

ORDINANCE NO. 456

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP TO APPLY COMMERCIAL LAND USE DESIGNATION AND PRIMARY OPEN SPACE AND/OR SECONDARY OPEN SPACE TO TAX LOT 16100 (1.31 ACRES) AND TO AMEND THE OFFICIAL ZONING MAP TO APPLY PLANNED DEVELOPMENT COMMERCIAL ZONING FOR THE TAX LOT 16100 (1.31 ACRES), AND ADOPTING FINDINGS AND CONDITIONS APPROVING STAGE I SITE DEVELOPMENT PLANS TO TAX LOT 16100 AND 15700 (3.13 ACRES) FOR A 40,000 SQ. FT. OFFICE BUILDING AND PARKING. THE SITE IS IDENTIFIED AS BEING TAX LOTS 15700 AND 16100, T3S, R1W 25BC, WILSONVILLE, CLACKAMAS COUNTY, OREGON. DON RICHARDS/ROGER A. AND ELLEN STARR, APPLICANTS.

WHEREAS, Don Richards and Roger and Ellen Starr on November 30, 1995, submitted a full and complete application requesting a Comprehensive Plan and Zoning Map amendment for Tax Lots 16100 and a Stage I Preliminary Plan approval for Tax Lots 15700 and 16100, T3S, R1W 25BC, located at the northeast corner of I-5 and Miley Road; and

WHEREAS, an application, together with Planning exhibits for the above captioned development, has been submitted in accordance with the procedures set forth in Section 4.008(5) and 4.139(1)&(2) of the Wilsonville Code; and

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

WHEREAS, the Planning Commission on February 12, 1996, held a public hearing and recommended approval of the requested amendments; and

WHEREAS, The Wilsonville City Council at a public hearing on March 18, 1996, considered the Planning Commission, the Planning Department, Engineering Department and Building Department reports and recommendations and considered public testimony and site plans; and,

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

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

SECTION 1. The Comprehensive Plan and Zoning Map amendments requested by Don Richards and Roger A. and Ellen Starr are hereby approved as described below. The City Council adopts the findings contained in the Staff Report (Exhibit "A"), and the

following Conditions of Approval included in such report and adopts the proposed Comprehensive Plan and Zoning Map amendments as follows:

1. The Planning staff is directed to revise the Comprehensive Plan to show Tax Lot 16100 of T3S, R1W 25BC, as Commercial Land use and Primary Open Space and/or Secondary Open Space as described in Exhibit A.

2. The Planning staff is directed to revise the Zoning Map to show Tax Lot 16100 of T3S, R1W 25BC, as Planned Development Commercial (PDC).

3. The Planning staff is directed to revise the text and maps of the Comprehensive Plan and Zoning Ordinance to be consistent with the above.

SECTION II: Stage I Preliminary Site Development Plans for Tax Lot 16100 and 15700 are approved and the City Council adopts the staff report attached hereto as Exhibit "A", with the findings, recommendations and conditions of approval contained therein.

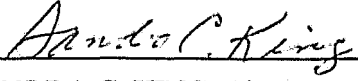
SECTION III: Sections I, II, III are to be implemented as follows:

1. The Planning Director is hereby authorized to issue a Site Development Permit consistent with approval of Stage I Preliminary Development.

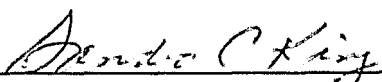
2. The Planning Director is authorized to amend the official Zoning Map in keeping with the decision herein;

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

Submitted to the Council and read for the first time at a regular meeting thereof on March 18, 1996, and for the second time at a regular meeting thereof on April 1, 1996, commencing at the hour of 7:00 o'clock P.M., at the Wilsonville City Hall.


SANDRA C. KING, City Recorder

ENACTED by the City Council on the 1st day of April 1996, by the following votes: YEAS: 5 NAYS: 0

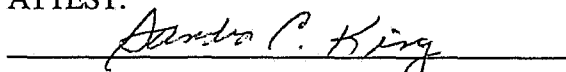

SANDRA C. KING, City Recorder

DATED and signed by the Mayor this 4th day of April, 1996.



GERALD A. KRUMMEL, Mayor

ATTEST:



Sandra C. King, City Recorder

SUMMARY OF VOTES:

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

EXHIBIT "A"

**PLANNING DEPARTMENT
STAFF REPORT**

DATE: March, 1996

TO: City Council

PREPARED BY: Blaise Edmonds

REQUEST: 96PC01 Donald P. Richards, Roger A. Starr and Ellen G. Starr. Comprehensive Plan Amendment to designate property into Commercial, Primary Open Space and/or Secondary Open Space. Review a Zone Map Amendment to change the existing Clackamas County zoning to the City, Planned Development Commercial (PDC) zone. Review Stage I, Preliminary Plan.

SUMMARY:

This application follows 1995 approvals by Metro and The Portland Boundary Commission granting a major adjustment to the Urban Growth Boundary and City Limits. Under Metro's rules the comprehensive plan and zoning designation for Tax Lot 16100 of this request must be brought into conformance with the UGB change by applying appropriate urban designations within one year of the final Metro approval which was adopted by METRO on September 21, 1995. This Comprehensive Plan Amendment and Zone Amendment are a required next step following METRO's approval. Stage I is a preliminary Site Plan approval.

This request does not involve a review for Stage II final site development plans of the proposed 40,000 sq. ft. office building. At Stage II, the proposed development will be reviewed in compliance with the applicable development standards or appropriate conditions are proposed to insure that the project is developed equal or better than other office centers in the City.

Findings 11 to 14 together with comments in the City Engineering Department memorandum in Exhibit F, speak to the availability of public services and facilities. The proposed use is such that City sanitary sewer and water lines must be extended to bring the subject property in conformance with requirements of Subsection 4.139(4)(c) (Public Facilities). The applicant must provide the City an agreement demonstrating that the Oregon Department of Transportation will allow sanitary sewer connection to the Interstate 5, Baldock rest area sanitary sewer line prior to issuance of construction permits. The applicant has ODOT conditional approval. The applicant shall also demonstrate to the City that the proposed sewer tie is in compliance with State law as extending sewer to the ODOT sewer line appears to occur outside the current and amended Urban Growth Boundary, or the applicant shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.

A full traffic report has not been prepared. Thus, the Transportation Advisory Commission has not forwarded a recommendation. At Stage II site development review, a full traffic analysis report is required. DKS, in October, 1993, conducted an on-site access feasibility study and issued a "letter report" with proposed mitigation measures as the proposed driveway is very close to the Charbonneau Interchange operation.

The applicant intends to preserve existing Primary Open Space on the east side of the subject property and create additional POS on the north side. However, a contour line must be established to clearly delineate the boundary of Primary Open Space on the Comprehensive Plan Map. Land with slopes greater than 12% must also be designated into Secondary Open Space which is not depicted on the proposed master plan. Conditions 1 & 7 satisfy these concerns.

An approval of the subject comprehensive plan map amendment is found consistent with the other comprehensive plan policies, goals and objectives.

RECOMMENDATION FROM THE PLANNING COMMISSION AND STAFF

On the Basis of the findings prepared by planning staff and by the applicant, The Planning Commission and staff recommends that the request for the comprehensive plan map amendment, the zone map amendment together with Stage I, Master Plan be approved with conditions of approval attached herein.

96PC01

Donald P. Richards, Roger A. Starr and Ellen G. Starr

COMPREHENSIVE PLAN AMENDMENTS, ZONE MAP AMENDMENT, and STAGE I, MASTER PLAN

Property Owner: Donald P. Richards, Roger A. Starr and Ellen G. Starr

Applicant: Same

Engineer: Thomas L.Tye, P.E.

Applicable Review Criteria:

Zoning:

Section 4.012: Hearings Procedures

Section 4.124: PDC Zone

Subsection 4.139(2): Stage I Master Plan

Section 4.161: Protection of Natural Features

Subsection 4.139(4)(c): Public Facilities

Subsection 4.139(4)(b): Traffic

Subsection 4.187(1)(c) WC: Zone Map Amendment

N



NO. 5 (1-5)

