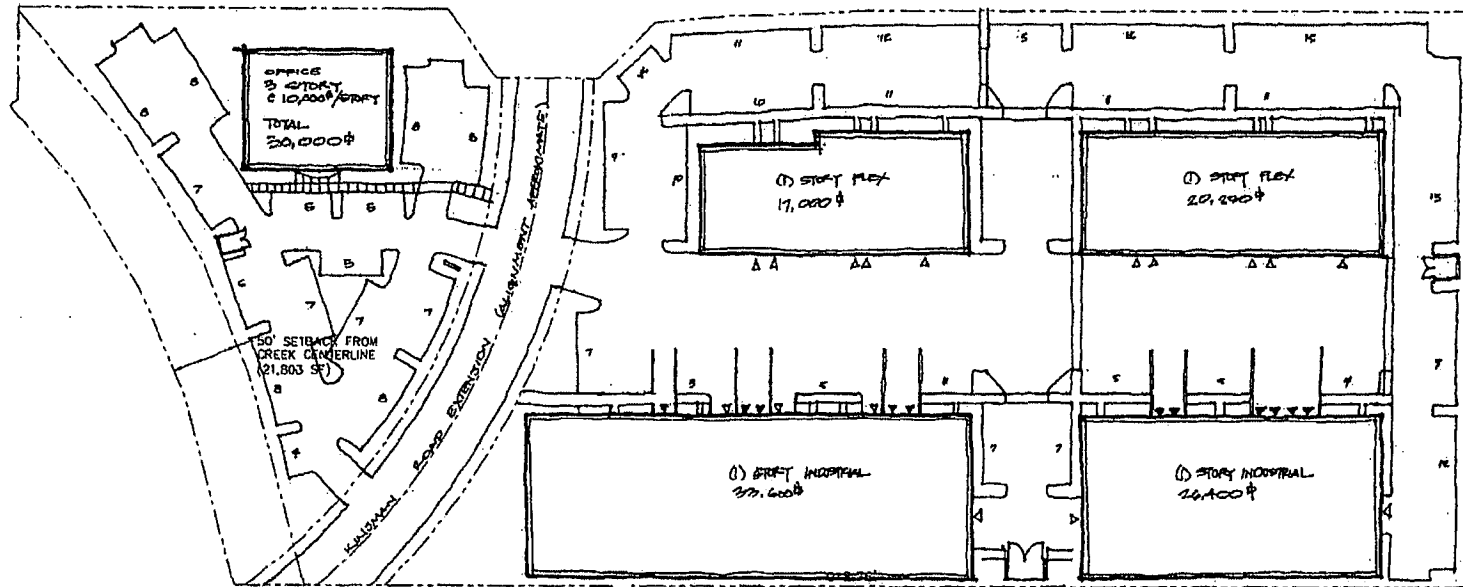
*Note: If the project description and/or site plan change from what was originally submitted, additional traffic analysis and fees may be required.*



# WILSONVILLE ROAD BUSINESS PARK

## PRELIMINARY SITE PLAN

WILSONVILLE ROAD



Page 211 of 363

### OWNER

PACIFIC NORTHWEST PROPERTIES  
CONTACT: TOM STERN  
6600 SW 105TH, SUITE 175  
BEAVERTON, OR 97008  
PHONE: (503)626-3500

### PLANNING / CIVIL ENGINEERING

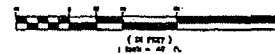
T.M. RIPPEY CONSULTING ENGINEERS  
CONTACTS: LANS STOUT - lstout@tmrippey.com  
KARL KOROCH, PE - kkoroch@tmrippey.com  
7650 SW BEVELAND STREET, SUITE 100  
TIGARD, OR 97223  
PHONE: (503)443-3900

### ARCHITECT

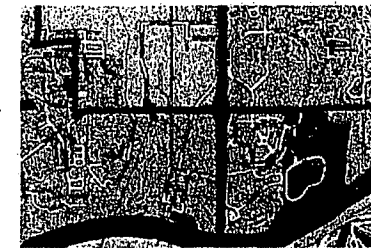
MILDREN DESIGN GROUP  
CONTACT: GENE MILDREN  
7350 SW BEVELAND STREET, SUITE 120  
TIGARD, OR 97223  
PHONE: (503)244-0552

- NOTES:
1. THE ALIGNMENT OF THE KINSMAN ROAD EXTENSION IS SUBJECT TO REFINEMENT THROUGH A CITY STUDY PROCESS.
  2. THE BUILDINGS EAST OF KINSMAN ROAD WILL BE PREDOMINANTLY INDUSTRIAL TENANTS WITH AN APPROXIMATE 25% BUILD-OUT. THE BUILDING WEST OF KINSMAN ROAD WILL BE 100% OFFICE.

### GRAPHIC SCALE



PROPERTY ADDRESS: 9900 SW WILSONVILLE ROAD  
LEGAL DESCRIPTION: TAX LOTS: 100 & 101  
SECTION: T3S R1W MAP 23B



PROJECT LOCATION



VICINITY MAP  
NOT TO SCALE

1000 SW Beveland, Suite 100  
Tigard, Oregon 97223  
Phone: (503) 443-3900  
Fax: (503) 443-3901

**T.M.R.**  
T.M. RIPPEY  
CONSULTING ENGINEERS

WILSONVILLE ROAD  
BUSINESS PARK  
9900 SW WILSONVILLE ROAD  
WILSONVILLE, OREGON

PRELIMINARY SITE PLAN

DATE: 11/11/2011  
DRAWN BY: JLS  
CHECKED BY: JLS

C0.0

PROJECT NO. 0255

## **Wilsonville Stage II Project List**

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Wilsonville Planning Division  
 Stage II Approved, Vested, and Other Projects

Updated February 24, 2009

Stage II Approved										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diversed	In	Out	Total
Ash Meadows	MFDU		22					14	7	21
TC Anchor	RET	Not built	31.0 KSF			37%	28%	43	43	136
Rivergreen (Phase 3)	SFDU		4					4	2	6
Mercedes Benz (Phase 2)	Auto Dealership	Not built						20	26	46
I-5 Corporate Park (In Focus)	2 story Office bldg W-1	Not built	70.0 KSF					17	80	97
Argyle Square	Retail – Service station	Not built	10 fueling positions			29%	30%	23	24	47
Town Center Ph III and its trip dedication to Miller Paint store  <i>Uses marked with "*" have not yet been built and their PM peak hour trip sum exceeds the remaining vested trip level by 2 trips. It has yet to be determined how trips will be allocated between the remaining buildings to be built.</i>	Wilsonville Town Center Office (Pad 5)	Built, not occupied	44.0 KSF					18	86	104
	US Bank (Pad 4)	Under construction	3.6 KSF					45	45	90
	Dr. Morrissey (Pad 3)	Under construction	12.8 KSF					13	34	47
	*Fast Food Restaurant (Pad 2)	Not built	2.5 KSF					18	16	34*
	*High Turnover Restaurant (Pad 1)	Not built	7.5 KSF					24	17	41*
	*Miller Paint store	Not built	5.0 KSF					6	6	12*
	<b>Approved Total</b>									
Shefrin Mixed-Use	Retail/Office		8.0 KSF					2	8	10
Lowries	Sequoia Office Building	Not built	17.8 KSF					8	39	47
Cross Creek Subdivision	Residential	Lots for sale	13 lots					7	4	11
Hydro-Temp	Office/Flex-Space	Not built	60.8 KSF					44	46	90
Copper Creek (Mike Madrid)	Residential	Not built	26 units					15	8	23

Wilsonville Planning Division  
 Stage II Approved, Vested, and Other Projects

Updated February 24, 2009

Stage II Approved										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass By	Diverted	In	Out	Total
Chad Ward building on Kinsman	Manuf., warehouse, office & 5,000 SF retail bldg.	Not built	25.4 KSF					11	41	52
Joe Angel's retail (Wilsonville Retail) on Boones Ferry Rd	Retail (North Bldg)	Not built	11.2 KSF			26%	44%	66	65	131
	Bank (South Bldg)	Not built	3.2 KSF			26%	58%	53	58	111
	<b>Total</b>							<b>119</b>	<b>123</b>	<b>242</b>
Providence Medical Clinic	Offices	Under construction	25.0 KSF					25	68	93
Wilsonville Auto Body	Convert existing Diatron Bldg to Auto Body facility		39.6 KSF							
Wilsonville – Old Town	Residential (Phase 1)		2 lots plus 2 accessory units							
Coca-Cola Warehouse Expansion	Industrial	Under construction	160.0 KSF					6	22	28
Abele-Renaissance Subdivision	Residential (single-family)	Not built	33 units					21	12	33
Fred Meyer – Old Town Square	Fred Meyer building	Not built	155.6 KSF	770	8%	15%	42%	158	162	320
	Retail (multiple buildings)	Not built	43.5 KSF	362	17%	15%	42%	54	63	117
	Restaurant (portion of existing church)	Not converted	5.0 KSF	54	26%	15%	42%	10	3	13
	Residential (apartments)	Not built	55 units	43	40%			16	10	26
	<b>Total</b>				<b>1,229</b>	<b>12.6%</b>		<b>442 (221, 221)</b>	<b>238</b>	<b>238</b>

Vested Projects with trips through Interchange Areas										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Villebois	Mixed Use	Building 1F built	N/A					266	144	309 WVIC
The Villebois approved projects as shown below are part of the 410 vested trips through the WV Road Interchange Area as shown above (309 trips based on occupied units in SAP-South Phases 1,2, and 3)										
Villebois SAP-South Phases 2 and 3	Residential	Mostly built, lots for sale	121 units					74	41	115
Villebois SAP-East Phase 1	Residential	Lots for sale	190 units							
Villebois SAP-Central Phase 1	Residential		394 units							
Villebois SAP-Central Phase 2	Residential and 5 KSF commercial	Charleston under construction	114-134 (mid 124)							
Villebois SAP-South Phase 5	Residential	Not built	25 units							
Villebois SAP-North	Residential	Not built								

**Wilsonville Planning Division  
 Stage II Approved, Vested, and Other Projects**

Updated February 24, 2009

Projects Without Stage II Approval ("Other" Projects)										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Identical	In	Out	Total
Wilsonvillage – Old Town	Residential – Phase 2	Not yet Stage II approved (Phase I is Stage II approved)	8 lots plus 8 accessory units							
Shefrin Mixed-Use	Residential	Not yet Stage II approved (other portions of development are Stage II approved)	25 16 Townhomes (trip gen. estimates may change)	19				13	6	19
Wilsonville Senior Apartments	Residential	Trip Gen Memo Completed	84 units	19				10	9	19
Tonkin Audi	Car Dealership	TIA Completed	28.5 KSF	74				49	25	74

## **Exhibit C2**

**Memo from Luke Bushman,  
Stormwater Management Coordinator;  
dated 01/26/10**

## *Natural Resources Review*

Date: January 26, 2010  
Project Name: Wilsonville Road Business Park DRT 012510  
Plan Reviewer: Luke Bushman  
Stormwater Management Coordinator

Re: Wilsonville Road Business Park Narrative and Plan Set

**The narrative and plan set for the above-indicated project was reviewed and subject to following comments:**

- 1) An approved DEQ 1200C is required for the entire project.
- 2) Garbage/recycling enclosures must contain adequate area for proper use of all receptacles, no drain under enclosure and is recommended that the enclosure be covered.
- 3) All food service will be required to have a Pretreatment/Building Division approved oil/water interceptor.
- 4) Page 3C.2, Note 2, systems are to meet City of Wilsonville standards not the City of Tualatin.





## **Exhibit C3**

**Memo from D. Walters;  
Building Plans Examiner;  
dated 02/19/10.**

# Development Review Template

**DATE:** 2/19/10 (Revised 3/18/10)  
**TO:** KRISTY LACY  
**FROM:** DON WALTERS  
**SUBJECT:** DEVELOPMENT REVIEW # DB09-0048  
**WORK DESCRIPTION:** WILSONVILLE ROAD BUSINESS PARK – PHASES I AND II.  
\*\*\*\*\*

CONDITIONS and ADVISORIES are both intended to be placed in your reports.  
CONDITIONS should be placed in EDEN for check-off at the time of C of O submittal.  
ADVISORIES should NOT be placed in EDEN. They are meant as a “heads-up” to the applicant, and will be dealt with in the plan review process.

<b><u>Building Division Conditions and Advisories:</u></b>	
BD 1.	ADVISORY. A 1200C PERMIT from the Department of Environmental Quality will be required for this project. A copy of the 1200C permit shall be submitted to the City as part of the grading permit submittal. If no grading permit is required submit as part of the building permit application.
BD 2.	ADVISORY. ADA PARKING shown on the plans is assumed to be shown for reference only. Approval of the proposed handicap parking entails extensive review of the building usage, site slopes, accessible walkways, and other factors beyond the scope of this development review. ADA parking will be reviewed as part of the building permit process.
BD 3.	ADVISORY. SEPARATION. WALKS paralleling vehicular ways shall be separated from vehicular ways by curbs, planted areas, railings, or other barriers between the pedestrian area and the vehicular areas. Walks not separated shall be defined by a continuous detectable warning that is 36” wide. Separations shall comply with Section 1109.7.7. (1103.2.4.7)
BD 4.	ADVISORY. A grease interceptor will be required for any restaurant, coffee shop, or other such establishment where significant amounts of oils or grease are being introduced into the sewer system.
BD 5.	ADVISORY. POSSIBLE FUTURE PARTITION. If there is a significant possibility that the property will be partitioned at a future date, it is highly recommended that the Engineering Division be consulted on the design parameters of the current project on-site utilities. Water, sewer, and storm sewer piping serving multiple lots is typically required to be in easements and constructed to different design standards than such items serving only one property. If the future division of the property is not considered at this time, a future division may necessitate the removal and replacement of significant portions of the infrastructure.



**City of Wilsonville**  
**Exhibit C3**  
**DB09-0047**

**Tualatin Valley Fire and Rescue Conditions and Advisories.**

FD 1	<p>AERIAL FIRE APPARATUS ACCESS. If any building is 30 feet in height above the lowest level of fire department vehicle access, then it shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. (OFC D105.1) Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (OFC D105.1- .3)</p>
FD 2	<p>PHASE II ACCESS. Submit conformation that a fire department turn-around is not required for Building 5. If a turn-around is required, that turn-around shall be approved by the fire marshal and shown on the plans.</p>
FD 3	<p>FDC SIGNAGE. The location of the FDC for Phase II shall be approved by the fire marshal. (OFC 903.3.7) Phase I gang FDC location is approved. Since all buildings being served by the Phase I FDCs are not visible from the gang FDC location, a sign meeting the approval of the fire marshal shall be installed at the FDC location indicating the location of the building being served in the complex, and which FDC serves which building. This shall be addressed during plan review.</p>
FD 4	<p>PREMISE IDENTIFICATION. Buildings shall have identification that is "plainly legible and visible from the street or road fronting the property." (OFC 505) This would be Kinsman Road (Driveway access). Marquee or similar signage shall be installed at the driveway entrance unless building identification can be clearly seen from the driveway entrance.</p>
FD 5	<p>FIRE CALCS. Fire calcs shall be submitted for each building at the time of building permit application. These calc sheets and instructions are available from the TVF&amp;R web site. (tvfr.com /Departments/ Fire Prevention/ Forms and Brochures/ Fire Flow Calculations) The fire calcs will define how many hydrants are required, and if a building fire alarm or fire sprinkler system may be necessary. Neither hydrant location, number of required hydrants, nor building plan review can proceed without the completed fire calcs.</p>
FD 6	<p>ADVISORY. HYDRANTS. A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved: (Oregon Fire Code (OFC) Section 508.5.5) Items such as structures, electrical transformers, mail boxes, retaining walls, street signs, planters, and so on may not encroach into this space. The mature size of plantings shall be assumed when designing the landscaping plans so as to insure the 3-foot clear space. Exception: Low growing ground cover that is not a trip hazard. <i>Landscaping that presents a trip-hazard or visibly masks a hydrant is not acceptable.</i></p>

## **Exhibit C4**

**Memo from Kerry Rappold,  
Natural Resources Program Manager;  
dated 03/03/10**

## COMMUNITY DEVELOPMENT MEMORANDUM

To: Kristy Lacy, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: March 3, 2009

**RE: Residential Development (DB09-0049 & 0050 – Wilsonville Road Business Park)**

This memorandum includes staff conditions of approval. The conditions of approval are based on the submitted Stage 2 Development Plan and Site Design Review. The conditions of approval apply to the applicant's submittal of construction documents (i.e. engineering drawings).

### CONDITIONS OF APPROVAL:

The following conditions of approval are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

#### Significant Resource Overlay Zone

1. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager.
2. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
3. The applicant shall minimize the impact to the SROZ during construction of the water quality swale and storm outlet structure, and stabilize (i.e. install matting) the swale bottom and slopes to avoid impacts associated with high water levels or stormwater runoff.
4. All mitigation landscaping (Sheet LM1.0), required by Case Number 99 AR 02, shall be completed as part of the Phase 1 improvements. Maintenance of the mitigation area shall be the responsibility of the applicant, including:
  - a. Submitting a site preparation and maintenance plan for approval by the Natural Resources Program Manager;
  - b. Preparing the site by removing invasive plants species;



- c. Providing water during the establishment period (i.e. first two years) of the plants; and
  - d. Replacing any required plant material that dies within the first year of planting.
5. Pursuant to Section 4.139(.03)(.05) of the Wilsonville Code, the applicant is encouraged to use habitat-friendly development practices to the extent practicable for any encroachment into the 25-foot Impact Area.
  6. All proposed surfaces within the SROZ shall be constructed of permeable materials.

### **Stormwater Management**

7. Submit a drainage report and drainage plans. The report and plans shall demonstrate the proposed stormwater facilities satisfy the requirements of the City of Wilsonville's Public Works Standards.
8. Provide profiles, plan views and specifications for the proposed stormwater facilities consistent with the requirements of the City of Wilsonville's Public Works Standards.
9. Pursuant to the Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed stormwater facilities prior to approval for occupancy of the associated development.
10. Pursuant to the City of Wilsonville's Public Works Standards, access shall be provided to all areas of the proposed stormwater facilities. At a minimum, at least one access shall be provided for maintenance and inspection.

### **Other**

10. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall submit an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
  - a. Gravel construction entrance;
  - b. Stockpiles and plastic sheeting;
  - c. Sediment fence;
  - d. Inlet protection (Silt sacks are recommended);
  - e. Dust control;
  - f. Temporary/permanent seeding or wet weather measures (e.g. mulch);
  - g. Limits of construction; and
  - h. Other appropriate erosion and sedimentation control methods.

## **Exhibit C5**

**Conditions of Approval from Steve Adams,  
Deputy City Engineer;  
dated 03/18/10**

**EXHIBIT A  
PLANNING DIVISION  
STAFF REPORT**

**WILSONVILLE ROAD BUSINESS PARK**

**DEVELOPMENT REVIEW BOARD PANEL ' \_\_\_ '   
QUASI JUDICIAL HEARING**

---

**Public Hearing Date:**

**Date of Report:**

**Application Numbers:**

**Request C: DB09-0049 Stage 2 Development Plan  
Request F: DB09-0052 2-Parcel Partition**

**Property**

**Owners/Applicants:**

**PD = Planning Division conditions  
BD = Building Division Conditions  
PF = Engineering Conditions.  
NR = Natural Resources Conditions  
TR = SMART/Transit Conditions  
FD = Tualatin Valley Fire and Rescue Conditions**



**City of Wilsonville  
Exhibit C5  
DB09-0047**



**Standard Comments:**

PFC 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
PFC 2.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
PFC 3.	All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
PFC 4.	Plans submitted for review shall meet the following general criteria: <ul style="list-style-type: none"><li>a. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.</li><li>b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.</li><li>c. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.</li><li>d. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.</li><li>e. 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.</li><li>f. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.</li><li>g. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.</li><li>h. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.</li><li>i. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.</li><li>j. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.</li><li>k. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version.</li></ul>

PFC 5.	Submit plans in the following format and order:
	<ul style="list-style-type: none"> <li>a. Cover sheet</li> <li>b. General note sheet</li> <li>c. Existing conditions plan.</li> <li>d. Erosion control and tree protection plan.</li> <li>e. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.</li> <li>f. Grading plan, with 1-foot contours.</li> <li>g. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.</li> <li>h. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.</li> <li>i. Street</li> <li>j. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference</li> <li>k. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.</li> <li>l. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure.</li> <li>m. Composite franchise utility plan.</li> <li>n. City of Wilsonville detail drawings.</li> <li>o. Illumination plan.</li> <li>p. Striping and signage plan.</li> <li>q. Landscape plan.</li> </ul>
PFC 6.	Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
PFC 7.	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
PFC 8.	The applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality before disturbing any soil on the respective site.
PFC 9.	Stormwater detention is not required for this site.
PFC 10.	A stormwater analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to

	address appropriate pipe sizing and possible use of Low Impact Development (LID) principles.
PFC 11.	The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
PFC 12.	The applicant shall provide the City with a Stormwater Maintenance Covenant and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all private conventional storm water facilities and LID storm water components located from back of curb onto and including the project site.
PFC 13.	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
PFC 14.	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
PFC 15.	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 project shall, at its 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 Staff.
PFC 16.	Sidewalks and pedestrian linkages shall be in compliance with the ADA Accessibility Guidelines (ADAAG), as amended in 2002, or the 2005 Draft Public Rights-of-Way Accessibility Guidelines for areas not fully addressed in the ADAAG standards as determined by the City Engineer.
PFC 17.	No surcharging of sanitary or storm water manholes is allowed.
PFC 18.	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
PFC 19.	A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
PFC 20.	All required pavement markings, in conformance with the Transportation

	Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.				
PFC 21.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer.				
PFC 22.	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer.				
PFC 23.	Applicant shall provide a minimum 8-foot Public Utility Easement along Kinsman Road public right-of-way, and if one does not already exist, a minimum 10-foot Public Utility Easement along Wilsonville Road public right-of-way.				
PFC 24.	Landscape trees located in the right-of-way and open spaces shall be situated so that they are in compliance with City of Wilsonville Standard Detail No. R-1157. All proposed storm and sanitary laterals, water services, fire hydrants, street lights, signage, and driveways shall be clearly shown on the landscape plans so that potential conflicts can be noted and adjustments made.				
PFC 25.	Where trees are located within 8 feet of public sidewalks and/or curbs, the sidewalks and/or curbs shall be protected from root intrusion with a root control barrier system designed by a Professional Landscape Architect registered in the state of Oregon; root control barrier shall be approved by the City's authorized representative before installation. Generally, the root control system should be installed a minimum of 24 inches deep, with a minimum 20-foot length centered on the root source. Installation of such systems shall be done so as to not disturb the sidewalk, curb or base rock previously installed. Provide landscaping plan showing location of root control barrier system.				
<b>Specific Comments:</b>					
PFC 26.	Applicant and City shall enter into a Development Agreement to clearly detail and specify what infrastructure is constructed over capacity and is eligible for SDC credits and/or reimbursement from the City.				
PFC 27.	At the request of Staff, DKS Associates completed a Transportation Impact Study (TIS) dated April 22, 2009. This study looked at the five proposed buildings with the following use breakdown: 10,000 s.f. service commercial or retail, 38,175 s.f. of general office space and 79,075 s.f. of industrial space. The project is hereby limited to no more than the following impacts. <table data-bbox="451 1612 1230 1747" style="margin-left: 40px;"> <tr> <td>Estimated Net New Weekday PM Peak Hour Trips</td> <td style="text-align: right;">186</td> </tr> <tr> <td>Estimated Weekday Net New PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right;">112</td> </tr> </table>	Estimated Net New Weekday PM Peak Hour Trips	186	Estimated Weekday Net New PM Peak Hour Trips Through Wilsonville Road Interchange Area	112
Estimated Net New Weekday PM Peak Hour Trips	186				
Estimated Weekday Net New PM Peak Hour Trips Through Wilsonville Road Interchange Area	112				
PFC 28.	In determining the equitable share of the Kinsman Road improvements, along with the TIS report described above for the development, DKS				

Associates completed two additional traffic studies. These are titled *Brown Road Extension Alternative Analysis* dated March 13, 2009 (included as part of the OBEC study titled *Alternative Analysis Summary for New Connector Street Between Wilsonville Road and Industrial Way* dated April 2, 2009), and the *Comprehensive Brown Road Extension Alternatives Analysis* dated January 25, 2010. These studies looked at the 2030 horizon year traffic demands based on buildout of the undeveloped lands bounded by the Portland & Western Railroad line, Wilsonville Road and Brown Road; these studies used existing 2009 land uses and current land use zoning.

Based on this traffic modeling, it is estimated that Kinsman Road will carry 410 total PM Peak Hour trips in 2030, of these 186 PM Peak Hour trips will be generated by the Wilsonville Road Business Park, or 45.4% proportionally.

Because the subject development would create a demand for road improvements it is appropriate to require the developer to pay for a proportionate share of the costs of those improvements.

The intersection of Wilsonville Road and Kinsman Road was reconstructed by the City as part of the Wilsonville Road Phase 2B/3B CIP in 2005, including signalization of the south leg which shall provide the only access from the project property to Wilsonville Road. The value of the signal work for the south leg which benefits the project property and future development south is estimated at \$65,000.

The City has entered into a development agreement with the Applicant which specifies the City is responsible for 50% of the street construction costs plus reimbursement to the Applicant for upgrading their 50% of the street from asphalt to concrete. This cost sharing is roughly proportionate to the impacts created and of benefits received by the proposed development.

PFC 29. Applicant shall be responsible for design and construction of Kinsman Road from the existing south arm of the Wilsonville Road/Kinsman Road intersection to a termination point, agreed upon with the City, near the south property line. The 2003 Transportation Systems Plan (TSP) shows this street classified as a Minor Collector and Applicant shall design and construct the street within a 73-ft right-of-way, as depicted in Figure 4.17 of the TSP. However due to safety issues with this portion of the road being constructed with horizontal curves, the Applicant shall eliminate the on-street parking in favor of a center turn lane to allow for expected truck traffic and turning movements. Thus the design shall include two 12-ft travel lanes, a 14-ft center turn land, two 6-ft bike lines, two 5-ft sidewalks, and remaining right-of-way consisting of landscape planter strips or stormwater swales. Design shall also include street lighting, striping, signage, storm drainage, landscaping and irrigation.

PFC 30. Kinsman Road shall be designed and constructed as a Portland Cement Concrete street in conformance with the Public Works Standards.  
Note that Kinsman Road north of Wilsonville Road was constructed using

	dowel cages. Applicant shall be required to submit a geotechnical report for on-site soil conditions. Engineering will review the report and provide a response to the applicant as to the required street design.
PFC 31.	At the intersection of Wilsonville Road and Kinsman Road, the ADA ramps at the southeast and southwest corners do not meet current ADA accessibility standards. Applicant shall remove the bottom two feet on these four ramps and replace with an approved truncated dome surface.
PFC 32.	At the south end of Kinsman Road, applicant shall work with City to construct an agreed upon terminus to the street. Applicant shall erect a Type III barricade with warning signage at the street terminus.
PFC 33.	The applicant shall provide a 'stamped' engineering plan and supporting photometric information that shows the proposed street light configuration meet the appropriate AASHTO lighting standards for the proposed Kinsman Road.  Street light fixtures and poles shall be from the approved PGE Option B equipment list.
PFC 34.	At the intersection of Wilsonville Road and Kinsman Road, Applicant shall be responsible for verifying camera function loops on south leg of intersection and design/develop new signal timing sequence for the intersection and coordinate with DKS & Associates and Clackamas County in making all signal lights fully functional.
PFC 35.	Applicant shall perform what work is needed to open the existing closed westbound left turn pocket on Wilsonville Road at the Kinsman Road intersection. This work is anticipated to include removal of temporary pylons, restriping and adding left turn pavement arrows.
PFC 36.	When the west tax lot (Phase 2) develops, the applicant shall remove the existing driveway access to Wilsonville Road. Existing drop curb and gutter shall be removed and replaced with the City standard Asphalt Street Curb and Gutter.
PFC 37.	Applicant shall coordinate with City staff and design the northwest corner of the west lot of the site so as to allow City maintenance vehicles access to the water vault and equipment located at the southeast corner of Wilsonville Road and Industrial Way. This will include installing a City approved all-weather driving surface from the proposed parking area to the water vault area.
PFC 38.	Per City Resolution No. 1868, a resolution accepting the access control plan for Wilsonville Road Phases 2B, 3A, and 3B, access to public rights-of-way shall be limited to the two proposed driveways on Kinsman Road as shown on the Design Review Submittal December 2009 plans. No access will be allowed directly onto Wilsonville Road other than through the south leg of the Kinsman Road intersection.
PFC 39.	The access driveway from the east property to Kinsman Road shall be designed with a sufficient radius to allow egress by WB65 trucks with limited impact on the middle travel lane and no impact on adjacent

	pedestrian sidewalks or landscape areas. Applicant shall submit AutoTURN plots to the city for review.
PFC 40.	<p>In developing a drainage plan for stormwater management, the design engineer is encouraged to provide, to the extent feasible, on-site Stormwater management through the use of Low Impact Development (LID) principles. The primary Stormwater management objective for LID is to match pre-development hydrologic condition over the full range of rainfall intensities and durations. LID principles include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>a. Integrate Stormwater management into site planning activities.</li> <li>b. Use natural hydrologic functions as the integrating framework.</li> <li>c. Minimize site disturbance.</li> <li>d. Focus on prevention rather than mitigation.</li> <li>e. Emphasize simple, nonstructural, low-tech, and low cost methods.</li> <li>f. Manage stormwater as close to the source as possible.</li> <li>g. Distribute small-scale LID techniques throughout the landscape.</li> <li>h. Create a multifunctional landscape.</li> </ol> <p>If approved by the City's authorized representative, alternative storm water design standards may be substituted for the standards specified herein. While LID principals provides for the consideration of alternative standards that may conflict with the City's adopted Fire Prevention Code, it is understood that alternative standards will be considered and applied on a case-by-case basis.</p> <p>At time of submittal it is not known if stormwater runoff will be handled by an LID system or conventional drain inlet/piping system. Applicant shall work with the City in development the stormwater system and coordinating with the City how stormwater runoff will be controlled.</p>
PFC 41.	Applicant shall be required to install a 12" diameter public water system on the east side of Kinsman Road. Connect to the existing stub out at the south arm of the intersection with Wilsonville Road and terminate in a 6" blow-off at the south end of the Kinsman Road right-of-way.
PFC 42.	Applicant shall be required to install a looped, minimum 8" diameter public water system through the east site. Applicant shall connect to proposed 12" water main to be located in Kinsman Road and the existing stub on Wilsonville Road located ±390 feet east of Kinsman Road centerline.
PFC 43.	Applicant shall obtain written approval from and comply with any and all conditions placed on construction within the existing easements of Bonneville Power Administration.
PFC 44.	When Kinsman Road is extended south of the project property, there may be a need for the City to acquire either an easement or right-of-way at the

southwest corner of the Phase 1 property to allow a driveway connection to the OrePac property. This connection is anticipated to be through what is currently proposed to be landscape area southwest of the proposed parking area improvements on the Phase 1 property.

<b>Standard Comments:</b>	
PFF 1.	Applicant shall provide a minimum 8-foot Public Utility Easement along Kinsman Road public right-of-way, and if one does not already exist, a minimum 10-foot Public Utility Easement along Wilsonville Road public right-of-way.
PFF 2.	Applicant shall dedicate to the City a 73-ft right-of-way centered along the future extension of Kinsman Road south from Wilsonville Road to the south property boundary, location of said roadway as agreed upon with the City of Wilsonville.
PFF 3.	Wilsonville Road is already built to the fully anticipated width with bike lanes and sidewalks. Therefore, no additional right-of-way will be required from property frontage on Wilsonville Road.
PFF 4.	The applicant shall provide the appropriate easements to the City for any public sidewalk improvements that are constructed outside of the dedicated right-of-way.
PFF 5.	Applicant shall provide an ingress and egress access easement acceptable to the City from the west property driveway to the City's water vaults and facilities located at the northwest corner of the west property.
PFF 6.	Applicant shall provide the City with a temporary 20-ft wide pedestrian ingress and egress easement at the southwest corner of the tax lot in Phase 2. This temporary easement will extend from the west edge of the Kinsman Road right-of-way to the west property line, extending 20 feet north from the south property line. If in the future Kinsman Road is constructed southward to connect to Industrial Way/Brown Road, this temporary pedestrian easement will extinguish upon completion and acceptance of the new roadway improvements.



**Exhibit D1.a.**

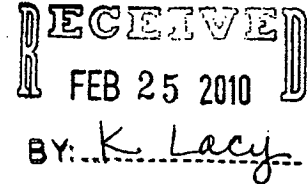
**Letter from Jerry C. Reeves P.E.;**  
**dated February 25, 2010**

**FROM THE DESK OF JERRY C. REEVES P.E.**

10227 SW SITKA CT.  
TUALATIN, OR 97062  
(503) 969-2600  
Fax (503) 297-0653  
[jerry@jcreeves.com](mailto:jerry@jcreeves.com)

February 25, 2010

City of Wilsonville  
City Council  
29799 SW Town Center Loop E  
Wilsonville, OR 97070



Attn: Kristy Lacy, Associate Planner

Re: Public Hearings (3/8/10 and 4/5/10)  
Wilsonville Road Business Park Applications  
(DB09-0047; DB09-0048; DB09-0049; DB09-0050; DB09-0051; DB09-0052;  
DB09-0053; DB10-0001)

**REQUIRED FINDINGS OF FACT / DOLAN**

Via: Hand Delivery

Your notice requires that all written comments be delivered to the City on or prior to 2/26/10. This letter and the attachments are my written comments.

I support the above applications, subject to the City's determination of the value of the land taken by the Kinsman Road extension through the Property and determination of proportionality as required by the Dolan Case.

1. I sold the subject real property to Pacific Northwest Properties, Inc. The terms of that agreement decreased the purchase price by approximately \$800,000 due to the City's TSP plan requirement of an extension of Kinsman Road through the Property. The Agreement further provided that I would be compensated in the same amount by PNWPI if the extension were not required, and by the City's payment if it were required.

As exhibits, I have attached the following:

Exhibit A - Addendum B to the Purchase and Sale Agreement which shows the agreement about the \$796,241.00 deduction, PNWPI's duty to pay me this sum if the road is not built, and my rights against the City of Wilsonville in the event it is built.



City of Wilsonville  
Exhibit D.1.a  
DB09-0047

Exhibit C: My 8/27/08 letter demanding the City remove the Kinsman Road Extension requirement.

Exhibit D: The City's 9/22/08 letter evidencing the City Council's refusal to remove the Kinsman Road extension requirement. This letter also demonstrates that the City has determined a critical need for the roadway, supporting my position of a determination of 0% - 100% proportionality between the owner and the City.

