

DEVELOPMENT REVIEW BOARD MEETING
APRIL 24, 2024
4:00 PM

Public Hearing:

1. **Resolution No. 432 - Planning Director's Referral of a Continuation of Non-Conforming Use Determination:** The Planning Director has referred Case File AR23-0031 to the Development Review Board for determination regarding the continuation of an existing Non-Conforming Use.

On April 8, 2024, the Development Review Board moved to keep the record open until April 15, 2024. This item will be for deliberation and decision only based on the evidence on the record. No further testimony or written comments will be accepted.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 432**

A RESOLUTION DENYING THE PROPOSED OCCUPANT’S (THE HOME DEPOT) PROPOSED USE AT 29400 SW TOWN CENTER LOOP WEST IS A CONTINUATION OF THE EXISTING NON-CONFORMING USE

WHEREAS, an application for Class II Administrative Review (AR23-0031), together with planning exhibits, has been submitted by Dan Zoldak of Lars Andersen & Associates, Inc. – Applicant, on behalf of David Fry of Lumberjack LP – Owner, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject property is located at 29400 SW Town Center Loop West on Tax Lot 220, Section 14D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon (“the Location”); and

WHEREAS, the Planning Director referred the Class II Administrative Review (AR23-0031) to the Development Review Board as authorized in Section 4.030 of the Wilsonville Development Code; and

WHEREAS, the subject of the Class II Administrative Review is to confirm or deny that the non-conforming use currently located at the Location (the Current Occupant) and the Proposed Occupant’s (The Home Depot) proposed use at the Location constitutes a continuation of non-conforming use; and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated April 1, 2024; and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on April 8, 2024, at which time exhibits, together with findings and public testimony were entered into the public record; and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report; and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A1, with findings and recommendations contained therein, denying the Proposed Occupant as a continuation of the existing non-conforming use at the Location.

ADOPTED by the Development Review Board of the City of Wilsonville this 24th day of April 2024, and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022 (.09) unless appealed per WC Sec 4.022 (.02) or called up for review by the Council in accordance with WC Sec 4.022 (.03).

Alice Galloway, Vice Chair - Panel B
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

April 15, 2024

Keenan Ordon-Bakalian
Admitted in Oregon and
Washington
D: 503-796-2470
kordon-bakalian@schwabe.com

VIA EMAIL

Development Review Board Panel B
City of Wilsonville
c/o Cindy Luxhoj, Associate Planner
luxhoj@ci.wilsonville.or.us
29799 Town Center Loop E
Wilsonville, OR 97070

Kenneth Katzaroff
Admitted in Washington and
Oregon
D: 206-405-1985
C: 206-755-2011
KKatzaroff@schwabe.com

RE: ***Applicant's Open Record Submittal for AR23-0031 (DB24-0003)***

Dear Members of the Development Review Board:

This firm represents The Home Depot, Inc. (“**Home Depot**” or the “**Applicant**”) in the above-referenced casefile (the “**Appeal**”). On April 8, 2024, the Development Review Board (the “**DRB**”) held a public hearing on the Appeal. Home Depot testified orally during the hearing. At the conclusion of the hearing, the DRB closed the record to further oral testimony but allowed the written record to remain open until 5:00 PM on April 15th for any party to submit any evidence or testimony. Home Depot is also entitled to at least seven days after the record is closed to all other parties (April 22, 2024) to submit final written argument, pursuant to ORS 197.797(6)(e).

This cover letter accompanies the Applicant’s evidence submitted during the open record period for this proceeding. Home Depot’s evidence is timely submitted prior to the close of the open record period. This letter does not contain significant legal argument, but rather summarizes Home Depot’s responsive evidence and testimony, which is enclosed.

