

ORDINANCE NO. 431

AN ORDINANCE ADOPTING A TRAFFIC MANAGEMENT PROGRAM AND PROCEDURES; ALLOCATING EXCESS TRAFFIC CAPACITY IN THE VICINITY OF THE I-5/WILSONVILLE ROAD INTERCHANGE OVER A FIVE-YEAR PERIOD TO INSURE THAT DEVELOPMENT CAN CONTINUE IN THE CITY IN COMPLIANCE WITH THE DECISION CRITERIA SET FORTH IN SECTION 4.139(4)(b) OF THE WILSONVILLE CODE (WC); AMENDING SECTION 4.139 (3) WC TO EXPIRE STAGE TWO SITE DEVELOPMENT PLANS IN TWO YEARS IF NO DEVELOPMENT OCCURS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Wilsonville is a home rule city under the laws of the State of Oregon and has a duly acknowledged Comprehensive Land Use Plan; and

WHEREAS, the City of Wilsonville, by adoption of this ordinance, does not intend to enact a moratorium on construction or land development as defined in ORS 197.505, but rather to enact a traffic growth management plan pursuant to the City's acknowledged Comprehensive Land Use Plan and implementing ordinances (discussed below), which will equitably permit controlled growth of traffic generated by construction and land development to continue on a pro rata, first application basis; and

WHEREAS, the City of Wilsonville recognizes the street facility capacity issues that exist, which are recited below, when reviewed against the clear and objective state standards set forth in ORS 197.530 potentially could support a moratorium declaration. Further, any mandated correction program would necessitate reconstruction of the I-5 Wilsonville Road Interchange which, without some form of intergovernmental agreement acceptable to the State of Oregon, the City would be without jurisdiction to effect. The City has insufficient funding sources to pay all of the interim necessary corrections. If left to the Oregon Department of Transportation solely to fund and construct, given the indefiniteness of scheduling of this interchange onto the six-year ODOT construction plan funding process and when coupled to the \$140 million in cutbacks for such transportation projects in the ODOT Region 1 area, which includes Wilsonville, any such correction plan would be impractical and without probable substantive funding appropriations; and

WHEREAS, the Wilsonville City Council had called up the Chili's Restaurant development as to whether the traffic generated would cause the Wilsonville Road arterial

to operate in excess of L.O.S. "D" at the Wilsonville Road and Boones Ferry Intersection and, therefore, potentially cause the application to be denied. The Council had also remanded back to the Planning Commission to develop a full record and to review its denial of two projects in the Capital Realty Town Center development, a McDonald's restaurant and a Shari's restaurant, which denial was based upon their generated traffic causing Wilsonville Road at its intersection with Town Center Loop West to operate in excess of L.O.S. "D"; and

WHEREAS, the Wilsonville City Council recognizes that I-5 Wilsonville Road Interchange as currently constructed lacks sufficient operational capacity which, in turn, negatively effects the level of service "D" level at the intersection of Boones Ferry and Wilsonville Road, which is immediately west of the west side on and off ramps to I-5 (I-5 itself being bridged over Wilsonville Road) and the intersection of Town Center Loop West and Wilsonville Road immediately east of the east side on and off ramps to I-5; and

WHEREAS, prior to the adoption of Ordinance No. 428 (discussed below), the City reviewed impacts of traffic upon arterials and collectors by only the nearest City intersection and did not recognize the interconnection or interrelations of the intersections that the generated traffic of a development would most probably use. The effects of traffic generated by a development were not measured in connection with the interrelated operational effects of intersections under control of the State as formed by the on and off ramps and the City's intersections. Therefore, the traffic analysis of whether generated traffic was accommodated safely and without congestion was at odds with that which citizens reported experiencing when testifying at public meetings; and

WHEREAS, the Wilsonville City Council recognizes that a denial of a land use application which is inconsistent with applicable zoning laws such as L.O.S. "D", although it has the same effect as a moratorium, is specifically excluded from the definition of moratorium under 197.505(1). Therefore, denial would be the simpler and the most expedient process, arguably in the best public interest, especially in light of funding participation otherwise required in a traffic growth management approach or a moratorium correction plan; and

WHEREAS, the Wilsonville City Council, however, further finds that due to a unique and extraordinary set of circumstances, it can avoid declaring a moratorium on construction and land development and avoid outright denying of land development permits, but can through a traffic growth management plan allow rationed development and provide for expanded interchange facilities and, in conjunction with system development

surcharges, provide an appropriate apportionment of cost to new development in relation to benefits reasonably received. The circumstances are as follows:

(1) The City has had previous experience in developing a growth management ordinance for housing during a cycle of rapid growth in the early 1980's under its acknowledged comprehensive plan.