HIGHWAY

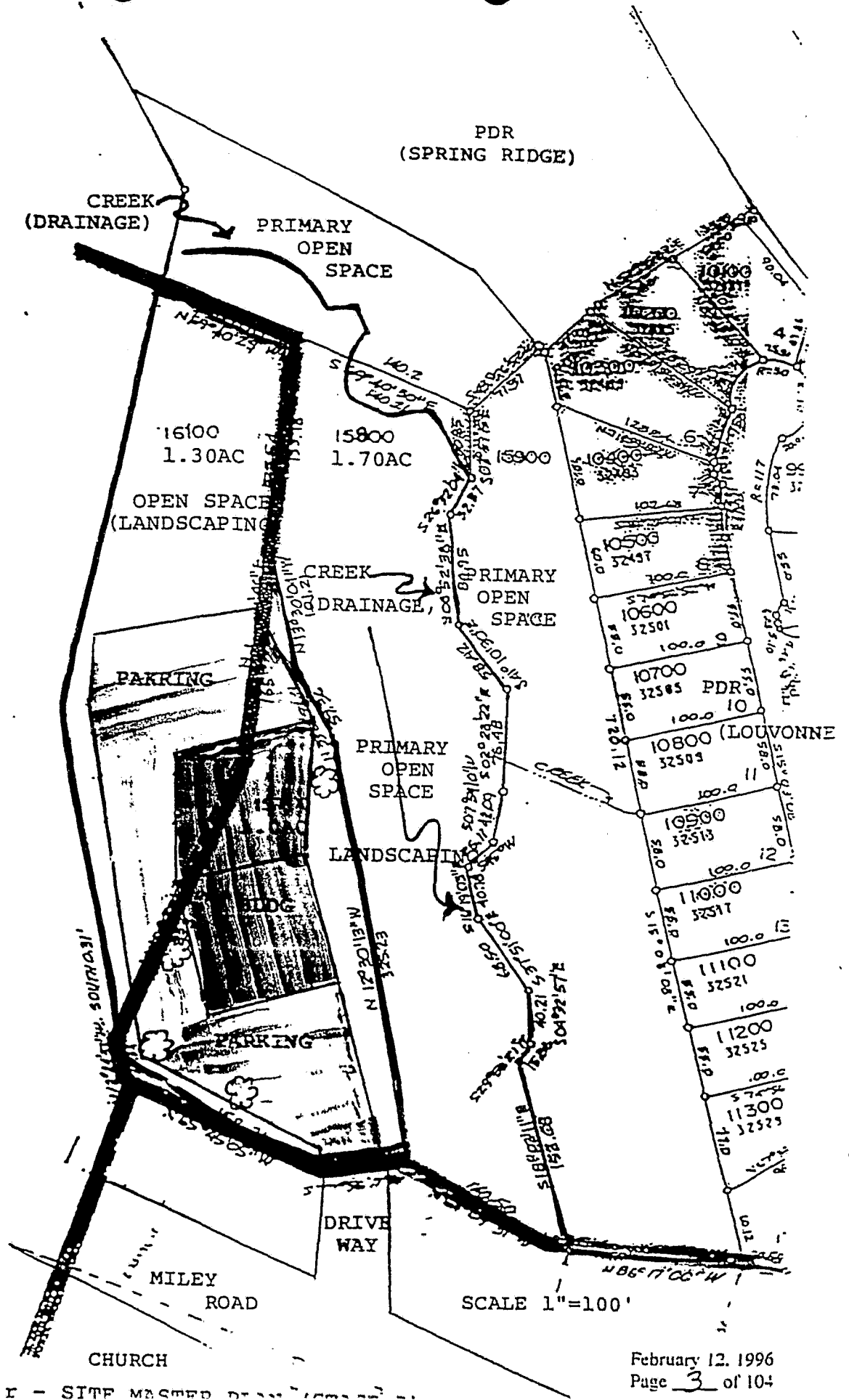
INTERSTATE

STAGE I
MASTER
PLAN
EXHIBIT

LEGEND: D.B

3 - TREE

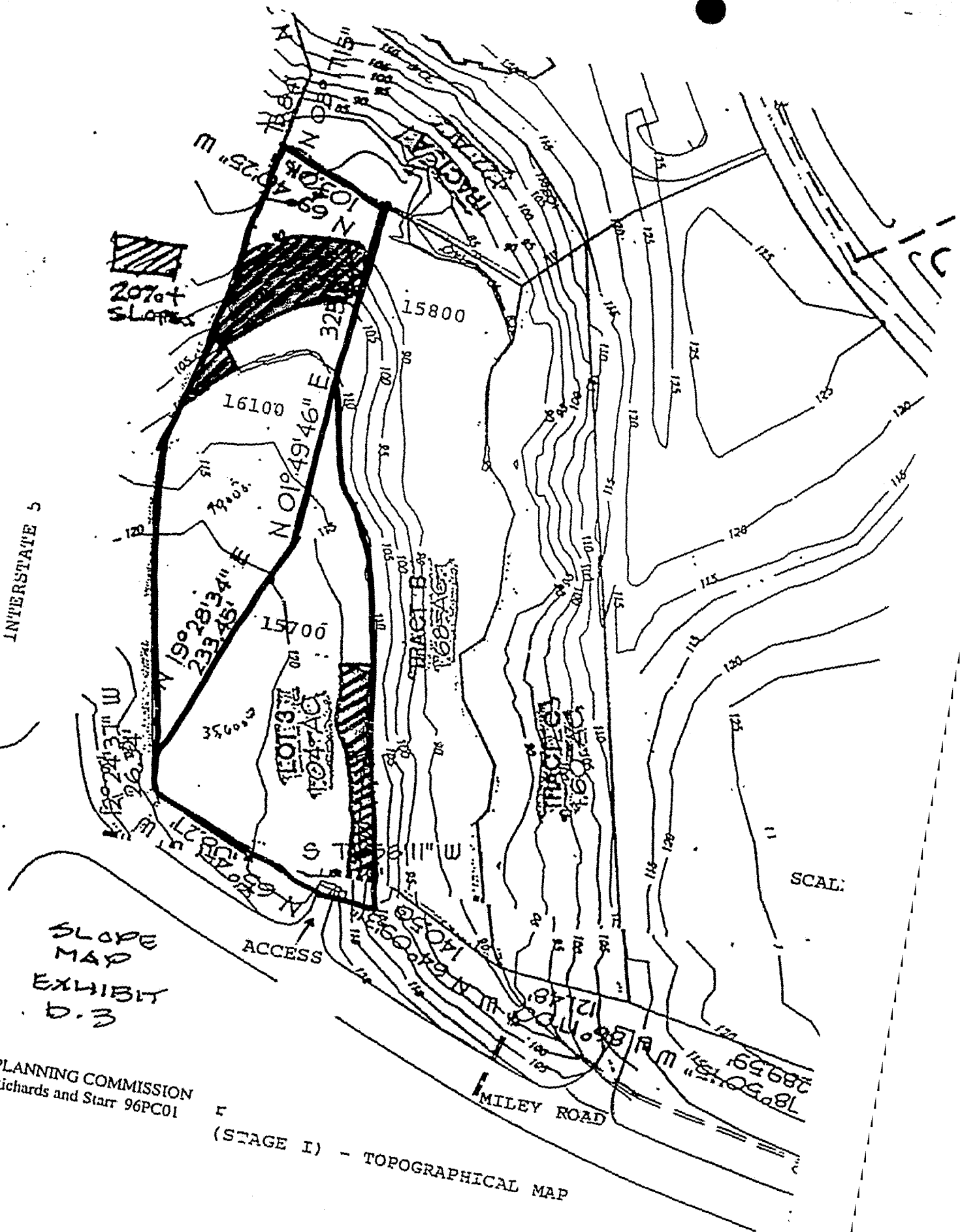
PLANNING COMMISSION
Richards and Starr 96PC01



E - SITE MASTER PLAN

INTERSTATE 5

20%+ Slopes



SLOPE
MAP
EXHIBIT
B.3

PLANNING COMMISSION
Richards and Starr 96PC01

(STAGE I) - TOPOGRAPHICAL MAP

Comprehensive Plan:

Plan Amendment Procedures

- Goal 1.1: Citizen Involvement.
- Objective 2.1.6: Allow zoning to proceed when services are scheduled only when public services and facilities are available.
- Goal 3.1: Adequate public facilities and timing.
- Objective 3.1: Development with necessary services.
- Objective 3.4: Facilities installed prior to occupancy
- Policy 3.1.4: Sanitary sewer required.
- Policy 3.1.5: Developer pays cost of sanitary sewer.
- Policy 3.2.1(a), (b), (d): Water line improvements
- Policy 3.3.11(a), (b): Bikeway and Pathways.
- Policy 3.4.1: Adequate storm drainage.
- Policy 4.2.4(a),(b),(c) and (d): Review Criteria.
- Policy 4.2.5: Development coincide with public infrastructure.

Open Space

- Goal 3.2: Conserve and create open space.
- Objective 4.4.6: Natural corridors.
- Policy 4.5.1: Primary Open Space and Secondary Open space criteria.
- Policy 4.5.3: On-site drainage be designed to preserve natural open space.

Oregon Statewide Goals:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources.
- Goal 6 Air, Water and Land Resources Quality.
- Goal 7 Areas Subject to Natural Disasters and Hazards.
- Goal 8 Recreational Needs.
- Goal 9 Economy of the State.
- Goal 10 Housing.
- Goal 11 Public Facilities and Service.
- Goal 12 Transportation.
- Goal 13 Energy Conservation
- Goal 14 Urbanization

TRANSPORTATION MASTER PLAN July 12, 1991

PROPOSED FINDINGS

1. The applicant has prepared a background report, findings and conclusions that respond to the applicable development criteria, comprehensive plan policies, objectives and goals, and statewide goals. Those findings are found in Exhibit D-2 and are incorporated in this report as findings for approval. Findings prepared by the City are intended to reinforce the applicant's findings and to clarify site development issues.

Site Location:

2. The subject property comprises of two tax lots 15700 and 16100 in Section 25BC, T3S., R1W. The subject property is located on the northeast quadrant of the Charbonneau/Interstate-5 interchange north of Miley Road. The south part of the subject property is relatively level with the north part with steep slopes. A major drainage way adjacent to the east side of the subject property buffers the subject property from Louvonne subdivision and Spring Ridge adult housing center. Miley Road and Saint Francis of Assisi Episcopal Church are south of the subject site. The Charbonneau/Interstate-5 north bound freeway ramp is next to the west property line of the subject property.

Proposal:

3. Under Metro's rules the comprehensive plan and zoning designation RRF-5 (Rural Residential-Farm Forest 5 acre minimum) for Tax Lot 16100 of this request must be brought into conformance with the proposed UGB change by applying appropriate urban designations within one year of the final Metro approval. *(Note! The Clackamas County Comprehensive Plan designation and zoning for the Tax Lot 16100 is Rural and RRF-5 (5 acre minimum lot size). The subject property is in an exception area to Statewide Goals 3 and 4.)*

This application comprises of:

- A. Tax Lot 16100 (1.31 acres): Amend Clackamas County, comprehensive plan designation RRF-5 (Rural Residential- Farm Forest 5 acre minimum) to the City comprehensive plan designation 'Commercial' and 'Primary Open Space' and/or 'Secondary Open Space'.
- B. Tax Lot 16100: Rezone the subject property from Clackamas County RRF-5 zoning to Planned Development Commercial (PDC) City zoning.
- C. Tax Lots 16100 and 15700: Review a Stage I, master plan showing an 40,000 sq.ft. office building.

Comprehensive Plan Amendment:

4. The Wilsonville Comprehensive Plan provides the operative document of which Comprehensive Plan Amendments are reviewed. In approving a comprehensive plan amendment, the Planning Commission must forward a recommendation to the City Council with findings responding to criteria a to d:
5. Criterion:
 - a. *The proposed amendment is in conformance with the text portions of the Plan not being considered for amendment.*

Response Finding:

Findings pertaining to public facilities are discussed in great detail in the application report and in the City Engineering Department comments (Exhibit F). Except for the poor availability of public utilities, the proposed plan amendment is in conformance with the text portions of the Comprehensive Plan.

6. Criterion:

b. *The granting of the amendment is in the public interest.*

Response Finding:

Granting the amendment is necessary to convert the Clackamas County land use designations to the appropriate City's land use designations to be consistent with Metro's UGB order and so to assure that the correct site development standards are applied. It is in the best public interest to develop the property under the City site development criteria so as to assure the logical planning and improvements of public utilities including streets.

7. Criterion:

c. *The public interest is best served by granting the amendment at this time.*

Response Finding:

Finding No.7b is also germane to Criterion c. The applicant is committed to a development schedule with the Stage II application proposed to be submitted in August, 1996.

8. Criterion:

d. *The factors in ORS 215.055 were consciously considered. These factors include the various characteristics of the areas in the City; the suitability of the various areas for the particular land uses and improvements; the land uses and improvements in the areas, trends in land improvement, density of development; property values; the needs of economic enterprises in the future development of the area;*

Response Finding:

The proposed use can be brought into compliance with the applicable development standards or appropriate conditions are attached to achieve harmony with the surrounding area and with the natural site conditions.

