

ORDINANCE NO. 463

AN ORDINANCE ADOPTING A PUBLIC FACILITIES TRANSPORTATION STRATEGY FOR DEVELOPMENT IN THE WILSONVILLE ROAD CORRIDOR DUE TO THE LACK OF STREET CAPACITY IN THE I-5/WILSONVILLE ROAD INTERCHANGE.

WHEREAS, the City of Wilsonville finds:

1. Purpose. The purpose of this ordinance is to provide for a transportation public facilities strategy in conformance with ORS 197.768. This strategy is intended to be limited to situations in which clear and objective standards demonstrate that:

- A. There is a rapid increase in land development in a specific geographic area; and
- B. The total land development would exceed the planned or existing capacity of public facilities.

2. Specific Geographic Area.

2.1 The City Council has identified the Wilsonville Road Corridor as a specific geographic area which has experienced a rapid increase in total development and that the total land development would exceed the planned or existing capacity of public transportation facilities.

2.2 The Wilsonville Road corridor is a band of land which is bordered on the south by the Willamette River generally running west to east through Wilsonville; bordered on the north by Boeckman Road generally running west to east through Wilsonville; and Wilsonville Road being approximately in the middle of this band of land and which also runs generally west to east.

3. Lack of Capacity of I-5/Wilsonville Road Interchange.

3.1 Interstate-5 runs north to south through Wilsonville and forms an interchange with Wilsonville Road approximately in the middle of the above described corridor.

3.2 Interstate-5 also forms two other interchanges within the City of Wilsonville. It forms an interchange with Elligsen Road at the northern end of the City. Boeckman Road is approximately half way between this northerly interchange and the

I-5/Wilsonville Road Interchange and overpasses I-5, but does not form an interchange with I-5. In conjunction with its street capacity standard described in paragraph 4.1 below, the City requires developing parcels to provide traffic studies to determine, among other things, the amount of traffic generated and the direction the traffic will travel. The traffic studies confirm the obvious — traffic from development south of Boeckman Road primarily uses the I-5/Wilsonville Road Interchange as the closest route to I-5, and traffic generated from development north of Boeckman Road primarily uses the northern interchange as the closest route to I-5. The third interchange is located south of the Willamette River. Since I-5 also forms the only vehicular bridge in Wilsonville over the Willamette River, traffic south of the Willamette River uses this third interchange. Therefore, traffic north of the Willamette River and south of Boeckman Road primarily uses the I-5/Wilsonville Road Interchange. Thus, the City can and has objectively determined the traffic from land development within the Wilsonville Road corridor typically has a direct impact on the I-5/Wilsonville Road Interchange.

3.3 The I-5/Wilsonville Road Interchange is formed as a bridge at right angles over Wilsonville Road (Wilsonville Road goes under I-5) with on and off ramps on both the north and south sides of Wilsonville Road. The interchange configuration is that of a diamond-shaped interchange. In 1982, the City's acknowledged Comprehensive Land Use Plan identified the I-5/Wilsonville Road Interchange as a potentially limiting factor to development. It noted at page 20:

“The Transportation Report also identified a structural deficiency for the Wilsonville Road underpass. The design of the underpass will result in a 40% to 120% over capacity condition on Wilsonville Road...”

The referenced transportation report (Report on Transportation, City of Wilsonville, March 23, 1981, By Carl Buttke, Consulting Transportation Engineer) involved a projected analysis for the year 2000 traffic volumes. By 1994, the City had exceeded this volume for Wilsonville Road and the I-5 Interchange and over-capacity was occurring. The 2010 projected traffic volumes for the City's 1991 Transportation report update were also exceeded.

4. Objective Capacity Standard.

4.1 The City's Comprehensive Land Use Plan, Policy 3.3.15, provides: “If adequate regional transportation services, including I-5 interchange modification or additions, and high capacity public transportation cannot be provided, then the City shall re-evaluate and reduce the level of development and/or timing of development anticipated by other elements of this Plan. Such reductions shall

be consistent with the capacity of the transportation system at the time of re-evaluation.”

4.2 City Comprehensive Plan policy 3.3.3 also calls for the City to implement a street capacity standard by which it could measure the level of service (LOS) of City arterial and collector streets and the effects on congestion and safety by traffic generated by new development. Policy 3.3.3 states:

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

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

4.3 In 1982, the City implemented its plan through its zoning and development code, which is Chapter 4 of the Wilsonville Code, and which was also acknowledged by LCDC.

4.4 A provision of Chapter 4 establishes the street capacity standard, LOS “D”, 4.139(4)(b) which provides:

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

* * *

“(b) that the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level of service D defined in the Highway Capacity Manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. (*Amended by Ordinance 428 - April 18, 1994*)”

5. Lack of Capacity of Wilsonville Road at the intersection with Lower Boones Ferry Road and at the intersection with Town Center Loop West.