(2) Thrifty Drug Stores of Los Angeles was acquiring Pay Less Drug Stores Northwest, which was headquartered in Wilsonville. Severe negative, economic impacts, inclusive of 600 jobs loss and a \$16 million payroll loss, would occur if the headquarters were relocated to Los Angeles. Without the intersection and I-5 Wilsonville Road Interchange improvements, based on the call-up of the Chili's development, the ability to establish Thrifty PayLess headquarters in Wilsonville due to increase traffic generated was not probable. Therefore, cooperative negotiations with PayLess, Thrifty, the Oregon Department of Economic Development (ODED), the Oregon Department of Transportation (ODOT) and the City of Wilsonville were entered into which resulted in the City entering into a development agreement with Thrifty PayLess, which allowed Thrifty to move from Los Angeles and establish the new, combined headquarters in Wilsonville, subject to the ODED and ODOT funding (set forth below) along with the City funding, and ODOT and the City entering into an intergovernmental agreement specifically authorized by statute in the form of a Construction Finance Agreement (discussed below) to provide these improvements.

(3) Wilsonville has a viable Urban Renewal Agency. Upon obtaining advice by its electorate, the Agency had established certain projects for funding, including a \$1.5 million for the City's match share of the I-5 Wilsonville Interchange improvements. Additionally, the Agency has sold its bonds and is able to provide the funding for the City share of the interchange project.

(4) The Construction Finance Agreement will provide a capital improvements plan sufficient to meet the Comprehensive Plan Policy 3.3.3 recited below, with a scheduled construction start of October 1, 1996, with right-of-way acquisition and relocation occurring in the interim.

(5) A System Development Surcharge Ordinance can be developed along with a Resolution for methodology which can provide for a rationally based nexus to fairly apportion the costs for the improvements for the reasonably benefited developments which otherwise would be subject to denial or a moratorium with an indefinite correction plan.

(6) That funding alternatives such as may be provided by general obligation

bonds are not probable to be passed by the voters given the widely reported citizen concern over additional taxation, as well as the City's experience with voter disapproval of large levy measures; and

WHEREAS, the City of Wilsonville acknowledged Comprehensive Land Use Plan being in full compliance with applicable State Law; the Statewide Planning Goals, and sound planning practice and procedures; and

WHEREAS, the City's Comprehensive Land Use Plan established an Urban Growth Boundary (UGB) which is supported by policies and objectives which call for a coordinated and balanced approach to allow Residential, Commercial and Industrial development to proceed only when it is demonstrated that all services and utilities are available or are immediately planned; and

WHEREAS, the City's Comprehensive Land Use Plan Policy 3.3.15 states:

"If adequate regional transportation services, including I-5 interchange modification or additions, and high capacity public transportation cannot be provided, then the City shall re-evaluate and reduce the level of development and/or timing of development anticipated by other elements of this Plan. Such reductions shall be consistent with the capacity of the transportation system at the time of re-evaluation." (Emphasis added); and

WHEREAS, Policy 2.2.2 of the Comprehensive Land Use Plan states:

"To insure timely, orderly and efficient use of public facilities and services, while maintaining livability within the community, the City shall establish a Growth Management Program consistent with the City's regional growth allocation and coordinated with a Capital Improvements Plan.