Public Facilities:

9. Zoning:

Subsection 4.139(4)(c): Public Facilities

Comprehensive Plan:

Objective 2.1.6: Allow zoning to proceed when services are scheduled only when public services and facilities are available.
Goal 3:1: Adequate public facilities and timing.
Objective 3:1: Development with necessary services.
Objective 3.4: Facilities installed prior to occupancy
Policy 3.1.4: Sanitary sewer required.
Policy 3.1.5: Developer pays cost of sanitary sewer.
Policy 3.2.1(a), (b), (d): Water line improvements
Policy 3.4.1: Adequate storm drainage.
Policy 4.2.5: Development coincide with public infrastructure.

Response Findings:

Again, the City Engineering Department's comments in Exhibit F speak to the availability of public services and facilities. Those comments are included as addendum findings and conditions to this report.

10. Subsection 4.139 (4)(c)WC is a standard applied to either Stage I Master Plan or Stage II site development plan reviews. The subsection states:

"The location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Response Findings:

11. Sanitary Sewer:

The submittal documents describes current and planned sanitary sewer facilities. An existing 8" sanitary sewer line is adjacent to the westerly property line of the subject property which serves the Interstate 5, Baldock rest area. There is no other sanitary sewer service available within close proximity to the subject property. The Oregon Department of Transportation has inclusive use of the Baldock sewer line through an public facility agreement that allowed an extraterritorial extension outside the City UGB. The applicant indicates that ODOT has given permission to tie into the Baldock sewer line. Thus, prior to issuance of construction permits, the applicant must provide the City Planning Department an agreement demonstrating that the Oregon Department of Transportation will allow the proposed sanitary sewer connection. Further, the applicant must also demonstrate to the City that the proposed sewer tie is in compliance with State law as extending the proposed sewer line would appear to occur outside the current and amended Urban Growth Boundary, or shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.

12. Water:

Water will need to be extended to the subject property from a line in Louvonne subdivision which is east of the subject property on the other side of the drainage way/ravine. Saint Francis of Assisi Episcopal Church which is located south of the subject property would also benefit from a water line extension as the church is not connected to City water.

13. Water demands are divided into categories of domestic flow and fire flow. Of utmost importance is the ability to provide adequate fire flow. In this case, the proposed water line extension would branch out to the project site and not be as effective in fire flow. The Building Official verifies fire flow in the building permit review.

14. Storm Drainage:

The Public Works Code requires that the site pass a 25 year storm frequency. Surface run-off currently out falls to the adjoining drainage way and out to the Willamette River. Storm sewer is intercepted by the drainage way that follows along the east side of the property and then out falls to the Willamette River. This storm drainage system is an adequate facility.

Access/Egress:

15. One driveway access is proposed at the southeast corner of the property. The applicant proposes to combine the two subject tax lots with site development plans showing the southerly parcel with a driveway circulation connecting to Miley Road. Miley Road is a County Road. Miley Road is maintained and controlled by Clackamas County. Miley Road is constructed to rural roadway standard with no sidewalks and curbs. Since the southerly property is next to the Charbonneau and I-5 interchange on-ramp, the Oregon Department of Transportation controls driveway access. DKS has only conducted an on-site access feasibility study as the proposed driveway is very close to the Charbonneau Interchange operation.

Traffic:

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

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

Response Findings:

17. A full traffic report has not been prepared. Thus, the Transportation Advisory Commission has not forwarded a recommendation. Nevertheless, the City traffic consultant, DKS Associates, has conducted a driveway accessibility study as the proposed driveway is very close to the Charbonneau Interchange. A detailed traffic analysis is needed to show compliance with Subsection 4.139(4)(b) (WC) when Stage II site development plans are submitted. The traffic report is a reconnaissance study of trip generation, capacity and level of service on arterial and collector streets up through the nearest intersection(s). In this case, the Charbonneau Interchange. There is sufficient information in the preliminary traffic report to measure anticipated traffic impact for an approval of the Stage I master Plan.

18. City Council passed Ordinance 431, a Traffic Management Program and Procedures allocating traffic generated by new development to meet safety concerns while the Wilsonville Interchange reconstruction project is being put into place. The ordinance allocated excess traffic capacity in the vicinity of the I-5/Wilsonville Road Interchange (based upon a planned and funded interchange/intersection reconstruction project) over a five-year period to ensure that development can continue in the City in compliance with the decision criteria set forth in 4.139(4)(b) of the Wilsonville code. The TMO was subsequently reversed by the State's Land Use Board of Appeals as a "moratorium", in violation of the procedural and substantive requirements of ORS 197.505. The subject property is not subject to the Ordinance 431 as traffic generated from the project will primarily impact the Charbonneau Interchange.

Primary and Secondary Open Space:

Open Space

- Goal 3.2: Conserve and create open space.
Objective 4.4.6: Natural corridors.
Policy 4.5.1: Primary Open Space and Secondary Open space criteria.
Policy 4.5.3: On-site drainage be designed to preserve natural open space.

Response Findings:

19. General regulations in Section 4.161 of the Wilsonville Code are intended to protect the natural environment and scenic features of the City. These areas are generally identified on the Comprehensive Plan Map as being either in Primary or Secondary Open Space. The Planning Department has conducted field studies of the natural areas and wetlands within the City. The results of the field research were compiled on a map and are used as general reference guide. As a prerequisite to Stage II site development, the applicant is expected to more accurately delineate Primary and/or Secondary Open Space.
20. As previously stated, adjoining the east side of the subject property is a heavily wooded, natural drainage way or ravine that is classified in Primary or Secondary Open Space on the City Comprehensive Plan Map. Proposed open space shown the preliminary plan is not well defined. Policy 4.5.1 of the Comprehensive Plan, describes Primary Open Space as being intended to remain undeveloped and comprises any one of the following characteristics:
- a. 100 year floodway.
 - b. Slopes greater than 20%.
 - c. Significant stands of trees.
 - d. Major natural drainage channels.

Secondary Open Space comprises:

- a. Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.
- b. High voltage power line easements.
- c. Slopes between 12% and 20%.
- d. Designated historic sites.
- e. Small stands of trees and heavily vegetated areas adjacent to Primary Open Space areas.

Furthermore, Subsection 4.161(4)(a)(2) of the Wilsonville Development Code defines trees and wooded areas as:

"Existing wooded areas, significant clumps/groves of trees and vegetation, and all conifers and oaks with a diameter of six inches or greater and all deciduous trees with a diameter of eight inches or greater shall be incorporated into the development plan wherever feasible."

21. Regarding the above open space characteristics, portions of the subject property, primarily the north and east areas, comprises POS characteristics b, c and d, and SOS characteristics c and e. The office building is proposed outside the POS and SOS areas as defined by Policy 4.5.1.
22. The Wilsonville Wetlands and Wildlife Habitats Inventory Site Summary Sheet shows the north and east sides of the subject property which is the heavily wooded ravine, in green space (Classification 5.02). This area is also designated in Primary Open Space on the Comprehensive Plan map. The request document is not at a level of detail to arrive at a decision on what areas should be classified in Secondary and/or Primary Open Space. POS and/or SOS areas are usually better defined in the Stage II site development review process.

**ZONE MAP AMENDMENT
and
STAGE I MASTER PLAN
REVIEW**

Stage I Preliminary Master Plan Analysis (Tax Lots 15700 and 16100):

23. Property Area: 174,240 sq.ft. or 4 acres
 Building 40,000 sq.ft. @ 23%
 Parking and Drives: 40,000 sq.ft. @ 23%
 Landscaping/Open Space: 94,240 sq.ft. @ 54%
24. The applicant is seeking a zone map amendment to change the Clackamas County zone (RRFF-5) to the Planned Development Commercial (PDC) zone for Tax Lot 16100. Tax Lot 15700 is already zoned PDC. The purpose of the PDC Zone is to set forth in Section 4.124 of Chapter 4 of the Wilsonville Code. The site plan shows an one phase development plan.
25. As set forth in Section 4.187 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Planning Commission shall at a minimum, adopt findings addressing Criteria 1 - 7.

26. Criterion 1):

That the application before the Commission was submitted in accordance with the procedures set forth in accordance in Section 4.008 or, in the case of a Planned Development, Section 4.138.

Response Finding:

The application was submitted in accordance with Section 4.008 or Section 4.138.

27. Criterion 2):

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;

Response Finding:

Again, under Metro's rules the comprehensive plan and zoning designation RFFF-5 (Rural Residential-Farm Forest 5 acre minimum) for Tax Lot 16100 of this request must be brought into conformance with the proposed UGB change by applying appropriate urban designations within one year of the final Metro approval. The lower portion of the property, Tax Lot 15700, is currently zoned PDC of which **does** not involve a zone map amendment and is not subject to Section 4.187, Criteria 1 to 7. Staff concurs with the applicant's findings in Exhibit D-1 relative to Criterion 2.

28. Criterion 3):

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

Criterion 3 pertains to property being rezoned to a residential use. The applicant is not proposing a residential or mixed use so Criterion 3 is not applicable to this request.

29. Criterion 4):

That the existing primary facilities, i.e., roads and sidewalks, water, sewer and storm are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

Response Finding:

As stated in findings 11 to 14 together with comments in the City Engineering Department memorandum in Exhibit F, speak to the availability of public services and facilities. The proposed use is such that

City sanitary sewer and water services must be extended to bring the subject property in conformance with Subsection 4.139(4)(c) (Public Facilities).

30. Criterion 5:

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

Response Finding:

Again, the subject site comprises areas in Primary Space. The applicant intends to preserve all Primary Open Space on the property. However, a contour line must be established to delineate the boundary of Primary Open Space on the Comprehensive Plan Map to prevent development within POS.

31. Criterion 6:

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

Response Finding:

The applicant intends to develop the office complex within 2 years of the initial approval of this application.

32. Criterion 7:

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

Response Findings:

The applicant is not seeking waivers at this time as the application does not involve a Stage II site development review. At Stage II, the proposed development will be reviewed in compliance with the applicable development standards or appropriate conditions are proposed to insure that the project is developed equal or better than other office centers in the City.

Additional Review Criteria:

33. Criterion:

In order to fulfill the objectives of improved transportation facilities in Wilsonville and to serve the subject site, dedication of sufficient right-of-way is necessary for creation of a minor arterial with bike lanes and utility easements to align over and upon the subject site.

Response Finding:

Miley Road abutting the south side of the subject property is within the Clackamas County and Oregon Department of Transportation roadway systems. The applicant has coordinated with ODOT and Clackamas County for the purpose of studying the proposed driveway access.

