

RESOLUTION NO. 1334

A RESOLUTION ADOPTING THE ZONING ORDER AND AMENDING THE OFFICIAL ZONING MAP TO APPLY PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONING (FROM RA-1) AND APPROVING STAGE I AND STAGE II SITE DEVELOPMENT PLANS FOR TWO MULTI-USE INDUSTRIAL COMMERCIAL BUILDINGS. THE SITE IS IDENTIFIED AS BEING TAX LOTS 103, T3S-R1W, 23BD, WILSONVILLE, CLACKAMAS COUNTY, OREGON. TIMOTHY E. KNAPP AND MELODEE KNAPP, APPLICANTS.

WHEREAS, Timothy Knapp and Melodee Knapp, applicant, with the consent of Max K. Chau, has submitted a full and complete application requesting a Zoning Map amendment for Tax Lot 103, T3S-R1W, 23BD, 1.3 acres, located east of the old Burlington Railroad between 4th and 5th Streets on Boones Ferry 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) & (3) of the Wilsonville code; and

WHEREAS, the property is proposed to be sold by Max Chau to Timothy Knapp and Melodee Knapp; and

WHEREAS, the West Side Planning Task Force has supported the application as being consistent with their plans and policies for the West Side area; and

WHEREAS, the Planning Staff has prepared a report on the above-captioned subject which is attached hereto (EXHIBIT A); and

WHEREAS, the Wilsonville Development Review Board (DRB) held hearings on October 14, 1996, and November 12, 1996, and recommended approval with conditions; and

WHEREAS, the Wilsonville City Council at a public hearing held on November 19, 1996, considered the DRB's record, the Planning Department staff report and recommendations and considered public testimony; and

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

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

ZONING:

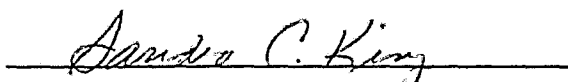
1. Zoning Order No. 96DB34 which is attached hereto and incorporated by reference as fully set forth herein, is adopted and so ordered;
2. Stage I and Stage II Site Development Plans are approved and the City Council adopts the Development Review Board's approved staff report attached hereto as Exhibit "A", with the findings, recommendations, and conditions of approval contained therein.
3. Sections 1 and 2 are to be implemented as follows:
 - A. The Planning Director is hereby authorized to issue a Site Development Permit consistent with approval of Stage II plans after separate Site and Design Review approval by the Development Review Board.
 - B. The Planning Director is authorized to amend the official Zoning Map in keeping with the decision herein.
 - C. The property owner(s) of the parcel (and any future owners) shall accept the City Council's Conditions of Approval and such acceptance shall be placed and kept with the City Recorder. Any proposed amendments or modifications of any condition shall be brought back to the Council for their approval and shall be subject to the public hearing notice and process as set forth in the Wilsonville Code.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 18th day of November, 1996, and filed with the Wilsonville City Recorder this same date.



GERALD A. KRUMMEL, Mayor

Attest:



Sandra King, City Recorder

SUMMARY of votes:

Mayor Krummel Yes
Councilor Lehan Yes
Councilor Hawkins Yes
Councilor MacDonald Yes

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

In the Matter of the Application of)	
Timothy Knapp and Melodee Knapp)	
for a rezoning of land and amendment))	ZONING ORDER 96DB34
of the Wilsonville Zoning Map as set)	
forth in Section 4.012 of the Code)	TIMOTHY KNAPP AND
and Sections 4.187 to 4.189)	MELODEE KNAPP

The above entitled matter came before the Wilsonville City Council on November 19, 1996, for consideration of the application and request for a zone change and order amending the official Zoning Map from **RESIDENTIAL AGRICULTURE-One Acre Minimum (RA-1) to PLANNED DEVELOPMENT INDUSTRIAL (PDI)** for 1.3 acres of land identified as Tax Lot 103; Section 23BD; T3S-R1W; Clackamas County, Oregon. The property is generally located on the east side of the old Burlington Railroad, between 4th Street and 5th Street on Boones Ferry Road. This application also includes a request for the City Council to approve Stage I Preliminary Plan and Stage II Development Plans for two buildings for commercial and industrial use.