2. The owner (PNWPI) filed a Pre-Application showing a driveway, but no extension of Kinsman Road through the Property.

Attached is Exhibit E showing a requested driveway and no extension of Kinsman Road through the property.

3. The City Staff advised PNWPI at the Pre-Application Conference that the Kinsman Road extension would be required and that the City's payment for the extension would be addressed in a Development Agreement. The City was unable to address the cost and proportionality issues at that time, because the alignment had not yet been determined.

4. The current Applications by PNWPI are based on the recently determined alignment by the City's insistence that the Kinsman Road extension is required. Accordingly, the City is required to determine the value of the land taken by the Kinsman Road extension and to determine the proportionality as required by the Dolan Case.

5. I submit that the value of the property taken is in excess of \$800,000 and that the proportionality determination will reflect no value to the property owner, i.e. 100% City of Wilsonville and 0% Property Owner.

Respectfully submitted,



Jerry C. Reeves, PE

KEITH


**ADDENDUM "B"**

**TO PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY  
DATED AUGUST 27, 2008,  
BETWEEN  
JERRY C. REEVES ("SELLER")  
AND  
PACIFIC NW PROPERTIES LP OR AFFILIATED ENTITY ("BUYER")**

1. Addendum "A". Paragraphs 1, 2(b), 4 and 5 of the Addendum "A" are accepted and incorporated herein. Note: Paragraph 2 was amended in writing by Buyer and Seller accepts that amendment as handwritten on the addendum document.

2. Paragraph 2(a) of Addendum "A" Paragraph 2(a) of Addendum "A" is not accepted and the following text is accepted and adopted in its place:


2. Condition of Closing:

a. Seller has removed tank and any contaminated soil from the Property and has obtained ODEQ approval of the tank removal, which is currently in its file. Seller will provide a true copy of the ODEQ approval ~~at closing.~~ *TO BUYER FOR REVIEW PRIOR TO 9/5/08* 

3. Paragraph 3 of Addendum "A". Paragraph 3 of Addendum "A" is not accepted as written on that addendum, and the following text is accepted and adopted in its place:

3. Extension of Kinsman Road:

a. Buyer and Seller will work together to convince the City of Wilsonville not to require the extension of Kinsman road.

b. In the event that, as of closing, it is not clear whether the extension of Kinsman Road will be required by the City, Buyer and Seller will continue to work together in a mutual attempt to eliminate the requirement of extending Kinsman Road through the Property. For the first 120 days following closing, Seller lead the effort to obtain this determination by the City of Wilsonville. Following that time period Buyer will lead that effort. *AFTER THE INITIAL 120 DAYS BUYER SHALL HAVE THE RIGHT TO PROCEED WITH PROJECT AND MAKE EFFORTS TO ELIMINATE THE ROAD EXTENSION OF KINSMAN ROAD THROUGH THE PROPERTY.* 

c. If the parties, or either of them, are successful in eliminating the requirement of extending Kinsman Road through the Property, at any time before or after closing, then Buyer will pay Seller an additional payment

Seller's Initials JCR

Buyer's Initials 

ADDENDUM "B" Page 1 of 2


*permanently*  


Exhibit A  
Panel of 2

of SEVEN HUNDRED NINETY SIX THOUGHAND TWO HUNDRED FORTY ONE and no/100's dollars (\$796,241.00) within five (5) days of such determination.

4. Seller's Claims. The following Paragraph will be accepted by the parties:

6. Seller's Claims

Any and all claims Seller may have against the City of Wilsonville and/or any other entity or person (specifically excluding Buyer), relating to the Property, are retained by Seller and are not assigned, sold, transferred or conveyed to Buyer hereunder.

Seller's Initials

JLR

Buyer's Initials

[Signature]

ADDENDUM "B" Page 2 of 2

**Tom Stern**

**From:** Tom Stern  
**Sent:** Tuesday, August 19, 2008 1:46 PM  
**To:** 'dave@capacitycommercial.com'  
**Subject:** FW: Jerry Reeves Wilsonville Land

**From:** Tom Stern  
**Sent:** Tuesday, August 19, 2008 1:05 PM  
**To:** 'dave@capacitycommercial.com'; 'Evan Bernstein'  
**Cc:** Paul Gram  
**Subject:** Jerry Reeves Wilsonville Land

Based on our discussion yesterday, here is how we see it...

Jerry Reeves:

NO ROAD PRICE: 374,145 S.F @ \$11 \$4,115,595  
Straight Road 408.72 X 68 ft. wide=27,792 SF @ \$ 11.00 land  
17.65 road cost (796,241) \*\*\*\*\* paid to Jerry post  
closing if road not required

Closing Purchase price \$3,319,354

*3,319,000  
4,115,595*

PNWPLP:

NO ROAD PRICE: 374,145 S.F. @\$10 \$3,741,450  
Straight Road 408.72 X 68 ft. wide=27,792 SF @ \$ 10.00 land  
17.65 road cost (768,449) \*\*\*\*\* paid to Jerry post  
closing if road not required

Closing Purchase price \$3,000,000 (rounded up from

\$2,973,001)

Dave- When we initially offered \$11, we were counting on 20,000 SF of stand alone retail on the west side of the site. That retail land was assumed to worth \$20-\$25 per S.F and when blended with the balance of the site, our effective rate for the industrial portion would have been about \$7.00 per S. F. We never planned to pay \$11.00 per S. F. for an entirely industrial parcel. The number with development costs just doesn't work. We have never paid over \$6.25 and \$7.50 barely works today.

We are really stretching to get from \$7 to \$10 to help Jerry get more out of this piece after the City has been so disappointing on its position on zoning. I am certain that no other industrial business park developer will see it any differently. If all goes well with eliminating the extension of Kinsman Road, Jerry will have sold this piece for \$3,741,450. We want the road requirement to disappear as does Jerry. With the road, it makes the West parcel much more difficult to layout. We will work closely with him to accomplish that goal.

Dave, please review these numbers with Jerry and if it works for him, we will move towards closing quickly (maybe even this week). If it doesn't work, you should assume we will pass.

Thanks for all of your efforts.

With much appreciation,

Tom

Tom K. Stern  
Pacific NW Properties  
6600 SW 105th Ave. Suite 175  
Beaverton, Oregon 97008  
tom.stern@pnwprop.com  
Phone: (503) 626-3500  
Direct Fax: (503) 626-3880

---

**FROM THE DESK OF JERRY C. REEVES P.E.**

---

14945 SW Sequoia Pkwy #170  
Tigard, OR 97224  
(503-969-2600)  
jerry@jcreeves.com

August 27, 2008

Arlene Loble  
City Manager  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

Re: Reeves Property at 9900 SW Wilsonville Rd  
Ref. Parcel Nos. 31W23B 00100 and 31W23B 00101

Via: First Class Mail  
Fax: (503) 682-1015

Dear Ms. Loble,

We request your immediate attention to removing any requirement for extending Kinsman Road through the subject property. This property is being developed as a business park and there is no public, or private need or interest in a road extension.

It is critical that your Department take immediate action, because I have a pending purchase-sale transaction on this property on which the buyer is withholding \$800,000 due to the City's delay in making the appropriate decision.

Please call me at your earliest convenience regarding resolution of this issue and with any questions you may have.

Sincerely,



Jerry C. Reeves, P.E.

Cc: Charlotte Lehan, Mayor (Via Fax: 503-682-1015)



September 22, 2008

SEP 24 2008

Jerry C. Reeves  
14945 SW Sequoia Parkway #170  
Tigard, OR 97224

RE: Your Letter of August 27, 2008  
Ref. Parcel Nos. 31W23B 00100 and 31 W23B 00101

Dear Mr. Reeves:

The City Council considered your request to remove the southern extension of Kinsman through your property from the City's Transportation System Plan. At their September 15, 2008, meeting, the City Council unanimously denied your request and in so doing rejected your assertion that "there is no public, or private need or interest in the road extension".

On the contrary, the Kinsman Road extension is a critical link to Kinsman north of Wilsonville Road and extending in the future all the way to Boeckman Road. This will be the primary north - south connector for industrial truck traffic.

Kinsman south will replace Industrial Way's intersection with Wilsonville Road which now carries all of the traffic from Wilsonville Concrete and Orepac. There is substantial industrially zoned undeveloped property (including your own) south of Wilsonville Road that would benefit from the Kinsman connection. Furthermore, Kinsman south could prove to be a beneficial link to Old Town via either Bailey or 5<sup>th</sup> street thus reducing congestion and providing alternative access to Boones Ferry Road.

As you can see from the City's perspective, there are ample reasons why the public's best interest is served by extending Kinsman Road south. As the contract purchaser and now the owner of record, you have known for many years that the Kinsman extension through your property is considered a critical link in developing transportation connectivity within Wilsonville.

Sincerely,

Arlene Loble  
City Manager

Cc: Mayor Lehan & City Council



Exhibit D  
Page 1 of 1

"Serving The Community With Pride"



Print this page in a more readable format: Click Print next to the upper-right corner of the map.

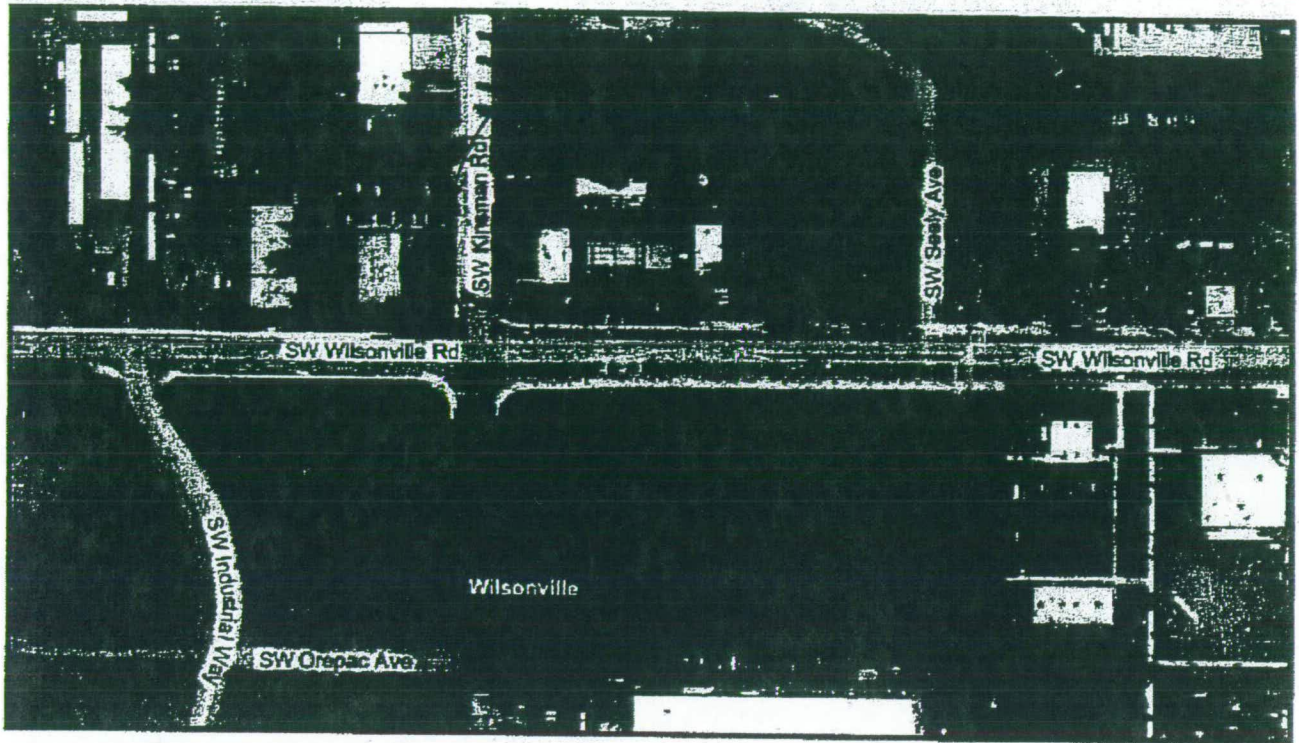
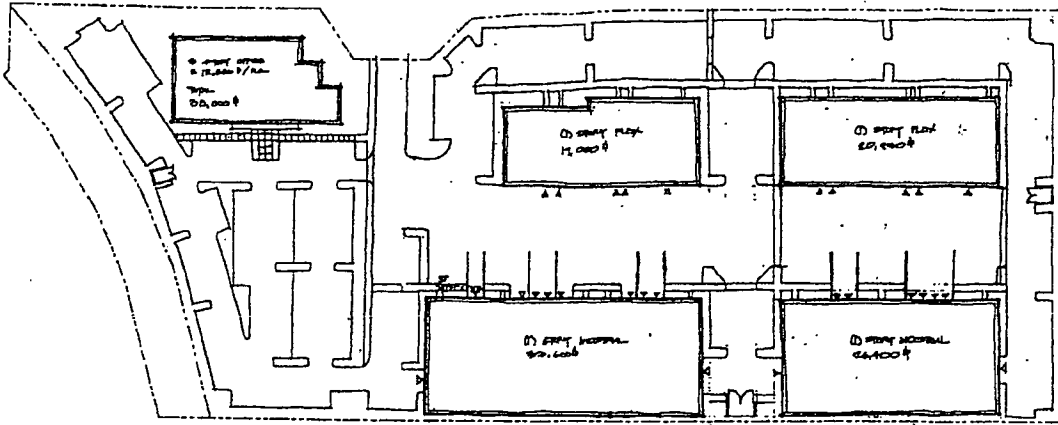


Exhibit E  
Page 1 of 1

WILSONVILLE ROAD



**SITE PLAN**

1/8" = 1'-0"  
CONTOUR PROPOSED SEE WALLS  
PLUMB/HORIZONTAL DIMENSIONS SEE WALLS  
TOTAL PROJECT 100,000 sq ft

REFVES / WILSONVILLE (PNWP) - JULY 23, 2008  
TMR PROJECT 8000

Exhibit E  
Page 2 of 2

**Exhibit D1.b.1.**

**Response from Ben Altman,  
SFA Design Group  
prepared for OrePac Building Products;  
dated March 31, 2010**



**Pacific NW Properties  
DRB Application  
Wilsonville Road Business Park**

**Response to Staff Report**  
(Draft dated 2-24-10)

**Alternative Street Plan  
TSP Refinement  
Kinsman Road Extension (South)**

**WILSONVILLE, OREGON**

**March 31, 2010**

**PREPARED FOR:**  
**OrePac Building Products**  
**30170 SW Orepac Avenue**  
**Wilsonville, Oregon**

**PLANNING/ENGINEERING:**  
**SFA Design Group**  
**9020 SW Washington Square Drive, Suite 350**  
**Portland, OR 97233**  
**Contact: Ben Altman**  
**503-641-8311**

**RECEIVED**  
**MAR 31 2010**

BY: BE.....

## Introduction

Pacific NW Properties (Tom Stern & Paul Gram) have a development application pending before the Development Review Board, which is currently scheduled for hearing on April 12, 2010. This application is for an industrial/office/retail business park, containing approximately 127,500 square feet of buildings. The development site is located immediately south of Wilsonville Road between the railroad tracks and Seely Ditch (Coffee Creek). Access to the site is provided at the signalized Kinsman Road intersection with Wilsonville Road.

OrePac Building Products owns property located immediately south of the Pacific NW Properties development site. The site address is 30170 SW Orepac Avenue, also identified as Tax Lots 700, 701, & 790, Map T3S R 1W 23B. OrePac's property abuts the west side of the railroad right-of-way, and the east bank of Seely Ditch. This site functions as a distribution center for the company's building products, which are distributed to retail outlets all over the northwest.

Access to the OrePac property is currently provided via Industrial Way and Orepac Avenue. Industrial Way is a private street, which provides access to OrePac, Wilsonville Concrete, and the City Water Treatment Plant. This private street is currently configured as a T-intersection at Wilsonville Road about 485 feet west of the signalized Kinsman Road intersection.

OrePac Avenue is also a private drive which connects with Industrial Way about 450 feet south of Wilsonville Road. The drive extends into the OrePac property via a bridge over Seely Ditch. The bridge is located at the very northwest corner of the property. The entry drive runs along the north edge of the property and continues along the eastern perimeter, then circulates back through the warehouse, looping back to the entry drive. This perimeter drive serves as access for the office parking, but also supports truck queuing and circulation.

## Negative OrePac Site Impacts

**OrePac is not opposing the proposed development, but does object to the extension of Kinsman Road.** As shown on the Pacific NW Properties development plans, the pending extension of Kinsman Road to the south will force an alteration of the current access for OrePac Building Products off of Industrial Way. It will also eventually alter the primary access for Wilsonville Concrete, at least to the extent that the new public road will ultimately replace Industrial Way.

This pending access change raises significant concerns for OrePac. Primarily they are concerned that the road alignment will negatively impact the functional operations of their facility. The reconfigured access from Kinsman Road will directly impact truck ingress/egress, on-site queuing and truck circulation, and the office parking area on the northwest side of the main office building. It could also impact significant fir trees along the northern property line, which provide visual buffer from Wilsonville Road.

OrePac has raised these concerns in coordination with the City and Pacific NW Properties. Alternative alignments were discussed, based on an analysis prepared by SFA Design Group in April 2009. Various alternative alignments for the southern extension of Kinsman Road were analyzed using different design speeds and turn radii. Regardless of the curve radii utilized, including the one proposed by Pacific NW Properties, the conclusion is that none of the designs result in a net benefit to OrePac.

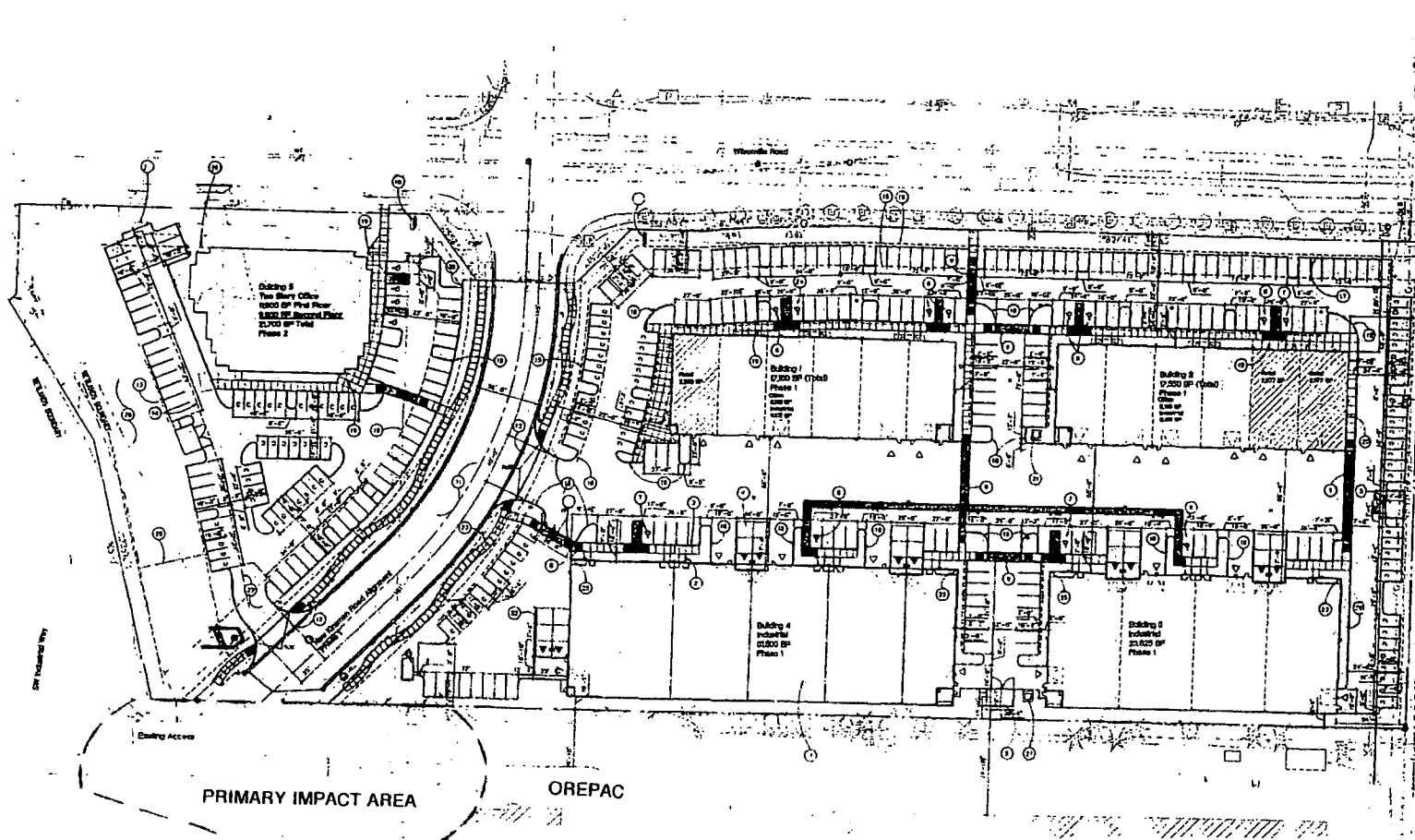
The impacts to OrePac resulting from any of the various alignments include loss of on-site truck queuing, poor turn radii and/or limited sight distance for ingress and egress, and potential loss of trees and parking in the northwest portion of the property.

When the trucks return from their routes, they queue up along the north and east perimeter driveway, as they enter the site. During the night, the trucks are routed through the building, reloaded, and then queued up along the entry drive for early morning departure. The use of the driveway for truck queuing is critical to efficient operations, as reflected in the site circulation shown on the accompanying Alternative Street Plan (5a).

While the loss of trees is primarily a visual impact, all the other impacts significantly decrease the operational efficiency of the site. In every case, the negative impacts are greater than the limited benefit of a signalized access at Wilsonville Road.

Subsequent to the initial SFA study and the NW Properties submittal, various alternative street configurations were further evaluated by DKS. The results of the latest DKS study (1-25-10) are discussed in more detail in Michael Bower's staff report (draft dated 2-24-10). The following is provided in response to the City's staff report and recommendations regarding the TSP Alternative alignments.

After consideration of all the alternatives OrePac remains convinced that they are best served by continued use of Industrial Way. They are an existing business who strongly believes they should not be negatively impacted by a street they do not need to maintain their operations. Further, because their property is essentially fully developed, there does not appear to be any functional mitigation that could be provided to reasonably compensate for the site impacts identified.



PRIMARY IMPACT AREA OREPA



- Legend**
- △ DRIVE-IN DOOR
  - ▲ DOOR-HIGH DOOR
  - CAST IN PLACE CURB
  - EXTENDED CURB

- Keynotes**
1. PROPOSED BUILDING
  2. 8'-0" CONCRETE SIDEWALK - SEE DETAIL 10/A1.3
  3. 7'-0" MONOLITHIC CURB AND SIDEWALK - SEE DETAIL 8/A1.3
  4. CONCRETE TRUCK APRON
  5. TRUCK ENCLOSURE WITH 4' TALL CONCRETE WALL AND METAL BARS 2" BY 2" IN ENCLOSURE AT SOUTH PROPERTY LINE, TOP OF SIDEWALK AT EAST PROPERTY LINE - SEE DETAIL 11/A1.3
  6. ACCESSIBLE PARKING SPACE, RAMP, SIGNAGE AND ACCESS
  7. ADA - SEE SIMILAR DETAIL 10/A1.3
  8. VAN ACCESSIBLE PARKING SPACE, RAMP, SIGNAGE AND ACCESS ACCESS AHEAD - SEE DETAIL 10/A1.3
  9. ACCESSIBLE RAMP - SEE DETAIL 8/A1.3 AND 8/A1.4
  10. ACCESSIBLE ROUTE TO PUBLIC STREET WITH PAINT STOPPING AT DRIVE APRON
  11. FREE STANDING SIGNAGE - SEE DETAIL 4.1.2
  12. NEW ROAD IMPROVEMENT PER CITY OF WILSONVILLE STANDARDS - SEE CIVIL - TRUCK 1
  13. NEW CURB CUT
  14. 30' SETBACK FROM NEILAND BOUNDARY
  15. 35' OFFSET FROM 80' SETBACK
  16. 12' PARKING SETBACK ALONG STREET FRONTAGE
  17. 10' PARKING SETBACK ALONG STREET FRONTAGE
  18. 10' PARKING SETBACK ALONG STREET FRONTAGE
  19. EXTENDED CURB, TYPICAL EXCEPT WHERE NOTED OTHERWISE - SEE DETAIL 11/A1.3
  20. CAST IN PLACE CURB - SEE DETAIL 10/A1.3
  21. BICYCLE RACK FOR 150 BICYCLE SPACES - SEE DETAIL 10/A1.3
  22. 8'-0" CONCRETE SIDEWALK - SEE DETAIL 10/A1.3
  23. CONCRETE RETAINING WALL AND CONCRETE GUARDRAIL - SEE DETAIL 10/A1.3
  24. NEW CONCRETE SIDEWALK PER ADA IMPROVEMENT PER CITY OF WILSONVILLE STANDARDS
  25. TYPICAL DRIVE WADE ONLY ACCESSIBLE PARKING SPACE SIGNAGE
  26. DRIVEWAY RAMP FOR 150 BICYCLE SPACES - SEE DETAIL 10/A1.3
  27. IRRIGATION AREA - SEE LANDSCAPE PLANS
  28. CONSTRUCT APPLICABLE PLANTING FOR ACCESS TO STORM OUTLET, CONSIDER VERTICAL CURB TO LIMIT SHOW UP NEARBY OF PHASE 1 WORK

**M**  
 MODERN DESIGN GROUP, P.C.  
 ARCHITECTURE • PLANNING • INTERIOR  
 1000 N.W. Bond Street, Suite 101  
 Tigard, Oregon 97132-4012  
 Phone: 503.394.1122  
 Fax: 503.394.1117



Owner:  
 Pacific N.W.  
 Properties.

6000 S.W. Hill Avenue  
 Beaverton Oregon 97005

Project:  
 Wilsonville  
 Road  
 Business  
 Park  
 8000 Wilsonville Road  
 Wilsonville Oregon

Sheet Title:  
 Site Plan

Revision:

DATE: 12/15/09  
 DRAWN BY: J. J. JENSEN  
 CHECKED BY: J. J. JENSEN  
 DATE: 12/15/09  
 PROJECT: WILSONVILLE ROAD BUSINESS PARK  
 SHEET: 151

## **Staff Conclusions and Recommendations**

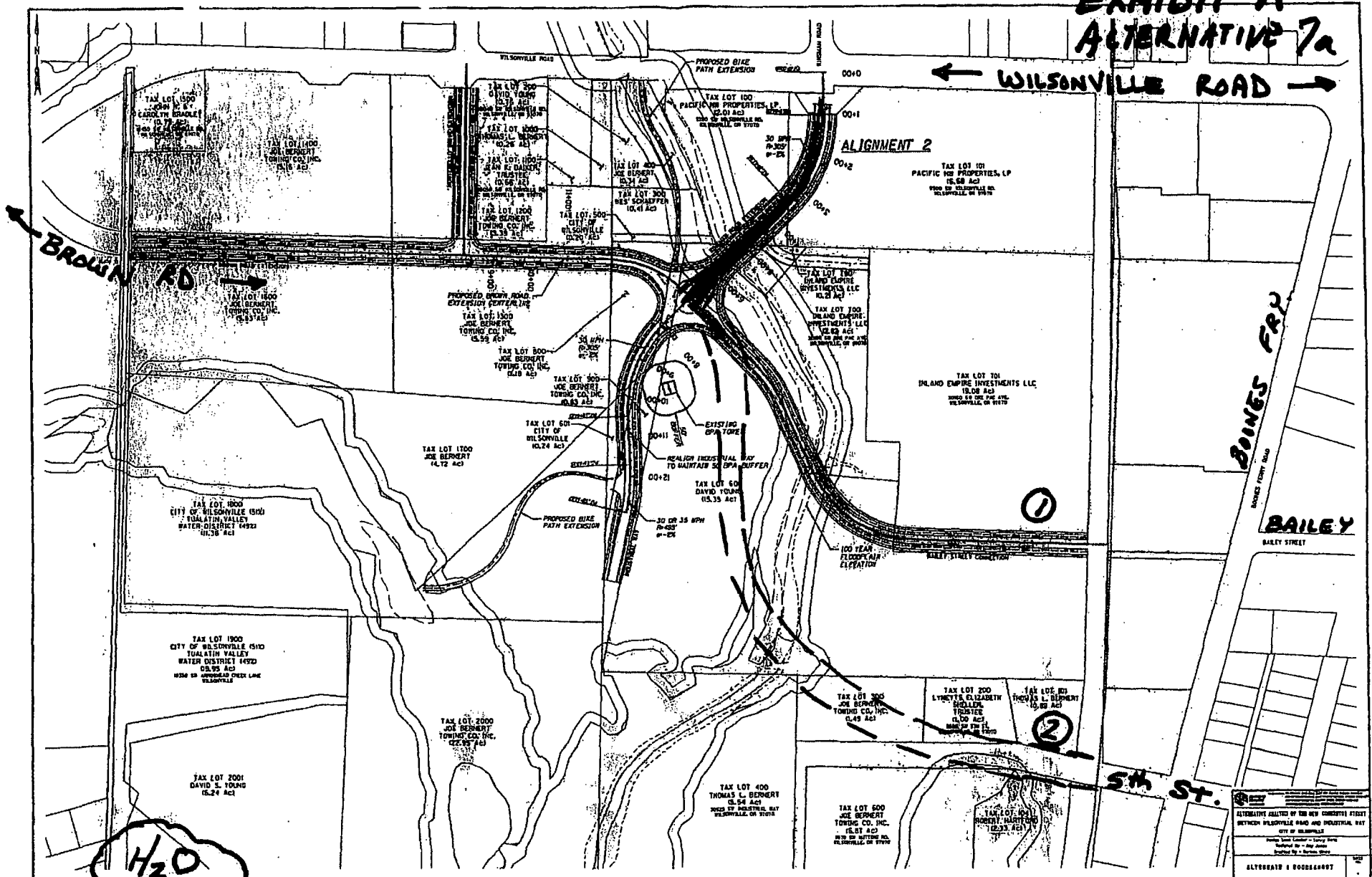
Staff is recommending proceeding with the Kinsman Road Extension as conceptually reflected in the current TSP (2003), refined by the alignment set by the Pacific NW Properties development application. This alignment is best reflected in Alternative 7a of the DKS analysis.

Staff concludes that, *"The DKS analysis demonstrates that: Kinsman Road as a collector street connection south of Wilsonville Road is a much better alternative than keeping Industrial Way open. The Industrial Way intersection at Wilsonville Road will not meet the City's level of service standard in the future"*.

While not specifically related to the pending application, in addition to the Kinsman extension, the staff report also recommends reaffirming the extension of Brown Road into Old Town as a parallel route to Wilsonville Road. The preferred alignment connects with Bailey Street, rather than 5<sup>th</sup> Street. It is noted that this link will divert 4,500-5,000 trips per day from Wilsonville Road, west of Boones Ferry Road.



# EXHIBIT 'A' ALTERNATIVE 7a



ALTERNATIVE ANALYSIS OF THE NEW CONCRETE STREET BETWEEN WILSONVILLE ROAD AND INDUSTRIAL WAY	
CITY OF WILSONVILLE	
Prepared by: [Name]	
Checked by: [Name]	
Designed by: [Name]	
DATE: [Date]	

## Response to Staff Report

The City's current Transportation System Plan (TSP) shows Kinsman Road extending south of Wilsonville Road and curving west to connect with an east/west collector between Brown Road and Bailey/5<sup>th</sup> Street, through the Pacific NW Properties site and the northwest corner of OrePac's property.

To begin with, we emphasize that the Kinsman extension is only shown conceptually in the TSP, with the intent of providing collector circulation, together with the Brown Road extension into Old Town. In fact, none of the street alignments shown in the TSP are engineered and confirmed. We also emphasize that within the context of the TSP, the specific implementation of any planned street extension is subject to case by case refinement as indicated by the underlined sentence below.

*TSP "4.2.1 Network Alternatives. This chapter summarizes the road improvements necessary to meet the City's level of service (LOS) standards and level of development projected for the next 20 years. Road improvements were determined based on capacity needs, neighborhood connections, and street standards....*

*It is important to note that the proposed improvements, along with all related maps, figures, and tables, are provided for conceptual purposes only. The improvement projects listed (e.g., S-1, C-6, W-3, etc.) are not necessarily the same in each alternative, but each one always refers to the same location. Specific design issues, including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement. At that point, project staff will hold public meetings with affected property owners and other interested parties to fully address such concerns."*

We added the underlining above to emphasize that the TSP anticipates careful consideration of alternatives as either amendments of or refinements to the Plan, on a case by case basis. And that such refinement is to consider roadway alignments and concerns regarding private property and the environment.

Subsequent to SFA's April analysis and the submittal of the Pacific NW Properties application, additional analysis of alternatives has been prepared DKS, dated January 25, 2010. This report is discussed in the staff report. However, OrePac remains concerned regarding staff's conclusions.

On one hand staff acknowledges that, "based solely on traffic volumes handled.... there is minimal discernable advantage to closing Industrial Way or constructing the full Kinsman south alignment". But from that point on, staff has emphasized pure traffic flow considerations while discounting the financial and economic impacts of extending Kinsman Road south, versus retaining Industrial Way. However, when the financial

impacts and realistic traffic projections are properly considered, we do not believe the net cost/benefit of extending Kinsman Road is justified.

Staff recommends Alternative 7, while ignoring the fact that Alternatives 4 and 5 result in equal or better LOS performance on Wilsonville Road intersections. In addition, staff glosses over the substantial additional public cost incurred by the Kinsman Road extension.

In contrast, if Kinsman Road is not extended through the Pacific NW Properties site and bridging Seely Ditch, all of the road improvements costs will be born by the private development. In that case the \$2,703,500 public cost is left available for other needed projects, such as the Brown Road extension. We also note that staff only factors in a net city cost of \$338,500 for the road segment through the Pacific NW Properties site, by discounting the SDC credit.

While it is true the SDC credit is not a cash expense, in reality it is still a reduction in available public funds for other needed system improvements. If the road is not extended, then there is no SDC credit associated with the site required improvements, thus the entire \$888,500, including the \$550,000 in SDC credits remains available for other projects. **Therefore the total public cost of the recommended extension is \$2,703,500.**

**Table 1  
Performance Comparison of DKS Alternatives 4, 5, and 7**

Alternative	WV Rd Vol. west of Boones Ferry Rd	WV Rd Vol. east of Brown Rd	LOS Montebello	LOS Industrial Way	LOS Kinsman	Public Cost
4a	23,400	15,900	A	-	B	0
5a	23,600	15,800	A	C	B	0
7a	23,900	15,700	A	-	B	\$2,703,500

**Note:** We only show Alternatives "a" (Bailey St.), as Alternative "b" is found to be less feasible. The public cost considered is only related to Kinsman Road and does not address any public contribution for the Brown Road Extension, which is the overall priority link for this area.