5.1 By 1994, the lack of capacity of the I-5/Wilsonville Road Interchange underpass was causing the City's intersection immediately to the east, Wilsonville Road and Town Center Loop West, and the City's intersection immediately to the west, Wilsonville Road and Lower Boones Ferry Road, to operate in excess of LOS "D". This placed four proposed developments within the Wilsonville Road corridor at risk of denial because the traffic they would generate would be in excess of LOS "D": to the west of the interchange, a potential expansion for a merged headquarters of PayLess Drug Stores Northwest with Thrifty Drug Stores and a Chili's restaurant; and to the east of the interchange, a McDonald's restaurant and a Shari's restaurant.

6. A Unique Plan to Fund a Short Term Fix.

6.1 If the Thrifty/PayLess merger had not gone forward, 600 jobs and a \$20 million payroll would have been lost to the state. In order to avoid this, a cooperative effort of the Oregon Department of Economic Development, Oregon Department of Transportation, Thrifty/PayLess, Inc. and the City of Wilsonville, involving a complex funding package was put together which will allow the phase I (30% additional capacity) interchange reconstruction project to go forward beginning October 1, 1996. This 30% additional capacity will increase the p.m. peak capacity of the interchange by an estimated 1,435 new vehicle trips. At the time of the Thrifty/PayLess merger, the interchange improvement was not scheduled for construction in the State's six-year plan. The Legislature had not passed a gas tax increase, so \$143 million in anticipated interstate transportation funding was lost to the Portland Metropolitan area. The merger presented a unique situation. Wilsonville was able to save the funding for the North Wilsonville I-5/Elligsen Road Interchange expansion under a priority system for remaining funds due to the heavy truck use and traffic back-ups on I-5. The funding realities are that further state and federal highway monies to expand the I-5/Wilsonville Road Interchange are non-existent at this time.

7. The Concurrency Policy of Infrastructure and Development.

7.1 Normally, without the interchange reconstruction first occurring, development would be denied because its traffic would exceed LOS "D". However, the Comprehensive Plan policy 3.3.3, recited above, provides for a "concurrency policy", allowing development to go forward if the capacity correction is planned and funded within two years and safety problems can be mitigated.

8. The Safety Mitigation Plan Through Traffic Management.

8.1 Because the predicted over-capacity condition of the I-5/Wilsonville Road Interchange was identified as a limitation on future development in Plan policy 3.3.15, the Plan also provided a policy for re-evaluation and reduction in the level of development. Plan policy 2.2.2 provided a process for the Planning Commission to recommend development phasing. It states:

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

“a. Annually the Planning Commission shall review growth related data, e.g. availability of public facilities, scheduled capital improvements, need for housing, commercial development and/or industrial development, etc.; and shall, as determined necessary following a public hearing, recommend to the City Council a Growth Management Plan.

“b. To maximize design quality and conformity to the Comprehensive Plan the City shall encourage master planning of large land areas. However, as an added growth control, the Planning Commission may, as a condition of approval, set an annual phasing schedule coordinated with scheduled Capital Improvements, particularly streets and related transportation facilities.”

8.2 In 1982, the City was facing a similar development crisis with housing development overwhelming its infrastructure. The City followed its Comprehensive Plan policies, and based on the Planning Commission’s recommendation, adopted a five-year rationing plan and sought LCDC acknowledgment of that Plan. Ordinance 211 (“An Ordinance Adopting a Growth Management Program and Procedures and Declaring an Emergency”) which adopted the housing permit rationing plan, was acknowledged. It is incorporated as part of this record.

8.3 Since Ordinance 211 was acknowledged, and it was based on the same Comprehensive Plan policies which the City was considering to manage the I-5 Interchange congestion problem, the City sought in 1994 to implement a similar phasing scheme. Rather than limiting housing permits, however, the 1994 Ordinance allowed for phasing of all new development based on p.m. peak hour traffic at the I-5/Wilsonville Road Interchange and either the Wilsonville Road intersection with Town Center Loop West or its intersection with Lower Boones Ferry Road. This directly affected potential development within the Wilsonville Road corridor. The key rationale was that phasing

development would minimize safety hazards caused by increased traffic to the City's west and east boundary lines (especially during the interchange construction) and the chilling effect on real estate financing and development of a moratorium could be avoided. Several hearings were conducted on Ordinance 431 ("An Ordinance Adopting a Traffic Management Program and Procedures; Allocating Excess Traffic Capacity in the Vicinity of the I-5/Wilsonville Road Interchange Over a Five-Year Period to Insure that Development Can Continue in the City in Compliance with the Decision Criteria Set Forth in Section 4.139(4)(b) of the Wilsonville Code (WC); Amending Section 4.139(3) WC to Expire Stage Two Site Development Plan in Two Years if No Development Occurs; and Declaring an Emergency") (TMO), together with a proposed ordinance for a supplemental street systems development charge. The City Council heard evidence and received exhibits. The City Council became well schooled on trip generation, lane configurations, percentages of traffic going east through the interchange, percentages of traffic going west, how much capacity ODOT estimated phase 1 interchange reconstruction would generate, actual field counts and traffic projections by DKS traffic engineers and the opinion of opposing traffic engineers Wayne Kittelson Engineering, citizen safety concerns, and accident reports. The City adopted the TMO on August 15, 1994, after providing proper notice to the public and to the Department of Land Conservation and Development.