I. Summary of Enclosures and Testimony

A. Home Depot’s Operations at the Subject Property will be Less Significant than Fry’s Electronics Prior Impacts

During the April 8 public hearing, members of the DRB raised questions regarding the scope of Home Depot’s impact on the subject property and surrounding area – in relation to that of Fry’s Electronics. City Staff has also suggested that operating a Home Depot at the subject property may constitute an expansion of a lawfully established nonconforming use. In response, Home



Depot provides analysis from Lars Anderson & Associates that details the potential development impacts of Home Depot, in relation to Fry's Electronics. **Exhibit A.**

This letter also encloses a Trip Generation Memorandum for Home Depot's use of the subject property, prepared by Transportation Engineering Northwest ("TENW"). **Exhibit B.** TENW's memo demonstrates that Home Depot's use of the subject property will result in less average daily trips than the trips previously generated by Fry's Electronics.

B. City Staff's Attempt to Arbitrarily Narrow the Commercial Retail Use at the Subject Property is Contradicted by Substantial Evidence

This letter also encloses the original Certificate of Occupancy ("CofO") for the existing structure at the subject property. **Exhibit C.** The CofO makes clear that the use of the structure is *retail*, not a "single-user electronics retail store" or a "Fry's Electronics." As such, the existing nonconforming use at the subject property is commercial retail, or simply retail generally. The City's position that the existing nonconforming use at the property is a "single-user electronics retail store" or a "Fry's Electronics" is not supported by any substantial evidence in the record and is unreasonable in light of the CofO.

C. The 1992 Planned Business Community Declaration for Wilsonville Town Center Property ("1992 CCRs") are Relevant Argument and Evidence for the Subject Application

The Applicant also submits into the record as evidence the 1992 CCRs (**Exhibit D**), as well as the City's November 9, 2023 memorandum analyzing the CCRs (**Exhibit E**). These documents are evidence material to the Applicant's arguments in support of the subject application. *See* ORS 197.797(9)(a)-(b).

D. The Wilsonville Ace Hardware is a Commercial Retail Use just like Fry's Electronics and The Home Depot

Finally, the Applicant submits into the record evidence demonstrating that the Wilsonville Ace Hardware located at 29029 SW Town Center Loop E is a commercial retail use just like the existing nonconforming use at the subject property, and The Home Depot. *See attached*, Ace Hardware Certificate of Occupancy and Excerpt of 2009 International Building Code (**Exhibit F**); Town Center Plan, Appendix A – Comprehensive Plan and Development Code Amendments (**Exhibit G**). **Exhibits F and G.**

City of Wilsonville Development Review Board B
April 15, 2024

II. Conclusion

As noted above and will be discussed further in Home Depot's final written argument, Home Depot's operations at the subject property will not be an expansion of the lawfully established commercial retail nonconforming use at the subject property. Moreover, the Applicant's argument that the existing nonconforming use at the subject property is a commercial retail use is supported by substantial evidence. Thank you for your consideration of this letter. We look forward to providing additional testimony in Home Depot's final written argument.

Sincerely,



Keenan Ordon-Bakalian

KOB:jmhi
Enclosures

cc: Client
Miranda Bateschell, bateschell@ci.wilsonville.or.us
Amanda Guile-Hinman, guile@ci.wilsonville.or.us
Shelley White, swhite@ci.wilsonville.or.us



LARS ANDERSEN & ASSOCIATES, INC.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
ADA COMPLIANCE • LEED ACCREDITED • STORM WATER QUALITY
4694 W JACQUELYN AVENUE
FRESNO, CA 93722
PH (559) 276-2790 FX (559) 276-0850
TEXAS REGISTERED ENGINEERING FIRM F-18450

SCOTT A. MOMMER, PE, QSD
PRESIDENT

DANIEL J. ZOLDAK, PE, PLS
CASp, LEED AP, QSD/P
VICE PRESIDENT

March 4, 2024

Development Review Board Panel B

City of Wilsonville

c/o Cindy Luxhoj, Associate Planner

luxhoj@ci.wilsonville.or.us

29799 Town Center Loop E

Wilsonville, OR 97070

Re: Home Depot, Wilsonville, OR – ADMN23-0029 (DB24-0002/APPL24-0001)

The purpose of this letter is to provide an overview of the reduced scale of development impacts that will be associated with Home Depot's proposed operations at 29400 Town Center Loop W. Wilsonville, OR 97070 (the "subject property").