- a. Annually the Planning Commission shall review growth related data, e.g., availability of public facilities, scheduled capital improvements, need for housing, commercial development and/or industrial development, etc.; and shall, as determined necessary following a public hearing, recommend to the City Council a Growth Management Plan.
- b. To maximize design quality and conformity to the Comprehensive Plan the City shall encourage master planning of large land areas. However, as an added growth control, the Planning Commission may, as a condition of approval, set an annual phasing schedule coordinated with scheduled Capital Improvements, particularly

streets and related transportation facilities."; and

WHEREAS, Policy 3.3.3 of the Comprehensive Land Use Plan states:

"Minimum street service levels shall be established. Dedication of adequate right-of-way, as established by the Street System Master Plan, or as otherwise approved by the Planning Commission, shall be required prior to actual site development.

If the proposed development would cause an existing street to exceed the minimum service capacity, then appropriate improvements shall be made prior to occupancy of the completed development. Said improvements may be deferred if they are scheduled and funding is confirmed through the City's Capital Improvements Plan for construction within two years of the date of occupancy, provided that such a postponement of improvements would not seriously endanger public health and safety. In such cases, interim improvements shall be required."; and

WHEREAS, Paragraph 4.139(4) and subparagraph 4.139(4)(b) of the Wilsonville Code help to implement the Comprehensive Plan by setting forth the following decision criteria:

"(4) A planned development permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Sections 4.130 to 4.140."; and

* * *

"(b) 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 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 development, avoid traversing local streets."
(Amended by Ord. 428); and

WHEREAS, the City Council, Planning Commission and City Staff believes that traffic cannot be accommodated safely and without congestion in excess of level of service D at the intersections of Town Center Loop West and Wilsonville Road and Boones Ferry

Road and Wilsonville Road; and

WHEREAS, certain street, road and intersection improvements are required at the I-5 and Wilsonville Road Interchange and at the intersections of Wilsonville Road with Boones Ferry Road and Wilsonville Road and Town Center Loop West so that traffic can be accommodated safely and without congestion in excess of level of service D at the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West; and

WHEREAS, the City, the Oregon Economic Development Department and Thrifty-Pay Less Drug Stores, Inc. have agreed that Thrifty-Pay Less Drug Stores will locate their corporate headquarters in Wilsonville provided that the State of Oregon will contribute \$1 million to pay for Thrifty-Pay Less Drug Stores' share of interchange improvements and Street Systems Development Charges and, additionally, that the City will work with ODOT to obtain interchange improvements; and

WHEREAS, the City desires to improve the I-5 interchange and the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West while providing for at least an additional five years of economic growth and development that will be found to be in compliance with the Wilsonville Code's decision criteria; and

WHEREAS, this 5-year Traffic Management Program will require sufficient street capacity for existing PM peak-hour traffic, plus traffic from approved but not completed Stage II projects, plus an additional 30% of the sum of the existing traffic plus the traffic from approved Stage II projects; and

WHEREAS, the City and ODOT are currently finalizing negotiation of the cooperative Construction Finance Agreement (CFA) for the construction of the Wilsonville Road interchange improvements (Phase I) at an estimated total cost of \$7.35 million (City share at \$3.1 million and State share \$4.25 million); and

WHEREAS, Phase I interchange improvements addressed by the CFA include the following:

- A. Reconstruct and widen the existing I-5 structures overcrossing Wilsonville Road to provide for the improvements of Wilsonville Road outlined in B below.
- B. Reconstruct and widen Wilsonville Road approximately between SW Town Center Loop West and SW Boones Ferry Road to provide six vehicular travel lanes, sidewalks, bikeways and street lights.
- C. Reconstruct and install vehicular and pedestrian actuated traffic control

signals with interconnect system, fire pre-emption devices and street crossing illumination.

- D. Reconstruct and widen the existing turn storage lanes for traffic exiting and entering on to Interstate 5; and

WHEREAS, these Phase I improvements are projected to accommodate the required street capacity for existing PM peak-hour traffic and traffic from approved but not completed Stage II projects, plus an additional 30% of the sum of the traffic from the existing traffic plus traffic from approved Stage II projects; and

WHEREAS, the City foresees the need to improve the traffic capacity at the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West to accommodate the total sum of existing traffic, plus approved Stage II traffic, plus an expected 30% increase in traffic for a total estimate cost of \$2.337 million; and

WHEREAS, the additional PM peak-hour trip capacity from the additional 30% capacity is estimated to include an additional 808 PM peak-hour trips at the intersection of Town Center Loop West and Wilsonville Road and an additional 856 PM peak-hour trips at the intersection of Boones Ferry Road and Wilsonville Road; and