Off-Street Parking:

34. Section 4.150WC sets forth minimum parking standards for off-street parking. The detailed parking analysis is reviewed at Stage II site development review which is not being considered at this time.

96PC01

**COMPREHENSIVE PLAN MAP AMENDMENT,
STAGE I MASTER PLAN and ZONE MAP AMENDMENT.
PROPOSED CONDITIONS of APPROVAL
TO THE CITY COUNCIL**

1. Stage II, site development the applicant shall provide a tree survey outlining existing wooded areas, significant clumps/groves of trees and vegetation, conifers and oaks with a diameter of six inches or greater, and all deciduous trees with a diameter of eight inches or greater. The City Council is the final review authority to determine what areas will be classified in Primary and Secondary Open Spaces.
2. Prior to issuance of construction permits, the applicant shall provide the City Planning Department an agreement demonstrating that the Oregon Department of Transportation will allow the proposed sanitary sewer connection to the Baldock rest area sanitary sewer line. The applicant shall also demonstrate to the City that the proposed sewer tie is in compliance with State law as extending sewer appears to occur outside the current and amended Urban Growth Boundary, or shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.
3. The applicant shall extend City water to the subject property and oversize the line to accommodate Saint Francis of Assisi Episcopal Church. The applicant shall coordinate the water line improvement with the City Building Official to assure adequate fire flow.
4. The applicant shall provide the City Engineer documentation from the appropriate State or County jurisdiction demonstrating that the subject property has driveway access to Miley Road designed to accommodate the proposed office use.
5. That the applicant / owners waive right of remonstrance to any proposed local improvement district which may be formed to construct public improvements which would serve the subject property.
6. Based upon a review of the materials provided to this office on the subject project, the following conditions of approval are presented by the City Engineering Department. These conditions are applicable to the specific amendments and Master Plan applied for and listed above. Any modifications or additional applications may require amendments or additions to the conditions listed below.
7. **Slopes between 12-20% shall be included in secondary open space.**
(This condition added by the Planning Commission 2/12/96)


City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

ENGINEERING DEPARTMENT
MEMO

DATE: January 22, 1996

TO: Blaise Edmonds
Associate Planner

FROM: Michael A. Stone, PE
City Engineer 

RE: Engineering Division Public Facilities (PF)
Conditions of Approval for the Don Richards and Roger Starr-Stage 1
Office Building

Based on a review of the materials submitted to the Community Development Department on December 18, 1995, the following Conditions of Approval are presented. These conditions are applicable to the subject application. Any modifications or revisions to the subject application may require amendments and/or additions to the conditions as set forth and outlined below:

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

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

PF 2. The Engineering Division reserves the right to inspect the completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.

PF 3. All public utility/improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

EXHIBIT
F

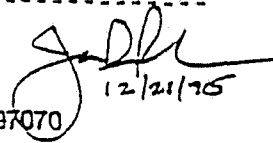
- PF 4. Record drawings are to be furnished by the applicant for all public utility/improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.
- PF 6. Plans submitted for review shall meet the following general format:
- A. Composite Utility Plan
 - B. Detailed Utility Plan and Grading Plan.
 - C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
 - D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - G. All new public utility/improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.
- PF 7. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.
- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Said wells shall be properly abandoned in conformance with their standards.

- PF 10. It appears that the applicant must enter State of Oregon right-of-way to serve subject site with sanitary sewer. Therefore, the applicant shall obtain the proper permit from the State Highway Division for that connection. Said permit must be in hand before the City will issue a public works permit.
- PF 11. The applicant shall extend an 8" water line from the intersection of French Prairie Road and Miley Road, west to subject site.
- PF 12. The applicant shall submit plans to Clackamas County for review and comment and obtain proper permits if required before the City will issue a public works permit.
- PF 13. The applicant shall align driveway into project, directly opposite from St. Francis of Assisi Episcopal Church.
- PF 14. Prior to the Stage II approval the applicant shall complete a traffic report and present said report to the Transportation Advisory Commission for consideration and recommended conditions of approval (if any).

Environmental Services Memo

Date: Thursday, December 21, 1995
To: Blaise Edmonds
Subject: Site Development Plans Review (12/18/95)

From: Jamie Porter, Industrial Pretreatment Technician
Phone: 503-570-1551 (ext. 551)
Fax: 503-682-8816
Mailing Address: 30000 SW Town Center Loop E, Wilsonville, OR 97070
Site Address: 8455 SW Elligsen Road, Wilsonville, OR 97070


12/21/95

A. Commerce Circle warehouse/distribution building, VLMK Engineers, Stage II development.

1. This development (96PC03) has obvious wetlands areas on the east and south boundaries. Sufficient space should be available during construction for erosion control structures as supervised by engineering.
2. The manhole for sanitary sewer connection has significant flows coming from the east and west, combining to flow south parallel to 95th Avenue. These flows include several pretreatment permitted industries (LMC/Praegitzer and Fujimi to the west, Leadtec to the east). Sewer construction should not be allowed to disrupt any of the existing flows, and connection should be performed in such a way that it allows sampling of the new development prior to mixing with the existing flows. This manhole is a strategic access point for the entire Commerce Circle area, and we request close involvement with Planning/Engineering to control any relocation or modification to this manhole. On a similar note, for building permit coordination, the 20% of development proposed for manufacturing may be required to provide sampling manholes for each specific business.
3. If trailer storage involves any truck washing, all new truck washing facilities must have adequate weather tight, water containment and oil/water separation devices prior to sanitary sewer discharge, or a DEQ wash water permit prior to storm water discharge, as seen on similar projects.

B. Phoenix Inn motel proposed west of Chili's. Stage II development.

1. Per the pre-application conference, this motel has no plans for a kitchen other than serving a buffet style continental breakfast in the dining room. Please specify that any expansion in the declared kitchen use allow us to require installation of a grease trap/interceptor.
2. We should require a written plan for chemical storage/hazardous materials management. Chemicals would be used in the laundry, spa/pool, and for janitorial services performed in-house. Discharge of chlorinated spa/pool water into the sanitary sewer should be coordinated with the City. Normal spillage is not as much of a concern as draining and refilling during maintenance.

C. Don Richard's and Roger Starr, proposed Stage I preliminary plan (office building), comprehensive plan and zone map amendment on property next to the Charbonneau interchange. METRO recently adjusted the UGB for the parcel.

1. Baldock rest area is already a sanitary sewer concern, as far as monitoring discharges from sources outside of our boundaries. It would appear from the Stage I Master Plan that the office building intends to connect to the Baldock sanitary line for discharge to the Charbonneau lift station. Similar to the discussion under A.2. above, we would like to see a means of sampling this building before it mixes with Baldock flows.
2. Workers must obviously protect the adjacent drainage ways from construction debris and erosion.

D. Shawn Niki, proposed oriental carpet store in Wilsonville Town Center. Stage II development review.

The project appears to be retail showroom only. If any significant carpet dyeing is to be performed on site, chemicals that require monitoring and possibly permitting might be kept on site. Please keep us posted on any planned use of this sort as the project develops.

Thanks again for the opportunity to provide input - Steve Stamer, Luke Bushman, Jamie Porter.

EXHIBIT 5

city of wilsonville
BUILDING DEPARTMENT
MEMORANDUM

TO: Blaise Edmonds, Associate Planner
FROM: Guy Sperb, Plans Examiner
SUBJECT: DEVELOPMENT REVIEW
DATE: January 22, 1996

The following is a list of concerns for the proposed Commerce Circle warehouse/distribution building, the Phoenix Inn motel, the Richards/Starr Charbonneau building, and the Shawn Niki carpet store. Actual working drawings may expose additional code concerns.

Commerce Circle Warehouse/Distribution Building

1. The sprinkler system shall be designed for a density of not less than ordinary hazard Group III with a minimum design area of 3,000 square feet.
2. For firefighting purposes, there shall be at least one access door in every 100 linear foot of exterior wall. Roll-up door does not meet the requirements.
3. Handicap parking stalls shall not exceed a slope of 1-50.
4. Sidewalks to the public way shall not exceed a 1:20 slope.
5. A fire department access road shall be maintained and have a minimum width of 20 feet.

Phoenix Inn

1. One handicap stall must meet van accessible requirements.
2. Handicap sidewalks cannot exceed a 1:20 slope.
3. This building shall comply with all applicable handicap requirements.
4. All electrical permits are to be obtained from Clackamas County Building Department.
5. A permit will be required from Clackamas County Health Department for pool and spa.
6. All building permit applications made after April 1, 1996, will be reviewed under the 1994 UBC, UMC, and UFC.

EXHIBIT E
(16f2)

Richards/Starr Charbonneau Office Building

1. The biggest issue is obtaining and providing water for firefighting purposes. There are no fire hydrants in the area. Suggest that the applicants contact the church across the street to see how they dealt with this problem.
2. Because of suspected fills on this site, a soils report from a registered soils engineer will be required.
3. Any buildings on this site must comply with all applicable handicap requirements.

Carpet Store

1. An elevator may be required to the upper level.
2. All building plans submitted after April 1, 1996 will be reviewed under the 1994 UBC, UMC and UFC.
3. All portions of the building are required to be within 250 feet, in hose-lay fashion, of a fire hydrant.

/srf

EXHIBITS

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

- A. Findings
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents:
 - 1. Project Application and Findings
 - 2. Metro Final UGB Order
 - 3. Maps; Proposed Stage I master plan, slope map, tax lot map, survey map, utility map.
- E. City Building Official's Report
- F. City Engineer's Report.
- G. DKS Associates Traffic Report.
- H. Transportation Advisory Commission comments.(Not Provided)
- I. Wilsonville Wetlands and Wildlife Habitats Inventory Site Summary Sheet and Map.
- J. Environmental Services report.
- K. Staff Report dated April 11, 1994.
- L. Comprehensive Plan Map showing POS and SOS.
- M. Boundary Commission Final Order
- N. Public Hearing Notice

City of
WILSONVILLE
in OREGON

NOTICE OF DECISION

390 S.W. Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

RECOMMENDATION TO CITY COUNCIL

Project Name: RICHARDS/STARR File No. 96PC01

Applicant/Owner DONALD P. RICHARDS/ROGER A. STARR

Proposed Action: Comprehensive Plan Amendment and Zone Map Amendment for property annexed to the City from RRFF-5 (county) to PDC (city).

Map No: Sec 25BC T3S-RIW Tax Lot No: 15700, 15800, 16100 Site Size: 4 acres

Address: _____

Location: Northeast corner of I-5 and Miley Road

On February 12, 1996 at the meeting of the Planning Commission the following decision was made on the above-referenced Proposed Development Action:

 Approval XX Approval with Conditions Denied

The City Council will publish Public Hearing Notices and hold further Public Hearings on this matter.