9. Rejection of the Traffic Management Ordinance and Enactment of Public Facilities Strategy Legislation.

9.1 The Home Builders appealed to LUBA on the basis that the TMO was a moratorium, and LUBA subsequently upheld the Home Builders' appeal. The ordinances, the hearings records, and the LUBA decision are incorporated as part of this record.

9.2 While the LUBA appeal was occurring, the City was an active participant in developing the Public Facilities Strategy legislation with the Home Builders, Department of Land Conservation and Development (DLCD), and the Oregon League of Cities, as an alternative approach to address these types of facilities issues as exemplified by the Wilsonville Road/I-5 capacity problems. Correspondence from DLCD and Legislative Counsel are incorporated as part of the record.

10. Land Development is on a Pace to Exceed Capacity of Phase 1 Improvements Which Have yet to be Built.

10.1 Since adoption of the TMO in 1994, and LUBA's decision on December 21, 1995, development applications within the Wilsonville Road corridor have continued to come in at a rapid pace. The latest available trip allocation summary, including 221 trips allocated for development outside the corridor, plus future developments within the corridor that are projected to generate de minimis trips, is as follows:

Prior existing p.m. peak hour trips	3288
Approved as of TMO adoption, August 16, 1994 (under construction or development agreement)	589
Approved but not yet under construction	<u>451</u>
Subtotal:	4328
New interchange p.m. peak hour vehicle trips	1435
Of the 1435 p.m. peak hour trips to be phased under the TMO, the following have been approved	1207
Available before exceeding LOS "D" (although there are currently pending development appli- cations which will use 89 of those remaining).	228
Reserved trips for outside corridor impacts	221
less approved from August 16, 1994	<u>104</u>
Available	117

11. The Public Facilities Alternative.

11.1 The City is faced with the prospect of denying development applications within the Wilsonville Road corridor based on LOS "D" criteria. While this seems to meet the moratorium exemption in ORS 197.505(1), two denials or more could be interpreted as a pattern and practice of denying or delaying permits. Given LUBA's broad interpretation of this language in its decision of the City's TMO, such actions could be interpreted as a moratorium.

11.2 The City has examined the option of going to an LOS "E" or "F" standard. These standards are recited in the City's Transportation Master Plan as follows:

LOS "E" means:

"Traffic flow would be unstable with congestion and intolerable delays to motorists. The average speed would be approximately 15 miles per hour. The volume to capacity ratio would be 1.00."

LOS "F" means:

"Traffic flow would be forced and jammed with stop and go operating conditions and intolerable delays. The average speed would be less than 15 miles per hour."

11.3 Without a comprehensive review, and time being of the essence, the City Council finds that going to the lesser level of service standard of "E" or "F" is an abdication of its land use planning responsibilities and duties imposed by the Legislature to assure the highest level of livability in Oregon, as specified in ORS 197.010(1). The City Council has been privy to Metro surveys and has conducted its own future survey on issues of livability and quality of life. Surveys indicate the number one measurement of quality of life is traffic congestion. Those polled tend to directly equate increasing traffic congestion with a worsening quality of life and a loss of Oregon's livability. Even new residents who have testified before the City Council have implored the City to not let traffic become any worse, and we have been regaled by horror stories of traffic in California that has resulted from unchecked development. We note California's inability to keep up with its infrastructure demands and the adverse effect that it has had on the livability of that state. It appears that, while a moratorium can logically have a negative economic effect, the lack of street infrastructure and resulting down-turn in quality of life from traffic congestion and safety hazards leads to the same result. Therefore, it makes more common sense to control growth through an adopted public facilities strategy until a plan of correction can occur, rather than being so overwhelmed by numbers of trips generated that there can be no correction.

11.4 A Public Facilities Transportation Strategy offers a degree of flexibility not available in a moratorium as defined in ORS 197.505, and will allow a substantial level of development to go forward after this ordinance is adopted. Projects that had previously acquired stage II development approval will not be affected by this ordinance. It is projected that at least 1,350 housing units will be built and 1.6 million square feet of commercial/industrial space will be built even with this public facilities strategy in place.

12. The Unavailability of Funding Source.

12.1 The short term fix as described in Paragraph 6 and the Phase 1 improvements, as described in Paragraph 10, include reconstruction of the Wilsonville Road/I-5 Interchange with limited improvement of access ramps and widening of Wilsonville Road from Boones Ferry Road to Town Center Loop West. The total cost

for these improvements is \$12,487,000. The City, through Urban Renewal Agency funding and systems development charges, is paying for a very substantial part of these improvements, with the City payment currently estimated at \$8,237,000. This includes a contribution of \$3,715,700 (\$3,200,000 to ODOT) towards the interchange improvements and a little over \$5,000,000 for improvement of Wilsonville Road in the interchange vicinity.