The Wilsonville Development Review Board (DRB) held public hearings on this application on October 14, 1996, and November 12, 1996, and, after closing the hearing, adopted Resolution No. 96DB34 which recommends that the Council approve the Zone Map Amendment and Stage I and II development plans subject to Conditions of Approval for the development along with findings as proposed by Planning Staff.

It appears to the City Council that the DRB's record of proceedings, along with the Board's recommendations which have been forwarded to the Council, are complete and factual and have taken public testimony and received exhibits. The City Council hereby adopts the Findings, the Conditions and, in doing so, finds that this application should be approved with the Conditions as follows and it is, therefore, approved with Conditions as follows:

1. Approve the Zone Change from RA-1 zone to the PDI zone, and approve Stage I, Preliminary Plan and Stage II, Final Plans for two development phases.
2. The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site and record this with the City Lien Docket .
3. The applicant shall develop the project in substantial compliance with the approved Stage II, Final Plan. It is understood that minor revisions in the development will

- occur prior to and during the construction phase. Minor site development revisions may be reviewed by the Planning Director under a Class I administrative review.
4. The Engineering Department and the Building Department Conditions of Approval represented in Exhibits E and F are adopted as a part of this approval.
 5. This approves the following waivers from the PDI development standards:
 - Waive the 30' front yard setback to allow a 12' setback at Boones Ferry Road, 4th Street and 5th street to allow the proposed buildings.
 - Waive the minimum on-site parking by 10 spaces and allow 21 parallel, street side parking spaces on Boones Ferry Road, 4th street and 5th street.
 - Allow 20% of the building area for commercial and/or office use.
 6. The applicant shall install one bicycle rack per tenant space to accommodate two (2) bicycles per rack. Locate the bicycle rack(s) within close proximity of each tenant space entrance. Bicycle racks shall be of the design that bicyclists can provide their own locking device to secure the frame and both wheels.
 7. This Phase II, Stage II approval is given with the understanding and limitation that 37, 4:00 to 6:00 pm peak hour trips from the project will travel through the Wilsonville Interchange.
 8. All vehicles associated with the construction of this project shall be parked on-site.

ENGINEERING DEPARTMENT CONDITIONS:

- 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. Separate Engineering Drawings reflecting the installation of these public utilities may be required.
- No construction of, or connection to, any existing or proposed public utility/improvements 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 revise or modify the public improvement plans and improvements to see if additional modifications are required.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PF 4. Record drawings are to be furnished by the Applicant for all public utility/improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall

be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the Applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.

- PF 6. Plans submitted for review shall meet the following general format:
- A. Composite Utility Plan
 - B. Detailed Utility or Improvement Plans and Grading Plan.
 - C. Public utility or improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City and a in a 15 ft. wide public utility or improvement easement (centered over the utility or improvement) conveyed to the City on its dedication forms.
 - D. Design of any public utility or improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility or 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 or 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. At the request of Staff, DKS completed a traffic impact analysis to determine the impact on the City's transportation system based on the highest and best use of the subject property in conformance with the ITE Manual on trip generation (the standard practice for proposed developments within the City). The Applicant filed written documentation with Staff (attached) that the work DKS completed overestimated the number of vehicular trips. It is the Applicant's belief that the actual trips rates could be substantially less than those estimated in the ITE Manual and actual driveway counts should be the basis for the trip generation.

This issue continues to be stated by the vast majority of individuals proposing developments within the City, "our project is different because...". Staff has maintained (and directed DKS accordingly) that an accurate estimate of traffic impacts must be based on the analysis of highest and best use. Once approved the City has few, if any, avenues to re-evaluate a given project and its traffic impacts.

There have been certain development situations where actual driveway counts have been utilized in the traffic impact analysis due to the special nature of the development. In the case of the Applicant's project description Old Town Flex Building reflects the uncertainty of the ultimate occupants of the facility.