Consistent with Planning Commission Resolution No. 91PC43 (the "1991 Decision"), Home Depot intends to operate at the subject property. Operations will include reoccupying the existing commercial retail building on the property. The structure currently has an existing 166,494 SF associated with it. Of this existing square footage, Home Depot intends to demolish portions of the existing mezzanine which will result in a reduced commercial square foot for a total proposed square footage of 129,069 square foot.

Home Depot operates stores across the United States, and typical operations require approximately 400 parking stalls. There are currently 838 parking stalls at the subject property. In the future, should other development be interested in developing on the property, Home Depot will be able to reduce the current count by over 400 stalls allowing for this future development while still retaining sufficient parking capacity for Home Depot operations.

Finally, as detailed in the Transportation Northwest ("TENW") Trip Generation Memorandum that is submitted under separate cover, Home Depot's operations at the subject property will result in a reduction of average daily trips to and from the property, as well as a potential reduction in peak hour trips.

Should you have any questions or comments, please feel free to contact me at (559) 276-2790 Ext. 117

Sincerely,
LARS ANDERSEN & ASSOCIATES, INC.

Daniel J. Zoldak PE, PLS, CASp, LEED AP, QSD/P
Vice President

MEMORANDUM

DATE: March 4, 2024

TO: City of Wilsonville

FROM: Amy Wasserman / Chris Forster, P.E.
TENW

SUBJECT: Trip Generation Memorandum
Home Depot Wilsonville
TENW Project No. 2023-264

This memorandum summarizes the preliminary traffic information for the proposed Home Depot Wilsonville project located at 29400 Town Center Loop West in Wilsonville, Oregon. This memo includes a project description and project trip generation estimate. Upon your review of this information, we would like to confirm if any additional traffic analysis is required for this project.

Project Description

The proposed Home Depot Wilsonville project is located at 29400 Town Center Loop West in Wilsonville, Oregon as illustrated in the **Attachment A** site vicinity map. The proposed project would consist of up to 129,100 square feet (SF) of building area for a home improvement superstore. The Home Depot will replace an existing building consisting of 166,495 SF that was previously occupied by an electronics superstore (Fry's). Buildout and occupancy of the Home Depot project is expected in 2025.

Vehicular access to the site is proposed to remain the same as existing with one (1) full access driveway on Park Place, and three (3) access driveways on Town Center Loop West; two (2) of which are full access and one of which is right-in right-out only. A preliminary site plan is shown in **Attachment B**.

Trip Generation

Trip generation estimates for the proposed project were based on methodology documented in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition for Code 862 (Home Improvement Superstore) and Code 863 (Electronic Superstore). Adjustments to the trip generation estimates were made to account for pass-by trips.

Pass-by trips are trips that are made by vehicles that are already on the adjacent streets and make intermediate stops at commercial uses on route to a primary destination (i.e., on the way from work to home). Pass-by trips were based on studies included in the appendices of the ITE *Trip Generation Manual*, 11th Edition, 2021.

The resulting net new weekday daily, AM peak hour, and PM peak hour trip generation for the proposed Home Depot project is summarized in **Table 1**. The detailed trip generation estimates are included in **Attachment C**.

Table 1
Project Trip Generation Summary

Weekday Time Period	Net New Trips Generated		
	In	Out	Total
Daily	-900	-800	-1,799
AM Peak Hour	22	34	56
PM Peak Hour	-129	-124	-253

Next Steps

Upon your review of this information, we would like to confirm if any additional traffic analysis is required for this project.