12.2 Additional City resources to devote to state transportation facilities are not available. The Thrifty/PayLess merger provided a unique catalyst for ODOT. The presence of the Urban Renewal Plan with a past vote by the citizens to provide some matching money for an I-5/Wilsonville Road interchange was also unique. Urban Renewal is limited in time and funding capacity and additional funding is not presently available. More recent levies for funding other infrastructure have failed. The City has an older tax base, which for 1995-96 is \$735,300.00, and the annual 6% increases cannot keep pace with administrative service demands, let alone multi-million dollar state interchange improvements. Taxpayer revolt and dissatisfaction with government assure that citizens will not willingly pay for the infrastructure demands of new development. The more quality of life dissipates through traffic congestion, the more citizens complain of a loss of confidence in government action. Developers are currently challenging the City's supplemental systems development charge for the I-5 interchange in Clackamas County Circuit Court. New development does not appear to want to bear its burden either, and for new development to bear 100% of the cost of interchange improvements would probably not meet a rough proportionality test. Thus, neither new and sufficient tax nor regulatory fees are presently available or likely in the near term to fund improvements.

13. Housing Within the Wilsonville Road Corridor.

13.1 The City has met with the Home Builders to cooperatively construct this strategy. The present inventory of approved housing projects within the Wilsonville Road Corridor is significant and the availability of vacant land within the corridor is not of such proportion as to negatively affect adjacent communities upon implementation of this facilities strategy.

14. ORS 197.768 requires that Public Facilities Strategies be acknowledged by the State Land Conservation and Development Commission as complying with the Statewide Planning Goals. The City Council of the City of Wilsonville hereby makes the following findings in relation to the Statewide Planning Goals:

14.1 Goal 1. Citizen Involvement

a. Public hearings have been conducted before both the Planning Commission and City Council prior to adoption of this ordinance. A hearing notice was published in the *Wilsonville Spokesman* newspaper in advance of those hearings. Additionally, separate notices were mailed directly to each of the individuals who took part in the 1994 public hearing process that led to the adoption of the TMO.

b. Traffic congestion remains a critical issue to local citizens. The City's Planning Commission, Development Review Board and City Council regularly hear testimony in opposition to any proposal that will result in increased traffic in Wilsonville, particularly on Wilsonville Road.

c. Through the process that led to the adoption of the TMO, the citizenry, and City decision-makers, were provided with a wealth of information (including technical information) on traffic and its relationship to new development. Wilsonville's citizens are both knowledgeable and concerned about local traffic.

14.2 Goal 2. Land Use Planning

a. Goal 2 requires actions and implementation measures to be consistent with local comprehensive plans. As is noted above, the adoption of this Public Facilities Strategy implements provisions of the City's acknowledged Comprehensive Plan dealing with the phasing of growth in anticipation of the construction of interchange improvements.

b. Goal 2 also requires planning coordination with other affected units of government. Due to the potential impacts of this Public Facilities Strategy on surrounding communities, public hearing notices have been provided to all cities within 15 miles of Wilsonville, as well as to Yamhill, Marion, Multnomah, Clackamas and Washington Counties, and Metro.

14.3 Goal 3. Agricultural Lands

a. No impacts on agricultural lands are expected to result from the adoption of this Public Facilities Strategy.

14.4 Goal 4. Forest Lands

a. No impacts on forest lands are expected to result from the adoption of this Public Facilities Strategy.

14.5 Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources

a. No impacts on open spaces, scenic and historic areas, or natural resources are expected to result from the adoption of this Public Facilities Strategy.

b. Existing aggregate removal operations, also addressed as resources under Goal 5, will benefit from the implementation of this Public Facilities Strategy. This is because these operations exist within the area between Wilsonville Road and the Willamette River and they must operate numerous heavy trucks on the portion of Wilsonville Road where traffic congestion is at its worst.

14.6 Goal 6. Air, Water and Land Resources Quality

a. Although it is recognized that traffic congestion can cause some people to use alternative modes of transportation, it is also true that traffic congestion itself results in a decrease in air quality caused by long lines of cars sitting and idling.

b. This Public Facilities Strategy is intended to assure that growth will not overload transportation facilities to the point of complete gridlock. It is, therefore, intended to help limit air pollution.

c. No impacts on water or land resource quality are expected to result from the adoption of this Public Facilities Strategy.

14.7 Goal 7. Areas Subject to Natural Disasters and Hazards

a. No direct impacts are anticipated. The adoption of this Public Facilities Strategy is not expected to subject persons or property to hazards.

b. Adoption of this Public Facilities Strategy is intended to avoid traffic gridlock. In so doing, the City hopes to keep streets accessible by emergency response vehicles. Without taking measures to limit traffic congestion, the result would be increases in response time for all types of emergency vehicles. It is noted that there are only two fire stations located within Wilsonville. One of those stations is located on Kinsman Road, adjacent to Wilsonville Road, a few hundred yards west of the I-5 interchange. Developments that provide such essential government services as police or fire stations are exempt from the limitations imposed by this ordinance.