 XX Written decision is attached

For further information, please contact the Wilsonville Planning Department at Community Development Building, 8445 S.W. Elligsen Rd or phone 682-4960.

PLANNING COMMISSION
RESOLUTION NO. 96PC01

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A COMPREHENSIVE PLAN MAP AMENDMENT FROM CLACKAMAS COUNTY PFRR-5 DESIGNATION TO THE CITY 'COMMERCIAL', PRIMARY OPEN SPACE AND SECONDARY OPEN SPACE DESIGNATIONS AND CONVERT THE COUNTY FFRR-5 DESIGNATION TO PLANNED DEVELOPMENT COMMERCIAL ZONE (PDC) AND APPROVE A STAGE I MASTER PLAN FOR A 40,000 SQ. FT. OFFICE BUILDING ON TAX LOTS 15700, 15800, AND 16100, SECTION 25BC, T3S-R1W, CLACKAMAS COUNTY, OREGON. DONALD P. RICHARDS AND ROGER A. STARR, APPLICANTS.

WHEREAS, an application, together with planning exhibits for the above-captured development, has been submitted in accordance with the procedures set forth in Section 4.008(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

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

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on February 12, 1996, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

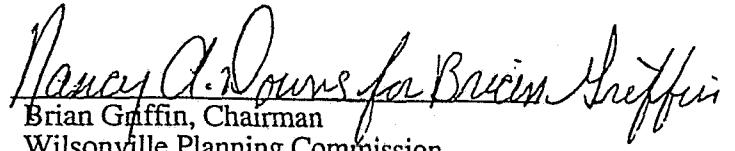
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to forward a recommendation of approval to the City Council for the following:

Tax Lot 16100 (1.31 acres): Amend Clackamas County Comprehensive Plan designation RRFF-5 (Rural Residential-Farm Forest, 5-acre minimum) to the City comprehensive Plan Designation 'Commercial' and 'Primary Open Space' and/or 'Secondary Open Space'.

Tax Lot 16100: Rezone the subject property from Clackamas County RRFF-5 zoning to Planned Development Commercial (PDC) City zoning.

Tax Lots 16100 and 15700: Review a Stage I, Master Plan showing a 40,000 square foot office building.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 12th day of February, 1996, and filed with the Planning Secretary on February 16, 1996.


Brian Griffin, Chairman
Wilsonville Planning Commission

Attest:



Sally Hartill, Planning Secretary

PUBLIC HEARINGS:

96PC01 - RICHARDS/STARR: Applicant is requesting approval of Comprehensive Plan Amendment to designate property into Commercial, Primary Open Space and/or Secondary Open Space, review of Zone Map Amendment to change the existing Clackamas County zoning to the City Planned Development Commercial (PDC) zone and review Stage I Master Plan. This will be a recommendation to the City Council. The property is located on the northeast quadrant of the Charbonneau/I=5 interchange north of Miley Road on Tax Lots 16100 and 15700, Section 25BC, T3S-R1W, Clackamas County, Oregon.

Commissioner Coppersmith moved to adopt the staff report with typo-corrections to be made on Pages 13, Finding 27, add word "does" to sentence which will readis currently zoned PDC of which **does** not involve a zone map.....

on Page 14, Item 32, remove first word "seeking" from Response Findings.

Add additional condition:

#7. Slopes of 12 - 20% shall be included in secondary open space.

This is a recommendation to City Council that the Zone Map Amendment be adopted to the City's zoning of PDC.

Commissioner Downs seconded the motion which passed 4-0.

PLANNING DEPARTMENT
STAFF REPORT

DATE: February 12, 1996

TO: Planning Commission

PREPARED BY: Blaise Edmonds

REQUEST: 96PC01 Donald P. Richards, Roger A. Starr and
Ellen G. Starr. Comprehensive Plan Amendment to
designate property into Commercial, Primary Open
Space and/or Secondary Open Space. Review a Zone
Map Amendment to change the existing Clackamas
County zoning to the City, Planned Development
Commercial (PDC) zone. Review Stage I, Master Plan.

CONCLUSIONARY FINDINGS

This application ensues approvals by Metro and The Portland Boundary Commission granting a major adjustment to the Urban Growth Boundary and City Limits. Under Metro's rules the comprehensive plan and zoning designation for Tax Lot 16100 of this request must be brought into conformance with the UGB change by applying appropriate urban designations within one year of the final Metro approval.

This request does not involve a review for Stage II site development of the proposed 40,000 sq. ft. office building. At Stage II, the proposed development will be reviewed in compliance with the applicable development standards or appropriate conditions are proposed to insure that the project is developed equal or better than other office centers in the City.

Findings 11 to 14 together with comments in the City Engineering Department memorandum in Exhibit F, speak to the availability of public services and facilities. The proposed use is such that City sanitary sewer and water lines must be extended to bring the subject property in conformance with Subsection 4.139(4)(c) (Public Facilities). The applicant must provide the City an agreement demonstrating that the Oregon Department of Transportation will allow sanitary sewer connection to the Interstate 5, Baldock rest area sanitary sewer line prior to issuance of construction permits. The applicant shall also demonstrate to the City that the proposed sewer tie is in compliance with State law as extending sewer to the ODOT sewer line appears to occur outside the current and amended Urban Growth Boundary, or shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.

A full traffic report has not been prepared. Thus, the Transportation Advisory Commission has not forwarded a recommendation. At Stage II site development review, a full traffic analysis report is required. Nevertheless, DKS has only conducted an on-site access feasibility study

as the proposed driveway is very close to the Charbonneau Interchange operation.

The applicant intends to preserve existing Primary Open Space on the east side of the subject property and create additional POS on the north side. However, a contour line must be established to clearly delineate the boundary of Primary Open Space on the Comprehensive Plan Map. Land with slopes greater than 12% must be designated into Secondary Open Space which is not depicted on the proposed master plan.

An approval of the subject comprehensive plan map amendment is consistent with the comprehensive plan policies, goals and objectives.

RECOMMENDATION

On the Basis of the findings prepared by planning staff and by the applicant, I recommend that the Planning Commission approve the comprehensive plan map amendment, the zone map amendment together with Stage I, Master Plan. Advance this recommendation together with conditions of approval to the City Council.

96PC01

Donald P. Richards, Roger A. Starr and Ellen G. Starr

COMPREHENSIVE PLAN AMENDMENTS,
ZONE MAP AMENDMENT,
and
STAGE I, MASTER PLAN

Property Owner: Donald P. Richards, Roger A. Starr and Ellen G. Starr

Applicant: Same

Engineer: Thomas L.Tye, P.E.

Applicable Review Criteria:

Zoning:

Section 4.012: Hearings Procedures
Section 4.124: PDC Zone
Subsection 4.139(2): Stage I Master Plan
Section 4.161: Protection of Natural Features
Subsection 4.139(4)(c): Public Facilities
Subsection 4.139(4)(b): Traffic
Subsection 4.187(1)(c) WC: Zone Map Amendment

Comprehensive Plan:

Plan Amendment Procedures

Goal 1.1: Citizen Involvement.

Objective 2.1.6: Allow zoning to proceed when services are scheduled only when public services and facilities are available.

Goal 3:1: Adequate public facilities and timing.

Objective 3:1: Development with necessary services.

Objective 3.4: Facilities installed prior to occupancy

Policy 3.1.4: Sanitary sewer required.

Policy 3.1.5: Developer pays cost of sanitary sewer.

Policy 3.2.1(a), (b), (d): Water line improvements

Policy 3.3.11(a), (b): Bikeway and Pathways.

Policy 3.4.1: Adequate storm drainage.

Policy 4.2.4(a),(b),(c) and (d): Review Criteria.

Policy 4.2.5: Development coincide with public infrastructure.

Open Space

Goal 3.2: Conserve and create open space.

Objective 4.4.6: Natural corridors.

Policy 4.5.1: Primary Open Space and Secondary Open space criteria.

Policy 4.5.3: On-site drainage be designed to preserve natural open space.

Oregon Statewide Goals:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources.
- Goal 6 Air, Water and Land Resources Quality.
- Goal 7 Areas Subject to Natural Disasters and Hazards.
- Goal 8 Recreational Needs.
- Goal 9 Economy of the State.
- Goal 10 Housing.
- Goal 11 Public Facilities and Service.
- Goal 12 Transportation.
- Goal 13 Energy Conservation
- Goal 14 Urbanization

TRANSPORTATION MASTER PLAN July 12, 1991

PROPOSED FINDINGS

1. The applicant has prepared a background report, findings and conclusions that respond to the applicable development criteria, comprehensive plan policies, objectives and goals, and statewide goals. Those findings are found in Exhibit D-2 and are incorporated in this report as findings for approval. Findings prepared by the City are intended to reinforce the applicant's findings and to clarify site development issues.

Site Location:

2. The subject property comprises of two tax lots 15700 and 16100 in Section 25BC, T3S., R1W. The subject property is located on the northeast quadrant of the Charbonneau/Interstate-5 interchange north of Miley Road. The south part of the subject property is relatively level with the north part with steep slopes. A major drainage way adjacent to the east side of the subject property buffers the subject property from Louvonne subdivision and Spring Ridge adult housing center. Miley Road and Saint Francis of Assisi Episcopal Church are south of the subject site. The Charbonneau/Interstate-5 north bound freeway ramp is next to the west property line of the subject property.

Proposal:

3. Under Metro's rules the comprehensive plan and zoning designation RRFF-5 (Rural Residential-Farm Forest 5 acre minimum) for Tax Lot 16100 of this request must be brought into conformance with the proposed UGB change by applying appropriate urban designations within one year of the final Metro approval. *(Note! The Clackamas County Comprehensive Plan designation and zoning for the Tax Lot 16100 is Rural and RRFF-5 (5 acre minimum lot size). The subject property is in an exception area to Statewide Goals 3 and 4.)*

This application comprises of:

- A. Tax Lot 16100 (1.31 acres): Amend Clackamas County, comprehensive plan designation RRFF-5 (Rural Residential- Farm Forest 5 acre minimum) to the City comprehensive plan designation 'Commercial' and 'Primary Open Space' and/or 'Secondary Open Space'.
- B. Tax Lot 16100: Rezone the subject property from Clackamas County RRFF-5 zoning to Planned Development Commercial (PDC) City zoning.
- C. Tax Lots 16100 and 15700: Review a Stage I, master plan showing an 40,000 sq.ft. office building.