**Summary of Public Costs for  
Kinsman Extension**

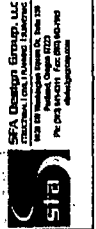
- Right-of-way \$ 140,000
- City Collector Contribution (50%) \$ 338,500
- SDC Credit \$ 550,000
- Bridge & Road (275 lf) \$1,395,000
- Design & Oversight \$ 280,000
- \$2,703,500**

Staff emphasizes the benefits of reduced traffic volumes on Wilsonville Road for Alternative 7. However, as reflected in the chart above, both Alternatives 4a and 5a perform equally as well, if not better, in reducing volumes on Wilsonville Road. Further we emphasize that with **Alternative 5a**, recommended by OrePac, LOS C is maintained at Industrial Way, which is contrary to the staff report's conclusion.

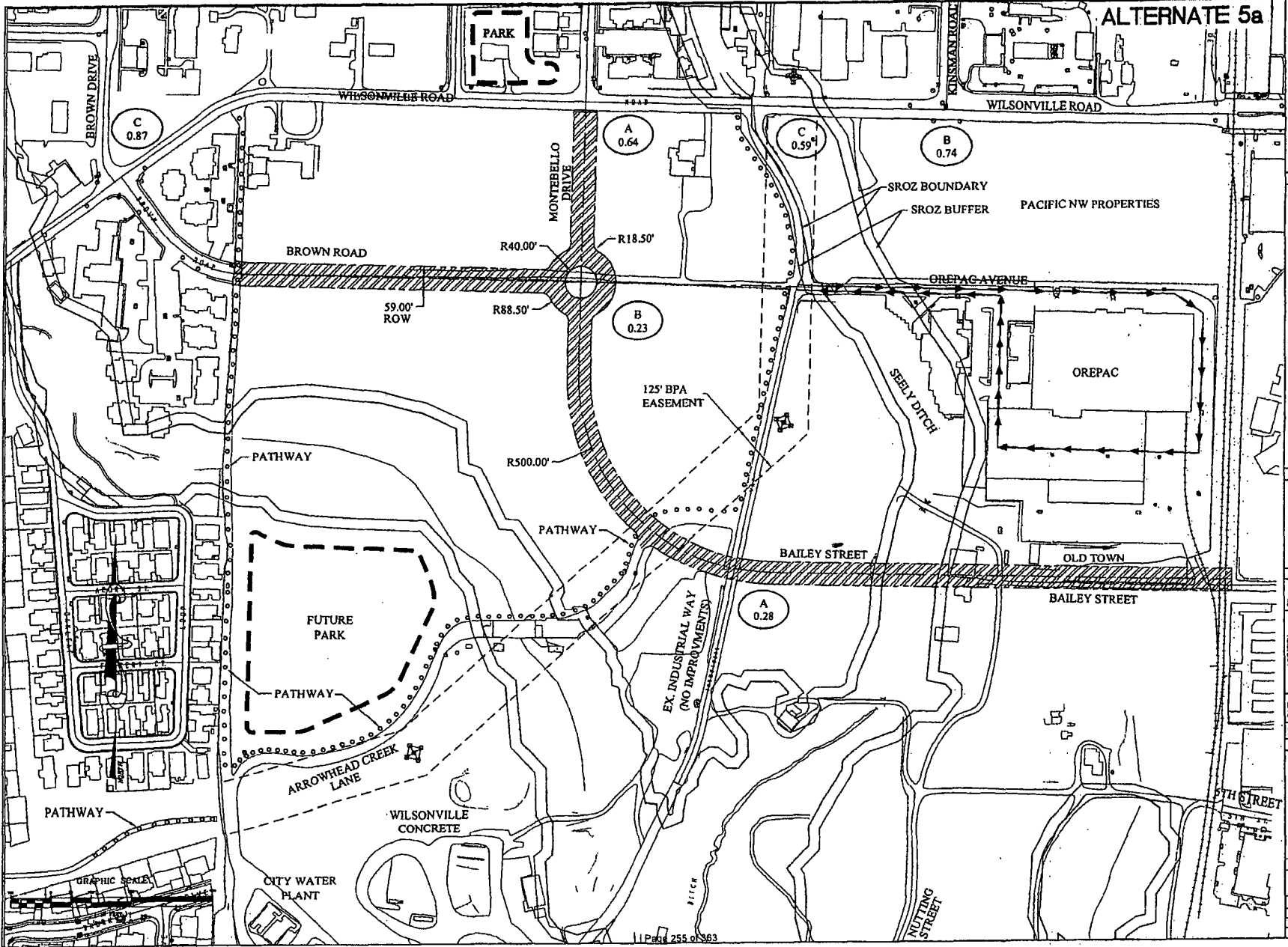
The DKS analysis indicates that the Kinsman Road extension does not divert any trips off of Wilsonville Road, particularly at the critical Boones Ferry Intersection. The Kinsman extension (Alternative 7a) actually diverts 300 fewer PM Peak trips west of Boones Ferry Road on Wilsonville Road than does keeping Industrial Way (Alternative 5a).

A closer analysis of the alternatives reveals that the east/west collector connection, particularly the Brown Road extension has a much greater affect in reducing volumes on Wilsonville Road than does Kinsman Road. This makes sense, because the predominant east/west traffic demand, to and from Old Town, is residential not industrial.

**ALTERNATE 5a**



**ALTERNATE 5a STREET PLAN**  
 TSP REVISION FOR KISSMAN RD.  
 WILSONVILLE, OREGON



NO.	DATE	BY	REVISION

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
PROJECT NO.	NO.
SHEET NO.	OF
DATE	

PROJECT	OREPAC
NO.	10-002
TYPE	PLANNING

## **Surrounding Land Uses and Land Use Assumptions**

We acknowledge existing and anticipated industrial development including OrePac, Wilsonville Concrete, the City Water Plant, and the pending development by Pacific NW Properties. These developments are expected to continue to generate traffic on the existing and future local street network, including Wilsonville Road. The Fred Meyer development will also contribute traffic on Wilsonville Road. But the total volumes on Wilsonville Road to the west depend upon the future availability of the Brown Road extension out of Old Town.

We are concerned about the land use assumptions considered for the projected traffic impact analysis. We believe that the projected growth used is much higher than should reasonably be considered for the 20 year planning horizon.

When considering alternative refinements, it is important to look to the intent of the TSP, which as state, is to provide adequate circulation and street capacity to maintain the level of service standards, while supporting the projected development over the next 20 years. So, there are really three important factors to be considered:

1. A realistic projection of development over the 20 year planning horizon of the TSP, (originally 2020, updated to 2030 for refinement); and
2. Level of Service – for alternative alignments, with existing and projected traffic volumes.
3. Costs to the public and private sectors.

The following sections evaluate each of these factors in more detail.

## **Comprehensive Plan**

The Comprehensive Plan provides the framework for anticipating future growth, based on the designations on the Land Use Map. For the subject area the Comprehensive Plan specifies the following land uses:

### **Commercial**

The Comprehensive Plan designates the land immediately east of the railroad for Commercial land use. This area has been developed as a shopping center, with the Wallgreen's, Sonic Burger, Key Bank, and Albertsons.

Farther to the east, across Boones Ferry Road, is the pending Fred Meyer complex, together with multi-family and single family housing. This larger area, south of Wilsonville Road is known as Old Town.

As discussed herein, there is an important transportation link between Old Town and the west side residential areas and schools.

### **Industrial**

To the west of Old Town, the land between the railroad and Industrial Way is designated for Industrial use. In addition, the land south of the BPA power line easement is also designated for industrial use.

This land includes the Pacific NW Properties site, OrePac, Wilsonville Concrete, and the City's Water Treatment Plant. Much of the vacant land is currently being actively farmed for filberts and nursery stock.

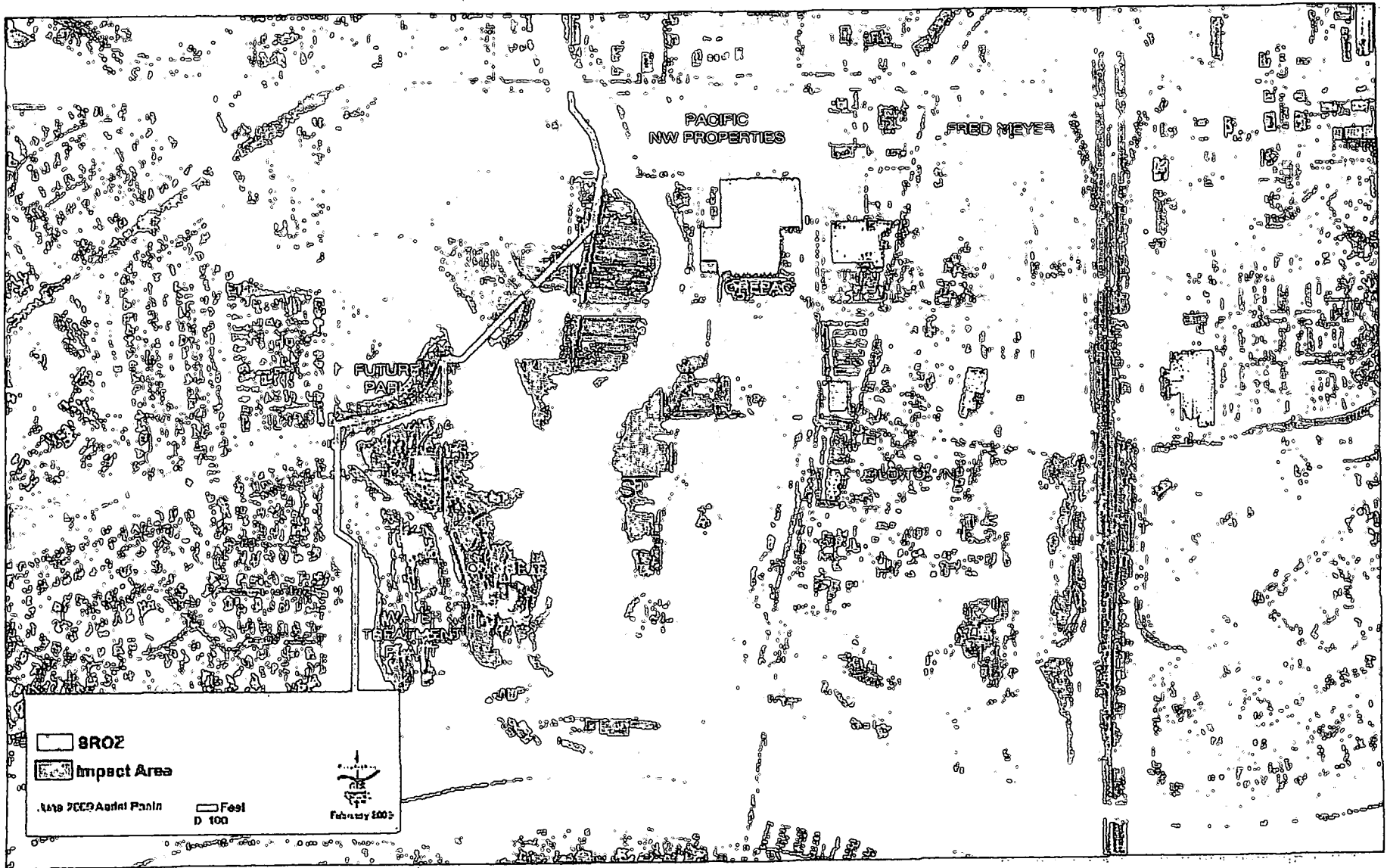
### **Residential**

Except for the City Water Treatment Plant property and a small area north of the City's access road (Arrow Head Creek Lane), the land west of Industrial Way is designated for Residential development. The City owned area north of Arrow Head Creek Lane is shown as a future park site.

The alignment of Industrial Way generally serves as the dividing line for transition from Industrial to Residential land uses. The BPA powerline easement, which runs in a southwesterly direction south of OrePac Avenue, is also used to define the line between residential and industrial uses.

### **Parks and Pathways**

The Parks, Bike and Pedestrian Pathway Master Plan shows future parks planned north of Arrowhead Creek Land and west of Montebello Drive. Sidewalks and off-street pathways sufficiently link these parks, without the southern extension of Kinsman Road.





**Table 2  
Developable Industrial Land**

<b>Gross Industrial Acres*</b> (South/east of BPA)		<b>Built</b>	<b>SROZ</b>	<b>BPA Easement</b>	<b>Right-of-way (60' Row)</b>	<b>Net Acres</b>
East of Seely Ditch	47.51	9.84 ** 16.50 ***	26.82	-	2.02	18.67 35.17***
West of Seely Ditch	52.96	-	22,32	2.58	1.71	26.35
<b>Total</b>	<b>100.47</b>	<b>26.44</b>	<b>49,14</b>	<b>2.58</b>	<b>3.73</b>	<b>45.02 61.52***</b>

- \* Excludes Pacific NW Properties and OrePac, assumed as developed.
- \* The only other anticipated new development for the 2020 horizon is the Fred Meyer complex. At the time of approval, the traffic impact analysis prepared for this project did not consider any distribution of the 1,255 PM Peak trips west of the tracks, such as an extension of Bailey Street.
- \*\* The City Water Treatment Plant will be expanded in the future, but would not be expected to add significant trips, as compared to industrial development.
- \*\*\* Wilsonville Concrete is shown as Built, and also shown as option for future redevelopment.

Based on Tax Maps there are 100.47 gross acres designated as Industrial land south of Wilsonville Road and west of the railroad. However, this total does not count the land between the railroad and the dry canyon east of Nutting Road. Most of these properties have been developed as residential and are assumed to remain so, at least for the planning period, even though designated for industrial use.

When evaluating potential future development it is important to recognized that a significant portion of the industrial land is encumbered by SROZ associated with the riparian corridors for Seely Ditch (Coffee Creek) and Arrow Head Creek. The City owned area north of Arrow Head Creek Lane is shown as a future park site. The BPA power line easement also limits the development potential in this area. In addition, as development occurs more land will be required for street rights-of-way.

Consequently, as reflected in Table 2, realistically there are only about 45 net acres of vacant industrial land in this sub-area that can reasonably be considered developable. If redevelopment of the concrete plant is counted there are about 61 acres available. The remainder of the land is impacted by the BPA easement, SROZ, will be needed for road right-of-way, or is designated for residential use.

However, it is essential to acknowledge that the total land available depends to a large degree upon the future of Wilsonville Concrete's continued operations at this location. The continued operation of the concrete plant, or not, will ultimately determine the timing and full development potential for any significant industrial growth in this sub-area.

If the concrete plant remains in operation for the duration of the planning horizon, then the potential for significant industrial development in this area is substantially limited. So long as the Wilsonville Concrete plant continues to operate, the owners have expressed no interest in development of the surrounding property. They prefer to retain this vacant property as a buffer for the concrete plant, which has existed since the 1950's.

Another important consideration to understand is that the majority of the property west of Seely Ditch and south of Wilsonville Road is owned by two families or a combination of partnerships thereof. One of the ownership interests is Wilsonville Concrete. The other is the Young Family.

A large portion of the Young Family ownership is currently maintained as a Filbert orchard and also for nursery stock as interim uses. The nursery stock is actually related to environmental restoration work conducted by work associated with owners of the concrete plant. These owners have not expressed any short term interest in developing their property. We would also note that the current weak economy has probably delayed normal development activities for as much as 5 years, if not more.

The City, together with Tualatin Valley Water District, owns land (31 acres) west of the concrete plant. This property is currently partially developed (about 10 acres) with the City's Water Treatment Plant. The plant is expected to be expanded in the future, but most likely on the east side of the general footprint of the developed portion of the property. In addition, such expansion is not expected to generate any significant traffic impacts, as compared to normal industrial development. It is also noted that the area north of the access road and south of Arrowhead Creek is designated for future park use.

### 2020 - 2030 Growth

The current TSP was designed to cover a 20-year planning horizon, extending to 2020. We are currently at the end of the first quarter of 2010, so there are now less than 9 years remaining under the TSP's planned 20-year horizon.

During the next 8.75 years, the reality of major industrial development occurring south of Wilsonville Road is not a reasonable expectation. With the current economic recession still looming, coupled with projected slow recovery, the pending development by Pacific NW Properties is likely the only development to actually occur during this timeframe.

Even if the planning horizon is extended to 2030 it is not likely that full development of the available industrial land could be expected to occur. Again, other than normal economic recovery and expansion, the continued operation, or closure of the concrete plant, will be the major determinant for any significant industrial development in this sub-area.

Wilsonville Concrete has consistently held the vacant land surrounding the concrete plant as a buffer from potential conflicting urban uses. Their current plans envision continued operation of the plant into the foreseeable future. Since these owners control the majority

of the surrounding industrial land, and assuming they keep the plant open, additional industrial development would not likely occur, unless it was related to the concrete plant, such as the nursery stock.

OrePac has no additional land to expand on, so no new traffic impacts would be expected from this property. Therefore the only pending industrial development anticipated in the near future is the Pacific NW Properties pending DRB application, and they have direct access to Wilsonville Road.

The Fred Meyer commercial development is the only other known new development in Old Town, which will impact traffic west on Wilsonville Road. Again, we noted that access to Fred Meyer and other Old Town businesses is linked to Westside residential, via Brown Road, and not Kinsman Road.

### **TSP Projections**

We note that the TSP projected an increase of 2,000 additional employees in Traffic Analysis Zone (TAZ) 388 between 2000 and 2020. However, this TAZ also includes the commercial and industrial land in Old Town, not just the properties west of the railroad. TAZ 338 includes Wallgreen's, Albertsons, Sonic Burger, Old Town Village, the pending Fred Meyer complex, plus Wilsonville Concrete, OrePac and the pending Pacific NW Properties development.

As reflected in the Table 2, realistically the amount of industrial development, actually available west of the railroad is limited to 45-61 acres, or about 5 times the PM Peak trip generation as Pacific NW Properties development, minus existing concrete plant trips.

However, actual development will be much less if the concrete plant remains in operations, which is the expected scenario over the next decade or so. **Therefore we do not see any factual basis for any significant projection in industrial traffic west of the railroad and south of Wilsonville Road.**

OrePac schedules their trucks to run off-peak hour traffic (both AM & PM) to avoid commuter congestion. Wilsonville Concrete similarly schedules their trucks to avoid peak hour congestion.

The Fred Meyer development will generate traffic impacts west on Wilsonville Road. The DKS traffic analysis for the project showed 22% of the trips to be distributed west on Wilsonville Road. However, at that time, the DKS report did not consider the Brown Road alternative, as that project is not yet built or funded. Therefore all west bound traffic was necessarily assigned to Wilsonville Road.

However, ultimately the planned east/west collector linking Bailey Street and Brown Road will be expected to divert a significant portion of the (Fred Meyer/Old Town) trips off of Wilsonville Road. The benefit of this diversion is clearly shown on the most recent DKS alternatives analysis, with 4,500-5,000 trips per day diverted by the Brown Road collector.

Logically, because most of the Fred Meyer (Old Town oriented) would be residentially based trips, the diversion of trips off Wilsonville Road would be more likely to continue west to Brown Road, rather than back north to Kinsman Road. In fact, the DKS report does not show any direct benefit in LOS on Wilsonville Road resulting from the Kinsman Road extension.

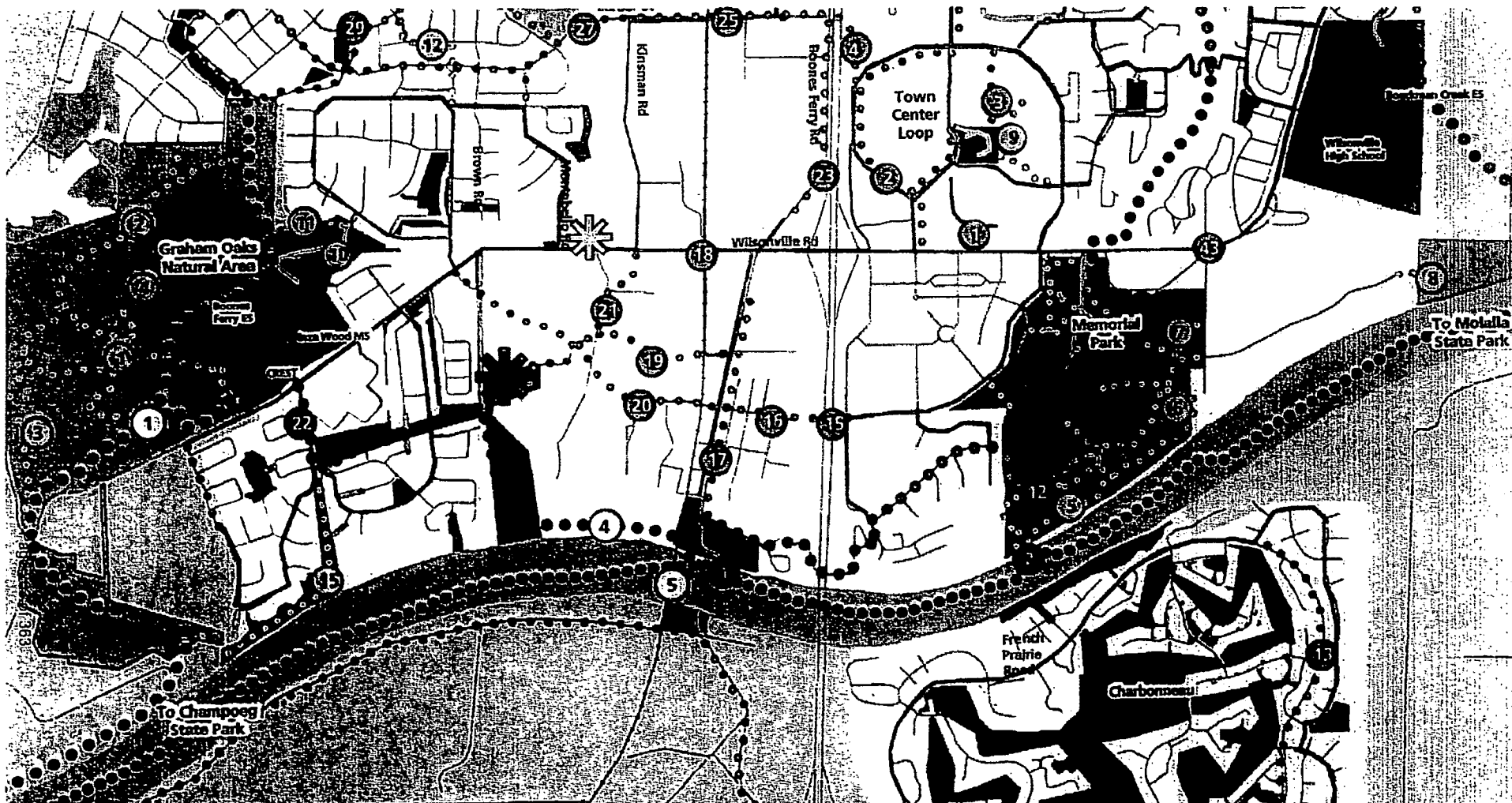
We further emphasize the fact that both of the existing industrial uses (OrePac & Wilsonville Concrete) operate their trucks on an off-peak schedule to avoid peak hour traffic congestion. Utilizing this off-peak scheduling allows for the existing unsignalized intersection at Industrial Way to operate without significantly negatively impacting the operating standard on Wilsonville Road.

The DKS report shows the Industrial Way intersection can maintain "C" LOS, without the Kinsman extension. Figure 1, in the DKS report also confirms that the majority of the PM Peak trips at Industrial Way are going home trips headed to the Freeway. The limited amount of north bound industrial traffic can be adequately handled between the existing Industrial Way and Kinsman intersections.

The Pacific NW Properties Business Park can be developed with direct access at the Kinsman signalized intersection, without the need to extend the road further south. If Industrial Way is maintained, then the traffic from the proposed development will be the only added trips at the Kinsman intersection. The DKS report for the project shows that the Kinsman intersection will continue to operate within the City's LOS standard ("C" to "B") with any of the street networks.

Therefore it appears that the spacing between Brown Road, Montebello Drive, and Kinsman Road provides adequate breaks in the traffic flow to accommodate the existing and projected volumes at Industrial Way. Coordinated (computer linked signals) can further aid in providing flow gaps for the limited number of south-bound left turns at Industrial Way.

Contrary to staff's emphasis on Kinsman Road, we submit that the real need for collector circulation south of Wilsonville Road is the Brown Road extension to Old Town. This link is needed to support future residential development in this area, rather than the industrial land uses. One of the key advantages Industrial Way provides now is that it only serves industrial land, thus providing the desired separation of residential traffic.



**TRAILS, WALKWAYS AND BIKEWAYS**

- Proposed Regional Trail
- Existing Community Walkway and Bikeway
- Proposed Community Walkway and Bikeway
- Existing Local Access Trail
- Proposed Local Access Trail
- Proposed Water Trail

**SCHOOLS**

- Existing School Site
- Planned School Site
- School District Property

**PARKS AND OPEN SPACES**

- Park
- Metro Greenspace
- Private Park
- ★ General location of a proposed community park
- ★ General location of a proposed neighborhood park
- Streets
- Railroad
- Wilsonville City Limits
- Urban Growth Boundary
- Willamette River

All trail alignments shown on this map are conceptual in nature and subject to adjustment, field verification, and additional studies.



## **Bike & Pedestrian Pathways**

The Bike and Pedestrian Pathway Master Plan shows Kinsman Road as one of pathway links. However, we argue that pathway links north on Kinsman are sufficiently accommodate without the southern extension. Currently sidewalks and in-street bike lanes on Wilsonville Road provide good non-auto circulation.

In addition, for the area south of Wilsonville Road, circulation is provided via the following pathways:

- Sidewalks on Brown Road stub south of Wilsonville Road;
- Trail to the Treatment Plant just east of Brown Road;
- Arrowhead Creek Lane;
- Pathway from Fox Chase/RiverGreen; and
- Industrial Way

We also note that for future circulation, the Brown Road and Montebello Drive extensions in this area will provide valuable bike/ped links. Given that there are future parks planned north of Arrowhead Creek Land and west of Montebello Drive, these two street extensions are far more important for bike/ped circulation than is Kinsman Road.

## **Conclusion - TSP Refinement**

The planned southern extension of Kinsman Road results in unnecessary negative impacts to OrePac's property and their operational efficiency. In addition, this road extension adds significant public costs for building an "ideal network" versus providing for an adequate and functional road system, capable of maintaining minimum LOS service standards.

The TSP specifies "Conceptual" street alignments and extensions, but specifically anticipates refinements to the Plan on a case by case basis taking into consideration, *"Specific design issues, including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement."* Therefore the Kinsman extension is not a given.

Maintaining Industrial Way as a T-intersection will continue to function, with "C" LOS or better into the foreseeable future (**Alternative 5a**). It will maintain separation of residential and non-residential traffic. And, this option has no direct public cost for construction, as compared to the \$2.7 million required for extending Kinsman across Seely Ditch.

**Our Recommended TSP refinements include the following:**

1. **Accept Alternative 5a**, eliminating the southern extension of Kinsman Road (Project C-14), and maintaining Industrial Way for local industrial access.

It is specifically noted that Alternative 4a, also performs in the same LOS range as 5a. Therefore, if in the long term future, the service level at Industrial Way becomes a serious problem, then the intersection could be closed, shifting traffic to Montebello Drive, while still maintaining the LOS standard.

2. Other Refinements (not specifically related to the proposed development) include:
  - a. Prioritize Enhanced east/west residential Collector circulation to and from Old Town via extension of Bailey Street providing intersecting links with Industrial Way, Montebello Drive and Brown Road;
    - i. Utilize and link the existing signalized intersections at Montebello Drive and Kinsman to provide flow management to assist turn movements at Industrial Way. Add computer coordinated signal timing as needed.
    - ii. Utilize the Brown Road and Montebello Drive links to provide circulation options that help to separate industrial and residential land uses and traffic circulation, and provide good bike/ped circulation options.

**Exhibit D1.b.2.**

**Memo from Staff  
regarding response from Ben Altman;  
dated April 2, 2010**



# INTEROFFICE MEMORANDUM

Planning Division

**TO:** Development Review Board Members – Panel A  
**FROM:** Kristy Lacy, Associate Planner  
**SUBJECT:** Wilsonville Road Business Park  
(DB09-0047 through DB09-0053 and DB10-0001)  
Response to Staff Report (Draft dated 2-24-10) from Ben Altman, SFA Design Group, prepared for OrePac Building Products; dated March 31, 2010  
**DATE:** April 2, 2010

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Staff has reviewed the *Response to Staff Report (Draft dated 2-24-10)* as prepared by Ben Altman of SFA Design Group for OrePac Building Products. The response does not take issue with the Stern application or staff's interpretation that the TSP directs the extension of Kinsman Road through the subject site. Rather, it objects to the extension of Kinsman Road altogether, commenting on a draft staff report that is intended for separate City Council review and analysis. Therefore comments by the Development Review board are unnecessary and should not precede City Council action on this report.

Staff notes that the response suggests that the present application is an opportunity to design an alternative alignment for Kinsman Road and recommends a "refinement" that would terminate Kinsman at Wilsonville Road and shift the traffic (planned level vehicle, bike and pedestrian) to an entirely different roadway. This action can only be considered an amendment to the TSP, which is an entirely different (legislative) process. For this reason, the response is irrelevant to the Stern application, as not implicating any of the approval criteria for this land use action.



City of Wilsonville  
Exhibit D.1.b.2.  
DB09-0047

**Exhibit D1.c.**

**E-mail from David Bernert  
To Kristin Retherford,  
Urban Renewal Manager;  
dated April 5, 2010**

-----Original Message-----

From: Bernert, David J [mailto:dave.bernert@hp.com]

Sent: Monday, April 05, 2010 7:10 PM

To: Retherford, Kristin

Cc: Thomas Bernert; S J Young; ksb63@comcast.net; Joe Bernert (Home); Toni

Bernert (atbernert@comcast.net); George Adams; Doug; Bowers, Michael

Subject: RE: Kinsman/Brown alignment options into Old Town

Kristin,

We are reviewing the proposed design and both options seem to be very intrusive on our business and the properties that we own.

We are very concerned with our dump truck with pup trailers will have a difficult time to negotiate a turn about as designed for both routings of the proposed road. Also it looks as if our private road... "Industrial way" is being eliminated out to Wilsonville road, which could have has concerned. In add proposed bike paths has us concerned alongside our high traffic industrial road.

We should schedule some meeting to discuss a more appropriate design. Please let me know what days in May are available for a review meeting of our concerns

Thanks

Dave Bernert

WCP Inc.

-----Original Message-----

From: Retherford, Kristin [mailto:retherford@ci.wilsonville.or.us]

Sent: Monday, March 29, 2010 2:26 PM

To: Bernert, David J

Subject: Kinsman/Brown alignment options into Old Town

David,

Here are the proposed alignments we were discussing. If you have any questions or would like to come in and meet with me and Michael Bowers, our Community Development Director, let me know and we'll set something up.

Thanks for your comments. Information like that you shared about the number of trucks going to and from the plant per year is helpful.

Regards,

---

Kristin Retherford

Urban Renewal Manager

| Phone: 503-570-1539 | Email: retherford@ci.wilsonville.or.us | Fax: 503-682-7025 |

Disclosure: Messages to and from this E-mail address may be subject to Oregon Public Records Law.

-----Original Message-----

From: xeroxcopier@ci.wilsonville.or.us [mailto:xeroxcopier@ci.wilsonville.or.us]



City of Wilsonville  
Exhibit D.1.c.  
DB09-0047

Sent: Monday, March 29, 2010 6:23 AM  
To: Retherford, Kristin  
Subject: Scan from Dogwood Copier

Please open the attached document. It was scanned and sent to you using the Dogwood Xerox Copier at City Hall, 1st floor.

Attachment File Type: PDF

If you have any questions about this attachment please call the City of Wilsonville at 503-682-4960.

## **Exhibit E1**

**Two-page letter**

**Dated April 12, 2010**

**From J. David Bennett, P.C., Landye,  
Bennett, Blumstein, LLP attorneys,  
representing  
OrePac Building Products, Inc.**

April 12, 2010

City of Wilsonville  
Development Review Board Panel A  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

Re: **DB09-0047; DB09-0048; DB09-0049; DB09-0050;**  
**DB09-0051; DB10-0001; DB09-0052; DB09-0053**

Dear Board Members:

We represent OrePac Building Products, Inc. ("OrePac") whose facilities are adjacent to land owned by the Applicant/Owner of the proposed Wilsonville Road Business Park, which is the subject of the above-referenced applications. Ben Altman of SFA Design Group has filed a response to the applications dated March 31, 2010, specifically addressing the Kinsman Road Extension to the south of Wilsonville Road. City staff has filed a memorandum with Wilsonville Board Development Review Board ("DRB") contending that Mr. Altman's response on behalf of OrePac is not relevant, as the DRB is not the proper forum for amending the City Transportation System Plan ("TSP"). However, we believe that the TSP with respect to the extension of Kinsman Road to the south of Wilsonville Road is conceptual only, and since the Applicant's/Owner's application includes the conceptual alignment that a public hearing is required to adopt the conceptual alignment as the actual alignment. Accordingly, we believe that the Kinsman Road alignment is a relevant issue that must be considered by the DRB, and that before the DRB can act on the applications, the TSP must be amended to convert a conceptual alignment into an adopted alignment.

Specifically, OrePac objects to the proposed development based on the fact that the staff misinterprets the TSP as specifically directing the Extension of Kinsman Road south of Wilsonville Road. The TSP provides a conceptual street network, but specifically anticipates subsequent refinements, as stated in Policy 4.2.1.

*TSP "4.2.1 Network Alternatives. This chapter summarizes the road improvements necessary to meet the City's level of service (LOS) standards and level of development projected for the next 20 years. Road improvements were determined based on capacity needs, neighborhood connections, and street standards...."*

*It is important to note that the proposed improvements, along with all related maps, figures, and tables, are provided for conceptual purposes only. The improvement projects listed (e.g., S-1, C-6, W-3, etc.) are not necessarily the*



April 12, 2010  
Page 2

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*same in each alternative, but each one always refers to the same location. Specific design issues, including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement. At that point, project staff will hold public meetings with affected property owners and other interested parties to fully address such concerns."*

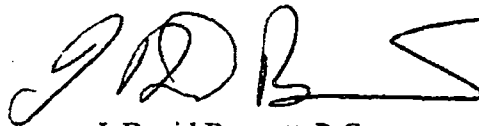
The staff indicates they coordinated with the applicant relative to the road alignment. However, staff did not address concerns raised by other property owners, such as OrePac and Wilsonville Concrete. OrePac did meet with the City staff and the applicant, but to our knowledge there have never been any public meetings scheduled or held to specifically address the alignment proposed versus alternatives. There was an alternatives analysis prepared, and reviewed with the applicant and OrePac, but no public meetings were held. Subsequently, staff unilaterally concluded the alignment was set by the TSP and that no change was necessary.