14.8 Goal 8. Recreation Needs

a. No impacts are anticipated. The adoption of this Public Facilities Strategy is not expected to have any effect on recreational resources or the public's use of such resources. It is recognized, however, that the development of recreational facilities that would tend to generate p.m. peak hour traffic could be constrained during the life of this ordinance. No such facilities are planned which are expected to be affected.

14.9 Goal 9. Economy

a. Goal 9 requires the City to plan for adequate amounts of commercial and industrial development. As of July 1996, the City had approximately 66 acres zoned for commercial development which was vacant and not already approved for development, with 319 acres in commercial use. At the same point in time, Wilsonville

had more than 400 vacant acres zoned and available for industrial development, with more than 1,000 acres in industrial use.

b. Vacant commercial land in Wilsonville includes approximately 45 acres within the area that is subject to this Public Facilities Strategy and 21 acres located in other parts of the City. Although most of the City's vacant, commercially zoned property is within the area affected by this Ordinance, there remains a considerable amount of developable and redevelopable commercial property that is not within the Wilsonville Road corridor. (Note: Under the City's development code, a mixed use planned development industrial plan could convert up to 20% of the industrial land to additional commercial.) The City has deliberately limited the affected area of this Public Facilities Strategy in order to minimize adverse impacts on commercial businesses.

c. Vacant industrial land in Wilsonville includes approximately 152 acres within the area that is subject to this Public Facilities Strategy and 250 acres located in other parts of the City. This means that most of Wilsonville's vacant, industrially zoned property is located outside of the area affected by this Ordinance. The City has deliberately limited the affected area of this Public Facilities Strategy in order to minimize adverse impacts on industrial businesses.

d. As noted in 11.4, this strategy does not prevent the construction of projects that had previously acquired stage II development approval, and it is forecast that such projects will add more than 1.6 million square feet of commercial/industrial space in Wilsonville.

e. Language has been included in this strategy to clarify that existing businesses in the Wilsonville Road corridor will not be prevented from expanding if they can mitigate their p.m. peak hour traffic impacts on the Wilsonville Road/I-5 interchange (Sec. 1.4.a(and 1.5.b)), or if such expansion has de minimis impacts on the interchange (Sec. 1.5.b).

f. The City's transit system (SMART) is unique in terms of its efforts to coordinate the needs of commuters with local businesses. Funded by an employer payroll tax of .3%, SMART's annual budget exceeds \$1,200,000. SMART operates a fareless system with four fixed routes serving Wilsonville, and with additional connections to Tri-Met in Tualatin, Portland, and Oregon City. Demand-response Dial-a-Ride is also available to the general public. SMART operations now have the effect of removing 54,000 cars per year from local streets, and ridership continues to grow. Viewed as one part of the community's overall solution to traffic problems, SMART cannot carry out its functions under conditions of gridlock.

g. Although some business owners feel that they have more potential customers in their vicinity when nearby streets are congested, it is also evident that some existing businesses have been damaged by traffic congestion. Some customers are unwilling to sit in traffic for long periods of time, and will shop elsewhere in order to avoid it. It is also evident that existing industries, particularly those which rely on trucking, are not well served by congested streets.

14.10 Goal 10. Housing

a. Goal 10 requires the City to accommodate a mix of housing prices and rent levels. The City has done a good job of meeting the requirements of the Metro Housing Rule (current records indicate that Wilsonville has as many multiple family units as single family dwelling units). Even under the terms of the TMO, the City issued permits or land use approvals for the development of more than 1,350 housing units.

b. The City has deliberately limited the affected area of this Public Facilities Strategy in order to minimize adverse impacts on residential development. Vacant residential land in Wilsonville includes approximately 80 acres within the area that is subject to this Public Facilities Strategy and 52 acres located in other parts of the City.

14.11 Goal 11. Public Facilities and Services

a. Goal 11 requires the provision of "timely, orderly and efficient" facilities and services. The City has proven its commitment to timely, orderly and efficient facilities and services by recently funding more than \$10 million in wastewater treatment plant expansion and upgrades. The City's 1996/97 budget includes approximately \$35 million for improvements to Wilsonville's public facilities and services.

b. The City of Wilsonville is currently updating its capital improvements plan and will soon begin an update of its transportation systems plan. The City is working with a number of state agencies and Metro in the preparation of a master plan for the redevelopment of the Dammasch State Hospital and surrounding private properties. The City is also actively involved with Metro on regional planning issues. All of these things indicate the City's commitment to providing facilities and services to a growing population.