Comprehensive Plan Amendment:

4. The Wilsonville Comprehensive Plan provides the operative document of which Comprehensive Plan Amendments are reviewed. In approving a comprehensive plan amendment, the Planning Commission must forward a recommendation to the City Council with findings responding to criteria a to d:

5. Criterion:

- a. *The proposed amendment is in conformance with the text portions of the Plan not being considered for amendment.*

Response Finding:

Findings pertaining to public facilities are discussed in great detail in the application report and in the City Engineering Department comments (Exhibit F). Except for the poor availability of public utilities, the proposed plan amendment is in conformance with the text portions of the Comprehensive Plan.

6. Criterion:

- b. *The granting of the amendment is in the public interest.*

Response Finding:

Granting the amendment is necessary to convert the Clackamas County land use designations to the appropriate City's land use designations to be consistent with Metro's UGB order and so to assure that the correct site development standards are applied. It is in the best public interest to develop the property under the City site development criteria so as to assure the logical planning and improvements of public utilities including streets.

7. Criterion:

- c. *The public interest is best served by granting the amendment at this time.*

Response Finding:

Finding No.7b is also germane to Criterion c. The applicant is committed to a development schedule with the Stage II application proposed to be submitted in August, 1996.

8. Criterion:

- d. *The factors in ORS 215.055 were consciously considered. These factors include the various characteristics of the areas in the City; the suitability of the various areas for the particular land uses and improvements; the land uses and improvements in the areas, trends in land improvement, density of development; property values; the needs of economic enterprises in the future development of the area;*

Response Finding:

The proposed use can be brought into compliance with the applicable development standards or appropriate conditions are attached to achieve harmony with the surrounding area and with the natural site conditions.

Public Facilities:

9. Zoning:

Subsection 4.139(4)(c): Public Facilities

Comprehensive Plan:

- Objective 2.1.6: Allow zoning to proceed when services are scheduled only when public services and facilities are available.
Goal 3:1: Adequate public facilities and timing.
Objective 3:1: Development with necessary services.
Objective 3.4: Facilities installed prior to occupancy
Policy 3.1.4: Sanitary sewer required.
Policy 3.1.5: Developer pays cost of sanitary sewer.
Policy 3.2.1(a), (b), (d): Water line improvements
Policy 3.4.1: Adequate storm drainage.
Policy 4.2.5: Development coincide with public infrastructure.

Response Findings:

Again, the City Engineering Department's comments in Exhibit F speak to the availability of public services and facilities. Those comments are included as addendum findings and conditions to this report.

10. Subsection 4.139 (4)(c)WC is a standard applied to either Stage I Master Plan or Stage II site development plan reviews. The subsection states:

"The location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Response Findings:

11. Sanitary Sewer:

The submittal documents describes current and planned sanitary sewer facilities. An existing 8" sanitary sewer line is adjacent to the westerly property line of the subject property which serves the Interstate 5, Baldock rest area. There is no other sanitary sewer service available within close proximity to the subject property. The Oregon Department of Transportation has inclusive use of the Baldock sewer line through an public facility agreement that allowed an extraterritorial extension outside the City UGB. The applicant indicates that ODOT has given permission to tie into the Baldock sewer line. Thus, prior to issuance of construction permits, the applicant must provide the City Planning Department an agreement demonstrating that the Oregon Department of Transportation will allow the proposed sanitary sewer connection. Further, the applicant must also demonstrate to the City that the proposed sewer tie is in compliance with State law as extending the proposed sewer line would appear to occur outside the current and amended Urban Growth Boundary, or shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.

12. Water:

Water will need to be extended to the subject property from a line in Louvonne subdivision which is east of the subject property on the other side of the drainage way/ravine. Saint Francis of Assisi Episcopal Church which is located south of the subject property would also benefit from a water line extension as the church is not connected to City water.

13. Water demands are divided into categories of domestic flow and fire flow. Of utmost importance is the ability to provide adequate fire flow. In this case, the proposed water line extension would branch out to the project site and not be as effective in fire flow. The Building Official verifies fire flow in the building permit review.

14. Storm Drainage:

The Public Works Code requires that the site pass a 25 year storm frequency. Surface run-off currently out falls to the adjoining drainage way and out to the Willamette River. Storm sewer is intercepted by the drainage way that follows along the east side of the property and then out falls to the Willamette River. This storm drainage system is an adequate facility.

Access/Egress:

15. One driveway access is proposed at the southeast corner of the property. The applicant proposes to combine the two subject tax lots with site development plans showing the southerly parcel with a driveway circulation connecting to Miley Road. Miley Road is a County Road. Miley Road is maintained and controlled by Clackamas County. Miley Road is constructed to rural roadway standard with no sidewalks and curbs. Since the southerly property is next to the Charbonneau and I-5 interchange on-ramp, the Oregon Department of Transportation controls driveway access. DKS has

only conducted an on-site access feasibility study as the proposed driveway is very close to the Charbonneau Interchange operation.

Traffic:

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

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

Response Findings:

17. A full traffic report has not been prepared. Thus, the Transportation Advisory Commission has not forwarded a recommendation. Nevertheless, the City traffic consultant, DKS Associates, has conducted a driveway accessibility study as the proposed driveway is very close to the Charbonneau Interchange. A detailed traffic analysis is needed to show compliance with Subsection 4.139(4)(b) (WC) when Stage II site development plans are submitted. The traffic report is a reconnaissance study of trip generation, capacity and level of service on arterial and collector streets up through the nearest intersection(s). In this case, the Charbonneau Interchange. There is sufficient information in the preliminary traffic report to measure anticipated traffic impact for an approval of the Stage I master Plan.
18. City Council passed Ordinance 431, a Traffic Management Program and Procedures allocating traffic generated by new development to meet safety concerns while the Wilsonville Interchange reconstruction project is being put into place. The ordinance allocated excess traffic capacity in the vicinity of the I-5/Wilsonville Road Interchange (based upon a planned and funded interchange/intersection reconstruction project) over a five-year period to ensure that development can continue in the City in compliance with the decision criteria set forth in 4.139(4)(b) of the Wilsonville code. The TMO was subsequently reversed by the State's Land Use Board of Appeals as a "moratorium", in violation of the procedural and substantive requirements of ORS 197.505. The subject property is not subject to the Ordinance 431 as traffic generated from the project will primarily impact the Charbonneau Interchange.

Primary and Secondary Open Space:

Open Space

- Goal 3.2: Conserve and create open space.
Objective 4.4.6: Natural corridors.
Policy 4.5.1: Primary Open Space and Secondary Open space criteria.

Policy 4.5.3: On-site drainage be designed to preserve natural open space.

Response Findings:

19. General regulations in Section 4.161 of the Wilsonville Code are intended to protect the natural environment and scenic features of the City. These areas are generally identified on the Comprehensive Plan Map as being either in Primary or Secondary Open Space. The Planning Department has conducted field studies of the natural areas and wetlands within the City. The results of the field research were compiled on a map and are used as general reference guide. As a prerequisite to Stage II site development, the applicant is expected to more accurately delineate Primary and/or Secondary Open Space.
20. As previously stated, adjoining the east side of the subject property is a heavily wooded, natural drainage way or ravine that is classified in Primary or Secondary Open Space on the City Comprehensive Plan Map. Proposed open space shown the preliminary plan is not well defined. Policy 4.5.1 of the Comprehensive Plan, describes Primary Open Space as being intended to remain undeveloped and comprises any one of the following characteristics:
 - a. 100 year floodway.
 - b. Slopes greater than 20%.
 - c. Significant stands of trees.
 - d. Major natural drainage channels.

Secondary Open Space comprises:

- a. Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.
- b. High voltage power line easements.
- c. Slopes between 12% and 20%.
- d. Designated historic sites.
- e. Small stands of trees and heavily vegetated areas adjacent to Primary Open Space areas.

Furthermore, Subsection 4.161(4)(a)(2) of the Wilsonville Development Code defines trees and wooded areas as:

"Existing wooded areas, significant clumps/groves of trees and vegetation, and all conifers and oaks with a diameter of six inches or greater and all deciduous trees with a diameter of eight inches or greater shall be incorporated into the development plan wherever feasible."

21. Regarding the above open space characteristics, portions of the subject property, primarily the north and east areas, comprises POS characteristics b, c and d, and SOS characteristics c and e. The office building is proposed outside the POS and SOS areas as defined by Policy 4.5.1.
22. The Wilsonville Wetlands and Wildlife Habitats Inventory Site Summary Sheet shows the north and east sides of the subject property which is the heavily wooded ravine, in green space (Classification 5.02). This area is

also designated in Primary Open Space on the Comprehensive Plan map. The request document is not at a level of detail to arrive at a decision on what areas should be classified in Secondary and/or Primary Open Space. POS and/or SOS areas are usually better defined in the Stage II site development review process.

**ZONE MAP AMENDMENT
and
STAGE I MASTER PLAN
REVIEW**

Stage I Preliminary Master Plan Analysis (Tax Lots 15700 and 16100):

- 23. Property Area: 174,240 sq.ft. or 4 acres
Building 40,000 sq.ft. @ 23%
Parking and Drives: 40,000 sq.ft. @ 23%
Landscaping/Open Space: 94,240 sq.ft. @ 54%
- 24. The applicant is seeking a zone map amendment to change the Clackamas County zone (RRFF-5) to the Planned Development Commercial (PDC) zone for Tax Lot 16100. Tax Lot 15700 is already zoned PDC. The purpose of the PDC Zone is to set forth in Section 4.124 of Chapter 4 of the Wilsonville Code. The site plan shows an one phase development plan.
- 25. As set forth in Section 4.187 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Planning Commission shall at a minimum, adopt findings addressing Criteria 1 - 7.
- 26. Criterion 1):

That the application before the Commission was submitted in accordance with the procedures set forth in accordance in Section 4.008 or, in the case of a Planned Development, Section 4.138.

Response Finding:

The application was submitted in accordance with Section 4.008 or Section 4.138.

- 27. Criterion 2):

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;

Response Finding:

Again, under Metro's rules the comprehensive plan and zoning designation RRFF-5 (Rural Residential-Farm Forest 5 acre minimum) for Tax Lot 16100 of this request must be brought into conformance with the proposed UGB change by applying appropriate urban designations within one year of the final Metro approval. The lower portion of the property, Tax Lot

15700, is currently zoned PDC of which **does** not involve a zone map amendment and is not subject to Section 4.187, Criteria 1 to 7. Staff concurs with the applicant's findings in Exhibit D-1 relative to Criterion 2.

28. Criterion 3):

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

Criterion 3 pertains to property being rezoned to a residential use. The applicant is not proposing a residential or mixed use so Criterion 3 is not applicable to this request.