WHEREAS, approximately 20% of the westbound vehicles at Town Center Loop West proceed through the Boones Ferry Road intersection; and

WHEREAS, approximately 30% of the eastbound vehicles at Boones Ferry Road proceed through the Town Center Loop West intersection; and

WHEREAS, the combined intersection capacity increase above the level of existing traffic plus traffic from approved Stage II is 1,435 PM peak-hour traffic trips per hour; and

WHEREAS, the improvements will benefit owners of undeveloped property by allowing development to occur; and

WHEREAS, the City is proposing contemporaneously herewith under a different Ordinance (CB-O-210-94), a supplemental street systems development charge to pay for the additional street and road improvements totaling \$3,715,730 after accounting for the State's share, the previously allocated urban renewal funds, and applicable S.D.C. funds and is proposing contemporaneously herewith Resolution CB-R-807-94 providing for the surcharge methodology.

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

Section I: DETERMINATION AND FINDINGS:

- A. The City Council adopts the above recitals as findings and incorporates

them by reference in support of this Ordinance.

B. The Wilsonville City Council hereby finds that there are an estimated 1,435 PM peak-hour trips that will become available (excess capacity) upon completion of Phase I ODOT improvements of the I-5 and Wilsonville Road interchange and the improvements at the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West. Comprehensive Plan Policy 3.3.3 permits development to go forward upon conditions. In summary, the conditions provide for mitigation of the timing of providing street capacity improvement if the improvement is planned and funding is committed for the improvement to occur within two years of the development's permitted occupancy; provided there is no serious endangerment to public health and safety. Since it reasonably appears that construction of the Phase I improvements will take place in an approximate two to three year period and construction is estimated to take one to two construction seasons, and if 1,435 trips are allowed prior to the improvements being in place, then the City Council finds that, given the large possible traffic impacts that could occur without improvement to the intersections and the interchange, serious endangerment to the public health and safety is probable. To insure that traffic impacts of new development do not overburden the system or seriously endanger the public health and welfare and that the intent of Comprehensive Plan Policy 3.3.3 is not subverted, and can be applied herein, it is necessary that the allocation of capacity and the corresponding collection of systems development charges be rationed and closely monitored over the next five years.

C. The Wilsonville City Council hereby finds that use of the additional PM peak-hour trips shall be allocated over the next five years as follows:

1. Increased traffic through the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West shall be limited to no more than 20% per year of the increased peak p.m. traffic capacity which is estimated to be 287 PM peak-hour trips.

2. The Wilsonville Planning Commission shall conduct a review of Section I(B) of this Ordinance in January, 1995, and each year thereafter. The Commission shall, by Resolution, make a report to the City Council and recommend any changes or modifications that are necessary to implement the provisions of the Traffic Management Ordinance. In the event that the Commission recommends a moratorium, it shall address the procedures and standards in state law governing moratoria. Nothing herein shall prevent the City Council from taking any action on its own motion to implement the provisions of the Traffic

Management Ordinance.

3. Traffic capacity which is not fully allocated or used in any given year may be carried forward into the next year and added to the next year's total allocation. Provided, however, if a Stage I master plan development application provides a phasing schedule in which it sets forth its schedule for its Stage II submittal(s), the probable timing of when each Stage II submittal or phase thereof may be reasonably anticipated to create PM peak trip traffic generation and the amount thereof as determined by the City's process for traffic analysis, then such development may reserve or bank a portion of each year's total of 287 trips for up to five consecutive years, so long as such reserved or banked portion of the trips was otherwise in conformance with this ordinance and applicable City zoning code provisions. An approved master development can be built in phases over five years from approval at the rate of 30% per year by reservation or can be built in any year up to and including the 5th year from approval at the rate of 30% by banking. Any trips reserved or banked shall be fully paid for in the initial year reserved or banked and by January 1st of each succeeding year of reservation or banking.