14.12 Goal 12. Transportation

a. Goal 12 requires a "safe, convenient, and economic transportation system." The City of Wilsonville is attempting to do exactly that through the adoption of this Public Facilities Strategy. It should be noted that the City is providing \$3,715,730 for the improvement of Wilsonville Road at the I-5 Interchange and an additional

\$2,800,000 for the improvement of Wilsonville Road from Boones Ferry Road west to the railroad tracks. This amounts to a total of more than \$8,230,000 committed by the City to help deal with the immediate traffic situation. This sort of commitment is rare for a city of Wilsonville's population.

b. In addition to I-5/Wilsonville Road funding, the City has funded through Local Improvement Districts (LIDs) approximately \$7,000,000 since the Transportation Management Plan was adopted in 1991. These road improvements included 95th Avenue, Ridder Road and Canyon Creek North - critical connectors identified in the 1991 Transportation Management Plan.

c. The City Council finds that the City's transportation problems cannot be solved through street construction alone, despite the City's extraordinary commitment to funding devoted to street and transit improvements.

d. The City Council finds that even if all the roads identified in the City's Transportation Master Plan were funded and built, the City will need a multi-faceted transportation facilities strategy to meet capacity and growth issues.

e. The City Council finds that it is imperative to update the City's Transportation Master Plan adopted in 1991 but already outdated. Traffic at critical locations in 1995 already exceeded traffic projections in that plan for the year 2010.

f. The City Council further finds that ODOT's cooperation in updating the Transportation Master Plan is key to implementation of a successful transportation facilities strategy now and in the future.

g. Goal 12 requires the City to assure that transportation plans conform with the land use portion of the Comprehensive Plan. As noted above, the City's Comprehensive Plan specifically calls for the phasing of growth in relation to street and interchange improvements. This Public Facility Strategy helps to implement those provisions of the Comprehensive Plan.

h. Goal 12 also requires the City to consider the needs of the "transportationally disadvantaged" and to consider multiple modes of transportation. It should be noted that those things are being accomplished through the efforts of SMART, as noted above in the discussion of Goal 9. Also, new street and interchange improvements will include major upgrades for pedestrians, bicyclists and transit users.

i. The State's Transportation Planning Rule requires the City to consider a full range of transportation modes in the preparation of the new Transportation Master Plan (Transportation Systems Plan). The intent of this rule is to assure that the City adequately considers the potential beneficial impacts of such things as improved bicycle, pedestrian, and transit facilities, rather than relying exclusively on increased

facilities to accommodate automobiles. The City is committed to compliance with the Transportation Planning Rule in the preparation of the new Master Plan, and the consultant's scope of work for that project (part of the record in support of this Ordinance) has been prepared to reflect that commitment.

14.13 Goal 13. Energy Conservation

a. Goal 13 requires the City to take steps to conserve all forms of energy, based on sound economic principles. Although it is recognized that traffic congestion can result in energy conservation as some people increase their use of alternative modes of transportation, it is also true that traffic congestion itself results in wasted energy as long lines of cars sit and idle.

b. This Public Facilities Strategy is intended to assure that growth will not overload transportation facilities to the point of complete gridlock. It is, therefore, intended to help limit wasteful energy consumption.

14.14 Goal 14. Urbanization

a. Goal 14 requires the City to logically plan for urban growth. Wilsonville is doing this through a coordinated planning effort with Metro. Metro has asked the City to plan on essentially doubling the population and the work force within Wilsonville over the next twenty years. The City is committed to work with Metro in this regional planning effort. However, this requires a well-thought-out plan with a focus on adequate public facilities and services and a mechanism for funding those facilities and services. It will not be accomplished by allowing growth to exceed the capacities of those facilities and services.

b. Adoption of this Public Facilities Strategy will not prematurely hasten the conversion of rural lands to urban uses. As noted above, the area of the City affected by this ordinance contains relatively little developable residential land.

14.15 Goal 15. Willamette River Greenway

a. No impacts on the Willamette River Greenway are anticipated as a result of this Public Facilities Strategy.

15. Notice, Process and Findings.

15.1 The City finds that it has provided the Department of Land Conservation and Development with the required 45 day written notice prior to final public hearing to be held to consider this public facilities strategy ordinance.

15.2 The City finds the street facility capacity issues that exist, which are recited above, when reviewed against the clear and objective state standards set forth in ORS 197.768, are sufficient to support this Public Facilities Strategy. Further, the

current correction program of construction of the substantial improvements to the I-5/Wilsonville Road Interchange and intersections which, by a previously approved financing agreement between the Oregon Department of Transportation and the City of Wilsonville, are scheduled to be completed by October, 1998, will have all the extra capacity it will provide used up before it is completed.

15.3 The City finds that by virtue of its recitals contained herein, sufficient written findings justifying the need for the public facilities strategy are made pursuant to ORS 197.768.

15.4 The City finds that it has duly held a public hearing on the adoption of this ordinance which sets forth the public facilities strategy and the findings which support the strategy.

15.5 The City finds that, based upon reasonably available information found in the record of enactment of the Traffic Growth Management Ordinance 431 and as supplemented in the record herein, growth management limitations on new development within the Wilsonville Road Corridor are justified to prevent a shortage of service capacity of a public transportation facility which will otherwise occur during the effective period of this public facilities strategy.

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

Section 1: DETERMINATION AND FINDINGS

1.1 The City Council adopts the above recitals and findings as findings of fact and incorporates them by reference in support of this ordinance.