In this regard, we believe the DRB's review of the application is pre-mature, in that it precedes the appropriate determination of the street network to be implemented.

Secondly, OrePac objects to the proposed development based on non-compliance with the PDI provisions for mixed-use developments.

The staff misinterprets the mixed-use provisions of PDI zone as specified in Section 4.135(.03)0. The applicant is proposing a total of 40,804 square feet of office and retail use. Whereas, Section 4.135(.03)0.4. specifically limits any combination of commercial office and retail to 5,000 square feet in a single building or 20,000 square feet in a multi-building development.

Very truly yours,



J. David Bennett, P.C.

/jlg  
cc: OrePac Building Products, Inc.  
SFA Design Group

13670-001

569973



## **Exhibit E2**

**One-page letter  
Dated April 12, 2010 from  
David Bernert, President,  
Wilsonville Concrete Products, Inc.**





**WILSONVILLE CONCRETE PRODUCTS  
COMMERCIAL REDI MIX**

*Ready Mix – Sand – Gravel*  
Phone 503.682.2525 Fax 503.682.1922  
P.O. Box 37  
Wilsonville, Oregon 97070

April 12, 2010

City of Wilsonville  
Wilsonville, Oregon 97070

RE: Resolution NO. 194 – Wilsonville Road Business Park

Dear Ladies or Gentlemen:

For the foreseeable future, WCP Inc will continue to operate in our Wilsonville location just as we have done for the last 52 years.

The staff's unilateral decision on alternatives is of concern to our organization and as we understand it did not follow Policy 4.2.1 of the TSP, which anticipates public review of refinements.

Industrial Way is our private road and has served our needs well for many years, and it has served them safely.

Thank you for consideration of our concerns.

David Bernert  
President WCP Inc

Cc George Adams  
Alan Kirk  
Doug Gilmer



City of Wilsonville  
Exhibit E2  
DB09-0047

**Exhibit E3**

**Draft Community Development Staff Report  
to Mayor and City Council dated  
February 24, 2010  
From Michael Bowers, Community  
Development Director,  
Submitted by  
Ben Altman, SFA Design Group.**

## COMMUNITY DEVELOPMENT STAFF REPORT

Date: February 24, 2010

To: Mayor and City Councilors

From: Michael Bowers, Community Development Director

Subject: Traffic Analysis of Kinsman Road South of Wilsonville Road and Associated Brown Road Extensions

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1. Attached are a variety of Exhibits including the draft of the DKS traffic report discussing the need for Kinsman Road versus Industrial Way south of Wilsonville Road. This study also reviewed the importance of the Brown Road extension from east Wilsonville Road to Boones Ferry in Old Town.
2. Three decision points are imperative by City Council on this subject:
  - a. March 2010: Reconfirm that the Kinsman Road south extension through the Stearn's property is an integral part of the street network plan in this part of the City. Orepac has proposed that the existing Industrial Way Street serve as a primary north-south collector in this vicinity replacing the need for Kinsman. The Stearns' development application is due to go to the DRB on March 8, 2010, so timing is critical.
  - b. 2010-2011: Determine through a TSP refinement process the proposed network of streets to include: Brown Road, Montebello, Kinsman South and connection points at either 5<sup>th</sup> Street or Bailey Street to Boones Ferry Road. This process needs to involve critical land owners adjacent to the proposed streets.
  - c. 2010-2011: Determine timing of closure of Industrial Way based on projected funding, design and permitting actions.



3. The highlights:

- The DKS analysis demonstrates that: Kinsman Road as a collector street connection south of Wilsonville Road is a much better alternative than keeping Industrial Way open. The Industrial Way intersection at Wilsonville Road will not meet the City's level of service standard in the future.
- If Industrial Way remains open and Kinsman south is not built, turn lane vehicle storage on Wilsonville Road is predicted to spill over into the main travel lanes, primarily due to the short spacing distance between the Kinsman, Industrial Way and Montebello intersections. This will be a particularly bad problem as industrial growth continues north and south of Wilsonville Road and more trucks are making these turning movements.
- Brown Road, a parallel route to Wilsonville Road, will effectively relieve future congestion on Wilsonville Road in the amount of 4,500-5,000 vehicles per day; therefore it is an important component of the T5P. This congestion relief will occur primarily west of Kinsman Road avoiding the need to widen Wilsonville Road in this area to 5-lanes.
- Brown Road connecting to Bailey vs. 5<sup>th</sup> Street has several more advantages.
- The Brown Road alignment should follow existing lot lines to the maximum extent possible to avoid what could be costly divisions to landowner interests. This approach also maximizes use of existing utility easements.

4. A more detailed background and summary is enclosed along with a total of nine exhibits.

MSB/bgs

cc: IOC-CD

## **Kinsman and Brown Road Extension Analysis Detailed Staff Summary**

### **I. Kinsman Extension South of Wilsonville Road**

**A. Background:** The City Engineer commissioned a study by OBEC Engineers in Spring 2009 to review many options and alternatives to configuring a Kinsman south alignment in this area of the City. This evaluation compared over ten alignment options traversing the Stearn and Orepac property just south of Wilsonville Road, with an attempt to determine necessary constraints on this road such as: road curvature, connection options to the existing section of Industrial Way, potential Brown Road east-west options, conflicts with BPA power line easement restrictions, reducing number of intersections, etc. The results of this analysis yielded Sheet #1 of Exhibit A as the most beneficial street network configuration based on a Council work session with City staff approximately May 2009.

**B. Determining Stearn and Orepac land impacts by Kinsman Road:** The analysis conducted on Kinsman Road south confirming its TSP necessity and profile, gave sufficient information for a development application by Tom Stearn in the fall of 2009. Concurrently, Orepac conducted its own evaluation which contended that Kinsman south did not need to go through the Orepac property, but Industrial Way could serve as a long-term collector street in lieu of constructing Kinsman Road as envisioned in the TSP. In response, Exhibit B is the recent DKS Study which evaluated the benefits/risks to the City transportation system under various scenarios if Industrial Way remained open and Kinsman stopped at the Orepac property line.

**C. Exhibit B findings are as follows:**

- D** Figure 2 (page 5 of 22) shows the street network modeled. Based solely on the volume of traffic handled by this street grid system (shown on Table 8, page 13 of 22), there is minimal discernible advantage to closing Industrial Way or constructing the full Kinsman south alignment.
- D** With both Kinsman and Industrial Way connecting to Wilsonville Road, one becomes obsolete – see Table 3, page 13, lines 11a. and 12a.
- D** When evaluating level of service (LOS) however, depending on the phasing of development and construction of the street network south of Wilsonville Road, the intersection that is most at risk for not meeting the City's LOS standard is the Industrial Way/Wilsonville Road intersection (see Table 4, page 16 of 22).

- Further, keeping Industrial Way open at Wilsonville Road violates the City's access spacing standard on arterial streets (see page 18-19). As such, turning queues on Wilsonville Road may spill into travel lanes and Kinsman Road would likely not function as effectively as a main North-South Clackamas County truck route as designed/ intended.
- Kinsman Road and Montebello intersections at Wilsonville Road function as 4-way signalized through-traffic locations. Industrial Way's connection to Wilsonville Road provides only 3-way capacity. (See DKS Appendix)
- Industrial Way at Wilsonville Road should continue to remain open as an interim solution until the Kinsman connection south replacing Industrial Way can be constructed (DKS Report, page 22 of 22). Based on funding for the West Side Urban Renewal District, this is likely about 5-years away.
- Kinsman Street adjacent to the Orepac property will require an approximate 75-foot long bridge over Coffee Creek per Exhibit C.
- Cost estimates for Kinsman south are provided in Exhibit I, broken down in two segments.

## II. Brown Road – Bailey Street Vs. 5<sup>th</sup> Street connections.

A. **Background:** The TSP left the option open for a connection of the Brown Road extension to Boones Ferry at either Bailey Street or 5<sup>th</sup> Street. The DKS Study and several other exhibits included in this staff report speak to comparing these two alternatives.

### B. Findings:

- Exhibit E and F indicate the vertical ground profiles which show the challenge of constructing either the Bailey or 5<sup>th</sup> Street extensions. Each road will require a 150-foot bridge over Coffee Creek. The 5<sup>th</sup> Street segment will be about 500 feet longer and have an uneven bridge platform alignment of about 7 feet to overcome, necessitating more cut/fill excavation and permitting issues.
- The 5<sup>th</sup> Street connection may require street upgrades within Boones Ferry between Bailey and 5<sup>th</sup> to accommodate 2500+ vehicles per day of "out of direction" traffic. Costs and real estate impacts have not been characterized for this potential work.
- Between the railroad tracks and Boones Ferry Road, Bailey Street provides more vehicle storage (275 feet versus 150 feet) than 5<sup>th</sup> Street.

- The 5<sup>th</sup> Street alignment, per Exhibit G, presents potentially more permit challenges and SROZ impacts than a Bailey to Brown connection.
- The current cost estimate for an 1800 foot 5<sup>th</sup> Street Extension to Brown Road is \$8.75 million, while the Bailey to Brown Extension is estimated at \$6.7 million.

III. Closing Industrial Way.

A. In order to construct the Kinsman to Industrial Way segment south of the Stern's property, several actions need to happen:

- Approximately \$2 million of funds available from Urban Renewal.
- Negotiations, and land acquisitions actions with several property owners.
- Design / permitting of a Coffee Creek bridge to replace Orepac private bridge.

B. Advantages of keeping Industrial Way open for approximately 5+ years:

- Orepac private entrance continues to function as it is today.
- Allows time to reconfigure satisfactory roundabout and alignment issues between Industrial Way and Orepac to handle vehicle stacking concerns.

IV. What happens if Brown to Kinsman is not built? (Short and long-term)

A. Assuming in the short-term, the City elects to complete the Kinsman to Industrial Way connection as well as the road segment from Kinsman to either Bailey or 5<sup>th</sup>, how will our City street network perform? (This question is answered in the DKS report section titled "Partial Brown Road Extension" and in the performance tables.)

- Boones Ferry Road and Wilsonville Road between Boones Ferry and Kinsman will gain between 5% - 10% congestion relief by this alternate path in/out of Old Town.
- This relief equates to approximately 500-1,000 vehicles per day, and protects our City investment at the intersection of Wilsonville Road and Boones Ferry by preserving LOS 'D' performance.

**B. If the Brown extension to Kinsman is not constructed, future impacts are:**

- ▀ The Boones Ferry Road / Wilsonville Road intersection will carry about 1,000 – 1,500 more vehicles per day, but still function per the City's standard for LOS "D".
- ▀ The Kinsman Road / Wilsonville Road intersection will be about 10% more congested, but still serve within LOS "D" standard.
- ▀ As more development occurs south of Wilsonville Road and in other parts of the City north of Wilsonville Road, such as Villebois, congestion will increase between Brown Road and Kinsman Road on Wilsonville Road, eventually exceeding its volume capacity over the next 20-years.
- ▀ Brown Road's extension will likely not improve the I-5 interchange function.
- ▀ Brown Road is likely unnecessary to construct until 2020 or beyond.
- ▀ We have 25% available capacity on Wilsonville Road between Kinsman and Brown to use until the Brown Road Extension need reaches urgency.
- ▀ We would likely construct Brown Road concurrently with adjacent development application, to minimize City costs.

Michael S. Bowers  
Community Development Director

MSB/bgs

cc: Subject File



**MEMORANDUM**

**TO:** Mike Stone, P.E., City of Wilsonville  
Steve Adams, P.E., City of Wilsonville

**FROM:** Scott Mansur, P.E., P.T.O.E.  
Brad Coy, E.I.T.

**DATE:** January 25, 2010

**SUBJECT:** Comprehensive Brown Road Extension Alternatives Analysis P10004-001-000

This memorandum documents transportation demand modeling and traffic analysis related to Brown Road Extension alternatives for the City of Wilsonville. The purpose of the alternatives analysis is to assist City Staff in selecting a preferred alternative and to assist in preliminary design of the future roadway and coordination with adjacent development applications. The analysis considers 24 transportation alternatives that consist of various combinations of future roadway extensions or closures in the project vicinity (i.e., south of Wilsonville Road between Brown Road and Boones Ferry Road). It also incorporates all previous modeling and analysis that has been performed and documented to date (particularly the Brown Road Extension Analysis Memorandum from March 13, 2009)<sup>1</sup>.

This memorandum is organized into the following sections:

- Project Background
- Existing Traffic Conditions
- Brown Road Extension Alternatives
- Modeling Methodology
- Alternatives Comparison
- Summary

**Project Background**

Brown Road runs north-south and is located on the west side of the City of Wilsonville. North of Wilsonville Road, Brown Road provides connectivity to the Villebois development and several residential areas and is classified as a major collector. It extends a few hundred feet south of Wilsonville Road and provides access to several existing uses.

The City of Wilsonville Transportation System Plan (TSP)<sup>2</sup> identifies the Brown Road Extension as Project C-17 and indicates that it will run east-west starting at the existing stub south of

<sup>1</sup> *Brown Road Extension Alternatives Analysis*; memorandum prepared by DKS Associates, March 13, 2009.

<sup>2</sup> *City of Wilsonville Transportation System Plan*, Prepared by Entranco, Adopted June 2, 2003.

Wilsonville Road. It will provide a street connection at an extension of Kinsman Road and connect to Boones Ferry Road at either Bailey Street or 5<sup>th</sup> Street (see Projects C-17 and C-17a on Figure 4.10 in the TSP). The TSP also indicates that it will be a two-lane roadway and classified as a minor collector. The extension will be approximately one-half mile in length and will principally pass through existing farmland or industrial development. This new roadway is important because it will provide a parallel route to Wilsonville Road that will relieve congestion (particularly at the Wilsonville Road/Boones Ferry Road intersection), provide a secondary access to Old Town, and accommodate new development south of Wilsonville Road.

The Kinsman Road Extension is also shown in the TSP as Project C-14. It would be a two-lane, minor collector roadway that starts at the Wilsonville Road/Kinsman Road intersection and ties into the existing Industrial Way. The northern segment of Industrial Way that currently intersects Wilsonville Road would be removed or converted into a bike/pedestrian path in conjunction with the Kinsman Road Extension. The existing Wilsonville Road/Kinsman Road intersection is signal controlled and has three legs, but the curb cuts and sidewalks for the south leg were constructed as part of the Wilsonville Road Phase 2A construction.

Another roadway extension is planned for Montebello Drive, which is located between Brown Road and Kinsman Road. The Montebello Drive Extension would run north-south and connect Wilsonville Road to the Brown Road Extension. This roadway is not shown in the TSP but would be needed in the future to provide access to the vacant property to the south. The existing Wilsonville Road/Montebello Drive intersection is signal controlled and has three existing legs with the curb cuts and sidewalks for the south leg, which were constructed as part of the Wilsonville Road Phase 2A construction.

## Existing Traffic Conditions

Existing traffic conditions at the following five study intersections were analyzed to understand existing study area traffic operations and to provide a baseline for comparing the future Brown Road Extension alternatives:

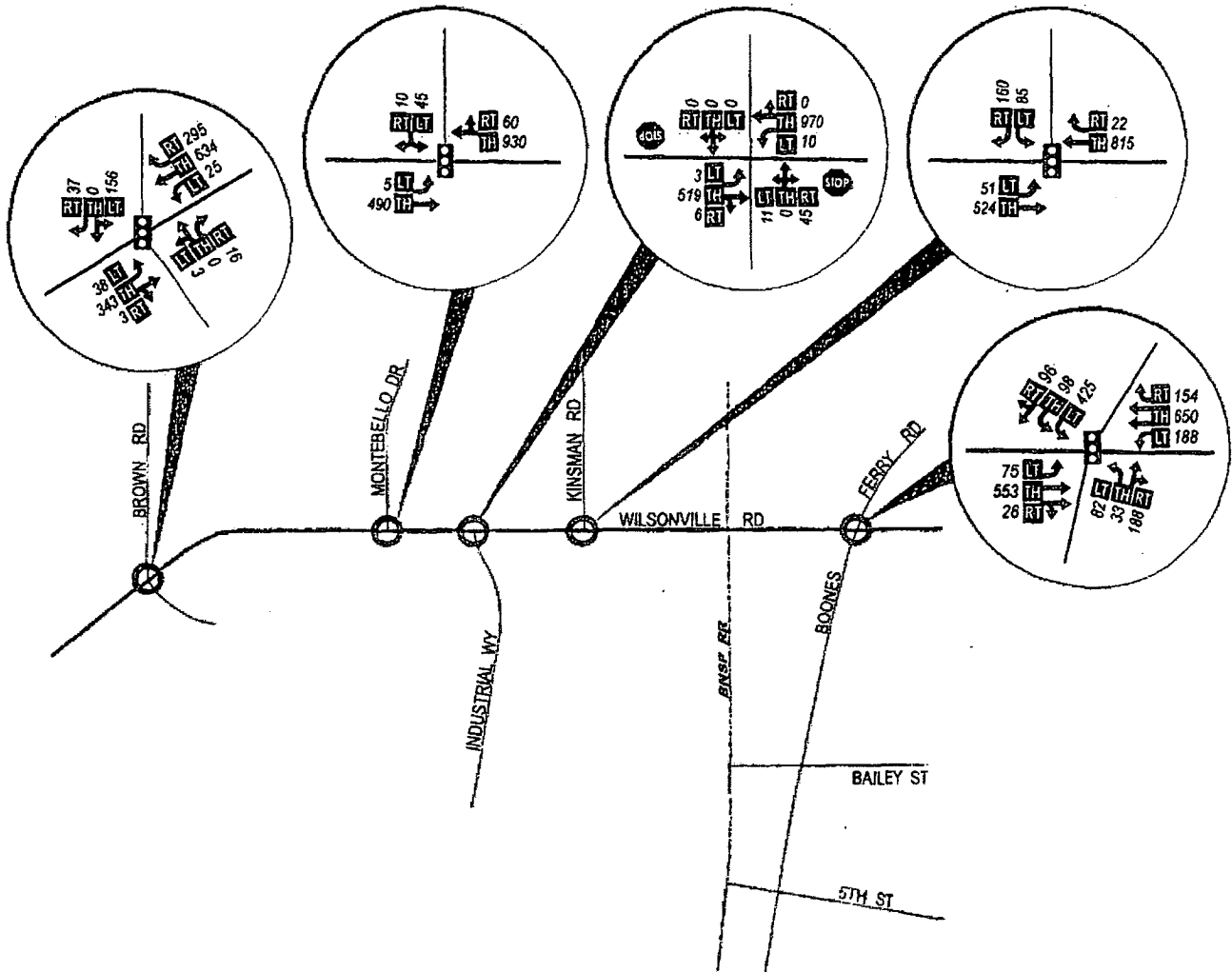
- Wilsonville Road/Brown Road
- Wilsonville Road/Montebello Drive
- Wilsonville Road/Industrial Way
- Wilsonville Road/Kinsman Road
- Wilsonville Road/Boones Ferry Road

## Traffic Volumes

Existing 2009 p.m. peak hour traffic volumes were estimated<sup>3</sup> at the study intersections based on traffic counts performed between 4:00 p.m. and 6:00 pm. on February 24, 2009, and are shown in Figure 1.

<sup>3</sup> The estimations included balancing between intersections as well as comparison with recent historical counts performed at the study intersections within the past few years.

# Brown Road Extension Alternatives Analysis



\* Traffic volumes estimated based on February 24, 2009 counts, a historical comparison, and balancing

<b>LEGEND</b> - Existing Study Intersection - Lane Configuration 000 - Existing PM Peak Hour Volumes - Volume Turn Movement Left-Thru-Right		- Stop Sign - Traffic Signal	<b>DKS Associates</b> TRANSPORTATION SOLUTIONS  NO SCALE	<b>Figure 1</b> <b>2009 EXISTING P.M. PEAK HOUR TRAFFIC VOLUMES</b>
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**Intersection Operations**

The existing p.m. peak hour intersection operations were determined based on the *2000 Highway Capacity Manual* methodology<sup>4</sup> for signalized and unsignalized intersections. The estimated average delay, level of service (LOS), and volume to capacity (v/c) ratio of each study intersection are shown in Table 1. As shown in the table, all intersections currently meet the City of Wilsonville level of service D operating standard.

**Table 1: 2009 Existing PM Peak Hour Study Intersection Operating Conditions**

Intersection	Operating Standard	P.M. Peak Hour			Meets Standards?
		Delay	LOS	V/C	
<b>Signalized</b>					
Wilsonville Rd/Brown Rd	LOS D	13.8	B	0.63	Yes
Wilsonville Rd/Montebello Dr	LOS D	6.1	A	0.66	Yes
Wilsonville Rd/Kinsman Rd	LOS D	12.0	B	0.64	Yes
Wilsonville Rd/Boones Ferry Rd	LOS D	31.3	C	0.64	Yes
<b>Unsignalized</b>					
Wilsonville Rd/Industrial Way	LOS D	25.5	A/D	0.59	Yes

Signalized Intersections:

Delay = Average Stopped Delay per Vehicle (sec)  
LOS = Level of Service of Intersection  
V/C = Volume-to-Capacity Ratio of Intersection

**Bold Underlined** values do not meet standards.

Unsignalized Intersections:

Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement  
LOS = Level of Service of Major Street/Minor Street  
V/C = Volume-to-Capacity Ratio of Worst Movement

<sup>4</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.

## Brown Road Extension Alternatives

There are 24 Brown Road Extension transportation alternatives that were selected in consultation with City Staff.<sup>5</sup> These alternatives consist of various combinations of the following future roadway extensions or closure in the project vicinity:

- Brown Road Extension (eastern connection at either Bailey Street or 5<sup>th</sup> Street)
- Kinsman Road Extension
- Montebello Road Extension
- Industrial Way Closure

The approximate alignments of these roadway extensions and closure are shown in Figure 2.

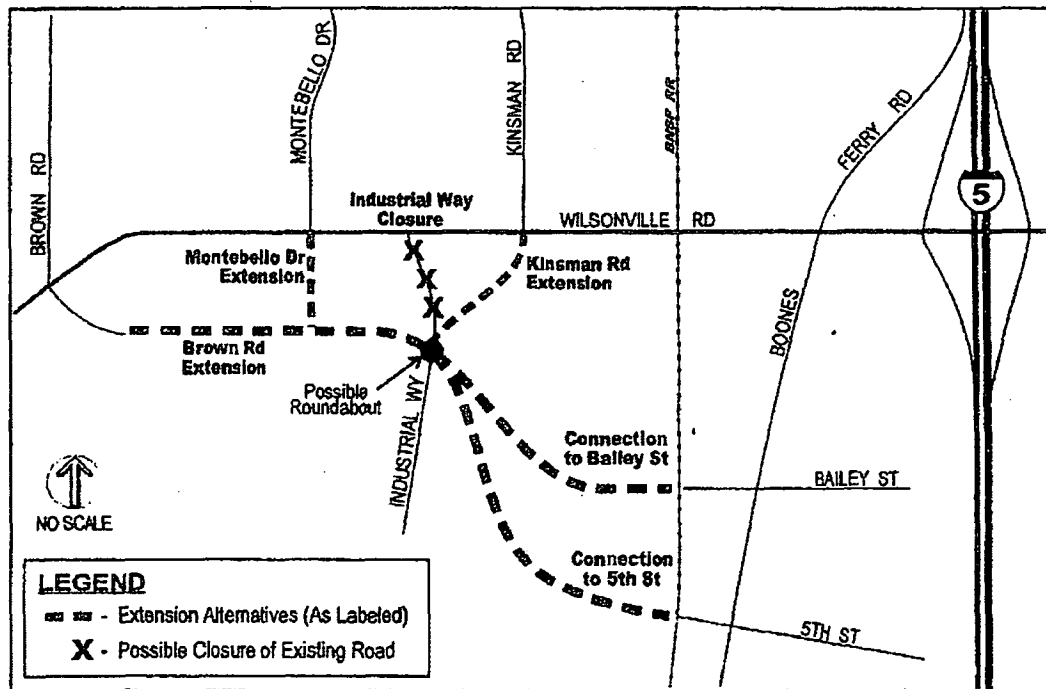


Figure 2: Possible Roadway Extensions and Closure

The 24 alternatives are listed in Table 2, and detailed figures of all alternatives are provided in the appendix. The alternatives are organized into pairs because there are two optional Brown Road Extension alignments:

- Connection to Boones Ferry Road at Bailey Street (referred to as “a” alternatives)
- Connection to Boones Ferry Road at 5<sup>th</sup> Street (referred to as “b” alternatives)

It will be assumed for all these alternatives that both Brown Road alignments are the same west of Industrial Way. This differs from the previous DKS memorandum (March 13, 2009), which

<sup>5</sup> Meeting with Mike Stone, Blaise Edmonds, and Kristy Lacy (City of Wilsonville), December 15, 2009.

assumed a more direct alignment between Brown Road and 5<sup>th</sup> Street that cut diagonally across the existing farmland and intersected Industrial Way further to the south. The two alternatives that were analyzed in the March 13, 2009, memorandum are listed in Table 2 as Alternatives 7a and 7b. Analysis results are slightly different in this memorandum because of the new alignment assumption for Alternative 7b.

**Table 2: List of Brown Road Extension Alternatives with Numbering Convention**

Alternative Roadways <sup>a</sup>	Alternatives Numbering Convention for Brown Road Connection to		Comments
	<i>Bailey St</i>	<i>5<sup>th</sup> St</i>	
<b>Full Brown Rd Extension with No Intermediate Connections</b>			
No connections	1a	1b	
<b>Full Brown Rd Extension with One Intermediate Connection</b>			
Industrial Way	2a	2b	Roundabout <sup>b</sup>
Kinsman Rd Extension	3a	3b	
Montebello Dr Extension	4a	4b	
<b>Full Brown Rd Extension with Two Intermediate Connections</b>			
✓ Industrial Way and Montebello Dr Extension	5a	5b	Roundabout <sup>b</sup>
Industrial Way and Kinsman Rd Extension	6a	6b	Roundabout <sup>b</sup>
✓ Montebello Dr and Kinsman Rd Extensions	7a <sup>c</sup>	7b <sup>c</sup>	
<b>Partial Brown Rd Extension with Only the One Intermediate Connection</b>			
Between Boones Ferry Rd and Montebello Dr	8a	8b	
Between Boones Ferry Rd and Industrial Way	9a	9b	
Between Boones Ferry Rd and Kinsman Rd	10a	10b	
<b>Partial Extension between Boones Ferry Rd and Montebello Dr</b>			
Industrial Way and Kinsman Rd Extension	11a	11b	Roundabout <sup>b</sup>
Kinsman Rd Extension	12a	12b	

<sup>a</sup> These roadways would be either constructed (Brown Rd, Kinsman Rd, or Montebello Dr Extensions) or left open (existing Industrial Way).

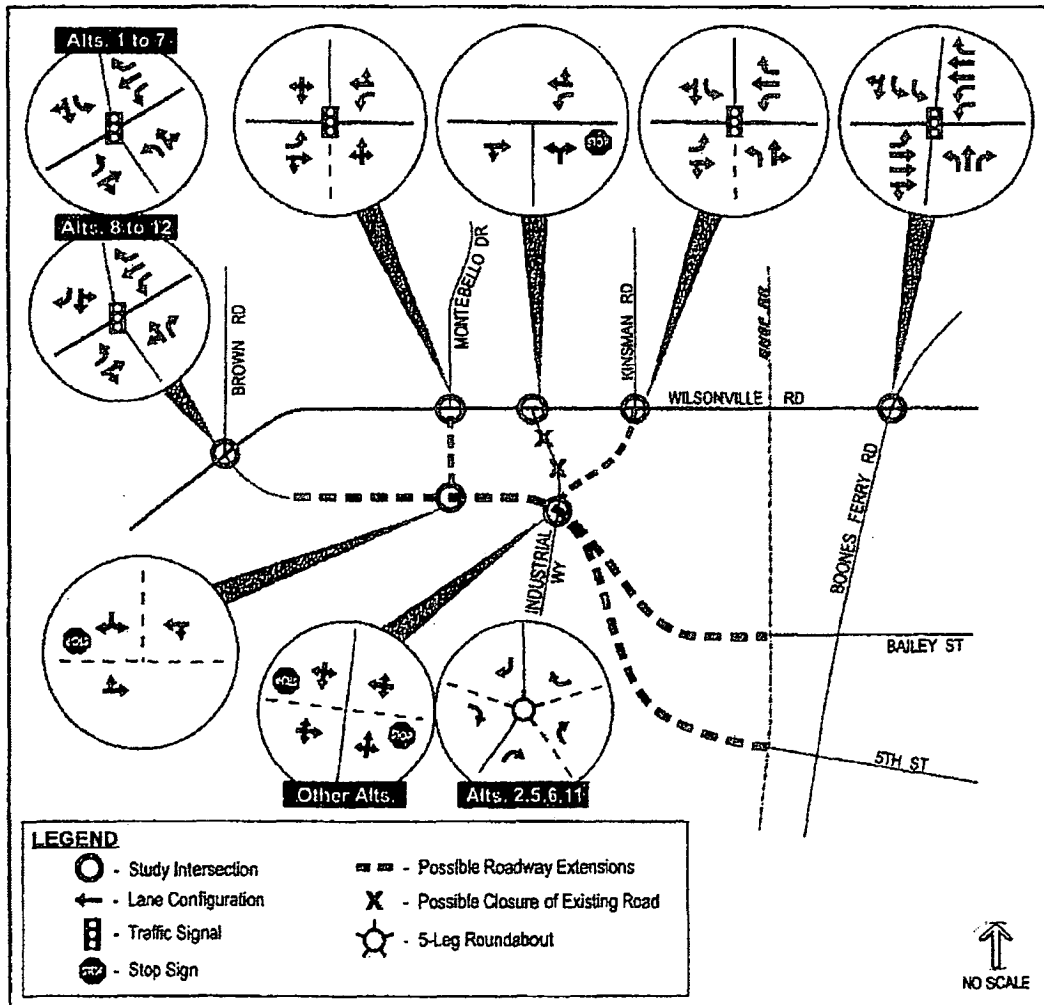
<sup>b</sup> A 5-leg roundabout was assumed for the Brown Road/Industrial Way/Kinsman Road/Ore Pac Ave intersection.

<sup>c</sup> These alternatives were analyzed previously.

Other important considerations for the alternatives include the following:

- New roadways will have two vehicular travel lanes (i.e., one lane in each direction), except at select intersection approaches (i.e., see next bullet). All roadways will also include bike lanes and sidewalks.
- The intersection geometries assumed for the analysis are illustrated in Figure 3. All of the new approaches consist of one-lane shared approaches except the northbound Kinsman Road approach at Wilsonville Road, which includes a left-turn lane (the actual storage length of this turn pocket should be determined at a later date once a preferred alternative has been selected). In addition, the lane geometries of two existing intersections are adjusted. First, the Wilsonville Road/Boones Ferry Road intersection is assumed to be

improved in accordance with Fred Meyer Transportation Impact Study<sup>6</sup> and the city's Transportation System Plan (TSP).<sup>7</sup> Second, for all full Brown Road Extension alternatives, the northbound and southbound Brown Road approaches to the Wilsonville Road/Brown Road intersection are assumed to be converted from a shared through-left lane and right-turn pocket to a shared through-right lane and a left-turn pocket for optimal traffic signal operations; this would require realignment of one of the legs but would allow the two Brown Road approaches to be run simultaneously with permitted left-turns instead of as a split phase and would result in more efficient use of green time and better intersection operations. No changes to the existing lane configurations at the Wilsonville Road/Brown Road intersection are assumed for the Partial Brown Road Extension alternatives.



**Figure 3: 2030 Study Intersection Geometry and Traffic Control Assumptions**

<sup>6</sup> Fred Meyer Transportation Impact Study, DKS Associates, August 2008.

<sup>7</sup> Transportation System Plan, City of Wilsonville, Adopted June 2, 2003, Project S33.

- For all alternatives, Brown Road will be the through road (i.e., allowing free movement) and the side streets will have stopped approaches (except in the case of a roundabout when all approaches will be typical roundabout yield control).
- As noted in Table 2, four of the alternative pairs assume a five-leg roundabout at the Brown Road/Industrial Way/Kinsman Road/Ore Pac Avenue intersection. A roundabout is recommended for these alternatives because it would best accommodate the needed five legs. The analysis assumes the roundabout would be large enough that even trucks could make all movements.
- When an alternative does not include the Kinsman Road Extension, then the Wilsonville Road/Kinsman Road intersection will still have a south leg, but that leg will only be used to access the proposed Wilsonville Road Business Park south of the intersection.

### Modeling Methodology

Transportation demand modeling of the future roadway network in the vicinity of the Brown Road Extension was performed for the 2030 horizon year for all Brown Road Extension alternatives. The purpose of the modeling was to estimate future traffic volumes to compare how the alternatives affect the transportation network's operations. The subarea that was modeled is shown in Figure 4 along with the roadway network assumptions.

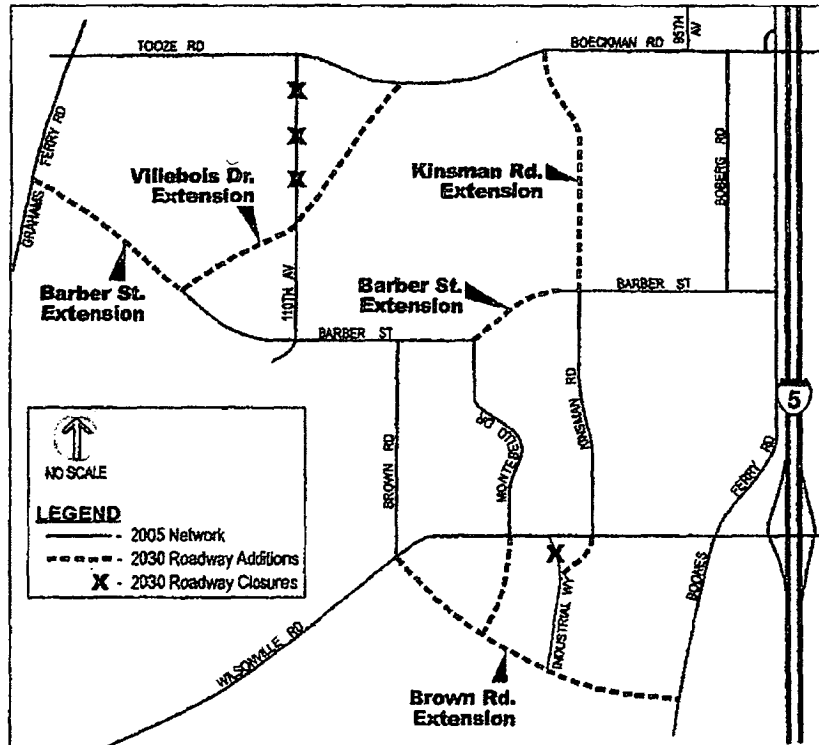


Figure 4: Modeling Subarea and Roadway Network Assumptions



The modeling was performed by refining the small subarea (i.e., the area shown in Figure 4) of the 2005 and 2030 travel demand models developed by Metro, Washington County, and the I-5 to 99W Connector Project team. This was done by updating the 2005 subarea model to account for existing 2009 land uses and calibrating using the existing 2009 p.m. peak hour traffic counts. Then, the 2030 future year subarea model was developed by adding the planned 2030 roadway extensions (see Figure 4) and 2030 land uses to the model network. Finally, the model was adjusted for each Brown Road Extension alternative and was run to estimate traffic demand using HCM node delays at the intersections and travel times on the roadway links. Raw model volumes were post-processed<sup>8</sup> to estimate 2030 turn movement volumes at the future study intersections for each alternative.