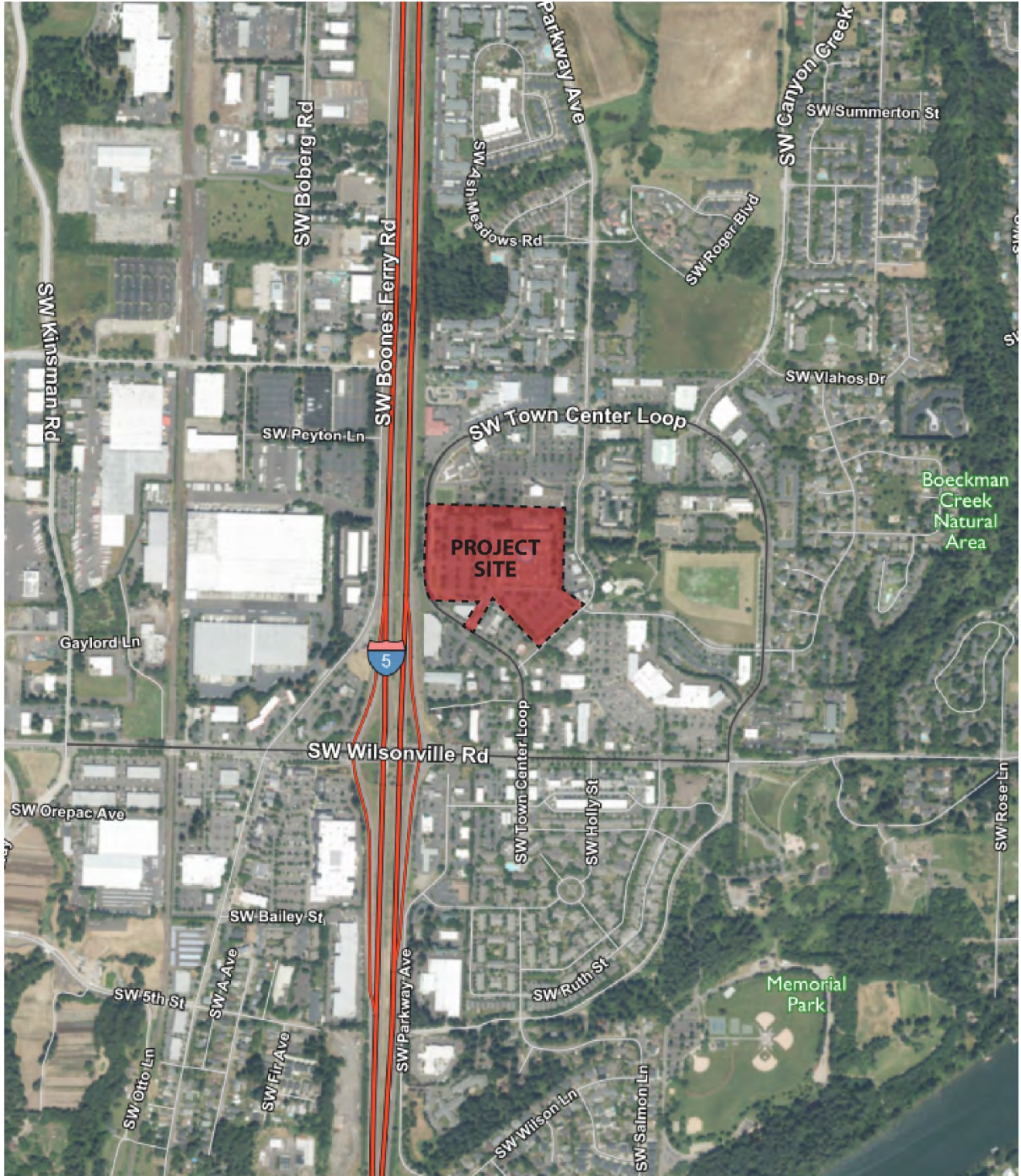
If you have any questions regarding the information presented in this memo, please contact me at (425) 466-7072 or amy@tenw.com.

cc: Dan Zoldak, Lars Andersen & Associates

Attachments: A. Project Site Vicinity
B. Preliminary Site Plan
C. Trip Generation Calculations