4. For those developments which have Stage I approvals, have at least one Stage II approval, and their Stage I master plan contemplates additional Stage II approvals, a phasing schedule as set forth in C.3 above may be submitted to the Planning Commission in order that existing approved developments with further planned development be treated equally with future planned development. Stage II approvals listed in the chart marked Exhibit A, pages 1 - 5, attached hereto and incorporated by reference as if fully set forth herein, shall not be subject to the trip allocation restrictions established by Section I.B of this ordinance, unless the capacity is reclaimed pursuant to Section I.C(5) of this ordinance.

5. Capacity which is allocated to any current or future Stage II approval shall be reclaimed by the City for reuse if a building permit or public works permit has not been issued within two years of Stage II approval and/or if a time extension has not been granted by the Planning Commission or the City Council. All reclaimed PM peak traffic capacity shall be added to the total unused remaining traffic capacity and shall be used to prolong the useful life of the Interchange beyond the five-year term indicated here.

6. No one developer may receive Stage II approval for any project that will use more than 30% of the allocated capacity for a single calendar year,

however, the Planning Commission may approve any single development as a Master Plan (Stage I) approval that anticipates phased construction over different calendar years as long as no single Stage II approval exceeds the 30% limit.

7. Any traffic capacity approved by the City and allocated to a specific development and site shall remain with such in strict accordance with the Stage One (Master Plans) and Stage Two (Site Development Plans) as are approved regardless of subsequent changes in ownership. Such traffic capacity may not be transferred to other properties or, if applicable, to other phases within a development. Substantial changes which affect approved projects in terms of site development or timing of phases shall be reviewed by the Planning Commission for compliance with this Ordinance. Such reviews shall be in accordance with Section 4.011 (Notice and Public Hearing Procedures) of the Code and the appropriate fee shall be collected.

8. Notwithstanding the above limitations, additional capacity may be granted to the peak p.m. trip allocation where projects have demonstrated exceptional design and/or met regional or Comprehensive Plan goals according to the following standards:

a. Bonus Criteria to Implement the Transportation Planning Rule (10% increase). A planned development may receive an additional 10% of the annual 287 trips over and above the 30% yearly allocation if it demonstrates that it will meet two of the three following criteria:

(1) Retail, office, and/or housing uses are integrated within the project area to reduce vehicle miles traveled. Second-story residential units and/or offices above street level shops are included in the project design.

(2) Drive-up windows are prohibited.

(3) Parking provided for retail and office uses is 10% less than the minimum allowed under the city code. Parking for bikes shall be provided. Parking shall be set aside for ride share vehicles. Bikeways and pedestrian ways shall also be located within parking lots.

b. Bonus Criteria to Implement the Metropolitan Housing Rule and Comprehensive Plan Policy 4.3 (10% increase). A residential or mixed use planned development may receive an additional 10% of the annual 287 trips over and above the 30% yearly allocation if it

demonstrates that it will meet two of the four following criteria;

(1) 20% or more of all residential units are affordable for low or moderate income persons in accordance with standards established by resolution of the City Council.

(2) In mixed use developments, second story residential units above street/and retail shops or offices shall be included in the project design.

(3) A variety of housing choices for people of varying incomes and lifestyles are provided including single family and/or duplex homes interspersed with apartments, condominiums, and townhomes.

(4) Day care facilities are incorporated into the project design.

c. Bonus Criteria for Exceptional Design (10% increase). Wherever possible, all planning should be in the form of complete and integrated communities at a human scale containing housing, shops, work places, schools, and parks and civic facilities essential to the daily life of the residents. A planned development may receive an additional 10% of the annual 287 trips over and above the 30% yearly allocation if it demonstrates that it will meet four of the seven following criteria:

(1) Drive-up windows are prohibited.

(2) Primary entrances are to be visible and accessible from the street. Retail, office and mixed use buildings come up to the street right-of-way, or public plaza except where this would interfere with existing and proposed utilities and easements.

(3) Commercial facades shall not consist of undifferentiated blank walls when facing a public street or pedestrian way. There must be a facade variation at least every 25 feet using recessed entrances, awnings, and porches to re-enforce this characteristic. Display windows must line facades facing public streets and pedestrian connections with no more than 6 to 10 feet of blank non-window wall space in every 25 feet of store front.