One consideration that was also made with the modeling was to include the estimated trips from the proposed Wilsonville Road Business Park<sup>9</sup>, whose site is located immediately south of the Wilsonville Road/Kinsman Road intersection. Because the proposed land uses include office and flex space in addition to industrial space, the Wilsonville Road Business Park site would be expected to generate more traffic than assumed by the traffic model. Therefore, to be consistent with the impact study and more conservative in this analysis, the additional project traffic was added to the post processed study intersection volumes.

## Alternatives Comparison

Based on the modeling results, the Brown Road Extension alternatives were compared. The following issues were considered and are addressed next:

- Pedestrian and Bicycle Connectivity
- 2030 Traffic Volumes
- 2030 Traffic Operations
- Brown Road Extension Alignment Alternatives
- Wilsonville Road Intersection Spacing Near Industrial Way
- Industrial Way Truck Access
- Kinsman Road Extension Considerations
- Montebello Drive Cut-Through

### ***Pedestrian and Bicycle Connectivity***

The Brown Road Extension alternatives and associated roadway connections have an important impact on the bicycle and pedestrian network connectivity in the southwest section of Wilsonville because pedestrian and bicycle facilities (i.e., sidewalks and bike lanes) are planned along the roadway extensions. The *City of Wilsonville Bicycle and Pedestrian Master Plan*<sup>10</sup> identifies various projects in the area vicinity. These projects are shown in Figure 5, which provides the applicable portion of the Wilsonville Bicycle and Pedestrian Concept Map (Figure 1 from the *Wilsonville Bicycle and Pedestrian Master Plan*). First, however, the projects and how they relate to the Brown Road Extension and nearby roadways are described.

<sup>8</sup> Post-processing consisted of adding the growth estimated by the model to existing count volumes collected for the study intersections.

<sup>9</sup> *Wilsonville Road Business Park Transportation Impact Study*, DKS Associates, April 2009.

<sup>10</sup> *City of Wilsonville Bicycle and Pedestrian Master Plan*, Adopted by Ordinance No. 623, December 2006.

The applicable projects from the *Wilsonville Bicycle and Pedestrian Master Plan* that relate to the Brown Road Extension and nearby roadways are listed below (“R” is for Regional Trail and “C” is for Community Walkway/Bikeway”):

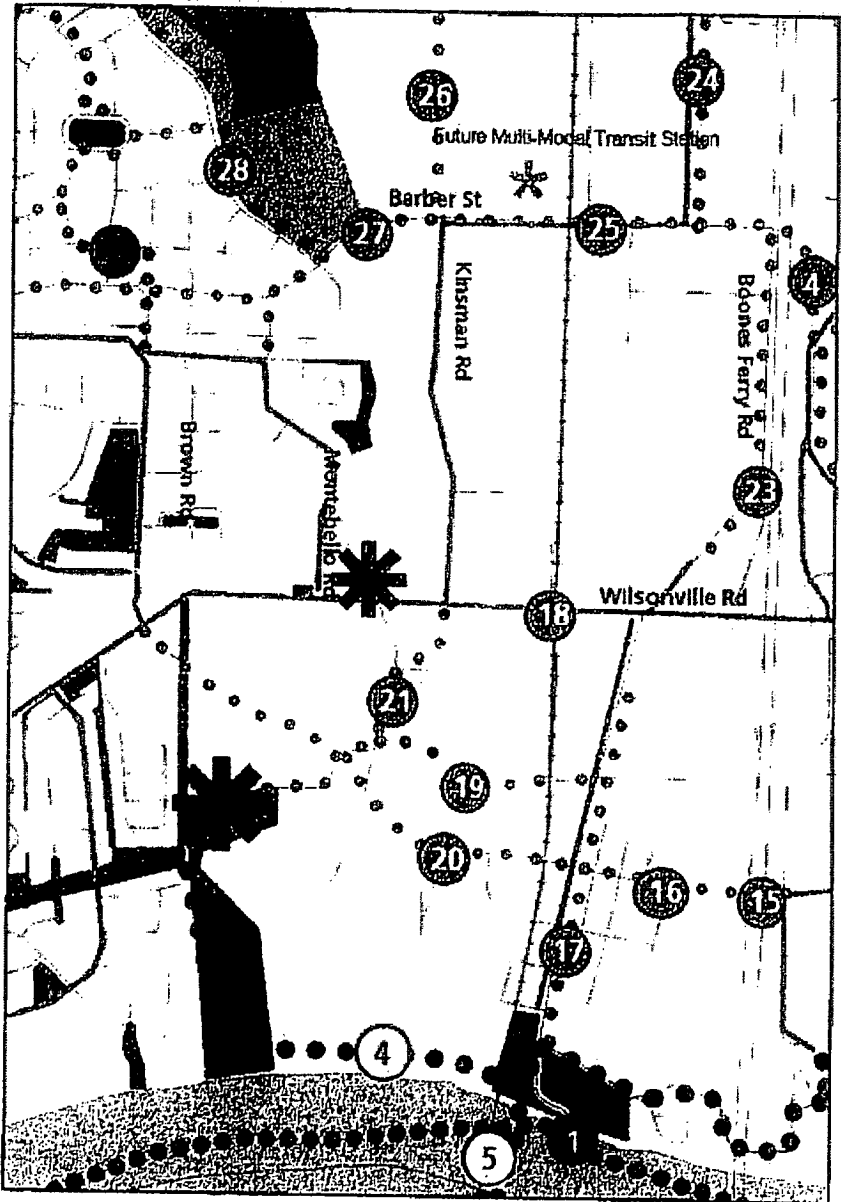
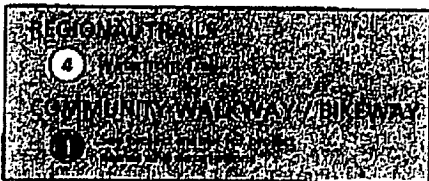
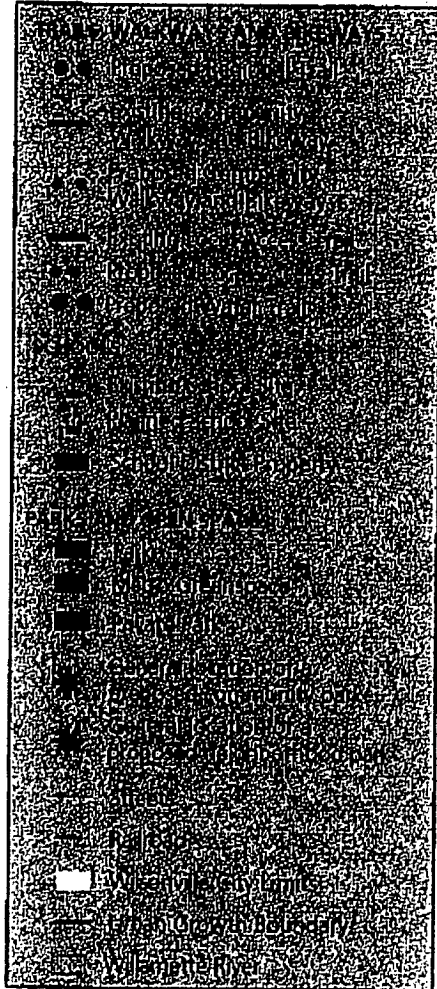
- **Project R4: Waterfront Trail** (Shared-Use Path)
- **Project C15: Memorial Dr/5th Street** (I-5 Crossing: Underpass or Overpass)
- **Project C16: 5<sup>th</sup> Street** (Signed Bike Route/Sidewalks and Future Bike Lanes)
- **Project C17: Boones Ferry Road** (Complete Remaining Bike Lanes/Sidewalks)
- **Project C19: Brown Road** (dependent upon Brown Road Extension alignment; but either Bike Lanes/Sidewalks or Off-Street Path)
- **Project C20: 5<sup>th</sup> Street Extension** (dependent upon Brown Road Extension alignment; but either Bike Lanes/Sidewalks or Off-Street Path)
- **Project C21: Kinsman Road** (Either Bike Lanes/Sidewalks or Off-Street Path)

The Waterfront Trail (Project R4) is a nearby regional trail that would connect the Metro Greenspace on the western edge of Wilsonville with the Water Treatment Plant, Boones Ferry Park, and Memorial Park. A portion of the trail near the water treatment plant and through the adjacent residential area to the west has already been constructed, and it is important for the nearby roadway network (i.e., Brown Road and other extensions) to provide convenient connections to this trail. Therefore, the Kinsman Road Extension (Project C21) is a key element of convenient pedestrian and bicycle connectivity to the Waterfront Trail because Kinsman Road is one of the primary north-south bike routes through western Wilsonville.

Furthermore, there is a traffic signal at the Wilsonville Road/Kinsman Road intersection that provides signalized crossing for pedestrians and bicycles. If the Kinsman Road Extension is not built, then an additional pedestrian/bike trail connection should be provided between the Wilsonville Road/Kinsman Road intersection and the existing trail by the Arrowhead Creek Lane Bridge. Providing pedestrian and bicycle access along the current Industrial Way alignment should not be considered as a substitution for the pedestrian/bicycle connection to Kinsman Road because it is less direct and may contribute to undesirable pedestrian and bicycle crossings of Wilsonville Road at the unsignalized Industrial Way intersection.

On the eastern end of the project area, 5<sup>th</sup> Street east of Boones Ferry Road is to be designated as the planned bicycle route (Project C16) due to the potential construction of a pedestrian and bicycle bridge over I-5 between 5<sup>th</sup> Street on the west and Memorial Drive on the east (Project C15). Therefore, a Brown Road connection to 5<sup>th</sup> Street (Project C20) would provide more direct access to a potential I-5 overpass. However, a Brown Road connection to Bailey Street (Project C19) would still provide convenient access if bike lanes and sidewalks are provided along Boones Ferry Road between Bailey Street and 5<sup>th</sup> Street (Project C17). ??

# Brown Road Extension Alternatives Analysis



### Proposed Community Walkways/Bikeways\*\*

- C15** - Memorial Dr/5th St (I-5 Bike and Pedestrian Overpass)
- C16** - 5th St (Signed Bike Route/Sidewalks/Bike Lanes)
- C17** - Boones Ferry Rd (Complete Remaining Bike Lanes/Sidewalks)
- C19** - Brown Rd (Either Bike Lanes/Sidewalks or Off-Street Path)\*\*\*
- C20** - 5th St Extension (Either Bike Lanes/Sidewalks or Off-Street Path)\*\*\*

### Proposed Community Walkways/Bikeways (Cont.)\*\*

- C21** - Kinsman Rd (Either Bike Lanes/Sidewalks or Off-Street Path)

### Proposed Regional Trails\*\*

- R4** - Waterfront Trail (Shared-Use Path)

\*\* Numbers correspond to inset figure, letters correspond to project type.  
\*\*\* Projects dependent upon Brown Road Extension alignment.

\* Figures and legends shown above were extracted from "Map 1. Wilsonville Bicycle and Pedestrian Concept Map" provided in the City of Wilsonville Bicycle and Pedestrian Master Plan (Adopted Dec. 2006). The list of Proposed Community Walkways/Bikeways and Regional Trails was copied from the associated tables provided in the Plan.

**DKS Associates**  
TRANSPORTATION SOLUTIONS



Figure **5**

**APPLICABLE PORTION OF  
WILSONVILLE BICYCLE AND  
PEDESTRIAN CONCEPT MAP\***

**2030 Traffic Volumes**

Future 2030 traffic volumes were determined for the study intersections for each of the Brown Road Extension alternatives, and the specific turn movement volumes for each alternative are provided in the appendix. Key locations of interest for a volumes comparison between alternatives are identified in Figure 6. The numbered locations correspond with Table 3, which lists the average daily traffic (ADT) volumes for the roadways and the total entering vehicle (TEV) daily volumes for the intersections.

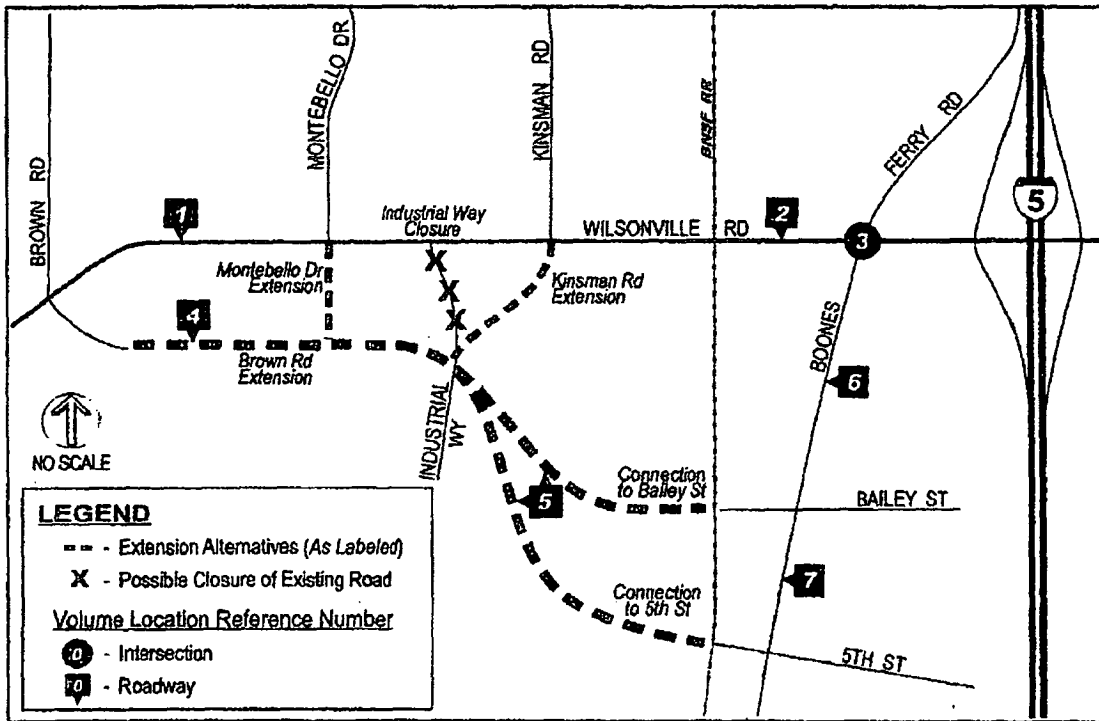


Figure 6: Key Volume Comparison Locations and Reference Numbers (see Table 3)

Table 3 lists the volumes at the key locations for each alternative. A review of volumes by location indicates the following:

**All Locations**

- Volumes are higher at almost all locations when there are no intermediate connections (i.e., Alternatives 1a/b) due to increased out-of-direction travel and generally decrease as more intermediate connections (i.e., Kinsman Road Extension, Industrial Way, and/or Montebello Drive Extension) are included (generally the higher the alternative, the more connections there are).

List continued following Table 3.

**Table 3: 2030 Daily Traffic Volumes at Key Locations of Interest (Comparison of Alternatives)**

Alternative	2030 Daily Volumes by Reference Number (see Figure 6) and Location						
	1	2	3	4	5	6	7
	Wilsonville Rd (west end) Average Daily Traffic (ADT)	Wilsonville Rd (east end) Average Daily Traffic (ADT)	Wilsonville Rd/ Boones Ferry Rd Total Entering Vehicles (TEV)	Brown Rd (west end) Average Daily Traffic (ADT)	Brown Rd (east end) Average Daily Traffic (ADT)	Boones Ferry Rd (north of Bailey St) Average Daily Traffic (ADT)	Boones Ferry Rd (south of Bailey St) Average Daily Traffic (ADT)
<b>Existing 2009 Volumes</b>							
Existing	14,400	14,800	25,700	-	-	6,200	1,900
<b>Full Brown Rd Extension Alternatives</b>							
1a	17,500	23,500	47,700	5,500	5,800	14,700	2,500
2a	15,900	23,400	47,200	5,000	5,400	13,900	2,500
3a	16,300	23,800	47,000	5,300	5,000	13,300	2,500
4a	15,900	23,400	47,300	5,000	5,400	14,000	2,500
5a	15,800	23,600	47,000	5,000	5,100	13,400	2,500
6a	15,600	23,800	46,900	5,200	5,000	13,100	2,500
7a	15,700	23,900	46,900	5,100	4,900	13,000	2,500
1b	17,500	23,600	47,600	5,300	5,500	14,500	6,700
2b	15,800	23,700	47,200	5,000	5,200	13,800	6,000
3b	16,400	24,500	47,000	5,000	4,100	12,900	5,200
4b	15,900	23,800	47,200	4,800	4,800	13,700	5,900
5b	15,800	24,300	47,000	4,900	4,300	12,800	5,200
6b	15,600	24,600	46,900	5,200	3,800	12,500	4,800
7b	15,800	24,700	46,900	4,900	3,700	12,400	4,900
<b>Partial Brown Rd Extension Alternatives</b>							
8a	20,100	24,500	48,100	-	3,900	14,700	2,500
9a	19,500	25,600	49,100	-	3,500	15,400	2,500
10a	18,900	24,700	48,100	-	3,700	14,800	2,500
11a	19,800	24,300	47,300	-	4,000	13,600	2,500
12a	19,900	24,300	47,300	-	3,900	13,600	2,500
8b	19,900	24,700	48,200	-	3,500	14,700	4,700
9b	19,400	25,900	49,400	-	3,100	15,600	4,700
10b	19,100	26,100	48,800	-	2,300	14,600	3,400
11b	19,900	25,100	47,400	-	3,100	12,900	4,100
12b	19,900	25,100	47,400	-	3,000	13,000	4,100

*Boony*

*5' x 4'*

*no diff*

*no diff*

**Location #1: West End of Wilsonville Road**

- Volumes are highest (19,000 to 20,000 ADT) when Brown Road does not extend past Montebello Drive (i.e., Alternatives 8a/b through 12a/b). Because typical capacity limits of a three-lane roadway are between 18,000 and 24,000 ADT, this section of Wilsonville Road would be at or over capacity, resulting in significant congestion.
- Volumes are high (17,500 ADT) under the two full Brown Road Extension alternatives with no intermediate connections (i.e., Alternatives 1a/b).

**Location #2: East End of Wilsonville Road**

- Volumes are higher (23,600 to 26,100 ADT versus 23,400 to 25,600 ADT) when the Brown Road Extension connects to 5<sup>th</sup> Street (Alternatives 1b through 12b) versus Bailey Street (Alternatives 1a through 12a). This is because traffic would stay on Wilsonville Road and use whichever intermediate connection was provided (i.e., either the Kinsman Road Extension, Industrial Way, or the Montebello Drive Extension) instead of using Boones Ferry Road and the eastern segment of Brown Road to access the land uses along Brown Road due to the out-of-direction travel caused by the significant north-south jog in the Brown Road connection to 5<sup>th</sup> Street.
- Volumes are higher (24,300 to 26,100 ADT versus 23,400 to 24,700 ADT) when Brown Road extends only to an intermediate connection (i.e., Alternatives 8a/b through 12a/b) versus the full Brown Road Extension (i.e., Alternatives 1a/b through 7a/b).

**Location #3: Wilsonville Road/Boones Ferry Road Intersection**

- Volumes are higher (47,300 to 49,400 ADT versus 46,900 to 47,600 ADT) when Brown Road extends only to an intermediate connection (i.e., Alternatives 8a/b through 12a/b) versus the full Brown Road Extension (i.e., Alternatives 1a/b through 7a/b).

**Location #4: West End of Brown Road**

- Volumes are higher (5,000 to 5,500 ADT versus 4,800 to 5,300 ADT) when the full Brown Road Extension connects to Bailey Street (Alternatives 1a through 7a) versus 5<sup>th</sup> Street (Alternatives 1b through 7b) because Brown Road provides a more direct connection to commercial sites along Boones Ferry (i.e., less out-of-direction travel) and attracts more vehicles away from Wilsonville Road.

**Location #5: East End of Brown Road**

- Volumes are much higher (3,700 to 5,800 ADT versus 2,300 to 4,000 ADT) for the full Brown Road Extension (i.e., Alternatives 1a/b through 7a/b) versus when Brown Road extends only to an intermediate connection (i.e., Alternatives 8a/b through 12a/b) because Brown Road functions as a parallel route to Wilsonville Road rather than just for local access.
- Volumes are higher (3,500 to 5,800 ADT versus 2,300 to 5,500 ADT) when the Brown Road Extension connects to Bailey Street (Alternatives 1a through 12a) versus 5<sup>th</sup> Street (Alternatives 1b through 12b) because Brown Road is more attractive (also see explanations for Locations #2 and #4).

**Location #6: Boones Ferry Road North of Bailey Street**

- See initial explanation for “All Locations.”

**Location #7: Boones Ferry Road South of Bailey Street**

- Volumes are significantly higher (3,400 to 6,700 ADT versus 2,500 ADT) on the residential section of Boones Ferry Road between Bailey Street and 5<sup>th</sup> Street when the Brown Road Extension connects to 5<sup>th</sup> Street (Alternatives 1b through 12b) versus Bailey Street (Alternatives 1a through 12a) because the Brown Road connection is farther south. Volumes generally decrease as more intermediate connections (i.e., Kinsman Road Extension, Industrial Way, and/or Montebello Drive Extension) are included.

**2030 Traffic Operations**

The 2030 p.m. peak hour operating conditions for the seven study intersections were determined for each of the Brown Road Extension alternatives. The signalized and unsignalized two-way stop controlled intersection operations were determined based on the *2000 Highway Capacity Manual* methodology,<sup>11</sup> while the roundabout intersection operations were determined using methodology prepared by the National Cooperative Highway Research Program (NCHRP).<sup>12</sup> This methodology is currently being implemented by ODOT and will be utilized in the new *2010 Highway Capacity Manual (HCM)*, which has not yet been released.

The level of service (LOS) and volume to capacity (v/c) ratio of each study intersection for all 24 Brown Road Extension alternatives are shown in Table 4. As shown, no operational concerns were identified at the Wilsonville Road/Boones Ferry Road intersection; therefore, the planned improvements (which were assumed for the analysis) at this intersection would be sufficient regardless of which transportation alternative is selected.

Table 4 also shows that the city LOS D operating standard would be exceeded for various alternatives at the Wilsonville Road/Industrial Way intersection. The worst delay occurs for the northbound approach, which operates at LOS E or F because the intersection is unsignalized and there are high through volumes on Wilsonville Road that make it difficult for vehicles to turn out of Industrial Way. The installation of a traffic signal would be needed to allow the intersection to meet operating standards. However, this is not recommended due to the close spacing of the two adjacent traffic signals on Wilsonville Road (the Kinsman Road signal is less than 500 feet to the east, and the Montebello Drive signal is less than 500 feet to the west).

A comparison of v/c ratios for the Wilsonville Road/Industrial Way intersection under each of the alternatives indicates that the most significant operating concerns occur for the partial Brown Road Extension alternatives that connect directly to Industrial Way and do not have any other intermediate connections (Alternatives 9a/b). Therefore, these two alternatives (i.e., 9a and 9b) are considered to have fatal flaws, while the remaining alternatives that include the Industrial Way connection but also provide another connection to Wilsonville Road (i.e., Alternatives 2a/b, 5a/b, and 11a/b) may be interim solutions.

<sup>11</sup> *2000 Highway Capacity Manual*, Transportation Research Board, Washington DC, 2000.

<sup>12</sup> See NCHRP Report 572.

**Table 4: 2030 P.M. Peak Hour Operating Conditions (Comparison of Alternatives)**

Alternative	Signalized Intersections				Unsignalized Intersections		
	Wilsonville Rd/ Brown Rd	Wilsonville Rd/ Montebello Dr	Wilsonville Rd/ Kinsman Rd	Wilsonville Rd/ Boones Ferry Rd	Wilsonville Rd/ Industrial Way	Brown Rd/ Montebello Dr	Brown Rd/ Industrial Way/ Kinsman Rd
<b>Full Brown Rd Extension Alternatives</b>							
1a	C (0.87) <sup>a</sup>	A (0.74)	B (0.69)	D (0.93) <sup>a</sup>	-	-	C (0.30)
2a	C (0.87) <sup>a</sup>	A (0.63)	B (0.74)	D (0.94) <sup>a</sup>	<b>F (0.57)</b>	-	A (0.35) <sup>b</sup>
3a	C (0.92) <sup>a</sup>	A (0.68)	B (0.80)	D (0.90) <sup>a</sup>	-	-	C (0.39)
4a	C (0.87) <sup>a</sup>	A (0.64)	B (0.74)	D (0.93) <sup>a</sup>	-	B (0.33)	C (0.29)
(5a)	C (0.87) <sup>a</sup>	A (0.64)	B (0.74)	D (0.92) <sup>a</sup>	C (0.59)	B (0.23)	A (0.28) <sup>b</sup>
6a	C (0.88) <sup>a</sup>	A (0.64)	B (0.85)	D (0.91) <sup>a</sup>	<b>E (0.58)</b>	-	A (0.31) <sup>b</sup>
(7a)	C (0.87) <sup>a</sup>	A (0.65)	B (0.82)	D (0.90) <sup>a</sup>	-	B (0.20)	C (0.35)
1b	C (0.87) <sup>a</sup>	A (0.74)	B (0.70)	D (0.93) <sup>a</sup>	-	-	C (0.29)
2b	C (0.88) <sup>a</sup>	A (0.62)	B (0.76)	D (0.94) <sup>a</sup>	<b>F (0.56)</b>	-	A (0.40) <sup>b</sup>
3b	C (0.92) <sup>a</sup>	A (0.69)	C (0.84)	D (0.87) <sup>a</sup>	-	-	C (0.40)
4b	C (0.87) <sup>a</sup>	A (0.62)	B (0.76)	D (0.93) <sup>a</sup>	-	B (0.37)	B (0.27)
(5b)	C (0.87) <sup>a</sup>	A (0.63)	B (0.76)	D (0.90) <sup>a</sup>	C (0.63)	B (0.16)	A (0.21) <sup>b</sup>
6b	C (0.89) <sup>a</sup>	A (0.63)	C (0.85)	D (0.88) <sup>a</sup>	<b>E (0.56)</b>	-	A (0.31) <sup>b</sup>
(7b)	C (0.87) <sup>a</sup>	A (0.65)	B (0.72)	D (0.91) <sup>a</sup>	-	B (0.19)	B (0.26)
<b>Partial Brown Rd Extension Alternatives</b>							
8a	C (0.74)	B (0.82)	B (0.77)	D (0.93) <sup>a</sup>	-	-	B (0.24)
9a	C (0.72)	A (0.78)	B (0.76)	D (0.93) <sup>a</sup>	<b>F (&gt;2.0)</b>	-	A (0.13)
10a	C (0.71)	A (0.77)	C (0.85)	D (0.92) <sup>a</sup>	-	-	A (0.07)
11a	C (0.72)	B (0.75)	B (0.83)	D (0.92) <sup>a</sup>	<b>F (0.64)</b>	-	A (0.20) <sup>b</sup>
12a	C (0.73)	B (0.80)	B (0.82)	D (0.92) <sup>a</sup>	-	-	B (0.27)
8b	C (0.72)	B (0.82)	B (0.77)	D (0.93) <sup>a</sup>	-	-	B (0.24)
9b	C (0.72)	A (0.77)	B (0.76)	D (0.93) <sup>a</sup>	<b>F (&gt;2.0)</b>	-	A (0.13)
10b	C (0.70)	A (0.79)	C (0.89)	D (0.89) <sup>a</sup>	-	-	A (0.08)
11b	C (0.73)	B (0.75)	C (0.90)	D (0.88) <sup>a</sup>	<b>F (0.64)</b>	-	A (0.21) <sup>b</sup>
12b	C (0.73)	B (0.80)	C (0.88)	D (0.88) <sup>a</sup>	-	-	B (0.31)

**Signalized and Roundabout Intersections:**

LOS = Level of Service of Intersection  
(V/C) = Volume-to-Capacity Ratio of Intersection

**Bold Underlined** values do not meet standards.

**Unsignalized Intersections:**

LOS = Level of Service of Worst Movement  
(V/C) = Volume-to-Capacity Ratio of Worst Movement

<sup>a</sup> Includes identified improvements (see previous discussion of Brown Road Extension alternatives).

<sup>b</sup> 5-leg roundabout operations analyzed at this intersection for these scenarios.



### *Queuing Considerations*

Queuing analysis will be important for sizing turn lane storage distances once a preferred alternative has been selected. The approaches of concern are the Brown Road and Kinsman Road approaches to Wilsonville Road and the Bailey Street or 5<sup>th</sup> Street approach to Boones Ferry Road. Queuing at these approaches was analyzed in the previous DKS memorandum (March 13, 2009)<sup>13</sup> and it is likely that future queuing analysis will result in approximately similar estimates; however, until a preferred alternative is selected and additional analysis is performed, it is not recommended that the preliminary estimates be used to size the turn lanes.

One important queuing concern that affects the selection of a preferred alternative relates to the Bailey Street or 5<sup>th</sup> Street approach to Boones Ferry Road. The nearby railroad track limits the eastbound Bailey Street approach to approximately 275 feet and the eastbound 5<sup>th</sup> Street approach to approximately 150 feet. Preliminary queuing estimates were performed in the previous DKS memorandum (March 13, 2009) and indicate that there should be sufficient available storage at the Bailey Street approach (for "a" alternatives), but possibly not at 5<sup>th</sup> Street (for "b" alternatives). Therefore, if 5<sup>th</sup> Street is selected as the eastern connection point for the Brown Road Extension, then the railroad crossing improvements would need to consider how to address possible queue spillback.

### ***Brown Road Extension Alignment Alternatives***

As mentioned and shown previously in this memorandum (see Figure 2 and associated discussion), the two Brown Road Extension alignments analyzed differ on the east end of the extension (i.e., whether they connect to Boones Ferry Road at Bailey Street or 5<sup>th</sup> Street). In addition, the previous DKS memorandum (from March 13, 2009) analyzed the Brown Road Extension to 5<sup>th</sup> Street assuming a more direct alignment between Brown Road and 5<sup>th</sup> Street that cut diagonally across the existing farmland for the entire length of the roadway extension (instead of paralleling Wilsonville Road until Industrial Way and then turning south to connect to Boones Ferry Road).

A comparison of all the different Brown Road Extension alignments is provided below:

- The previously analyzed Brown Road Extension alignment (from the DKS memorandum dated March 13, 2009) that would head south immediately east of the existing roadway stub would not be able to follow tax lot lines as closely (bifurcating future land development), would pass closer to the creek, and would likely need to have intersections with both Arrowhead Creek Lane and Industrial Way (which would likely cause alignment concerns for these roadways). The new Brown Road Extension alignment (i.e., paralleling Wilsonville Road until Industrial Way and then turning south to connect to Boones Ferry Road) more closely follows tax lot lines, has a cleaner intersection with Industrial Way, and avoids the nearby creek.
- Because the new Brown Road Extension to 5<sup>th</sup> Street alignment requires out-of-direction travel to access the industrial and commercial uses on the north side of Old Town, the east end of Brown Road is less attractive (as indicated by lower model volumes of about 500 ADT). Instead of using Boones Ferry Road and the eastern end of Brown Road to

<sup>13</sup> *Brown Road Extension Alternatives Analysis*; memorandum prepared by DKS Associates, March 13, 2009.

access the land uses along Brown Road, traffic would stay on Wilsonville Road and use whichever intermediate connection was provided (i.e., either the Kinsman Road Extension, Industrial Way, or the Montebello Drive Extension). This would increase traffic on the east section of Wilsonville Road, but would not significantly impact traffic operations at the Wilsonville Road/Boones Ferry Road intersection.

- Vehicles accessing Brown Road at a Bailey Street connection would not have to pass through the Old Town residential neighborhood. Therefore, the traffic levels on the section of Boones Ferry Road south of Bailey Street (including the Boones Ferry Road/5<sup>th</sup> Street intersection) would remain relatively unchanged from existing conditions and there would be less impact to the Old Town residential areas and increased livability for residents. In addition, there would be a more clear division between commercial areas to the north and residential areas to the south.
- A more direct access to commercial areas is provided by the Bailey Street connection. Therefore, there is less out-of-direction travel for retail customers and fewer vehicles are required to use Boones Ferry Road. Specifically, vehicles traveling to or from the planned Fred Meyer development (east of Boones Ferry Road) either travel on Boones Ferry Road for only a short distance or can cross over it directly at Bailey Street. In addition, vehicles traveling to or from the Lowries development (west of Boones Ferry Road) can avoid Boones Ferry Road altogether because the Lowries site has direct access to the west leg of Bailey Street.
- Bailey Street has approximately 275 feet of available storage distance between Boones Ferry Road and the railroad tracks to the west, while 5<sup>th</sup> Street has only 150 feet available. Also, the existing Bailey Street cross-section is sufficiently wide to add an eastbound left-turn lane between Boones Ferry Road and the railroad tracks.
- To connect at Bailey Street, the Brown Road alignment would likely be required to impact the southern edge of the Ore Pac parking lot or the adjacent house. A Brown Road connection to 5<sup>th</sup> Street alignment may be able to avoid impacting existing homes and development.
- The Bailey Street connection would be approximately 400 to 500 feet shorter than the 5<sup>th</sup> Street connection, which would likely result in lower construction costs (depending on the differing right-of-way costs) and equate to fewer vehicle miles traveled.

### ***Wilsonville Road Intersection Spacing Near Industrial Way***

One of the main concerns of the Industrial Way approach to Wilsonville Road is the close spacing with both Kinsman Road and Montebello Drive. This segment of Wilsonville Road is classified as a Minor Arterial and the City of Wilsonville guidelines indicate that a Minor Arterial should have a minimum access spacing of 600 feet between adjacent intersections and/or driveways.<sup>14</sup> However, the Wilsonville Road/Industrial Way intersection is only 475 feet west of the Wilsonville Road/Kinsman Road intersection and 430 feet east of the Wilsonville Road/Montebello Drive intersection (measured center-to-center). Therefore, this section of Wilsonville Road does not meet the City's access spacing standards. Closing the Industrial Way

<sup>14</sup> *City of Wilsonville Transportation System Plan*, Prepared by Entranco, Adopted June 2, 2003.

approach to Wilsonville Road would address this concern. Furthermore, the Kinsman Road Extension was intended to replace the capacity and circulation benefits currently provided by Industrial Way.