1.2 The Wilsonville City Council hereby determines that there are an estimated 1,435 p.m. peak hour trips that will become available (excess capacity) upon completion of Phase I ODOT improvements of the I-5/Wilsonville Road Interchange and the improvements at the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West. These trips will be generated from development principally within the Wilsonville Road Corridor. Comprehensive Plan Policy 3.3.3 permits development to go forward upon conditions. In summary, the conditions provide for mitigation of the timing of providing street capacity improvement if the improvement is planned and funding is committed for the improvement to occur within two years of the development's permitted occupancy; provided there is no serious endangerment to public health and safety. Since it reasonably appears that construction of the Phase I improvements will take place in an approximate two to three-year period and construction is estimated to take one to two construction seasons, and if 1,435 trips are

allowed prior to the improvements being in place, then the City Council determines that, given the large possible traffic impacts that could occur without improvement to the intersections and the interchange, serious endangerment to the public health and safety is probable.

1.3 Based on the above recited findings and determinations, the Wilsonville City Council hereby determines that the hereinafter recited Public Facilities Transportation Strategy meets the requirements of ORS 197.768.

1.4 The Public Facilities Transportation Strategy for the Wilsonville Road Corridor will "sunset" and cease to be in effect at the point in time when the City has adopted a new Transportation Systems Plan and its related funding plan for improvements and the required road improvements (i.e., Wilsonville Road from the railroad tracks through Town Center Loop West and including the I-5 Interchange) have been completed. (As used in this ordinance, the term "completion of improvements" applies to the point in time when the City Engineer issues a Notice of Substantial Completion for the portion of the improvements that is the responsibility of the City and the Oregon Department of Transportation issues a Notice of Substantial Completion for the portion of the improvements that is the responsibility of the State). This ordinance contains four levels of review, based on a time-line that is tied to projected occurrences over the next two to three years. The first, listed in Section 1.4. a. of the ordinance, applies throughout the life of the ordinance. The second applies to the period of time between the enactment of the ordinance and the full allocation of traffic capacity. The third applies after the full allocation of capacity. The final part applies to the preparation of the new Transportation Systems Plan, including the necessary funding plan to implement it. (Note: It is anticipated that the new Transportation Systems Plan will address Public Facility Transportation Strategies for the future.) The reason for having these four levels of review is to allow for consideration of new information and changing circumstances.

The following is hereby adopted:

a. The following shall apply throughout the life of this ordinance:

- (1) Capacity which is allocated to any current or future Stage II approval shall be reclaimed by the City for reuse if that Stage II approval has expired or if additional capacity becomes available because previously approved shell buildings, when fully leased, contain uses that generate fewer trips than originally anticipated. All reclaimed p.m.

peak traffic capacity shall be added to the total unused remaining traffic capacity and shall be used to prolong the useful life of the interchange. The Community Development Director shall make those additional trips available for reallocation to new developments. The Community Development Director shall maintain a list of active Stage II approvals, showing the number of trips allocated to each development.

- (2) The City Council shall receive a report from the City Engineer each October, at which time the City Engineer shall present information on the status of this ordinance, including trip allocations, development projects, and improvements to Wilsonville Road and related intersections.

b. During the period from the enactment of this ordinance to the full allocation of capacity of the subject transportation facilities (i.e., Wilsonville Road from the railroad tracks through Town Center Loop West and including the I-5 Interchange) the City shall continue to require the following:

- (1) All new developments are to file traffic management plans to reduce traffic as well as p.m. peak hour trips.
- (2) All new commercial and industrial developments and all residential developments of two acres or more shall be planned as planned unit developments wherein mixed uses are encouraged to reduce traffic.
- (3) The city will continue to stress reduction of p.m. peak hour trips by:
 - (a) Providing the City's own transit system, South Metro Area Rapid Transit (SMART) with both demand and fixed route systems to reduce traffic and p.m. peak hour trips.

- (b) Working with the City's major employers to encourage car and van pooling, working at home, and the use of SMART.
 - (c) Implementing the City's pedestrian and bicycle plan and funding alternatives for improvements to encourage alternative means of transportation.
 - (d) Continuing to emphasize personal responsibility to reduce p.m. peak hour trips by modifying driving schedules, car pooling and use of public transportation.
- (4) Begin the development of the City's other streets to provide alternative routing, with a focus on transportation projects which are the most effective for the least cost in keeping with the governor's Oregon Transportation Initiative.
 - (5) Limit development based upon the LOS "D" capacity standard as measured by p.m. peak hour traffic for arterial and major collector streets, inclusive of Wilsonville Road. More specifically, the p.m. peak hour trips for development in the Wilsonville Road Corridor shall be allocated as follows:
 - (a) Increased traffic through the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West shall be limited to no more than 1,435 p.m. peak hour trips from development within the Wilsonville Road Corridor.
 - (b) Developments that are found to not contribute to p.m. peak hour trips on Wilsonville Road between Town Center Loop West and Boones Ferry Road, whether because of design, location, hours of operation, implementation of a traffic mitigation program, or other

reasons, shall not be subject to the limitations of this ordinance.