29. Criterion 4:

That the existing primary facilities, i.e., roads and sidewalks, water, sewer and storm are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

Response Finding:

As stated in findings 11 to 14 together with comments in the City Engineering Department memorandum in Exhibit F, speak to the availability of public services and facilities. The proposed use is such that City sanitary sewer and water services must be extended to bring the subject property in conformance with Subsection 4.139(4)(c) (Public Facilities).

30. Criterion 5:

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

Response Finding:

Again, the subject site comprises areas in Primary Space. The applicant intends to preserve all Primary Open Space on the property. However, a contour line must be established to delineate the boundary of Primary Open Space on the Comprehensive Plan Map to prevent development within POS.

31. Criterion 6:

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

Response Finding:

The applicant intends to develop the office complex within 2 years of the initial approval of this application.

32. Criterion 7:

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

Response Findings:

The applicant is not seeking waivers at this time as the application does not involve a Stage II site development review. At Stage II, the proposed development will be reviewed in compliance with the applicable development standards or appropriate conditions are proposed to insure that the project is developed equal or better than other office centers in the City.

Additional Review Criteria:

33. Criterion:

In order to fulfill the objectives of improved transportation facilities in Wilsonville and to serve the subject site, dedication of sufficient right-of-way is necessary for creation of a minor arterial with bike lanes and utility easements to align over and upon the subject site.

Response Finding:

Miley Road abutting the south side of the subject property is within the Clackamas County and Oregon Department of Transportation roadway systems. The applicant has coordinated with ODOT and Clackamas County for the purpose of studying the proposed driveway access.

Off-Street Parking:

34. Section 4.150WC sets forth minimum parking standards for off-street parking. The detailed parking analysis is reviewed at Stage II site development review which is not being considered at this time.

96PC01

**COMPREHENSIVE PLAN MAP AMENDMENT,
STAGE I MASTER PLAN and ZONE MAP AMENDMENT.
CONDITIONS of APPROVAL**

1. Stage II, site development the applicant shall provide a tree survey outlining existing wooded areas, significant clumps/groves of trees and vegetation, conifers and oaks with a diameter of six inches or greater, and all deciduous trees with a diameter of eight inches or greater. The City Council is the final review authority to determine what areas will be classified in Primary and Secondary Open Spaces.
2. Prior to issuance of construction permits, the applicant shall provide the City Planning Department an agreement demonstrating that the Oregon Department of Transportation will allow the proposed sanitary sewer connection to the Baldock rest area sanitary sewer line. The applicant shall also demonstrate to the City that the proposed sewer tie is in compliance with State law as extending sewer appears to occur outside the current and amended Urban Growth Boundary, or shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.
3. The applicant shall extend City water to the subject property and oversize the line to accommodate Saint Francis of Assisi Episcopal Church. The applicant shall coordinate the water line improvement with the City Building Official to assure adequate fire flow.
4. The applicant shall provide the City Engineer documentation from the appropriate State or County jurisdiction demonstrating that the subject property has driveway access to Miley Road designed to accommodate the proposed office use.
5. That the applicant / owners waive right of remonstrance to any proposed local improvement district which may be formed to construct public improvements which would serve the subject property.
6. Based upon a review of the materials provided to this office on the subject project, the following conditions of approval are presented by the City Engineering Department. These conditions are applicable to the specific amendments and Master Plan applied for and listed above. Any modifications or additional applications may require amendments or additions to the conditions listed below.
7. **Slopes of 12-20% shall be included in secondary open space.
(This condition added by the Planning Commission 2/12/96)**

EXHIBITS

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

- A. Findings
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents:
 - 1. Project Application and Findings
 - 2. Metro Final UGB Order
 - 3. Maps; Proposed Stage I master plan, slope map, tax lot map, survey map, utility map.
- E. City Building Official's Report
- F. City Engineer's Report.
- G. DKS Associates Traffic Report.
- H. Transportation Advisory Commission comments.(Not Provided)
- I. Wilsonville Wetlands and Wildlife Habitats Inventory Site Summary Sheet and Map.
- J. Enviornmental Services report.
- K. Staff Report dated April 11, 1994.
- L. Comprehensive Plan Map showing POS and SOS.
- M. Boundary Commission Final Order
- N. Public Hearing Notice

94 PC 15

PLANNING DEPARTMENT
STAFF REPORT

DATE: April 11, 1994

TO: Planning Commission

FROM: Pamela Emmons, Assistant Planner

REQUEST: Requesting Planning Commission's
recommendation to the City Council, endorsing the petition to Metro
to amend the Urban Growth Boundary.

Applicants: Donald P. Richards, Roger A. Starr and Ellen G. Starr

Decision Criteria

No City criteria is applicable to this request as the application is being processed by Metro.

Location:

Located near the northeast corner of the Charbonneau and Interstate 5 interchange next to Spring Ridge development of Charbonneau. The property is more specifically identified as Tax Lot 16100 of Section 25, T3S, R1W, Wilsonville, Oregon.

Property Description:

SUMMARY OF REQUEST

1. The applicants are seeking the City's endorsement of an application and petition to be considered by the Metro Boundary Commission to amend the Urban Growth Boundary. Metro only considers this type of request once a year. The applicants have supplied the attached Metro form to be completed by the City of Wilsonville, listed as the Service Provider. Furthermore, the Metro Boundary Commission has jurisdictional authority in reviewing adjustments to the Urban Growth Boundary. Thus, at this level of review, the City is only responsible to provide comment on service provisions, i.e., sanitary sewer, water, and storm sewer. The Planning Commission's decision is a recommendation to the City Council and then as a Council recommendation to Metro.

Public Facilities:

2. Water:
3. Sanitary Sewer:
4. Storm Sewer: Storm sewer out falls to the drainage way next to the East side of the property and flows to the Willamette River.
5. Roads: The property does not have direct access to a public or private road. If the UGB adjustment is approved, then the applicant will return to the City with site development plans showing the subject property combined with the southerly parcel with a driveway circulation connecting to Miley Road. Miley Road is a County Road. Since the southerly property is next to the Charbonneau and I-5 interchange on-ramp, the Oregon Department of Transportation controls driveway access.

The location of the property of the proposed boundary adjustment can be accommodated by existing or planned facilities and services.

RECOMMENDATION

The location of the property of the proposed boundary adjustment can be accommodated by existing or planned facilities and services.

EXHIBITS

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

- A. Staff report.
- B. Applicant's petition to Metro boundary Commission.
- C. Applicant's submittal documents: 1. Site survey 2. Tax lot map.


City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

ENGINEERING DEPARTMENT
MEMO

DATE: January 22, 1996

TO: Blaise Edmonds
Associate Planner

FROM: Michael A. Stone, PE
City Engineer 

RE: Engineering Division Public Facilities (PF)
Conditions of Approval for the Don Richards and Roger Starr-Stage 1
Office Building

Based on a review of the materials submitted to the Community Development Department on December 18, 1995, the following Conditions of Approval are presented. These conditions are applicable to the subject application. Any modifications or revisions to the subject application may require amendments and/or additions to the conditions as set forth and outlined below:

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

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

PF 2. The Engineering Division reserves the right to inspect the completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.

PF 3. All public utility/improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

EXHIBIT
F

- PF 4. Record drawings are to be furnished by the applicant for all public utility/improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.
- PF 6. Plans submitted for review shall meet the following general format:
- A. Composite Utility Plan
 - B. Detailed Utility Plan and Grading Plan.
 - C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
 - D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - G. All new public utility/improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.
- PF 7. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.
- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Said wells shall be properly abandoned in conformance with their standards.

- PF 10. It appears that the applicant must enter State of Oregon right-of-way to serve subject site with sanitary sewer. Therefore, the applicant shall obtain the proper permit from the State Highway Division for that connection. Said permit must be in hand before the City will issue a public works permit.
- PF 11. The applicant shall extend an 8" water line from the intersection of French Prairie Road and Miley Road, west to subject site.
- PF 12. The applicant shall submit plans to Clackamas County for review and comment and obtain proper permits if required before the City will issue a public works permit.
- PF 13. The applicant shall align driveway into project, directly opposite from St. Francis of Assisi Episcopal Church.
- PF 14. Prior to the Stage II approval the applicant shall complete a traffic report and present said report to the Transportation Advisory Commission for consideration and recommended conditions of approval (if any).

Conditions for Approval/DonRichardsStage1-12296(dr)

city of wilsonville
BUILDING DEPARTMENT
MEMORANDUM

TO: Blaise Edmonds, Associate Planner
FROM: Guy Sperb, Plans Examiner
SUBJECT: DEVELOPMENT REVIEW
DATE: January 22, 1996

The following is a list of concerns for the proposed Commerce Circle warehouse/distribution building, the Phoenix Inn motel, the Richards/Starr Charbonneau building, and the Shawn Niki carpet store. Actual working drawings may expose additional code concerns.

Commerce Circle Warehouse/Distribution Building

1. The sprinkler system shall be designed for a density of not less than ordinary hazard Group III with a minimum design area of 3,000 square feet.
2. For firefighting purposes, there shall be at least one access door in every 100 linear foot of exterior wall. Roll-up door does not meet the requirements.
3. Handicap parking stalls shall not exceed a slope of 1-50.
4. Sidewalks to the public way shall not exceed a 1:20 slope.
5. A fire department access road shall be maintained and have a minimum width of 20 feet.

Phoenix Inn

1. One handicap stall must meet van accessible requirements.
2. Handicap sidewalks cannot exceed a 1:20 slope.
3. This building shall comply with all applicable handicap requirements.
4. All electrical permits are to be obtained from Clackamas County Building Department.
5. A permit will be required from Clackamas County Health Department for pool and spa.
6. All building permit applications made after April 1, 1996, will be reviewed under the 1994 UBC, UMC, and UFC.

EXHIBIT E
(1 of 2)

Richards/Starr Charbonneau Office Building

1. The biggest issue is obtaining and providing water for firefighting purposes. There are no fire hydrants in the area. Suggest that the applicants contact the church across the street to see how they dealt with this problem.
2. Because of suspected fills on this site, a soils report from a registered soils engineer will be required.
3. Any buildings on this site must comply with all applicable handicap requirements.

Carpet Store

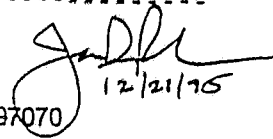
1. An elevator may be required to the upper level.
2. All building plans submitted after April 1, 1996 will be reviewed under the 1994 UBC, UMC and UFC.
3. All portions of the building are required to be within 250 feet, in hose-lay fashion, of a fire hydrant.