Another concern related to the close spacing of the Wilsonville Road/Kinsman Road and Wilsonville Road/Industrial Way intersections relates to queuing. There are only 380 feet between intersection stop lines for use as storage and to accommodate the reverse curve between the storage lanes. Because this section of Wilsonville Road has a speed limit of 35 miles per hour, a minimum reverse curve length of 180 feet is recommended. Therefore, there is only 200 feet of storage available for the back-to-back left turn pockets (i.e., eastbound left onto Kinsman Road and westbound left onto Industrial Way), which may not be sufficient storage distance to accommodate queues, especially when there are multiple trucks. This is likely to be a common occurrence if the Kinsman Road Extension is not provided because Kinsman Road is a Clackamas County truck route and the unsignalized Wilsonville Road/Industrial Way intersection would be a main access to the industrial area (for both trucks and passenger cars).

#### **Industrial Way Truck Access**

Another concern with using Industrial Way as the main access to the undeveloped lands south of Wilsonville Road is that trucks currently have to maneuver into the center left turn lane on Wilsonville Road to turn into and out of Industrial Way. As land develops and traffic volumes increase, conflicts between trucks and left-turning traffic could create safety issues that may need to be addressed. The Kinsman Road Extension would better accommodate truck movements due to wider cross-sections, larger turn radii on the corners, and the presence of the traffic signal.

#### **Kinsman Road Extension Considerations**

Due to the significance of Kinsman Road as a north-south collector roadway for local traffic through western Wilsonville, the Kinsman Road Extension is an ideal intermediate connection to the Brown Road Extension and any new development in the area. Vehicular, pedestrian, and bicycle traffic on Kinsman Road would be able to proceed directly across Wilsonville Road and connect to the new roadway network. This would benefit safety as well as intersection operations because less turning maneuvers would be required and traffic could avoid using Wilsonville Road. The pedestrian and bicycle network would also be greatly benefited by the more direct route that the Kinsman Road extension would provide to the new roadway network and eventually to the Waterfront Trail near the water treatment plant.

The available capacity of the signalized Wilsonville Road/Kinsman Road intersection would also be more fully utilized if the Kinsman Road Extension was provided. This would improve future traffic conditions as development occurs in the area. The overall benefits of the Kinsman Road Extension are also supported by its inclusion as a TSP project (i.e., Project C-14).

The decision to construct the Kinsman Road Extension is time-sensitive because a development immediately south of the Wilsonville Road/Kinsman Road intersection will likely be proposed in the near future (a traffic impact study<sup>15</sup> has already been performed). A segment of the Kinsman

<sup>15</sup> *Wilsonville Road Business Park Transportation Impact Study*, DKS Associates, April 2009.

Road Extension would pass through the subject property, and if this segment is not constructed as part of the site development, it will be cost prohibitive for the City to construct the Kinsman Road Extension at a later date as project buildings and internal site characteristics would not accommodate this roadway.

### **Montebello Drive Cut-Through**

One concern with not constructing the Kinsman Road Extension is that some of the additional vehicles diverting to the Montebello Drive Extension may stay on Montebello Drive north of Wilsonville Road to travel between Wilsonville Road and Barber Street. However, the transportation model indicates that there will be negligible cut-through traffic in the Montebello neighborhood north of Wilsonville Road.

### **Summary**

The Brown Road Extension, as identified in the City of Wilsonville TSP, will relieve congestion on Wilsonville Road by providing a parallel route that will carry approximately 4,500 to 5,000 daily trips that would otherwise be forced to use Wilsonville Road. The new roadway will also increase connectivity for all travel modes (e.g., vehicular, pedestrian, bicycle) to the Old Town residential areas, to commercial development along Boones Ferry Road south of Wilsonville Road, and to the undeveloped land south of Wilsonville Road (which will accommodate its future development).

Because there are various optional future roadway extensions or closures in the project vicinity (i.e., south of Wilsonville Road between Brown Road and Boones Ferry Road), 24 transportation alternatives selected in consultation with City Staff were analyzed.<sup>16</sup> These alternatives consist of various combinations of the future roadway extensions or closures, and detailed figures are provided in the appendix. The purpose of the alternatives analysis is to assist City Staff in selecting a preferred alternative and to assist in preliminary design of the future roadway and coordination with adjacent development applications. The preferred alternative will likely be selected based on an overall analysis of environmental, transportation, economic, and constructability considerations.

Three key questions of the transportation analysis are (1) whether Brown Road should connect to Boones Ferry Road at Bailey Street or 5<sup>th</sup> Street, (2) whether Brown Road should be a full or partial extension, and (3) which of the three intermediate connections (i.e., the Kinsman Road Extension, the Montebello Drive Extension, and Industrial Way) should be provided. Transportation-related findings for each of these questions are summarized next.

---

<sup>16</sup> Meeting with Mike Stone, Blaise Edmonds, and Kristy Lacy (City of Wilsonville), December 15, 2009.

***Bailey Street versus 5<sup>th</sup> Street Connection***

There are two alternative Brown Road Extension connections to Boones Ferry Road that were identified in the Wilsonville TSP and that have been analyzed as part of the Brown Road Extension Alternatives Analysis. The first is a connection at Bailey Street ("a" alternatives) and the second is a connection at 5<sup>th</sup> Street ("b" alternatives). The most significant overall analysis findings are listed below:

- Brown Road is a more attractive east-west corridor when it connects to Bailey Street (4,900 to 5,800 ADT) versus 5<sup>th</sup> Street (3,700 to 5,500 ADT) due to a more direct access to commercial areas and reduced out-of-direction travel, which would also result in decreased vehicle-miles traveled (VMT).
- Connecting Brown Road at Bailey Street would have less impact to the Old Town residential areas and increased livability for residents because 2030 traffic volumes on Boones Ferry Road south of Bailey Street would remain relatively unchanged from existing volumes. Otherwise, if Brown Road connected at 5<sup>th</sup> Street, traffic volumes on Boones Ferry Road south of Bailey Street would more than double (from 2,500 ADT to approximately 5,000 to 6,000 ADT).
- Connecting Brown Road at 5<sup>th</sup> Street may allow the Brown Road alignment to avoid impacting existing homes and development, while the connection to Bailey Street would likely result in impacts to the southern edge of the Ore Pac parking lot or the adjacent southern property.

***Full versus Partial Brown Road Extension***

The full Brown Road Extension would connect Brown Road with Boones Ferry Road (at either Bailey Street or 5<sup>th</sup> Street), while a partial Brown Road Extension would not actually connect at Brown Road on the west end (instead, it would connect to Wilsonville Road at either Montebello Drive, Industrial Way, or Kinsman Road). There are four primary results of providing only a partial Brown Road Extension instead of a full extension:

- With only a partial Brown Road Extension, the western section of Wilsonville Road (i.e., between Brown Road and Montebello Drive) would be required to carry the entire east-west traffic burden of approximately 20,000 ADT. Because typical capacity limits of a three-lane roadway are between 18,000 and 24,000 ADT, this section of Wilsonville Road would be at or over capacity and would experience significant congestion during the peak hours unless it was widened to a five-lane cross-section.
- A partial Brown Road Extension is a less attractive parallel route to Wilsonville Road and would have lower volumes (2,300 to 4,000 ADT) than would the full Brown Road Extension (3,700 to 5,800 ADT).
- Brown Road north of Wilsonville Road is a main connection to Villebois and the surrounding residential/mixed use area. Therefore, the full Brown Road Extension would allow traffic traveling between Villebois and the commercial area on Boones Ferry Road to avoid using Wilsonville Road. They would be able to cross Wilsonville Road and stay on the Brown Road Extension.

- The full Brown Road Extension would provide improved pedestrian and bicycle connectivity, especially between the Waterfront Trail, the planned pedestrian and bicycle facilities on the new roadway extensions, and the existing facilities along Brown Road north of Wilsonville Road.

### ***Intermediate Connections***

There are two new intermediate connections being considered between Brown Road and Wilsonville Road (i.e., the Kinsman Road Extension and the Montebello Drive Extension) and one existing roadway (i.e., Industrial Way). Based on the 2030 future forecasts, both new extensions would operate efficiently with two vehicular travel lanes (one lane in each direction). The Kinsman Road approach to Wilsonville Road would also be best served with an additional left-turn pocket, consistent with the TSP. Bike lanes and sidewalks should also be provided along the roadway extensions, consistent with the city's *Bicycle and Pedestrian Master Plan*.

If the Kinsman Road Extension was not constructed, related property issues would no longer need to be addressed, but the full safety and operational benefits of the extension would not be realized. Regardless of whether the Kinsman Road Extension is constructed, a pedestrian/bike trail connection should be provided connecting the Wilsonville Road/Kinsman Road intersection with the existing trail by the Arrowhead Creek Lane Bridge.

Industrial Way is the existing north-south roadway in the project vicinity and is a potential future connection between Wilsonville Road and Brown Road. However, there are operational and safety concerns related to its approach to Wilsonville Road. Because the Wilsonville Road/Industrial Way intersection is less than 500 feet away from both the Wilsonville Road/Kinsman Road and Wilsonville Road/Montebello Drive intersections, it does not meet the City's access spacing standard (which is 600 feet for this segment of Wilsonville Road). This close spacing also prevents the installation of a traffic signal, which is needed for the intersection to meet city operating standards through 2030. Furthermore, there is limited left-turn storage available for competing left turns at the adjacent intersections. Therefore, any alternatives that keep Industrial Way open should only be used as interim solutions.

Let us know if you have any questions or comments.

**Exhibit E4**

**Two-page Notice of Pendency  
Of an action document regarding  
Case No: CV10040305  
Dated April 8, 2010.  
Submitted by Jerry Reeves.**

2

Clackamas County Official Records  
Sherry Hall, County Clerk

2010-021539

When Recorded Please Return To  
Jerry C. Reeves  
10227 SW Sitka Court  
Tualatin, OR 97062



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**NOTICE OF PENDENCY OF AN ACTION**

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiff, JERRY C. REEVES, has filed an action in the Circuit Court for Clackamas County, State of Oregon; *Case # CV 100 40 305*
2. The defendant(s) is/are: PACIFIC NW PROPERTIES, LP, and JOHN DOES 1-10.
3. The object of the action is: to partially rescind the conveyance of a 68' x 400' portion of the real property described below, known as the Kinsman Road Extension Roadbed.
4. The description of the entire real property which was conveyed by Plaintiff to Defendant is described in the attached Exhibit "A," but only the Kinsman Road Extension Roadbed portion of the property will be affected by the action.

Dated this 8th day of April, 2010.

*Jerry C. Reeves*

Plaintiff Jerry C. Reeves  
10227 SW Sitka Court  
Tualatin, OR 97062  
Tel: 503-969-2600

STATE OF OREGON, County of Washington) ss.)

The foregoing instrument was acknowledged before me this 8th day of April, 2010 by Jerry C. Reeves.

*Maryann R. Streicher*  
Notary Public for Oregon  
My commission expires: *2/26/12*



City of Wilsonville  
Exhibit E4  
DB09-0047



PARCEL I:

A tract of land situated in the Northwest quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon, being a part of that certain tract of land described in Book 249, Page 15, Deed Records, Clackamas County, Oregon, being more particularly described as follows, to wit:

Beginning at a point on the Northerly line of said Section 23, which point bears North 89°50' West, 159.85 feet (record) along the Northerly line of Section 23 from the North quarter corner of said section; from said point of beginning, thence leaving said section line, South 00°07' West along the Westerly right of way line of the Southern Pacific Railway, 427.74 feet (Deed South 00°10' West, 429.15 feet) to a 5/8 inch iron rod in the North line of the Thomas Bailey Donation Lane Claim; thence leaving said right of way line, North 89°55' West along said DLC line, 784.10 feet to a 5/8 inch iron rod; thence leaving said DLC line, North 00°07' East, 428.65 feet to the Northerly line of said Section 23; thence South 89°51' East (record South 89°50' East) along said Northerly line of Section 23, 784.10 feet to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to the County of Clackamas by Deed recorded May 26, 1978 as Fee No. 78 022450.

Also excepting therefrom that portion contained in Stipulated Judgment, Clackamas County Circuit Court Case No. CCV0103185, entered August 22, 2002 in favor of the Urban Renewal Agency of the City of Wilsonville.

And also excepting therefrom that portion described in Street Dedication Deed recorded June 22, 2004, Fee No. 2004 057064.

PARCEL II:

The following described property lying in Section 23, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon:

Beginning at a point in the section line between Sections 14 and 23, 159.85 feet North 89°50' West from the one quarter corner between Sections 14 and 23; thence South 0°10' West, 30 feet to a pipe in the South side of county road; thence continuing South 0°10' West, 399.15 feet along the West right of way line of the Oregon Electric Railroad, to an iron pipe in the North line of the Thomas Bailey Donation Land Claim #45; thence North 89°55' West on claim line, 956.5 feet to a pipe; thence continuing North 89°55' West to the center line of the Seeley ditch, a distance of 12 feet; thence North 14°03' West upstream in said ditch, 205.3 feet to an iron pipe; thence North 52°35' West upstream and along the Easterly side of a 2 acre tract described in deed recorded in Book 159, Page 546, 250.00 feet to a cross on the South wall of a concrete culvert in County road; thence continuing North 32°35' West, 25.3 feet to a point in the section line between Sections 14 and 23; thence South 89°50' East on section line, 1166.8 feet to the place of beginning;

Excepting therefrom that portion conveyed by Contract recorded August 2, 1973 as Recorder's Fee No. 73 24447.

Also excepting therefrom that portion contained in Stipulated Judgment, Clackamas County Circuit Court Case No. CCV0103186, entered August 22, 2002, in favor of the Urban Renewal Agency of the City of Wilsonville.

Also excepting therefrom that portion conveyed to the City of Wilsonville by Warranty Deed recorded February 4, 2003, Fee No. 2003 014436.

**Exhibit E5**

**Court docket of the Clackamas County  
Circuit Court**

**For**

**Case No: CV10040305,  
Jerry C. Reeves Plaintiff v. Pacific NW  
Properties, LP, and John Does 1-10.**

**Submitted by Jerry Reeves.**

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Jerry C. Reeves  
10227 SW Sitka Court  
Tualatin, OR 97062  
Tel: 503-969-2600

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS

JERRY C. REEVES,

Plaintiff,

v.

PACIFIC NW PROPERTIES, LP, and JOHN  
DOES 1-10,  
Defendants.

No. CV10040305

COMPLAINT FOR PARTIAL RESCISSION,  
CONVERSION, UNJUST ENRICHMENT,  
AND BREACH OF CONTRACT

NOT SUBJECT TO MANDATORY  
ARBITRATION (Claim Exceeds \$50,000.00)

Plaintiff, appearing pro se, alleges:

**FACTS**

1. At all material times, Plaintiff was and is an individual residing in the State of  
Washington.

2. At all material times, Pacific NW Properties, LP (hereinafter: "PNWP") was and is an  
Oregon Limited Partnership, in good standing.

3. At all materials times, John Does 1-10 are persons or entities which have or may have  
liens against or claims of interest in the Real Property described herein.



1 4. On or prior to September 8, 2008, Plaintiff was the fee title owner to real property  
2 located in the City of Wilsonville, Clackamas County, Oregon at 9900 Wilsonville Rd. ("Real  
3 Property"). The real property description is attached and incorporated as Exhibit "A."

4 5. On or about August 27, 2008, defendant PNWP purchased the Real Property from  
5 Plaintiff and Plaintiff sold the Real Property to PNWP in a Purchase and Sale Agreement  
6 ("herein Agreement"), a copy of which is attached and incorporated as Exhibit "B."

7 6. The Real Property includes a proposed roadbed known as the "Kinsman Road  
8 Extension Roadbed." (herein "Roadbed").  
9

10 7. The Agreement sets forth a separate consideration of \$796,241.00 to be paid for  
11 Roadbed.  
12

13 8: On or about September 8, 2008, and at the closing of the Agreement, the Plaintiff and  
14 PNWP executed an Addendum "B" to the Agreement and Plaintiff executed a "Contingency  
15 Removal" document. The Agreement, as amended, requires Defendant to pay Plaintiff  
16 \$796,241.00 if the Kinsman Road extension were not successful, or to pay Plaintiff whatever  
17 compensation it received from the City of Wilsonville for the road requirement, whether through  
18 taking or otherwise.  
19

20 9. On or about November 6, 2008, and since that date, Defendant failed and refused to  
21 continue efforts to prevent the extension of Kinsman Road onto the Real Property, has dedicated  
22 or offered to dedicate the Roadbed to the City of Wilsonville, and has failed and refused to pay  
23 the sum of \$796,241.00, or any other sum, to Plaintiff, as required by the Agreement.  
24

25 10. Plaintiff has performed all terms and conditions of the Agreement on his part to be  
26 performed.  
27

28 **FIRST CLAIM FOR RELIEF**  
29

**(Partial Rescission)**

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2  
3  
4 11. Plaintiff realleges paragraphs 1-10 of this complaint and incorporates those paragraphs by reference as if fully set forth herein.

5  
6 12. By this Complaint, Plaintiff has notified PNWP of his partial rescission of the Agreement as to the Roadbed property and demands that the Roadbed be immediately  
7 reconveyed to Plaintiff, free and clear of all encumbrances.  
8

9 13. Plaintiff has no plain, speedy or adequate remedy at law.  
10

11  
12 **SECOND CLAIM FOR RELIEF**  
13 **(Conversion)**

14 14. Plaintiff realleges paragraphs 1-13 of this complaint and incorporates those paragraphs by reference as if fully set forth herein.  
15

16  
17 15. On or about April 9, 2010, plaintiff was entitled to the possession of the real property described herein as the Roadbed.  
18

19  
20 16. On or about April 9, 2010, the Roadbed had a fair market value of \$796,241.00.  
21

22 17. On or about April 9, 2010, PNWP took the Roadway Property from Plaintiff's possession and converted it to its own use and purposes.  
23

24 18. On or about April 9, 2010, plaintiff demanded the immediate return of the above-mentioned property but PNWP has failed and refused, and continues to fail and refuse, to return  
25 the property to plaintiff. Plaintiff's written demand is set forth in the preceding Claim for Relief.  
26  
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29

1 19. As a direct and proximate result of the conversion by PNWP, Plaintiff has been  
2 damaged in the amount of \$796,241.00, together with interest on that amount at the rate of 9%  
3 interest from September 8, 2008.  
4

5  
6 **THIRD CLAIM FOR RELIEF**  
7 **(Unjust Enrichment)**  
8

9 20. Plaintiff realleges paragraphs 1-10, 12 and 18 of this complaint and incorporates  
10 those paragraphs by reference as if fully set forth herein.

11 21. Plaintiff conveyed the real property, including the roadbed, to PNWP, which has had  
12 the use and benefit of the Roadbed property.  
13

14 23. The use of the Roadbed property constitutes unjust enrichment of PNWP at  
15 Plaintiff's expense.

16 24. As a direct and proximate result of the unjust enrichment of PNWP, Plaintiff has  
17 been damaged in the amount of \$796,241.00, together with interest on that amount at the rate of  
18 9% interest from September 8, 2008.  
19

20  
21 **FOURTH CLAIM FOR RELIEF**  
22 **(Breach of Contract)**  
23

24 25. Plaintiff realleges paragraphs 1-10 of this complaint and incorporates those  
25 paragraphs by reference as if fully set forth herein.

26 26. PNWP is in breach of the Agreement by its failure to perform as agreed and is  
27 therefore indebted to Plaintiff as in the sum of \$796,241.00, together with interest on that amount  
28 at the rate of 9% per annum from September 8, 2008 until paid in full.  
29

1  
2 WHEREFORE, Plaintiff prays for judgment in favor of Plaintiff and Defendants as  
3 follows:

4 A. For a determination by the Court that the Agreement between the parties has been  
5 partially rescinded and ordering the immediate reconveyance of the Roadbed property by  
6 Defendant to Plaintiff.  
7

8 B. A money judgment in the sum of \$796,241.00, together with interest on that amount  
9 at the rate of 9% per annum from September 8, 2008 until paid in full, against PNWP.  
10

11 C. For Plaintiff's costs and disbursements incurred herein.

12 D. For such other and further relief as the court may deem proper.  
13  
14

15 DATED: April 9, 2010  
16

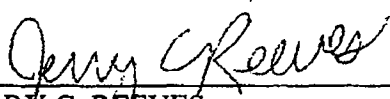
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JERRY C. REEVES  
Plaintiff Pro se  
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I, Jerry C. Reeves, Plaintiff pro se, verify and attest that the within Complaint is a true copy of the original hereof.

DATED: April 9, 2010

  
\_\_\_\_\_  
JERRY C. REEVES  
Plaintiff Pro se




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### CERTIFICATE OF DOCUMENT PREPARATION

You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- A.  I selected this document for myself and I completed it without paid assistance..
- B.  I paid or will pay money to \_\_\_\_\_ for assistance in preparing this form/document.

DATED: April 9, 2010

  
\_\_\_\_\_  
JERRY C. REEVES  
Plaintiff Pro se

When Recorded Please Return To  
Jerry C. Reeves  
10227 SW Sitka Court  
Tualatin, OR 97062

### NOTICE OF PENDENCY OF AN ACTION

Pursuant to ORS 93.740, the undersigned states:

1. As plaintiff, JERRY C. REEVES, has filed an action in the Circuit Court for Clackamas County, State of Oregon;
2. The defendant(s) is/are: PACIFIC NW PROPERTIES, LP, and JOHN DOES 1-10.
3. The object of the action is: to partially rescind the conveyance of a 68' x 400' portion of the real property described below, known as the Kinsman Road Extension Roadbed.
4. The description of the entire real property which was conveyed by Plaintiff to Defendant is described in the attached Exhibit "A," but only the Kinsman Road Extension Roadbed portion of the property will be affected by the action.


Dated this 8th day of April, 2010.



Plaintiff Jerry C. Reeves  
10227 SW Sitka Court  
Tualatin, OR 97062  
Tel: 503-969-2600

STATE OF OREGON, County of Washington) ss.)

The foregoing instrument was acknowledged before me this 8th day of April, 2010 by Jerry C. Reeves.

  
Notary Public for Oregon  
My commission expires: 2/26/12



PARCEL I:

A tract of land situated in the Northwest quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon, being a part of that certain tract of land described in Book 249, Page 15, Deed Records, Clackamas County, Oregon, being more particularly described as follows, to wit:

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EXCEPTING THEREFROM that portion conveyed to the County of Clackamas by Deed recorded May 26, 1978 as Fee No. 78 022450.

Also excepting therefrom that portion contained in Stipulated Judgment, Clackamas County Circuit Court Case No. CCV0103185, entered August 22, 2002 in favor of the Urban Renewal Agency of the City of Wilsonville.

And also excepting therefrom that portion described in Street Dedication Deed recorded June 22, 2004, Fee No. 2004 057064.

PARCEL II:

The following described property lying in Section 23, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon:

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Excepting therefrom that portion conveyed by Contract recorded August 2, 1973 as Recorder's Fee No. 73 24447.

Also excepting therefrom that portion contained in Stipulated Judgment, Clackamas County Circuit Court Case No. CCV0103186, entered August 22, 2002, in favor of the Urban Renewal Agency of the City of Wilsonville.

Also excepting therefrom that portion conveyed to the City of Wilsonville by Warranty Deed recorded February 4, 2003, Fee No. 2003 014486.

EXHIBIT A

**COMMERCIAL ASSOCIATION OF REALTORS® OREGON/SW WASHINGTON  
PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY  
(Oregon Commercial Form)**

**AGENCY ACKNOWLEDGMENT**

Buyer shall execute this Acknowledgment concurrent with the execution of the Agreement below and prior to delivery of that Agreement to Seller. Seller shall execute this Acknowledgment upon receipt of the Agreement by Seller, even if Seller intends to reject the Agreement or make a counter-offer. In no event shall Seller's execution of this Acknowledgment constitute acceptance of the Agreement or any terms contained therein.

Pursuant to the requirements of Oregon Administrative Rules (OAR 863-015-0215), both Buyer and Seller acknowledge having received the Oregon Real Estate Agency Disclosure Pamphlet, and by execution below acknowledge and consent to the agency relationships in the following real estate purchase and sale transaction as follows:

- (a)  (agent name) Dave Ellis of Capacity Commercial Group, LLC (firm) (Selling Licensee) is the agent of (check one):  Buyer exclusively;  Seller exclusively;  both Seller and Buyer ("Disclosed Limited Agency")
- (b)  (agent name) N/A of N/A (firm) (Listing Licensee) is the agent of (check one):  Buyer exclusively;  Seller exclusively;  both Seller and Buyer ("Disclosed Limited Agency").

If the name of the same real estate firm appears in both Paragraphs (a) and (b) above, Buyer and Seller acknowledge that a principal broker of that real estate firm shall become the Disclosed Limited Agent for both Buyer and Seller, as more fully set forth in the Disclosed Limited Agency Agreements that have been reviewed and signed by Buyer, Seller and the named real estate licensee(s).

Buyer: (print) <u>Tan Sreen</u>	(sign) <u>[Signature]</u>	ACKNOWLEDGED	Date: <u>8/27/08</u>
Buyer: (print) _____	(sign) _____		Date: _____
Seller: (print) <u>Jerry C. Reeves</u>	(sign) <u>[Signature]</u>		Date: <u>8/27/08</u>
Seller: (print) _____	(sign) _____		Date: _____

**PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY**

Dated: August 27, 2008  
 BETWEEN: Jerry C. Reeves 14945 #170 ("Seller")  
 Address: 15000 SW Sequoia Parkway, #100, Tigard, OR 97224  
 AND: Pacific NW Properties or Affiliated entity ("Buyer")  
 Address: 6800 SW 105th Ave., Suite 175, Beaverton, OR 97008  
 Buyer offers to buy and acquire from Seller (i) the real property and all improvements thereon commonly known as an approximately 6.68 acre parcel of land (Ref. Parcel 31W23B 00101) and an approximately 2.01 acre parcel of land (Ref. Parcel 31W23B 00100) for a total of approximately 8.69 acres land area and located at 9900 SW

Wilsonville Rd. in the City of Wilsonville, County of Clackamas, Oregon legally described on Exhibit A, attached hereto and incorporated herein by reference (the "Property") and [check box if applicable , (ii) all of Seller's right, title and interest in and to certain lease(s) by which the Property is demised as described on Exhibit B attached hereto and incorporated herein by reference (the "Leases"). If no legal description is attached, Buyer and Seller will attach a legal description upon receipt and reasonable approval by both parties of the Preliminary Commitment or, if applicable, the Survey. As partial consideration for the assignment of the Lease(s) to Buyer, at the Closing (as defined in Section 7 hereof) Buyer shall assume all of the obligations of the Lessor under the Lease which first accrue on or after the Closing Date (as defined in said Section 7). The parties shall accomplish such assignment and assumption by executing and delivering to each other through Escrow an Assignment of Lessor's Interest Under Lease substantially in the form of Exhibit B attached hereto (the "Assignment"). The occupancy of the Property by the Lessees under such Leases are hereinafter sometimes referred to as the "Tenancies".

1. Purchase Price. The total purchase price is Three million three hundred and nineteen thousand and no/100's dollars (\$3,319,000.00) (the "Purchase Price") payable as follows: all cash at closing.

1.1. Earnest Money Deposit. Upon execution of this Agreement, Buyer shall deliver to the Escrow Holder as defined in herein, for the account of Buyer Two hundred thousand and no/100's Dollars (\$200,000.00) as earnest money (the "Earnest Money") in the form of  cash or  check or  promissory note (the "Note"). If the Earnest Money is in the form of a check being held un-deposited by the  Listing  Selling Firm, it shall be deposited no later than 5 PM Pacific Time three days after execution of the Agreement by Buyer and Seller in the  Listing  Selling Firm's Clients' Trust Account  to the Escrow (as hereinafter defined). If the Earnest Money is in the form of the Note, it shall be due and payable no later than 5 PM Pacific Time one day  after execution of this Agreement by Buyer and Seller or  after satisfaction or waiver by Buyer of the conditions to Buyer's obligation to purchase the Property set forth in this Agreement or  Other: N/A. If the Note is not redeemed and paid in full when due, then (i) the Note shall be delivered and endorsed to Seller (if not already in Seller's possession), (ii) Seller may collect the Earnest Money from Buyer, either pursuant to an action on the Note or an action on this Agreement, and (iii) Seller shall have no further obligations under this Agreement. The purchase and sale of the Property shall be accomplished through an escrow (the "Escrow") which Seller has established or will establish with Fidelity National Title Co. attn: Vicki Kryszak, 900 SW 5th Ave, Portland, OR 97204 and Fidelity National Title Co. Washington Square (the "Title Company") and the Earnest Money shall be deposited with  Title Company or  Other: N/A. The Earnest Money shall be applied to the payment of the purchase price for the Property at Closing. Any interest earned on the Earnest Money shall be considered to be part of the Earnest Money. The Earnest Money shall be returned to Buyer in the event any condition to Buyer's obligation to purchase the Property shall fail to be satisfied or waived through no fault of Buyer.

2. Conditions to Purchase. Buyer's obligation to purchase the Property is conditioned on the following:  none or  Buyer's approval of the results of (i) the Property inspection described in Section 3 below and (ii) the document review described in Section 4 and (iii) (describe any other condition) See Addendum A.

3. Property Inspection. Seller shall permit Buyer and its agents, at Buyer's sole expense and risk, to enter the Property at reasonable times after reasonable prior

EXHIBIT B 2-12

notice to Seller and after prior notice to the tenants of the Property as required by the tenants' leases, if any, to conduct any and all inspections, tests, and surveys concerning the structural condition of the improvements, all mechanical, electrical and plumbing systems, hazardous materials, pest infestation, soils conditions, wetlands, Americans with Disabilities Act compliance, and all other matters affecting the suitability of the Property for Buyer's intended use and/or otherwise reasonably related to the purchase of the Property including the economic feasibility of such purchase. Buyer shall indemnify, hold harmless, and defend Seller from all liens, costs, and expenses, including reasonable attorneys' fees and experts' fees, arising from or relating to Buyer's entry on and inspection of the Property. This agreement to indemnify, hold harmless, and defend Seller shall survive closing or any termination of this Agreement.

4. Seller's Documents. Prior to closing Seller agrees to provide to Buyer, at Buyer's address shown below, legible and complete copies of the following documents and other items relating to the ownership, operation, and maintenance of the Property, to the extent now in existence and to the extent such items are within Seller's possession or control: surveys, environmental reports, soils reports, development schemes, City of Wilsonville planning reports, wetland studies and any other information in Seller's possession relating to this property.

5. Title Insurance. Within Five (5) days after the Execution Date, Seller shall open the Escrow with the Title Company and deliver to Buyer a preliminary title report from the Title Company (the "Preliminary Commitment"), showing the status of Seller's title to the Property, together with complete and legible copies of all documents shown therein as exceptions to title ("Exceptions"). Buyer shall have Five (5) days after receipt of a copy of the Preliminary Commitment and Exceptions within which to give notice in writing to Seller of any objection to such title or to any liens or encumbrances affecting the Property. Within Five (5) days after the date of such notice from Buyer, Seller shall give Buyer written notice of whether it is willing and able to remove the objected-to Exceptions. Within Five (5) days after the date of such notice from Seller, Buyer shall elect whether to (i) purchase the Property subject to those objected-to Exceptions which Seller is not willing or able to remove or (ii) terminate this Agreement. On or before the Closing Date (defined below), Seller shall remove all Exceptions to which Buyer objects and which Seller agrees Seller is willing and able to remove. All remaining Exceptions set forth in the Preliminary Commitment and agreed to by Buyer shall be deemed "Permitted Exceptions." The title insurance policy to be delivered by Seller to Buyer at Closing shall contain no Exceptions other than the Permitted Exceptions, any Exceptions caused by Buyer and the usual preprinted Exceptions contained in an owner's standard ALTA form title insurance policy.

6. Default: Remedies. Notwithstanding anything to the contrary contained in this Agreement, in the event Buyer fails to deposit the Earnest Money Deposit in Escrow strictly as and when contemplated under Section 3.1 above, Seller shall have the right at any time thereafter to terminate this Agreement and all further rights and obligations hereunder by giving written notice thereof to Buyer. If the conditions, if any, to Buyer's obligation to consummate this transaction are satisfied or waived by Buyer and Buyer nevertheless fails, through no fault of Seller, to close the purchase of the Property, Seller's sole remedy shall be to retain the Earnest Money paid by Buyer. In the event Seller fails, through no fault of Buyer, to close the sale of the Property, Buyer shall be entitled to pursue any remedies available at law or in equity, including without limitation, the remedy of

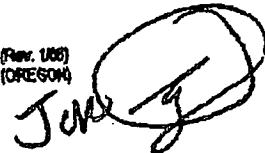


EXHIBIT B 3-12

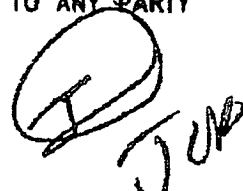
specific performance. In no event shall Buyer be entitled to punitive or consequential damages, if any, resulting from Seller's failure to close the sale of the Property.

7. Closing of Sale. Buyer and Seller agree the sale of the Property shall be closed  on or before Monday, September 8, 2008 or  within n/a (the "Closing Date") in the Escrow. The sale shall be deemed "closed" when the document(s) conveying title to the Property is recorded and the Purchase Price (increased or decreased, as the case may be, by the net amount of credits and debits to Seller's account at Closing made by the Escrow Holder pursuant to the terms of this Agreement) is disbursed to Seller. At Closing, Buyer and Seller shall deposit with the Title Company all documents and funds required to close the transaction in accordance with the terms of this Agreement. At Closing, Seller shall deliver a certification in a form approved by Buyer that Seller is not a "foreign person" as such term is defined in the Internal Revenue Code and the Treasury Regulations promulgated under the Internal Revenue Code. If Seller is a foreign person and this transaction is not otherwise exempt from FIRPTA regulations, the Title Company shall be instructed by the parties to withhold and pay the amount required by law to the Internal Revenue Service. At Closing, Seller shall convey fee simple title to the Property to Buyer by  statutory warranty deed or  (the "Deed") N/A. If this Agreement provides for the conveyance by Seller of a vendee's interest in the Property by a contract of sale, Seller shall deposit with the Title Company (or other mutually acceptable escrow) the executed and acknowledged Deed, together with written instructions to deliver such deed to Buyer upon payment in full of the purchase price. At Closing, Seller shall pay for and deliver to Buyer a standard ALTA form owner's policy of title insurance (the "Policy") in the amount of the Purchase Price insuring fee simple title to the Property in Buyer subject only to the Permitted Exceptions and the standard preprinted exceptions contained in the Policy.