- (6) The "most probable used intersection (s)," as described in the Wilsonville Code, shall continue to be interpreted to mean the intersection(s) through which the highest percent of traffic from a development will travel. (For example, if 40% of the p.m. peak hour trips travel through the intersection of Parkway Center and Elligsen at Stafford - North Wilsonville Interchange, and 25% travel through one of the city intersections adjacent to the Wilsonville Road/I-5 Interchange, then the Parkway Center and Elligsen intersection is the most probable used intersection.)
- (7) Any traffic capacity approved by the City and allocated to a specific development and site shall remain with such in strict accordance with the Stage One (Master Plans) and Stage Two (Site Development Plans) as approved, regardless of subsequent changes in ownership. Such traffic capacity may not be transferred to other properties. Substantial changes which affect approved projects in terms of site development or timing of phases shall be reviewed by the Development Review Board for compliance with this ordinance. Such reviews shall be in accordance with Section 4.011 (Notice and Public Hearing Procedures) of the Wilsonville Code and the appropriate filing fees shall be collected.
- (8) In the event that the full capacity of the subject transportation facilities has been allocated prior to the enactment of this ordinance, the provisions of Section 1.4. c, below, shall be followed.

c. After the full allocation of capacity, the following strategy will be followed:

- (1) Continue strategies indicated in 1.4. b., above.

- (2) Approve only those developments within the corridor which meet one or more of the following:
 - a) Has a de minimis impact (three or fewer p.m. peak hour trips) on the intersection of Wilsonville Road with either Town Center Loop West or Boones Ferry Road.
 - b) Has the highest percentage of trips through either of the City intersections adjacent to the Stafford/North Wilsonville interchange.
 - c) Provides essential government services or public school facilities, or public transportation facilities.

- (3) Six months after the completion of improvements the city shall conduct a traffic analysis to determine what impact the improvements have had on the flow of traffic at the critical intersections of Boones Ferry Road and Wilsonville Road and Town Center Loop West and Wilsonville Road. Based on that traffic analysis, the City Council shall adopt findings as to the then-existing and future capacity of the city's roadway system and the improved interchange.

- (4) The City Council may increase the figure to a number greater than 1,435 p.m. peak hour trips if, after planned improvements to the interchange and Wilsonville Road have been completed, the City Council determines that:
 - a. The actual capacity of the street system exceeds the current projection; or
 - b. The actual traffic generation of development projects that are now anticipated proves to be less

than that currently estimated; thereby increasing the actual number of trips that remain to be allocated.

d. Upon the adoption of the City's revised Transportation Systems Plan and the enactment of an implementing ordinance containing a funding plan for the Transportation Systems Plan and the completion of the improvements to Wilsonville Road/I-5 interchange (includes lower Boones Ferry/Wilsonville Road and Town Center Loop West/Wilsonville Road intersections), this Public Facilities Transportation Strategy ordinance shall automatically sunset and cease to be in effect. In its consideration of the revised Transportation Systems Plan, now anticipated to be prepared before the end of 1997, the City Council will take all necessary steps to assure that the Plan and implementing ordinances comply with the state's Transportation Planning Rule and Metro's Urban Growth Management Functional Plan (scheduled for completion by the end of 1996).

- (1) The Plan shall emphasize non-physical solutions to reducing congestion as alternatives to capacity improvements.
- (2) Where capacity improvements are identified, the Transportation Systems Plan shall also include a phasing, location and funding schedule for those improvements. Based on that schedule, the City Council shall adopt findings that evaluate the level (amount) of development and/or the timing and/or location of the development in order to assure concurrence between development and needed road improvements in accordance with Policy 3.3.3 of the City's Comprehensive Plan. This policy establishes the City's concurrence policy which allows development to go forward only as capacity corrections can be planned and funded.

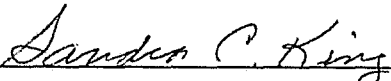
Section 2: VALIDITY

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

Section 3: EMERGENCY DECLARED

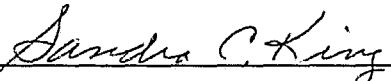
The matters contained herein concern the public health, welfare and safety, and the safe use of the future I-5 Interchange and Wilsonville Road improvements while under construction which is approaching maximum capacity before it is even built, an emergency is hereby declared to exist, and this ordinance shall become immediately effective upon its passage by the City Council.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16th day of September, 1996, and a second reading on the 7th day of October, 1996, commencing at the hour of 7 o'clock p.m. at the Community Development Hearings Room.




SANDRA C. KING, City Recorder

ENACTED by the City Council on the 7th day of October, 1996, by the following votes: YEAS: 3 NAYS: -0-



SANDRA C. KING, City Recorder

DATED and signed by the Mayor this 9 day of October, 1996.



GERALD A. KRUMMEL, Mayor

SUMMARY OF VOTES:

Mayor Krummel	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Lehan	<u>Excused</u>
Councilor MacDonald	<u>Yes</u>