(4) Parking lots do not occupy more than 30% of any street frontage. Within the parking lot itself, 10% of the parking lot area is in landscaping islands and no island is less than 400 square feet in

size.

(5) In addition to all other landscaping and outdoor living requirements, a town green/public square of at least 1 acre of contiguous open space for each 20 acres of developable property in the form of public plazas or park land is provided whose frequent use is encouraged through placement and design. Water features are encouraged.

(6) An unobstructed view corridor through to the public plaza is provided including a pedestrian/bikeway connection or "stroll way" with direct access to the adjacent arterial street and to the adjacent residential areas. (Criteria #6 can only be used in conjunction with criteria #5.)

(7) In no case shall the rear of a building or of a residential lot face public park land or other public facilities unless fully screened from public view.

d. Bonus Subsection Trips May Be Cumulative. A development which meets the bonus trip allocation criteria in one or more of the above bonus subsections may accumulate bonus trips. Bonus trips shall be entitled to be reserved by phasing and banking together with otherwise allocated capacity under the provisions of this ordinance.

Section II. AMENDMENT OF SECTION 4.139(3) "FINAL APPROVAL (STAGE TWO)" OF THE WILSONVILLE CODE

A. The following amendment regarding the expiration of Stage Two (AKA Stage II) Site Development plans shall be added as an additional subsection (i) to Section 4.139(3) of the Code:

(i) All Stage Two Site Development plan approvals shall expire two (2) years after final approval or the enactment (effective date) of this Ordinance, whichever is later, if no development has occurred on the property within that time. Provided, however, that the Planning Commission may extend such approval for up to three (3) additional periods of one (1) year upon request of the applicant and a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that that development can be expected to occur within the next year and, if applicable, that: 1) the Zone Change has not expired, or 2) has been extended in accordance with Section 4.190 of the Code. The approved Stage Two Site Development plans will not expire if substantial development (i.e. that building permits and/or public works permits have

been issued) has occurred on the land as approved by the City and if the development was contemplated in phases.

B. Section 4.187 of the Wilsonville Code requires that the Planning Commission and City Council make findings for Zone Text amendments as recited in Section II.A above. The City Council adopts the following findings, as recommended by the Planning Commission, for the Wilsonville Code amendment recited above which will expire Stage II development plans within a two-year period:

Section 4.187(1)(b)(1) - That the application was submitted in compliance with the procedure set forth in Section 4.008:

This application was submitted to the Planning Commission by the Planning Director and it does not require a Site Development Permit that affects a specific parcel. This is a legislative action that proposes to amend the text of the Zone Code (Chapter 4 of the Wilsonville Code) so that Stage II Site Development applications will expire within two (2) years if no development occurs. This application has been processed in accordance with Section 4.008 and state law. Public notice of both the City Council's and the Planning Commission's hearing has been duly published and posted.

Section 4.187(1)(b)(2) - The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan:

The Council finds that Comprehensive Plan Policy 2.2.3 requires that site plan approvals shall carry an expiration date and that substantial progress is required in order to preserve the approval. The proposed two year time limit is exactly the same as the time limit imposed on Zone Map amendments and may be extended, if necessary, by request of the applicant/developer.

Section 4.187(1)(b)(3) - The amendment does not materially conflict with , nor endanger, other provisions of the zone text:

The Council finds that there are reasonable time limits imposed on Zone Changes, Design Review approvals, partitionings, and Conditional Use permits. The Zone Code is not clear on whether Stage II permits expire if no development occurs; however, the Comprehensive Plan is very clear on this subject. The Council has not found any actual or substantial conflict

with any other provision of the Zone Code.

Section 4.187(1)(b)(4) - The amendment is necessary to insure that the City's Zone Code complies with mandated requirements of State or Federal laws and /or statutes:

The City Council finds that this change is not mandated by any requirement of State or Federal law and that this criteria is inapplicable to this amendment. This change is mandated by Comprehensive Plan Policy 2.2.3 which requires that time limits be imposed on site plan approvals.