The lack of specific tenant information results in a wide variation in possible trip generation. The traffic volumes experienced within the City far exceed those referenced in the current Transportation Master Plan. Because of the variation in possible trip generation and present traffic volumes within the City, Staff has elected and received approval for the highest and best use alternative. Staff offers an Applicant the opportunity to file an appeal of the results of the DKS report (prior to fee payment). At the time of full occupancy a follow-up traffic impact analysis can be conducted (at the Applicants expense) based on the nature of the appeal. If the results of the new analysis are less than originally estimated the appropriate fees are refunded. If the analysis yields higher volumes no additional fees are collected.

In certain cases where the Applicant expresses the willingness to reduce per hour volumes through limitations on the type and size of the allowable uses within the planning district, DKS has developed volumes lower than the more typical highest and best use strategy. This approach was used in the analysis for the Old Town Flex Building. Most Applicants elect to not limit the type and size of their allowable uses thereby possibly generating the maximum trips possible.

Staff requested DKS respond to Mr. Knapp's letter. The response has been previously submitted into the record and reflects many of the same issues addressed here.

- PF 10. The Applicant shall provide pedestrian linkages from the front doors of each building to the public sidewalks.
- PF 11. The Applicant shall provide bicycle racks convenient to the building entrances for employment uses.
- PF 12. Due to the possible impact of the project on the transportation system, the construction of the buildings shall be scheduled to minimize the impact on the I-5 Wilsonville Road Interchange.
- PF 13. The Applicant shall submit a DKS letter report to update or modify conditions as contained within for each individual proposed project. Staff reserves the right to modify the conditions contained herein based on the conclusions of these reports.
- PF 14. The current Transportation Master Plan does not address the issues of on street parking which the Applicant is proposing. While not addressed in the Plan, the Applicant's design follows accepted design practices in the location and width of the parking stalls and "shy" distances from adjacent travel and bike lanes. A similar design was proposed with the Fred Meyer application and was supported by Staff. Staff continues to support these efforts given the nature and location of the proposed development.
- PF 15. The Applicant shall install half street improvements as follows:

Boones Ferry Road and Fifth Street: Curbside 5-foot sidewalk (minimum), curb and street improvements (granular and asphaltic concrete section) as shown on the plans to provide a minimum street width of 27-feet from face of curb. Existing

street improvements of adequate structural integrity may be utilized as approved by a registered professional engineer and Staff.

Forth Street: Curbside 5-foot sidewalk (minimum), curb and street improvements (granular and asphaltic concrete section) as shown on the plans to provide a minimum street width of 20-feet from face of curb. Existing street improvements of adequate structural integrity may be utilized as approved by a registered professional engineer and Staff.

Improvements to include adequate storm drain facilities.

PF 16. New PM peak hour trips	37
New p.m. peak hour trips through I5/Wilsonville Road Interchange Area (subject to capacity limitations)	36

BUILDING DEPARTMENT CONDITIONS:

1. An approved public fire hydrant shall be installed within 250' feet, hose-lay fashion, of all exterior walls.
2. An accessible route shall be provided connecting all building tenant entrances to a public sidewalk. Such accessible routes, if crossing a parking lot, shall be protected by approved crosswalks meeting ADA standards.
3. Not less than one water meter shall be provided for each separate building, and not less than one irrigation meter shall be provided for the project.
4. A soils investigation report shall be submitted at time of building permit application.

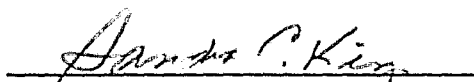
ORDERED that the property above-described is hereby rezoned as follows: from *Residential Agriculture - 1 Acre Minimum (RA-1)* to *Planned Development Industrial (PDI)*, and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

The property subject to this Zoning Order is also subject to the Order of the City Council in respect thereto made.

DATED: This 18th day of November, 1996.


GERALD A. KRUMMEL, Mayor

ATTEST:


Sandra King, City Recorder