8. Closing Costs: Prorates. Seller shall pay the premium for the Title Policy, transfer tax, and LID's if any exist. Seller and Buyer shall each pay one-half of the escrow fees charged by the Title Company, any excise tax, and recording fees. Real property taxes for the tax year in which the transaction is closed, assessments (if a Permitted Exception), personal property taxes, rents and other Lessee charges arising from existing Tenancies paid for the month of Closing, interest on assumed obligations, and utilities shall be prorated as of the Closing Date. Prepaid rents, security deposits, and other unearned refundable deposits regarding the Tenancies shall be assigned and delivered to Buyer at Closing.  Seller  Buyer  N/A shall be responsible for payment of all taxes, interest, and penalties, if any, upon removal of the Property from any special assessment or program including farm deferral.

9. Possession. Buyer shall be entitled to exclusive possession of the Property, subject to the Tenancies existing as of the Closing Date,  on the Closing Date or  N/A.

10. Condition of Property. Seller represents that, to the best of Seller's knowledge without specific inquiry, Seller has received no written notices of violation of any laws, codes, rules, or regulations applicable to the Property ("Laws"), and Seller is not aware of any such violations or any concealed material defects in the Property which cost more than \$N/A to repair or correct. Risk of loss or damage to the Property shall be Seller's until Closing and Buyer's at and after Closing. No agent of Buyer or Seller has made any representations regarding the Property. **BUYER AND SELLER AGREE THAT THE REAL ESTATE LICENSEES NAMED IN THIS AGREEMENT HAVE MADE NO REPRESENTATIONS TO ANY PARTY**

  
EXHIBIT B 4-12

REGARDING THE CONDITION OF THE PROPERTY, THE OPERATIONS ON OR INCOME FROM THE PROPERTY, THE TENANCIES, OR WHETHER THE PROPERTY OR THE USE THEREOF COMPLIES WITH LAWS. Except for Seller's representations set forth in this section 10, Buyer shall acquire the Property "as is" with all faults and buyer shall rely on the results of its own inspection and investigation in Buyer's acquisition of the Property. It shall be a condition of Buyer's obligation to close, and of Seller's right to retain the Earnest Money as of Closing, that all of the Seller's representations and warranties stated in this Agreement are materially true and correct on the Closing Date. Seller's representations and warranties stated in this Agreement shall survive Closing for one (1) year.

11. Personal Property. This sale includes the following personal property:  N/A or  the personal property located on and used in connection with the Property and owned by Seller which Seller shall itemize in a schedule. Seller shall deliver to Buyer such schedule within N/A days after the Execution Date. Seller shall convey all personal property owned by Seller on or in the Property to Buyer by executing and delivering to Buyer at Closing through Escrow a Bill of Sale substantially in the form of Exhibit C attached hereto and incorporated herein by reference (the "Bill of Sale").

12. Notices. Unless otherwise specified, any notice required or permitted in, or related to, this Agreement must be in writing and signed by the party to be bound. Any notice will be deemed delivered (i) when personally delivered or delivered by facsimile transmission (with electronic confirmation of delivery), or (ii) on the day following delivery of the notice by reputable overnight courier, or (iii) three (3) days after mailing in the U.S. mails, postage prepaid, by the applicable party in all events, to the address of the other party shown in this Agreement, unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day. If the deadline under this Agreement for delivery of a notice or payment is a Saturday, Sunday, or legal holiday, such last day will be deemed extended to the next following business day.

13. Assignment. Buyer  may not assign  may assign  may assign, only if the assignee is an entity owned and controlled by Buyer (may not assign, if no box is checked) this Agreement or Buyer's rights under this Agreement without Seller's prior written consent. If Seller's consent is required for assignment, such consent may be withheld in Seller's reasonable discretion.

14. Attorneys' Fees. In the event a suit, action, arbitration, or other proceeding of any nature whatsoever, including without limitation any proceeding under the U.S. Bankruptcy Code, is instituted, or the services of an attorney are retained, to interpret or enforce any provision of this Agreement or with respect to any dispute relating to this Agreement, the prevailing party shall be entitled to recover from the losing party its attorneys', paralegals', accountants', and other experts' fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith (the "Fees"). In the event of suit, action, arbitration, or other proceeding, the amount of Fees shall be determined by the judge or arbitrator, shall include all costs and expenses incurred on any appeal or review, and shall be in addition to all other amounts provided by law.

15. Statutory Land Use Disclaimer and Measure 37 Disclosure. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE

EXHIBIT B 5-12



CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.030, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

16. Cautionary Notice About Liens. UNDER CERTAIN CIRCUMSTANCES, A PERSON WHO PERFORMS CONSTRUCTION-RELATED ACTIVITIES MAY CLAIM A LIEN UPON REAL PROPERTY AFTER A SALE TO THE PURCHASER FOR A TRANSACTION OR ACTIVITY THAT OCCURRED BEFORE THE SALE. A VALID CLAIM MAY BE ASSERTED AGAINST THE PROPERTY THAT YOU ARE PURCHASING EVEN IF THE CIRCUMSTANCES THAT GIVE RISE TO THAT CLAIM HAPPENED BEFORE YOUR PURCHASE OF THE PROPERTY. THIS INCLUDES, BUT IS NOT LIMITED TO, CIRCUMSTANCES WHERE THE OWNER OF THE PROPERTY CONTRACTED WITH A PERSON OR BUSINESS TO PROVIDE LABOR, MATERIAL, EQUIPMENT OR SERVICES TO THE PROPERTY AND HAS NOT PAID THE PERSONS OR BUSINESS IN FULL.

17. Miscellaneous. Time is of the essence of this Agreement. The facsimile transmission of any signed document including this Agreement, in accordance with Paragraph 12, shall be the same as delivery of an original. At the request of either party, the party delivering a document by facsimile will confirm facsimile transmission by signing and delivering a duplicate original document. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which together shall constitute one and the same Agreement. This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous agreements between them with respect thereto. Without limiting the provisions of Section 13 of this Agreement, this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The person signing this Agreement on behalf of Buyer and the person signing this Agreement on behalf of Seller each represents, covenants and warrants that such person has full right and authority to enter into this Agreement and to bind the party for whom such person signs this Agreement to the terms and provisions of this Agreement. This Agreement shall not be recorded unless the parties otherwise agree.

18. Addendums; Exhibits. The following named addendums and exhibits are attached to this Agreement and incorporated within this Agreement:  none or  Addendum A and Exhibit A.

19. Time for Acceptance. Seller has until 5:00 p.m. Pacific Time on September 3, 2008 to accept this offer. Acceptance is not effective until a copy of this Agreement which has been signed and dated by Seller is actually received by Buyer. If this offer is not so

EXHIBIT B 6-12

accepted, it shall expire and the Earnest Money shall be promptly refunded to Buyer and thereafter, neither party shall have any further right or remedy against the other.

20. Seller's Acceptance and Brokerage Agreement. By execution of this Agreement, Seller agrees to sell the Property on the terms and conditions in this Agreement. Seller further agrees to pay a commission to Capacity Commercial Group, LLC ("Broker") in the total amount computed in accordance with (i) the listing agreement or other commission agreement dated N/A between Seller and Broker; or (ii) if there is no written commission agreement, Seller hereby agrees to pay a commission of  Fifty Thousand and no/100's dollars (~~\$50,000.00~~) (See Addendum A) or  N/A. Seller and Broker agree that the commission is deemed earned as of the earlier of (i) Closing or (ii) the date Buyer waives all conditions precedent to Closing as set forth in this Agreement. Unless otherwise provided in a separate written agreement, Seller shall cause the Escrow Holder to deliver to Broker the real estate commission on the Closing Date or upon Seller's breach of this Agreement, whichever occurs first. If the Earnest Money is forfeited and retained by Seller in accordance with this Agreement, in addition to any other rights the Broker may have, the Broker shall be entitled to the lesser of (A) fifty percent (50%) of the Earnest Money or (B) the commission agreed to above, and Seller hereby assigns such amount to the Broker.

21. Execution Date. The Execution Date is the later of the two dates shown beneath the parties' signatures below.

22. Governing Law. This Agreement is made and executed under, and in all respects shall be governed and construed by the laws of the State of Oregon.

CONSULT YOUR ATTORNEY. THIS DOCUMENT HAS BEEN PREPARED FOR SUBMISSION TO YOUR ATTORNEY FOR REVIEW AND APPROVAL PRIOR TO SIGNING. NO REPRESENTATION OR RECOMMENDATION IS MADE BY THE COMMERCIAL ASSOCIATION OF REALTORS® OREGON/SW WASHINGTON OR BY THE REAL ESTATE LICENSEES INVOLVED WITH THIS DOCUMENT AS TO THE LEGAL SUFFICIENCY OR TAX CONSEQUENCES OF THIS DOCUMENT.

THIS FORM SHOULD NOT BE MODIFIED WITHOUT SHOWING SUCH MODIFICATIONS BY REDLINING, INSERTION MARKS, OR ADDENDA.

JOB  


Buyer: Pacific NW Properties LP or  
Affiliated entity  
By [Signature]  
Title \_\_\_\_\_  
Execution Date 8/27/08  
Time of Execution \_\_\_\_\_  
Home Phone \_\_\_\_\_  
Office Phone 503-626-3500  
Address 6600 SW 105th Ave., Suite 175  
City Beverton, OR  
Zip 97008  
Fax No. 503-626-3680  
E-Mail tom.stern@pnwprop.com  
mailto:tom.stern@pnwprop.com

Signature \_\_\_\_\_

Seller: Jerry C. Reeves  
By [Signature]  
Title \_\_\_\_\_  
Execution Date 8/27/08  
Time of Execution \_\_\_\_\_  
Home Phone \_\_\_\_\_  
Office Phone 503-297-2200  
Address 15055 SW Sequoia Pkwy. #180  
City Tigard, OR  
Zip 97224  
Fax No. 503-297-0651  
E-Mail \_\_\_\_\_

Signature \_\_\_\_\_

EXHIBIT B 8-12

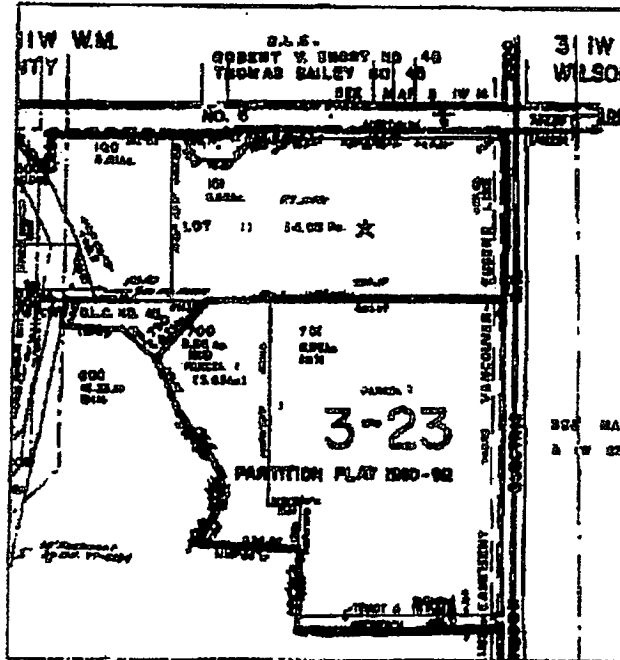
**EXHIBIT A**  
**(LEGAL DESCRIPTION TO BE PROVIDED BY TITLE COMPANY)**  
**PLAT MAP**



Fidelity National Title Company of Oregon  
 Map # 31W23B 00101



THE ABOVE MAP IS A COPY OF THE ORIGINAL MAP ON FILE IN THE OFFICE OF THE CLERK OF THE COUNTY OF CLATSOP, OREGON. THIS COPY IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE ORIGINAL MAP IS THE ONLY AUTHORITY FOR THE LOCATION AND BOUNDARIES OF THE PROPERTY DESCRIBED HEREON.



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 PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY (OREGON)  
 ALL RIGHTS RESERVED  
 9 of 10

*EXHIBIT B 9-12*

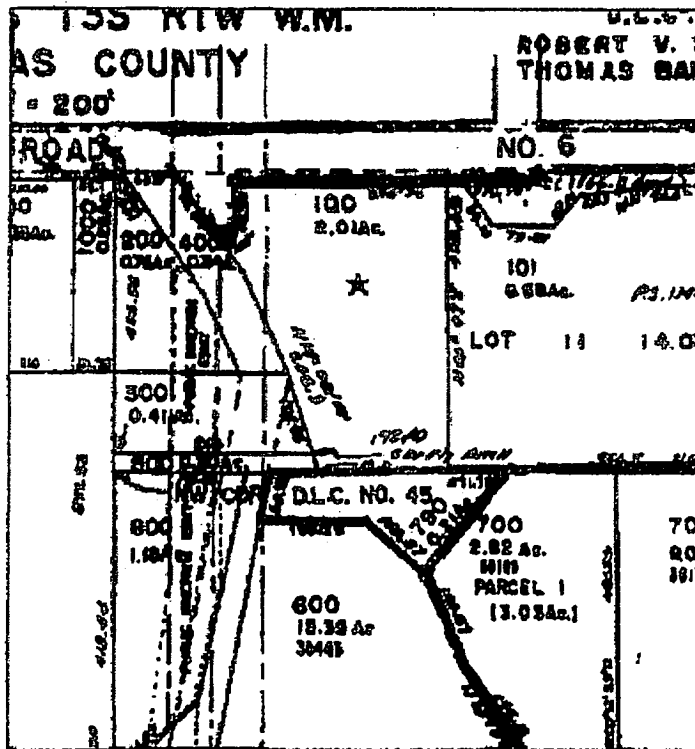
**EXHIBIT A**  
**(LEGAL DESCRIPTION TO BE PROVIDED BY TITLE COMPANY)**  
**PLAT MAP**



Fidelity National Title Company of Oregon  
 Map # 31 W23B 00100



This plat map is a reproduction of the public record and is not intended to be a substitute for a title search. It is not intended to be a substitute for a title search. It is not intended to be a substitute for a title search.



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 PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY (OREGON)  
 ALL RIGHTS RESERVED  
 10 of 10

*EXHIBIT B 10-12*

3200.000.00

Portland, Oregon

August 27, 2008

Upon waiver of contingencies, I (or more than one maker) we jointly and severally promise to pay to the order of  
Pacific National Title Co., at: Vicki Krazak at 900 SW 3rd Ave., Portland, OR 97204  
Two hundred thousand and no/100's Dollars with interest thereon at the rate of 0/0 % per annum from n/a  
until paid; interest to be paid n/a and if not so paid, all principal and interest, at the option  
of the holder of this note, to become immediately due and collectible. Any part hereof may be paid at any time.

If this note is placed in the hands of an attorney for collection, I/we promise and agree to pay holder's reasonable attorney's  
fees and collection costs, even though no suit or action is filed hereon; if a suit or an action is filed, the amount of such reasonable  
attorney's fees shall be fixed by the court or courts in which the suit or action, including any appeal therein, is filed, heard or decided.

Submitted as earnest money for the Purchase and Sale  
Agreement dated August 27, 2008, between Pacific NW Properties LP or  
Affiliated entity (Buyer) and Jerry C. Reeves (Seller).

Pacific NW Properties LP or Affiliated Entity  


*Due at closing*

EXHIBIT B 11-12

ADDENDUM "A"

TO PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY  
DATED AUGUST 27, 2008,  
BETWEEN  
JERRY C. REEVES ("SELLER")  
AND  
PACIFIC NW PROPERTIES LP OR AFFILIATED ENTITY ("BUYER")

1. Earnest Money. Buyer's Earnest Money note shall be redeemed at closing.

2. Condition of Closing:

- a. As a condition of closing, Seller shall agree to remove tank and any contaminated soil within ninety (90) days of closing at Seller's sole expense, and obtain a no further action sign-off from ODEQ. Twenty Five Thousand and no/100's dollars (\$25,000.00) shall be held in escrow pending receipt of ODEQ approval of tank removal, at which time the funds shall be released to Seller.
- b. Buyer shall have until Friday, September 5, 2008 to meet with the City of Wilsonville to discuss Kinsman Road. *to be satisfied with results of the meeting.*

3. Extension of Kinsman Road:

- a. Buyer and Seller will work together to convince the City of Wilsonville not to require the extension of Kinsman Road.
  - a. In the event that, as of closing, it is not clear whether the extension of Kinsman Road will be required by the city, Buyer and Seller will continue to work together in a mutual attempt to eliminate the requirement of extending Kinsman Road through the property. If parties are successful in eliminating that requirement within One hundred and twenty days (120) of closing, Buyer within five (5) days of that determination shall pay to Seller an additional payment in the amount of Seven Hundred Ninety Six Thousand Two Hundred Forty One and no/100's dollars (\$796,241.00).

4. Commissions

- a. Upon closing Seller agrees to pay a commission to Capacity Commercial Group, LLC ("Broker") in the amount of Fifty Thousand and no/100's dollars (\$50,000.00).
- b. Upon closing Buyer agrees to pay a commission to Capacity Commercial Group, LLC ("Broker") in the amount of Fifty Thousand and no/100's dollars (\$50,000.00).

5. Tax Deferred (or Like-Kind) Exchanges. Upon the request of either party (the "Requesting Party"), the other party agrees to reasonably cooperate and assist the Requesting Party with any tax-deferred (or like-kind) exchange in accordance with Section 1031 of the Internal Revenue Code at no cost, expense or liability to the other party; and the other party further agrees to execute any and all documentation that may be reasonably necessary to effectuate such tax-deferred (or like-kind) exchange subject to the reasonable approval of the other party's counsel provided the other party does not incur any additional expense.

Seller's Initials: JCR

Buyer's Initials: [Signature]

EXHIBIT B 12-12

KEITH

**ADDENDUM "B"**

**TO PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY  
DATED AUGUST 27, 2008,  
BETWEEN  
JERRY C. REEVES ("SELLER")  
AND  
PACIFIC NW PROPERTIES LP OR AFFILIATED ENTITY ("BUYER")**

1. Addendum "A". Paragraphs 1, 2(b), 4 and 5 of the Addendum "A" are accepted and incorporated herein. Note: Paragraph 2 was amended in writing by Buyer and Seller accepts that amendment as handwritten on the addendum document.

2. Paragraph 2(a) of Addendum "A" Paragraph 2(a) of Addendum "A" is not accepted and the following text is accepted and adopted in its place:

2. Condition of Closing:

a. Seller has removed tank and any contaminated soil from the Property and has obtained ODEQ approval of the tank removal, which is currently in its file. Seller will provide a true copy of the ODEQ approval ~~at closing~~ TO BUYER FOR REVIEW PRIOR TO 9/5/08

KA

3. Paragraph 3 of Addendum "A". Paragraph 3 of Addendum "A" is not accepted as written on that addendum, and the following text is accepted and adopted in its place:

3. Extension of Kinsman Road:

a. Buyer and Seller will work together to convince the City of Wilsonville not to require the extension of Kinsman road.

b. In the event that, as of closing, it is not clear whether the extension of Kinsman Road will be required by the City, Buyer and Seller will continue to work together in a mutual attempt to eliminate the requirement of extending Kinsman Road through the Property. For the first 120 days following closing, Seller lead the effort to obtain this determination by the City of Wilsonville. Following that time period, Buyer will lead that effort. AFTER THE INITIAL 120 DAYS BUYER SHALL HAVE THE RIGHT TO PROCEED WITH PROJECT AND CEASE EFFORTS TO ELIMINATE THE ROAD EXTENSION OF KINSMAN ROAD THROUGH THE PROPERTY.

KA

c. If the parties, or either of them, are successful in eliminating the requirement of extending Kinsman Road through the Property, at any time before or after closing, then Buyer will pay Seller an additional payment

Seller's Initials JCR

Buyer's Initials KA

ADDENDUM "B" Page 1 of 2

permanently  
KA



of SEVEN HUNDRED NINETY SIX THOUGHAND TWO HUNDRED FORTY ONE and no/100's dollars (\$796,241.00) within five (5) days of such determination.

4. Seller's Claims. The following Paragraph will be accepted by the parties:

6. Seller's Claims

Any and all claims Seller may have against the City of Wilsonville and/or any other entity or person (specifically excluding Buyer), relating to the Property, are retained by Seller and are not assigned, sold, transferred or conveyed to Buyer hereunder.

Seller's Initials

JLR

Buyer's Initials

[Signature]

ADDENDUM "B" Page 2 of 2

EXHIBIT C 2-2



6600 SW 105th Ave., Suite 175, Beaverton, OR 97008

(503) 826-3600 Fax (503) 671-0211  
website: www.pnwprop.com

September 5, 2008

RE: Earnest Money Agreement 8/27/08 between Jerry Reeves and Pacific NW Properties

**Contingency Removal**

Buyer has discussed the Kinsman Road extension with City of Wilsonville staff, which would bisect subject property being purchased, that is currently on the City of Wilsonville's Transportation Plan.

After numerous attempts to obtain a decision, at this time Wilsonville is unwilling to provide written assurance that the Kinsman Road extension will be removed from the Transportation Plan and not be a requirement of Design Review approval.

Buyer will provide a conceptual drawing within 15 days to Seller to assist Seller in making an attempt to convince the City for the next 120 days to permanently remove the Kinsman Road Extension through this property from its Transportation Plan, per Addendum B, Paragraph 3. Buyer will provide reasonable effort, but Seller shall take the lead in attempting to convince the City. By Seller closing this transaction, it is affirmed that following the Seller's 120 day attempt, Buyer shall be free to develop this property including the requirement of extending Kinsman Road, if Buyer chooses to move forward in obtaining approvals to develop this project at that time.

Buyer hereby removes contingencies, is wiring funds to replace the Earnest Money Note, and is prepared to close on this purchase on Monday, September 8, 2008.

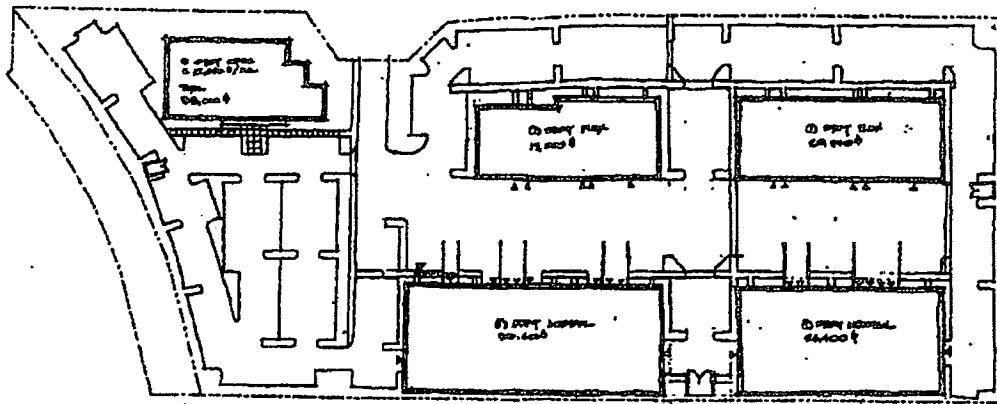
Tom K. Stern  
Partner

JCR  
Seller's initials

## **Exhibit E6**

**Copy of page 224 of 247 of the Staff Report  
Showing a prior site plan for the subject  
property  
Dated July 23, 2008.  
Submitted by Jerry Reeves.**

WILSONVILLE ROAD



Site Plan

Scale: 1/4" = 1'-0"  
North Arrow  
Date: 7/23/08

REEVES / WILSONVILLE (PNWP) - JULY 23, 2008

NO. ROAD ON UR



## **Exhibit E7**

**PowerPoint presentation  
Used by Ben Altman, SFA Design Group that  
summarized material contained in the  
packet.**

## OrePac's Recommended TSP Refinements

1. **Accept Alternative 5a**, eliminating the southern extension of Kinsman Road (Project C-14), and maintaining Industrial Way for local industrial access.
  - This action could alter the proposed street section for the Wilsonville Road Business Park, but otherwise not substantially change their application.



# OrePac's Recommended TSP Refinements

2. Reinforce Staff's Recommendation by Prioritizing funding for enhanced east/west residential Collector circulation to and from Old Town via extension of Bailey Street
  - This route provides intersecting links with Industrial Way, Arrowhead Creek Lane, Montebello Drive and Brown Road.



## Conclusions - TSP Refinement

4. There are only about 45-61 net acres of vacant industrial land in that can reasonably be considered developable.
5. However, if the concrete plant remains in operations, as expected, the potential future industrial development will be substantially reduced.
6. Therefore we do not see any factual basis for any significant projected increase in industrial traffic west of the railroad and south of Wilsonville Road.



## Conclusions - TSP Refinement

**7. Alternative 5a** maintains Industrial Way as a T-intersection and will continue to function, with “C” LOS or better into the foreseeable future.

- It will maintain separation of residential and non-residential traffic.
- This option has **no direct public cost** for construction, as compared to the \$2.7 million required for extending Kinsman across Seely Ditch.



## Conclusions - TSP Refinement

2. The DKS analysis reveals that the **Brown Road** and Montebello Drive extensions have a greater affect in reducing volumes on Wilsonville Road than does Kinsman Road.

- This makes sense, because the predominant east/west traffic demand, to and from Old Town, is residential not industrial.



## Conclusions - TSP Refinement

3. The TSP only specifies "Conceptual" street alignments and extensions, but specifically anticipates refinements to the Plan on a case by case basis taking into consideration, ***"Specific design issues, including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement."***

Therefore the Kinsman extension is not cast in stone.



## Bike and Pedestrian Connections

- **Alternative 5a** and provide reasonable and adequate Bike and Pedestrian
- **Alternative 5a** maintains the current connection at Industrial Way.
- **Alternative 5a** provides connections at planned community and neighborhood parks.
  - And, maintains connection at Industrial Way, within the City's pathway easement.



## Conclusions - TSP Refinement

1. The planned southern extension of Kinsman Road results in unnecessary negative impacts to OrePac's property and their operational efficiency.
  - This road extension **adds significant public costs of \$2.7 million** for building an "ideal network" versus providing for an **adequate and functional road system**, while maintaining minimum LOS service standards.
  - This added public cost only benefits 45-61 acres of potential future industrial land.



# Performance Comparison of DKS Alternatives 4, 5, and 7

Altern.	WV Vol west of Boones Ferry	WV Vol east of Brown Rd	LOS Montebello Drive	LOS Indust Way	LOS Kinsman	Public Cost
<b>5a</b>	<b>23,600</b>	<b>15,800</b>	<b>A</b>	<b>C</b>	<b>B</b>	<b>0</b>
4a	23,400	15,900	A	-	B	0
7a	23,900	15,700	A	-	B	\$2.7 Million



# Performance Comparison of DKS Alternatives 4, 5, and 7

## Summary of Public Costs for Kinsman Extension

➤ Right-of-way	\$ 140,000
➤ City Collector Contribution (50%)	\$ 338,500
➤ SDC Credit	\$ 550,000
➤ Bridge & Road (275 lf)	\$1,395,000
➤ Design & Oversight	<u>\$ 280,000</u>
	<b>\$2,703,500</b>



# Developable Industrial Land

Gross Acres	Built	SROZ	BPA	ROW	Net Acres
100.47	26.44	49.14	2.58	3.73	45.02
					*
					(61.52)

\* With and Without Wilsonville Concrete Redevelopment



## Performance Comparison of DKS Alternatives 4, 5, and 7

- This road extension **adds significant public costs of \$2.7 million** for building an “ideal network” versus providing for an adequate and functional road system that maintains LOS standards.

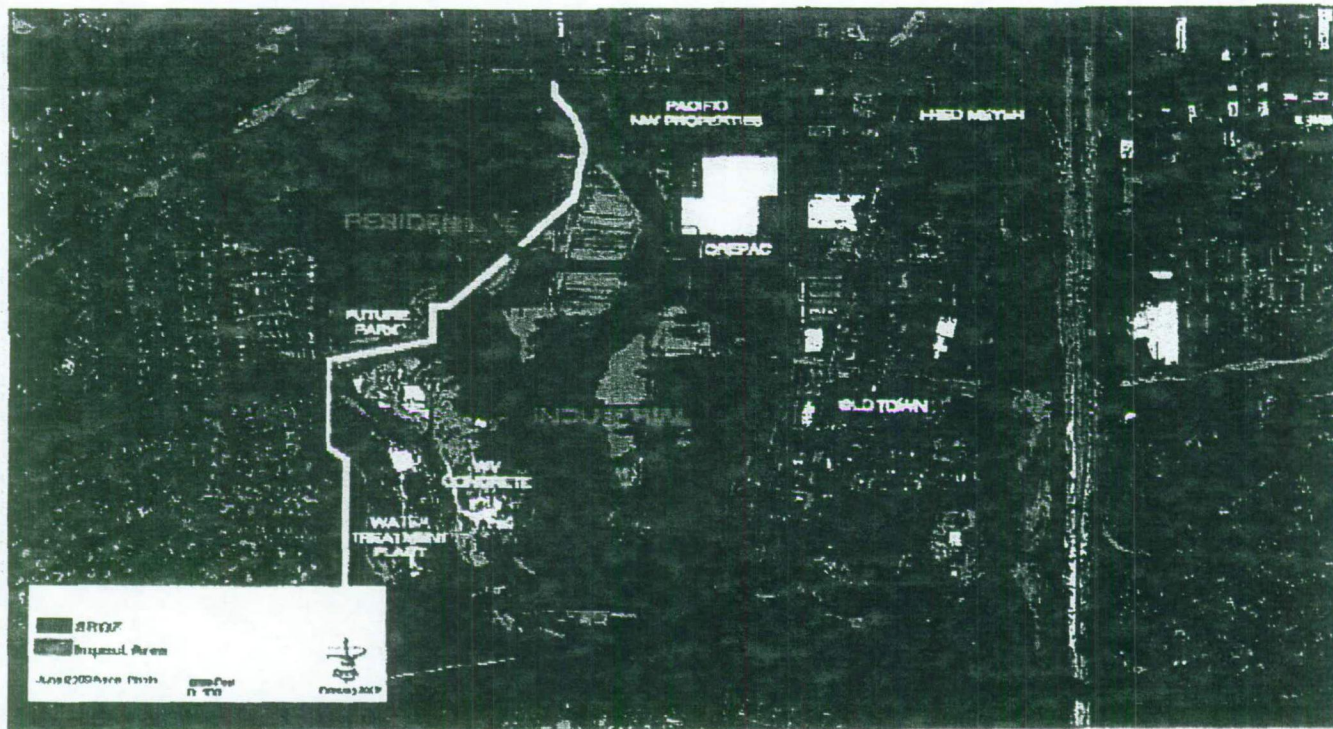


# Comprehensive Plan

- Future Parks are identified on land north of the Arrow Head Creek Lane, and at the northwest corner of Montebello Drive.
- **Of 100 acres designated for Industrial development, there are actually only approximately 45-61 acres of net buildable land, due to SROZ, buffers and rights-of-way**



# Developable Industrial land





# OREPAC RESPONSE

- There are three important factors to be considered:
  - A realistic projection of development over the 20 year planning horizon of the TSP, (originally 2020, update to 2030 for refinement); and
  - Level of Service – for alternative alignments, with existing and projected traffic volumes.
  - Costs, both public and private sectors.



# Comprehensive Plan

- All Commercial land is east of the railroad.
- The land between the railroad and Industrial Way and south of the BPA easement is designated for **Industrial Use**.
  - This land includes the Pacific NW Properties site, OrePac, Wilsonville Concrete, and the City's Water Treatment Plant.
- Land west of Industrial Way and north of the BPA easement is designated for Residential use.



# OREPAC RESPONSE

- **TSP Policy “4.2.1 Network Alternatives.** *This chapter summarizes the road improvements necessary to meet the City’s level of service (LOS) standards and level of development projected for the next 20 years. Road improvements were determined based on capacity needs, neighborhood connections, and street standards....*
- *It is important to note that the proposed improvements, along with all related maps, figures, and tables, are provided for conceptual purposes only. The improvement projects listed (e.g., S-1, C-6, W-3, etc.) are not necessarily the same in each alternative, but each one always refers to the same location. **Specific design issues, including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement.** At that point, project staff will hold public meetings with affected property owners and other interested parties to fully address such concerns.”*



## OREPAC RESPONSE

- Evaluation of alternative refinements must consider the intent of the TSP, which as stated, is to provide *adequate circulation and street capacity to maintain the level of service standards*, while supporting the projected development over the next 20 years.



## OREPAC RESPONSE

- The DKS analysis reveals that the **Brown Road and Montebello Drive extensions** have a greater affect in reducing volumes on **Wilsonville Road** than does **Kinsman Road**.
  - This makes sense, because the predominant east/west traffic demand, to and from Old Town, is residential not industrial.



# OREPAC RESPONSE

- We emphasize that the Kinsman extension is only shown conceptually in the TSP, with the intent of providing collector circulation, together with the Brown Road extension into Old Town.
- Consistent with Policy 4.2.1 of the TSP, the specific implementation of any planned street extension is subject to case by case refinement.

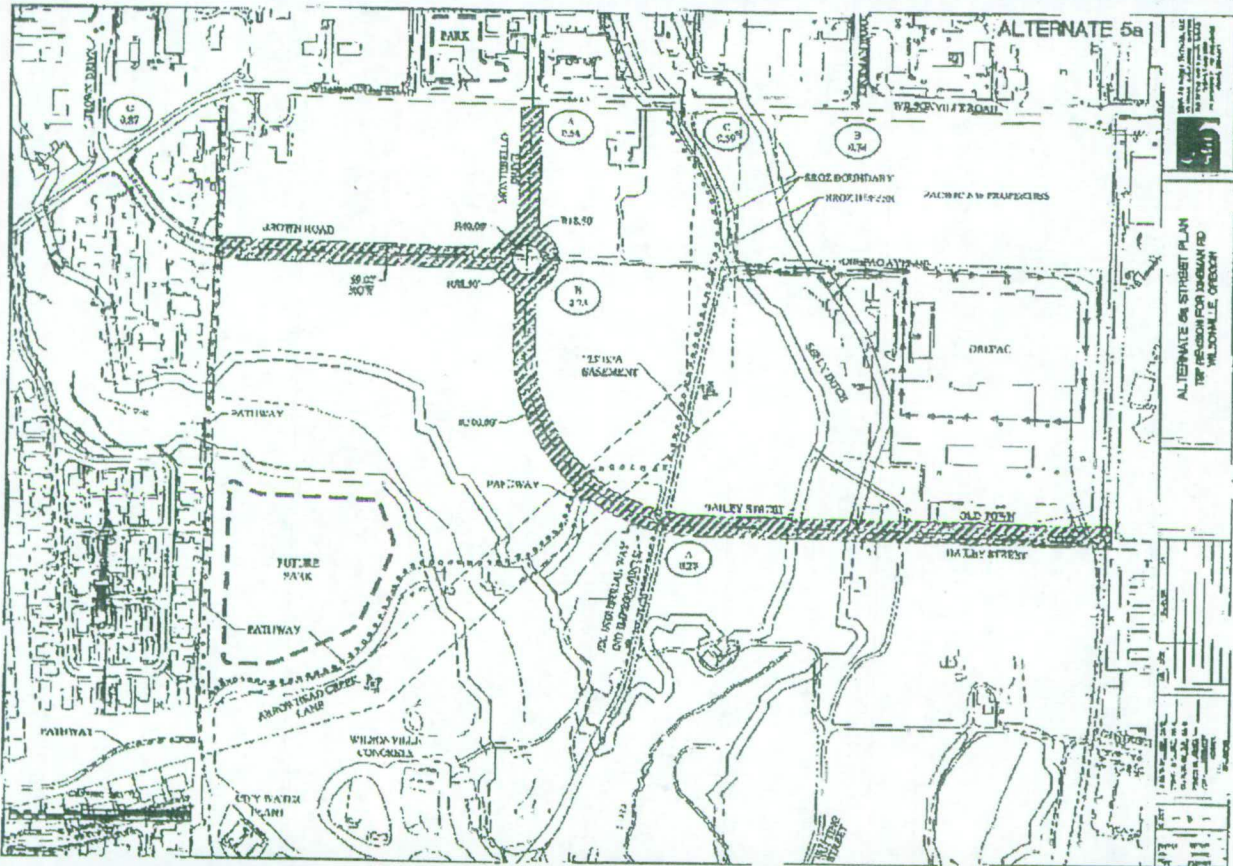


# OREPAC RESPONSE

- The planned southern extension of Kinsman Road results in unnecessary negative impacts to OrePac's property and their operational efficiency.
- This road extension **adds significant public costs of \$2.7 million** for building an "ideal network" versus providing for an adequate and functional road system that maintains LOS standards.