/srf

Environmental Services memo

Date: Thursday, December 21, 1995
To: Blaise Edmonds
Subject: Site Development Plans Review (12/18/95)

From: Jamie Porter, Industrial Pretreatment Technician
Phone: 503-570-1551 (ext. 551)
Fax: 503-682-8816
Mailing Address: 30000 SW Town Center Loop E, Wilsonville, OR 97070
Site Address: 8455 SW Elligsen Road, Wilsonville, OR 97070


12/21/95

A. Commerce Circle warehouse/distribution building. VLMK Engineers. Stage II development.

1. This development (96PC03) has obvious wetlands areas on the east and south boundaries. Sufficient space should be available during construction for erosion control structures as supervised by engineering.
2. The manhole for sanitary sewer connection has significant flows coming from the east and west, combining to flow south parallel to 95th Avenue. These flows include several pretreatment permitted industries (LMC/Praegitzer and Fujimi to the west, Leadtec to the east). Sewer construction should not be allowed to disrupt any of the existing flows, and connection should be performed in such a way that it allows sampling of the new development prior to mixing with the existing flows. This manhole is a strategic access point for the entire Commerce Circle area, and we request close involvement with Planning/Engineering to control any relocation or modification to this manhole. On a similar note, for building permit coordination, the 20% of development proposed for manufacturing may be required to provide sampling manholes for each specific business.
3. If trailer storage involves any truck washing, all new truck washing facilities must have adequate weather tight, water containment and oil/water separation devices prior to sanitary sewer discharge, or a DEQ wash water permit prior to storm water discharge, as seen on similar projects.

B. Phoenix Inn motel proposed west of Chili's. Stage II development.

1. Per the pre-application conference, this motel has no plans for a kitchen other than serving a buffet style continental breakfast in the dining room. Please specify that any expansion in the declared kitchen use allow us to require installation of a grease trap/interceptor.
2. We should require a written plan for chemical storage/hazardous materials management. Chemicals would be used in the laundry, spa/pool, and for janitorial services performed in-house. Discharge of chlorinated spa/pool water into the sanitary sewer should be coordinated with the City. Normal spillage is not as much of a concern as draining and refilling during maintenance.

C. Don Richard's and Roger Starr, proposed Stage I preliminary plan (office building), comprehensive plan and zone map amendment on property next to the Charbonneau interchange. METRO recently adjusted the UGB for the parcel.

1. Baldock rest area is already a sanitary sewer concern, as far as monitoring discharges from sources outside of our boundaries. It would appear from the Stage I Master Plan that the office building intends to connect to the Baldock sanitary line for discharge to the Charbonneau lift station. Similar to the discussion under A.2. above, we would like to see a means of sampling this building before it mixes with Baldock flows.
2. Workers must obviously protect the adjacent drainage ways from construction debris and erosion.

D. Shawn Niki, proposed oriental carpet store in Wilsonville Town Center. Stage II development review.

The project appears to be retail showroom only. If any significant carpet dyeing is to be performed on site, chemicals that require monitoring and possibly permitting might be kept on site. Please keep us posted on any planned use of this sort as the project develops.

Thanks again for the opportunity to provide input - Steve Stamer, Luke Bushman, Jamie Porter.

EXHIBIT 5

PUBLIC HEARINGS:

Public Hearings

A. 96PC01 - RICHARDS/STARR: Applicant is requesting approval of Comprehensive Plan Amendment to designate property into Commercial, Primary Open Space and/or Secondary Open Space, review of zone Map Amendment to change the existing Clackamas County zoning to the City Planned Development Commercial (PD) zone and review Stage I Master Plan. This will be a recommendation to the City Council. The property is located on the northeast quadrant of the Charbonneau/I-5 interchange north of Miley Road on Tax Lots 16100 and 15700, Section 25BC, T3S-RIW, Clackamas County, Oregon.

Richards/Starr

The public hearing was called to order and the public hearing format was read into the record. Chair Griffin asked for any conflict of interest or ex parte contact. None was reported.

Blaise Edmonds presented the staff report.

Staff Report

The subject site is located at the northeast corner of the Charbonneau Interchange and Miley Road. The buildable portion of the property is on the south portion of the property.

The review criteria as presented in the staff report was read into the record. Summary of conclusionary findings:

- Metro and the Portland Boundary Commission have granted major adjustments to the Urban Growth Boundary and City Limits. Under Metro's rules the comprehensive plan and zoning designation for Tax Lot 16100 of this request must be brought into conformance with the UGB change by applying appropriate urban designations within one year of the final Metro approval.
- This request does not involve a review for Stage II site development of the proposed 40,000 sq ft office building. At Stage II, the proposed development will be reviewed in compliance with the applicable development standards when appropriate conditions are proposed to insure that the project is developed equal or better than other office centers in the city.
- Findings 11 and 14 and comments from the City Engineer speak to the availability of public services and facilities. The City sanitary sewer and water lines must be extended to bring property in conformance with Subsection 4.139 (4)(c). The applicant must provide the city with an agreement demonstrating that ODOT will allow sanitary sewer line connection to I-5 Baldock rest area sanitary sewer line prior to issuance of construction permits. The applicant must also demonstrate to the City that the proposed sewer tie is in compliance with the state law as extending sewer to the ODOT sewer line appears to occur outside the current and amended UBG, or shall provide a plan to tie to the Charbonneau lift station and stay within the UGB.

- A full traffic report has not been prepared. DKS has conducted an on-site access feasibility study as the proposed driveway is very close to the Charbonneau Interchange; ODOT has access control. They have reviewed preliminary PM peak hour trips of a 40,000 sq ft building which is around 95 PM peak hours trips which will effect the Charbonneau Interchange; there will be very little impact on the Wilsonville Road interchange.
- The applicant intends to preserve the existing Primary Open Space on the east side of the property and create additional POS on the north side. A contour line must be established to clearly delineate the boundary of the Primary Open Space and the Secondary Open Space on the Comprehensive Plan Map. Land with slopes greater than 12% must be designated into Secondary Open Space which is not depicted on the proposed master plan. A map has been prepared by the applicant which depicts Primary Open Space; there may be some additional secondary open space. Our code allows for parking to be developed in Secondary Open Space with the requirement that as many trees as possible be saved. The Primary Open Space cannot be developed or modified.
- An approval of the subject comprehensive plan map amendment is consistent with the comprehensive plan policies, goals and objectives.
- The property to the south is inside the city's UGB and is zoned and planned commercial. This applicant requests this property be zoned commercial and planned development commercial to accommodate a 40,000 sq ft building.
- The action tonight will be a recommendation to City Council for approval of a Stage I Master Plan in combination with a recommendation for commercial plan designation of PDC zoning for Tax Lot 16100 and a Stage I Master Plan for the entire combined tax lots.
- Staff recommends approval of this project.
- Corrections were made to staff report. Page 13, #27 add the word "does" to sentence to read, "... is currently zoned PDC of which does not involve....Page 14 #32, removed first word "seeking".

Applicants, Don Richards, PO Box 1488, Wilsonville and Roger Starr, PO Box 513, Wilsonville Mr. Richards stated that one of the reasons Metro granted approval to move the Urban Growth Boundary was the fact that sewer could be brought to the property. He stated they are asking to bring the sewer line in to serve city property. They will only be going across the State right-of-way and ODOT has granted that approval. It is the same line that runs along the east side of I-5 and goes to the rest stop (Baldock). He wanted to verify that the approval to extend the sewer would be granted. He stated they don't mind bringing the water in to serve this project as well as the church (Condition # 3) but would ask for financial contribution from the church if at all possible. Mr. Richards stated he has talked to the church people; they have no written agreement with them.

**Richards/Starr
Applicant
presentation**

Mt. Edmonds stated that some of the proposed conditions can be refined when the applicant gets to the Stage II approval stage of the process. In reference to Engineering condition PF 13 the applicant stated he would agree to that driveway alignment and stated that location is best for the driveway.

Mr. Richards stated that the proposed use is professional offices; this will be good, quality office space. He does not anticipate asking for any retail space.

Mr. Richards stated that they are committed to saving trees. They intend to plant many more trees in the primary open space. They will provide a tree survey at the time of Stage II site development.

Commissioner Coppersmith stated that when the building alignment is planned, if it were positioned to the front of the site with parking behind, it would present a more attractive view to I-5.

Proponents, Opponents, Neutral speakers were called for. (none).

It was moved, seconded and passed to close the public hearing. Chair Griffin called for a motion. Commission discussion followed.

Staff's findings and also Mr. Starr's and Richard's findings addressing the city code requirements are adopted (Exhibit D-1 of applicant's submittal documents - Page 19 through 34 of 104 and maps of his exhibits) as findings for approval.

Any slopes between 12% and 20% shall be designated as secondary open space. Development can occur in secondary open space as long as many trees as possible are saved. In accordance with the comprehensive plan, the slopes greater than 12-20% need to be identified. It needs to be delineated since they will be adopting the secondary and primary open space. Mr. Edmonds advised the applicant to prepare another map showing where they believe the secondary open space slopes occur.

Commissioner Coppersmith moved to adopt the staff report with the typo corrections previously noted, adding Condition #7 which is that slopes of 12-20% be included in secondary open space. Recommend to City Council that they adopt the zone map amendment to the city's zoning of PDC (and the Comprehensive Plan map amendment and approve Stage I Preliminary Plan). Commissioner Downs seconded the motion which passed 4-0.

Motion to recommend approval to City Council

PUBLIC HEARING:

96PC02 - MR. SHAWN NILI - Applicant requests approval of Stage II site development plans for an oriental rug store proposed in Wilsonville Town Center. The property is described as a portion of Tax Lot 302 in Section 14D,T3S,RIW, Clackamas County, Oregon.

Mr. Shawn Nili/Oriental Rug Store

The public hearing was called to order and the public hearing format was read. Chair Griffin asked for any conflict of interest or ex parte contact. None was reported. Staff Report was called for.

Bob Hoffman read the review criteria into the record. Blaise Edmonds presented the staff report. The application is for an oriental rug store proposed for Pad #9 in the Wilsonville Town Center, located northwest of the central driveway to the Incredible Universe store and north of the McDonald's restaurant. The southwest side of the project faces Town Center Loop West, directly across from the Legacy Health Clinic. The facility will be about 11,171 square feet.

Staff Report

The proposed store will generate nineteen PM peak hour vehicle trips through the Wilsonville road intersection. TAC has recommended approval of the project.

This will be a concrete tilt up building with scored walls. The application of paint will help to break down the scale of the building. A tower element is proposed for the southwest corner of the building which will add interest to the architecture. The entrance to the building will face the Incredible Universe store.