Section III. VALIDITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

Section IV. EMERGENCY DECLARED


That the matters contained herein concern the public health, welfare and safety, and in view of the need to begin a coordinated effort to establish a permit allocation system that implements the Comprehensive Plan and is directly coordinated (by the pending CFA) with the future I-5 Interchange and Wilsonville Road improvements, an emergency is hereby declared to exist, and this Ordinance shall become immediately effective upon its passage by the City Council.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 18th day of July, 1994, and scheduled for second reading at a regular meeting on the 1st day of August, 1994, at which time the ordinance was continued for decision on August 15, 1994, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall Annex, Community Development Hearings Room.



VERA A. ROJAS, CMC/AEE, City Recorder

ENACTED by the Wilsonville City Council on the 15th day of August, 1994, by the following vote: AYE: 5 NAY: 0



VERA A. ROJAS, CMC/AEE, City Recorder

DATED and signed by the Mayor this 17th day of August, 1994.


GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

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

Exhibit "A"

Location	TOTAL, TCLW & WV RD	TOTAL, BOONES FERRY & WV RD	Recommended Capacity for SDC Calculation
Calculation of Buy-Ins-Wilsonville F Interchange			
5/16/94			
Desired Capacity In PM Peak Hour, LOS D, Existing +Approved S II +30%	3500	3709	
Last Count v, PM Peak Hour	1946	2254	
APPROVED & UNDER CONSTR SINCE LAST COUNT & DEV AGREEMENT			
Dental Clinic	15	4	
Center	95	42	
US Post Office	104	54	
High School in WV	112	53	
WV Meadows-SF	127	18	
WV Meadows-Apts (Dev Agreement)	23	3	

Location	TOTAL, TCLW & WV RD	TOTAL, BOONES FERRY & WV RD	Recommended Capacity for SDC Calculation
Payless Drug Proposed Development Agreement	5	114	
Subtotal	480	289	0
Reserved capacity	2426	2543	
Available capacity for SDC			
Surcharge	1074	1166	
STAGE II-NOT STARTED			
Town Center "Shop 5"	29	11	29
Town Center Anchor	56	21	56
Koley's Restaurant	28	13	28
Van Domelen Site	8	31	31
Lazerquick Phase II	16	46	46
Kalyca Terrace	30	4	30
Park at Merryfield	6	43	43
Cornwell Chapel	2	2	2
Washington Federal	28	18	28

Location	TOTAL, TCLW & WV RD	TOTAL, BOONES FERRY & WV RD	Recommended Capacity for SDC Calculation
Ash Meadows	18	3	18
WV Medical Clinic/ Garcia	9	3	9
Morey's Landing	8	54	54
United Disposal (note 1)			
Oregon Glass (note 1)			
Mastercraft (Phantom-Not likely to be built)	0	0	
Hillman Properties	0	0	
Ron Tonkin	4	33	33
WV Business Center	2	21	21
McDonald's Restaurant on Elligson Rd (Phantom-Not likely to be built) (note 1)			
Houston's (Phantom-Not likely to be built)	2	2	2

Location	TOTAL, TCLW & WV RD	TOTAL, BOONES FERRY & WV RD	Recommended Capacity for SDC Calculation
Parkway Office Campus (Phantom-Not likely to be built)			
Byer's Photo (Phantom-Not likely to be built)	1	1	1
Vlahos Village (Phantom-Not likely to be built)	21	3	21
Total of Approved but not started	266	310	451
Total of existing plus approved Stage II's	2692	2853	
Pending Approvals or applications			
McDonald's Restaurant on TCLW	49	16	49
Sharl's Restaurant	22	9	22
Chill's Restaurant	14	32	32
Hummelt's SF Development	24	161	161

Location	TOTAL, TCLW & WV RD	TOTAL, BOONES FERRY & WV RD	Recommended Capacity for SDC Calculation
			264
Subtotal	109	218	
Total of existing plus approved Stage II's plus applications	2801	3071	
Other undeveloped property south of Boeckman Road			
INDUSTRIAL			
Boeckman/Barber-I-5/W. City Limits	9	101	101
Boeckman/TC L/I-5/E. City Limits	39	0	39
Barber St/WV Rd/I-5/Montebello	46	321	321
WV Rd/Will River/Morey Lane	112	502	502
	494	-286	208
			1171
End Cap at Exist + St II + 30%			1886