# Alternative 5a





# STAFF REPORT

- Staff recommendation ignores the fact that Alternatives 5a and 4a provide equal or better LOS performance on Wilsonville Road intersections.
- And, staff glosses over the substantial **\$2.7 million added public cost** of the Kinsman Road extension, including bridge, collector over-sizing, and SDC credits.



# STAFF REPORT

- When the financial impacts and realistic traffic projections are considered, the net cost/benefit of extending Kinsman Road is justified.
- Staff also recommends reaffirming the extension of Brown Road into Old Town, with the preferred alignment at Bailey Street. We emphasize this link **will divert 4,500-5,000 trips per day** from Wilsonville Road, west of Boones Ferry Road.

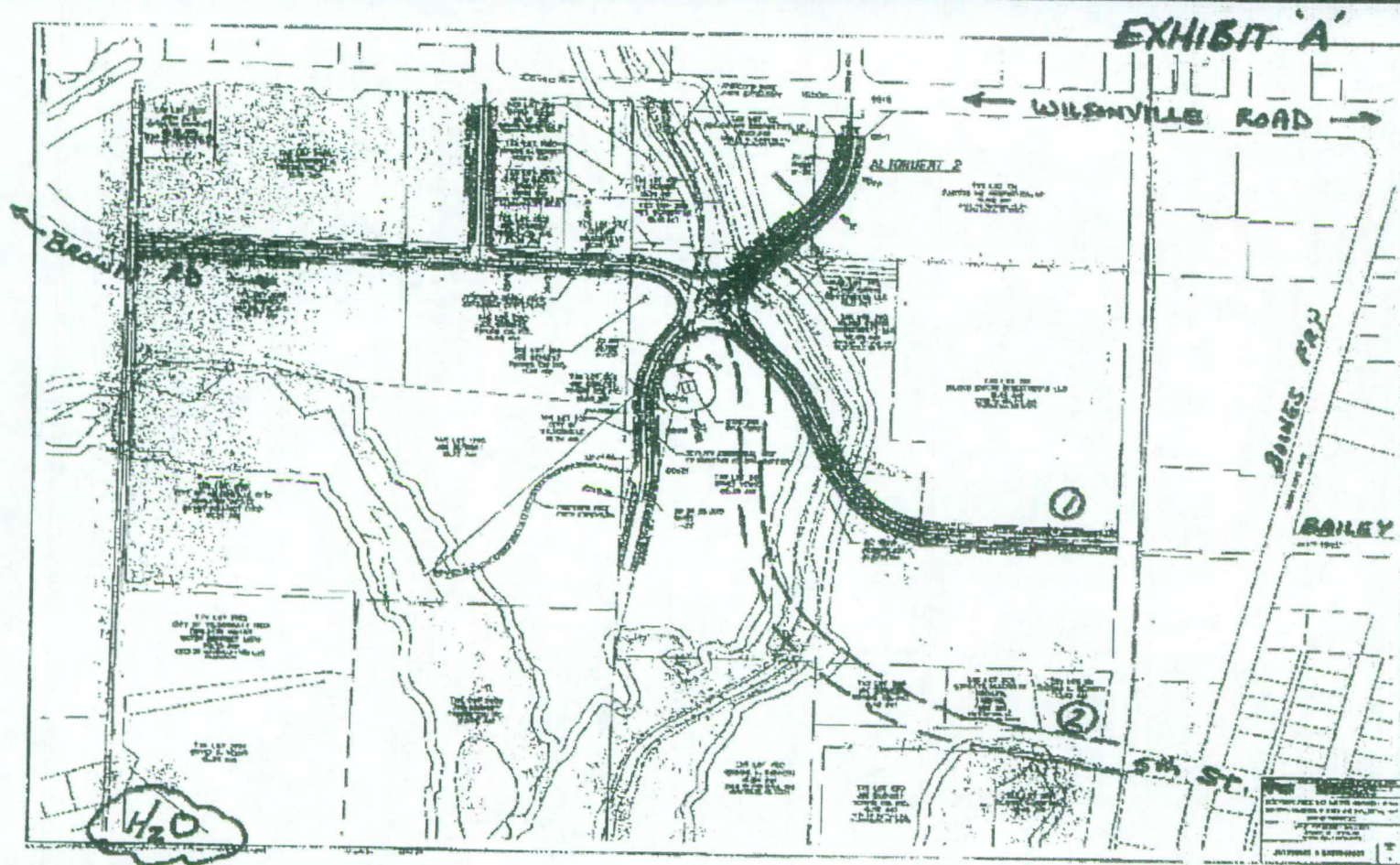


# STAFF REPORT

- The staff report addresses TSP issues outside of the scope of the pending DRB application, but affecting the general area of concern.
- OrePac does not oppose the proposed development, only the street extension.
- Staff recommends Alternative 7a of the DKS analysis, with the Kinsman Road Extension as reflected in the Pacific NW Properties application.



# Staff Recommendation DKS Alternatives 7a





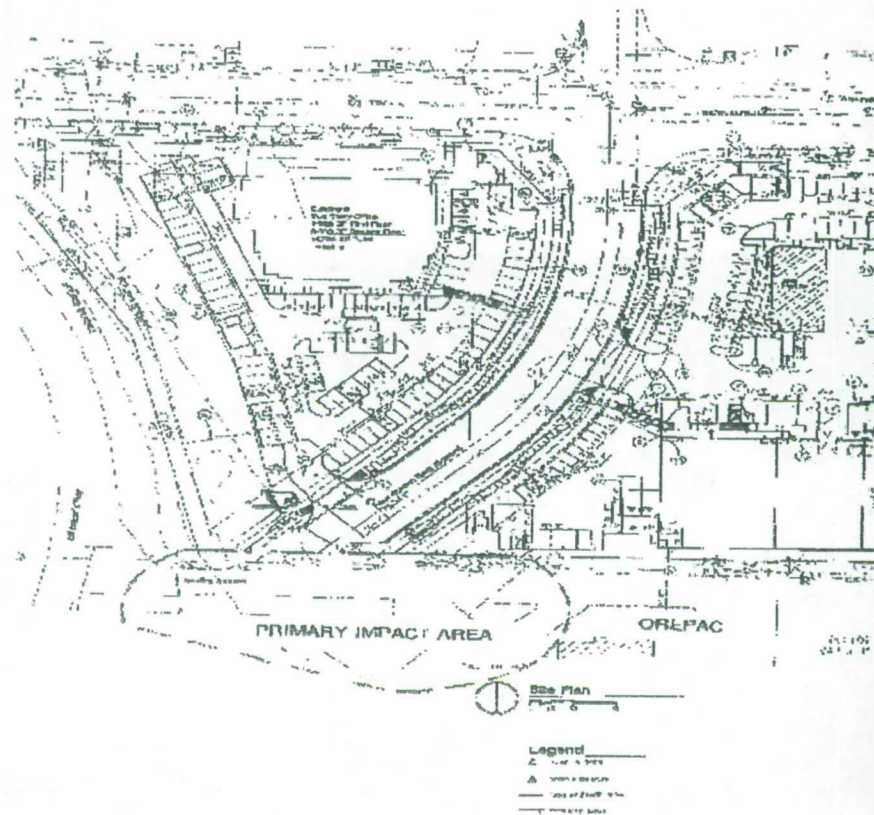
# Pacific NW Properties DRB Application Wilsonville Road Business Park

Response to Staff Report  
(Draft dated 2-24-10)  
Alternative Street Plan  
TSP Refinement  
Kinsman Road Extension (South)





# Pacific NW Properties Plan



Sign off accepting Conditions of Approval

Project Name: **Wilsonville Road Business Park**

Case Files:

1. DB09-0047 – Zone Map Amendment
2. DB09-0048 – Stage I Development Plan
3. DB09-0049 – Stage II Final Development Plan
4. DB09-0050 – Class 3 Site Design Review (Phase I)
5. DB09-0051 – Master Sign Plan
6. DB09-0052 – Partition
7. DB09-0053 – Class 3 Waiver to Setback Requirements
8. DB10-0001 – Class 3 Waiver to Sign Requirements

*The Conditions of Approval rendered in the above case files have been received and accepted by:*

---

Signature

---

Title

Date

---

Signature

---

Title

Date

*This decision is not effective unless this form is signed and returned to the planning office as required by WC Section 4.140(.09)(L).*

*Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development.*

Please sign and return to:  
Shelley White  
Planning Administrative Assistant  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville OR 97070

Packet items for the April 12, 2010 DRB  
Panel A meeting, including staff report and  
exhibits

## **VII. Public Hearing:**

### **A. Resolution No. 194. Wilsonville Road Business Park:**

**Gene Mildren, Mildren Design Group for Tom Stern & Paul Gram of Pacific NW Properties.** The applicants are requesting a Zone Map Amendment, Stage I Development Plan, Stage II Final Development Plan, Class 3 Site Design Review (Phase I), Master Sign Plan, Partition, Setback Waiver And Sign Waiver for an industrial/office/retail business park to be completed in two phases. The subject site is located at 9900 SW Wilsonville Road on Tax Lots 100 and 101 of Section 23B, T3S, R1W, Clackamas County, Oregon. Staff: Kristy Lacy.

Case Files: DB09-0047 – Zone Map Amendment

DB09-0048 – Stage I Development Plan

DB09-0049 – Stage II Final Development Plan

DB09-0050 – Class 3 Site Design Review (Phase I)

DB09-0051 – Master Sign Plan

DB09-0052 – Partition

DB09-0053 – Class 3 Waiver to Setback Requirements

DB10-0001 – Class 3 Waiver to Sign Requirements

*This item has been continued by the applicant to this date and time certain at the March 8, 2010 DRB meeting.*

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 194  
Wilsonville Road Business Park**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A ZONE MAP AMENDMENT, STAGE I DEVELOPMENT PLAN, STAGE II FINAL DEVELOPMENT PLAN, CLASS 3 SITE DESIGN REVIEW (PHASE I), MASTER SIGN PLAN, PARTITION, SETBACK WAIVER AND SIGN WAIVER FOR AN INDUSTRIAL/OFFICE/SERVICE COMMERCIAL/RETAIL BUSINESS PARK TO BE COMPLETED IN TWO PHASES. THE SUBJECT SITE IS LOCATED AT 9900 SW WILSONVILLE ROAD ON TAX LOTS 100 AND 101 OF SECTION 23B, T3S, R1W, CLACKAMAS COUNTY, OREGON. GENE MILDREN, MILDREN DESIGN GROUP FOR TOM STERN & PAUL GRAM OF PACIFIC NW PROPERTIES, APPLICANTS.**

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 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject dated April 12, 2010, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meeting conducted on April 12, 2010, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board 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 Panel A of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

- A. DB09-0047: Zone Map Amendment
- B. DB09-0048: Stage 1 Development Plan
- C. DB09-0049: Stage 2 Final Development Plan
- D. DB09-0050: Class 3 Site Design Review (Phase 1)
- E. DB09-0051: Master Sign Plan  
DB10-0001: Class 3 Waiver to the Sign Code
- F. DB09-0052: Partition
- G. DB09-0053: Class 3 Waiver to the Rear Setback

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 194  
Wilsonville Road Business Park**

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12<sup>th</sup> day of April 2010 and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

\_\_\_\_\_  
Eric Postma, Chair  
Development Review Board, Panel A

Attest:

\_\_\_\_\_  
Shelley White, Planning Administrative Assistant



**WILSONVILLE PLANNING DIVISION  
STAFF MEMORANDUM  
CITY COUNCIL  
QUASI-JUDICIAL HEARING**

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**DATE:** May 17, 2010

**TO:** Honorable Mayor and City Councilors

**FROM:** Blaise Edmonds, Manager of Current Planning, Kristy Lacy, Associate Planner, and Paul Lee, Assistant City Attorney

**SUBJECT:** Stage I Development Plan, Stage II Final Development Plan, Class 3 Site Design Review (Phase I), Master Sign Plan, Partition, Setback Waiver and Sign Waiver for Wilsonville Road Business Park

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**I. DESCRIPTION OF ACTION:**

The City Council is hearing the appeal of DRB Resolution No. 194 approving case files DB09-0048-0053, including Stage I and II Plan approvals, site design, signage, partition and waivers and the recommendation of a companion Zone Map Amendment from Residential Agricultural - Holding (RA-H) to Planned Development Industrial (PDI) which is treated separately in another staff report.

**II. LOCATION:**

Approximately 8.81-acre site located at 9900 SW Wilsonville Road, immediately west of the railroad tracks. Described as Tax Lots 100 & 101 Township 3 South, Range 1 West, Section 23B, Clackamas County, Oregon.

**III. SUMMARY:**

The applicants Tom Stern and Paul Gram - Pacific NW Properties propose to develop an industrial/office/commercial business park and appurtenant site improvements. The extension of Kinsman Road bisects the property. The right-of-way will set the stage for a two parcel partition and two (2) phase development. The proposed parcel east of the right-of-way, Parcel 2, will be developed as part of Phase 1.

The project includes a Stage I, Zone Map Amendment (RA-H to PDI) and Stage II approval for Phase 1 (Parcel 2) and Phase 2 (Parcel 1). The applicants are requesting Site Design approval for

Phase 1 (Parcel 2) only. Phase 1 consists of four (4) single-story buildings; 70,731 sq. ft. of industrial, 10,290 sq. ft. of office and 8,814 sq. ft. of commercial. Future Phase 2 will consist of a two-story, 21,700 sq. ft. office building.

The approval decision of the Development Review Board by the Council would change the zone to PDI and give the Planning Division authority to issue the following land development permits:

- DB09-0048: Stage 1 Development Plan
- DB09-0049: Stage 2 Final Development Plan
- DB09-0050: Site Design Review (Phase 1)
- DB09-0051: Master Sign Plan
- DB09-0052: Partition
- DB09-0053: Rear yard setback waiver.

#### IV. BACKGROUND:

- A. The Appeal.** On April 26, 2010, Jerry C. Reeves, a participant in the hearing before the Board, appealed the Board's decision to the City Council. On May 3, 2010, the council acted to review the matter on the record at a hearing May 17, 2010.
- B. On the Record Review.** Council has chosen to review the action of the Development Review Board "on the record," under W.C. 4.022 (.05) A. This means that the hearing will not involve new evidence and testimony. Rather, it will involve receipt of oral arguments regarding issues raised and evidence submitted in the record before the Development Review Board. "Argument" means "assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision." "Argument" does not include facts." ORS 197.763 (9) (a). The hearing is not *de novo* and new evidence beyond that contained in the record will not be accepted unless the Council acts to reopen the record to admit it. "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision." ORS 197.763 (9) (b). Parties are limited to the issues raised in the record in the evidentiary hearing before the Board. Those issues must have been be raised and accompanied by statements of evidence in that record sufficient to afford the hearing body and parties an adequate opportunity to respond to each issue. ORS 197.763 (1).
- C. Staff Report Approach.** Given that the staff report and recommendation is in the Record, it will not be repeated here. Instead this report will: 1) identify the issues raised by the parties below, 2) identify how the staff and Development Review Board responded and 3) cite to the Record where the issue, relevant evidence and argument appear in the Record.
- D. Hearing Approach.** The full staff presentation is in the Record at p.55 to 186. At the council hearing, staff will present a brief overview and pictorially orient the Council with site maps. Parties will then be invited to present argument. Staff will endeavor to identify new evidence to be avoided or disregarded if improvidently placed on the Record. Staff

may be asked to respond further with Record evidence/argument. The Applicant should then be afforded a final opportunity to respond with any rebuttal argument.

- E. Decision Options.** Staff will provide two sets of decision documents: 1) the grant of a zone change by ordinance and a resolution approving the other planning permits based upon staff and applicant-provided findings in the Record, and 2) denial of the zone change by ordinance and resolution denying the other planning permits based upon findings articulated by council or, on council direction, produced by the party successfully opposing the application at to the next council meeting.

## **V. ISSUES AND RESPONSES.**

### **A. OrePac issues.**

**1. TSP Amendment Prior to Board Action.** The primary concern of OrePac representatives is with the extension of Kinsman Road through the subject property, based upon Transportation System Plan language in section 4.2.1, Network Alternatives, which provides in relevant part:

"It is important to note that the proposed improvement, along with all related maps, figures, and table, are provided for conceptual purposes only. The improvement projects listed (e.g., S-1, C-6, W-3, etc.) are not necessarily the same in each alternative, but each one always refers to the same location. Specific design issues, including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement. At that point, project staff will hold public meetings with affected property owners and other interested parties to fully address such concerns. Record, Altman letter, p. 351, Bennett, Transcript, p.12.

OrePac stated on the Record that it is not opposing the subject development, but objects to the extension of Kinsman Road. Record, Altman letter, p. 330. As OrePac interprets the above TSP language, the process of designing the alignment is a "refinement" of a conceptual plan and must involve public hearings with affected property owners. Record, Bennett, Transcript p.30. Bennett letter Exhibit E1, p.363. Because these public hearings have not occurred, the DRB review of this application is "pre-mature." Bennett letter p. 363. The refinement is a predicate for action on this application. Bennett, transcript p.30. Because the "TSP must be amended" to adopt the Kinsman alignment "pursuant to your code," and "the DRB is not the proper forum for amending the City Transportation system Plan," Bennett letter p.363, Transcript p.30-31, the DRB "can't approve this project." (Bennett transcript p. 30.) OrePac asks the Board to continue this matter and refer the road alignment to the City Council to review the issue. Altman transcript p 31. As regards a preferred alignment, OrePac would eliminate the extension of Kinsman through the subject property and have access to south-of-Wilsonville-Road properties via the extension of Montebello Bennett transcript 30, SFA analysis of alternative street plan TSP Refinement, p.329.

This is one of the alternative alignments staff has analyzed and proposes to take to council in the future. See, draft staff report by Michael Bowers, p.371.

**1.1 Staff Analysis in the Record.** The Wilsonville Transportation System Plan, Figure 4.7 and 4.8, Exhibits A2 and A8, Record pp. 189 and 221, shows the Kinsman extension south through the subject property and jogging slightly westward. The maps show the Kinsman Road alignment in the legend as 2 lanes, depicted by a line of squares. Neither Industrial Way, to the west of Kinsman Road, or the extension of Montebello, to the west of Industrial Way, is shown on TSP maps as roadway improvements. Exhibits A2, p.189, A8, p.221. Every TSP option in the TSP shows Kinsman Road extending through the subject property. Transcript Bowers p. 40. The staff interpretation that the TSP shows Kinsman extending through the subject property started with a pre-purchase meeting the applicant had with the city in 2008, continued on through pre-application, submittal of the application, and has been maintained consistently to the present day. Stern transcript p.27. Based upon this alignment in the TSP, the city has invested a million dollars in the intersection of Wilsonville Road and Kinsman Road. At this time, the "City is not about to move" the extension, given the existing location of Kinsman Road to the North. Bowers transcript p.39. In 2008, Jerry Reeves, applicant's seller, asked the City Council to amend the TSP to move Kinsman Road off the property. By letter of September 22, 2008, the City Manager advised that, upon consideration, the council unanimously denied the request. Record pps. 322 and 323. Kinsman Road, according to the Manager, was the primary north-south connector for industrial truck traffic.

Staff asserted that, however characterized, the movement of Kinsman Road off the subject site – its elimination for TSP maps and the designation of an alternative north-south connector, is an "amendment" to the TSP. Lacy memo p. 355. The choice of network alternatives to serve properties south of Wilsonville Road is, in the opinion of the City Attorney staff, not a subject for this proceeding. Bowers transcript p.40. To open up the TSP as advocated by OrePac would involve a multi-year debate. Transcript Bowers p. 40-42. Amendment to the TSP is an entirely different (legislative) matter for the City Council. Lacy memo p. 355. At this time, the City Council has elected not to embark on a road network refinement discussion. Transcript, Bowers, p140. Staff's position is that the issues raised by OrePac regarding road alignments do not bear on the approval criteria for this application. Consequently, evidence concerning street network alternatives for properties south of the site, and the property owner participation in the process under TSP section 4.2.1, is irrelevant to this application. Lacy Memo p.355.

Legally, the staff and DRB must apply the TSP as it exists now, showing the extension of Kinsman Road through the property. Compliance with the 120-day rule is an issue in this context. Lee transcript p.24.

**1.2 Board Action.** The Development Review Board unanimously adopted the staff report as findings in approving the application. Transcript p. 45. Like city staff and the City Council, it interpreted the TSP as requiring the extension of Kinsman Road

through the subject property. The Board is not the body to decide TSP refinements. Transcript 43. While the Board considered a motion to continue the matter for a public hearing process to amend/refine the TSP, that motion died for lack of a second. Transcript p.45.

2. Misinterpretation of the mixed use provisions in the PDI zone. The secondary concern of OrePac representative is with staff's interpretation of the mixed use provision of the PDI zone. OrePac asserts that the Applicant is proposing a total of 40,800 sq ft of retail office use (Bennett transcript, p 30). OrePac believes there should be a limitation on commercial office to 5000 sq ft in a single building, and 20,000 sq ft in a multi-building development (Bennett transcript p 30, letter p 364). They believe the interpretation does not meet the "intent when Planning Commission and council passed this as a restriction." (Kirk, transcript p. 32). OrePac testified that "office complex is. . .specifically with a dash . . . that's technology. So it limits office complex and technology centers." Altman transcript p.32. OrePac added that they did not see anything in the record that specifically limits the office area or Phase II, to technology-based operations Altman transcript, p.32. OrePac asserted that the proposal is well over 30% and well over 20,000 sq ft.

2.1 Staff Analysis in the Record The Wilsonville Development Code, Section 4.135 (.03) O subsection 1 and 3 provide limitation on service commercial and retail uses Edmonds transcript p 33. Staff interprets office use for Phase 2 as limited by subsection 2, "office complex," and cited the definition of the term in Section 4.001, page A-16 of the Development Code (Edmonds Transcript p 34) Based upon the definition of "office complex" and the provision of Section 4.135 (.03) O, staff found that Phase 2 is limited to a maximum of 30% 'office complex' and Phase 1 is limited by subsection 1 and 3 which provides for a maximum of 20,000 square feet of service commercial and retail uses in a multi-building development Edmonds Transcript p. 33.

2.2 Board Action. The development Review Board adopted the staff report in approving the application, reflecting adoption of the interpretation by staff as a lawful application of the Development Code. Transcript p.45.

## **B. Wilsonville Concrete Products Issue**

1. Unilateral staff action under the TSP. By letter of April 12, 2010, Wilsonville Concrete products states: "The staff's unilateral decision on alternatives is of concern to our organization and as we understand it did not follow Policy 4.2.1 of the TSP which anticipates public review of refinements. Industrial Way is our private road and has served our needs well for many years, and it has served them safely." Record, p.367.

1.1 Staff Analysis in the Record. Staff responded to the compliance with TSP 4.2.1 as noted above. Staff has not unilaterally decided on a network alternative analyzed by a staff report to council for future modification of the TSP. Rather, interpretation of the

TSP as showing Kinsman Road through the site is consistent with the current text and maps of the TSP

**1.2 Board Action.** By adopting the approval resolution, the DRB found, as staff recommended, that this TSP section was not implicated in the approval of the subject land use application.

**C. Jerry Reeves Issues.**

**1. Property rights issue.** Jerry Reeves and his attorney informed the DRB about the pendency of a lawsuit against the applicant wherein Mr. Reeves alleges that he has a property right in the roadway through the subject property. Transcript, Cobb and Reeves, pps. 35,36. If the circuit court rescinds a portion of his land sale contract with the applicant as Reeves requests, there would not be clear title to the property, and Mr. Reeves should therefore have participated in the application as an owner. Transcript, Reeves, p. 36. The proposed dedication of road right-of-way by the applicant cannot occur until the litigation is resolved. Transcript, Cobb p.35. Mr. Reeves introduced a Notice of Pendency of an Action, Exhibit E4, Record p. 401 and a Complaint for Partial Rescission, Conversion, Unjust Enrichment, and Breach of Contract filed in Clackamas County Circuit Court. Exhibit E5, Record 405.

**1.1 & 2. Staff and DRB response and action.** Staff questioned whether this information is relevant to the decision, as it did not bear on the satisfaction or non-satisfaction of the approval criteria. Transcript, Lee p.22. The Board agreed, finding that the record showed compliance with the code, passing the approval resolution unanimously.

**2. Dolan Issues.** Reeves asserts 1) that staff has not addressed Dolan findings and met its burden of proof, 2) the traffic report in the record is flawed in that it did not take into account any planning south of the area, 3) the 50/50 split is "not true" because he was not at the table and does not concur, 4) that the proportionality findings address improvements but do not talk about the taking of the land and 5) that the DKS figures regarding the amount of traffic generated from the development using the proposed road are "insane." Mr. Reeves testified that the 45% DKS figure is wrong because Kinsman Road should not extend through the property, and if it does, it should be a 100% City project. Transcript, Reeves, pps. 35-37.

**2.3 Staff analysis.** The Record shows that: 1) the staff has addressed the *Dolan* case with significant findings. Record pps. 60-63, 2) the traffic report is based upon planned uses of property south of the subject site, Record p.251, 3) the proposed 50/50 dedication/infrastructure cost sharing was arrived at in discussions with the owner of record. Transcript Stern p.27, 4) the proportionality finding clearly addresses the taking of land (required dedication, city assumption of costs for the public portion. Record pps.60-63, and 5) the DKS studies of the traffic generated by the subject property and the projected traffic from properties south show the property

would produce 186 peak hour trips relative to 410 peak hour trips associated with build-out use of the street by properties south of the subject site. Record p. 251. When considering the infrastructure costs of the development, a 50% public/private cost split is roughly proportional to this 45% traffic impact. Record p. 62.

**2.4 Board Action.** The Board Chair asked Mr. Reeves what evidence he had to counter the traffic count evidence from DKS. Mr. Reeves responded with his own figures. Transcript, p. 36,37. The record demonstrates that, beyond characterizing the traffic report as flawed based upon the figures he provided; Mr. Reeves did not explain how the Dolan findings presented in the staff report were deficient. The Board adopted the staff report findings and in so doing credited the DKS evidence.

**3. Approval of the Development without the Kinsman Extension.** Mr. Reeves testified that the TSP is flawed; advising that the railroad says it is not allowing any east/west crossing south of Wilsonville road Between Wilsonville Road and the river. Transcript Reeves 35,36. The TSP is not violated because TSPs are all about traffic getting from point A to point B, and service of properties south of the site can be accommodated without extending Kinsman Road through the property. Transcript p. 38. Mr. Reeves agreed with the position of OrePac. Not requiring the extension would make himself, the applicant, OrePac, and Wilsonville Concrete happy and save the city an \$800,000 fight. Transcript Reeves p. 38.

**3.1 Staff Analysis.** Staff responded with the same positions it took with respect to the OrePac issue regarding TSP section 4.2.1., above.

**3.2 Board Action.** On question from the Board, Mr. Reeves proposed to eliminate Kinsman Road going south from the TSP. Transcript Reeves p.38. The whole subject of access to the area to the south must be figured out. When the Board chair asked whether this was an issue for the DRB, Mr. Reeves declared that it should be a "legislative action." Transcript. p.36. The Board responded by adopting the staff report as findings in passing the approval resolution.

## **VI. CONCLUSION AND RECOMMENDATION**

Staff submits that the Record fully supports an action to approve the requested Zone Change and subject land use development permits. Importantly, staff notes that with the exception of the mixed use code interpretation and the Dolan findings issue, no other issues were raised challenging the compliance of the application with all approval criteria. Because the Record demonstrates that the findings in this area are legally correct, and because the balance of the issues concerning the road network south of the site are irrelevant to a decision on this application, staff recommends approval of the Ordinance changing the zone and the Resolution approving the Stage I and II, site Design Review, Master Sign Plan Partition, Setback and Sign waiver for Wilsonville Road Business Park. It is likely that argument presented at the hearing requires findings specifically tailored to points of the argument. Staff may then recommend a continuance for supplemental findings.



Staff has prepared a comparable Ordinance and Resolution set denying the zone change and land use applications respectively. Should the council decide to adopt them, staff recommends that a draft set of findings be presented at the next council meeting for adoption.

**WILSONVILLE PLANNING DIVISION  
STAFF MEMORANDUM  
CITY COUNCIL  
QUASI-JUDICIAL HEARING**

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**DATE:** June 7, 2010

**TO:** Honorable Mayor and City Councilors

**FROM:** Blaise Edmonds, Manager of Current Planning, Kristy Lacy, Associate Planner, and Paul Lee, Assistant City Attorney

**SUBJECT:** Supplemental Staff Report for Public Hearing on Zone Change, Stage I Development Plan, Stage II Final Development Plan, Class 3 Site Design Review (Phase I), Master Sign Plan, Partition, Setback Waiver and Sign Waiver for Wilsonville Road Business Park (Stern Property).

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**I. INTRODUCTION TO CONTINUED HEARING:**

Following a continuance from May 17 to June 7, 2010, the City Council is reviewing, "on the record," the appeal of DRB Resolution No. 194 approving case files DB09-0048-0053, including Stage I and II Plan approvals, site design, signage, partition and waivers and the recommendation of a companion Zone Map Amendment from Residential Agricultural - Holding (RA-H) to Planned Development Industrial (PDI). This staff report reiterates the "on the record" approach and touches two emergent issues.

**II. ON THE RECORD REVIEW REVISTED**

As explained in the staff report dated May 17<sup>th</sup>, an on the record review is a hearing that will not involve the taking of new evidence or testimony on the issue of the application's compliance with substantive approval criteria. Unless the council reopens the record, parties are invited to make argument based upon the record created before the DRB. Argument should not introduce new facts outside the record, but instead involves assertions and analysis regarding the satisfaction or violation of the legal standards for the decision. Argument should also be limited to substantive issues raised by the parties before the DRB, as statute requires that during the initial evidentiary hearing, participants must raise an issue accompanied by statements or evidence sufficient to afford the hearing body and parties an adequate opportunity to respond to each issue. ORS 197.763 (1). The DRB chair announced this "raise it or waive it" requirement, noting that issues not appropriately raised before it could not be the basis for appeal to the council or the Land Use Board of Appeals.

During the hearing, the parties should be discouraged from introducing new testimony or substantive issues, as that would be unfair to the other parties playing by the rules.

Examples of matters not appropriate for the argument include allegations that the city's Transportation System Plan is outdated, or illegally flawed, or that the city failed to budget money to fund the public portion of infrastructure to be developed as part of the approval. Should a party appear to stray from argument into testimony on substantive matters not in the record, the party should be interrupted, asked whether that testimony is in the record, and if not, the testimony should be curtailed and not considered.

### III. EMERGENT ISSUES

1. Zone change hearing. Note that the "no-new-evidence" limitation applies to the analysis of *substantive* approval criteria. It can not apply to satisfaction of "procedural" requirements, or otherwise a party could not complain about a processing error the council might commit. At its May 17<sup>th</sup> meeting, Jerry Reeves, the appellant in this case, notified council of a potential procedural error, saying that the zone change portion of the appeal, being legislative in nature, had to be considered *de novo*, i.e., had to be opened for new testimony and evidence.

Staff responds to this issue by noting that under Oregon law, the zone change is not a legislative matter but rather a quasi-judicial matter requiring only a single evidentiary hearing (the hearing done before the DRB).ORS 197.763, 227.175. Legislative matters generally involve large or many tracts of land, do not involve the application of preexisting criteria to concrete facts, and are not bound to result in a decision. This zone change involves a single property, applies code criteria and must result in a decision. Review of the zone change on the record is proper.

2. TSP Section 4.2.1. As mentioned in the May 17<sup>th</sup> staff report, parties may allege that 4.2.1 of the TSP requires that this application be delayed. That section provides:

“Specific design issues [associated with improvement projects], including roadway alignment, and concerns regarding private property and the environment, will be addressed later during the design of each specific road improvement. At that point, staff will hold public meeting with affected property owners and other interested parties to fully address such concerns.”

Staff asserted that the interpretation of the parties to the effect that this section required that the owners of property south of the subject site had to be consulted in a public hearing to "refine" the Kinsman Extension by eliminating the extension and relying on the extension of Montebello or some other north-south roadway to serve these properties.

The DRB, as the record shows, interpreted the TSP to require the extension of Kinsman Road through the property, and that the request to eliminate the extension amounted to an amendment to the TSP, was a legislative matter for the city council and therefore was beyond the authority of the DRB to act on in this proceeding.

The city council, being the body with the final interpretive authority over its enactments, may decline the parties request for elimination of the Kinsman extension or otherwise find no violation of TSP section 4.2.1. through interpretation. Staff notes that, based upon facts in the

record, (Bowers transcript, pps. 39-42), the section applies to the process of evaluating network alternatives on a large area basis (on the level of street "projects"), an example being the analysis and construction of potential alignments involving the 5th Street/Bailey Street, Brown Road and Kinsman extension (an analysis Community Development is planning to take to council in the future, Bowers transcript pps.39-40).

### **III. CONCLUSION:**

Staff will have a brief power point presentation giving the council reacquainting council to the back round of this case. Following the hearing of argument, and deliberation, the council can choose to have first reading of the ordinance and resolution approving or denying the requested changes. Should council choose to reopen the record, staff will recommend a schedule to accommodate the submission and rebuttal of new testimony.