ATTACHMENT A

Project Site Vicinity

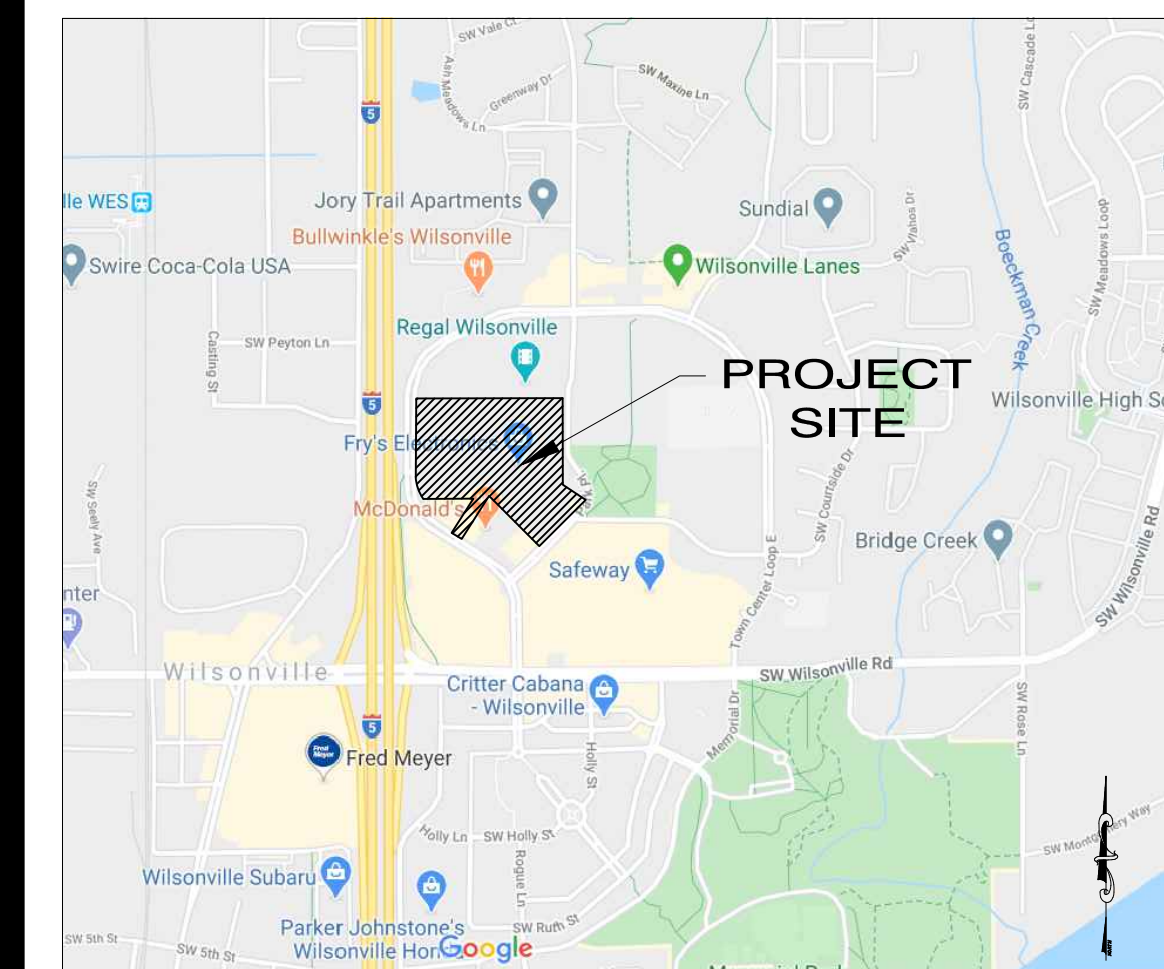


Attachment A: Project Site Vicinity



ATTACHMENT B

Site Plan



LOCATION MAP (NTS)

SITE AREA		
THE HOME DEPOT PARCEL	15.01 AC	653,836 SF
BUILDING AREA		
THE HOME DEPOT		125,176 SF
MEZZANINE		3,893 SF
SUBTOTAL		129,069 SF
TOTAL BUILDING AREA		129,069 SF

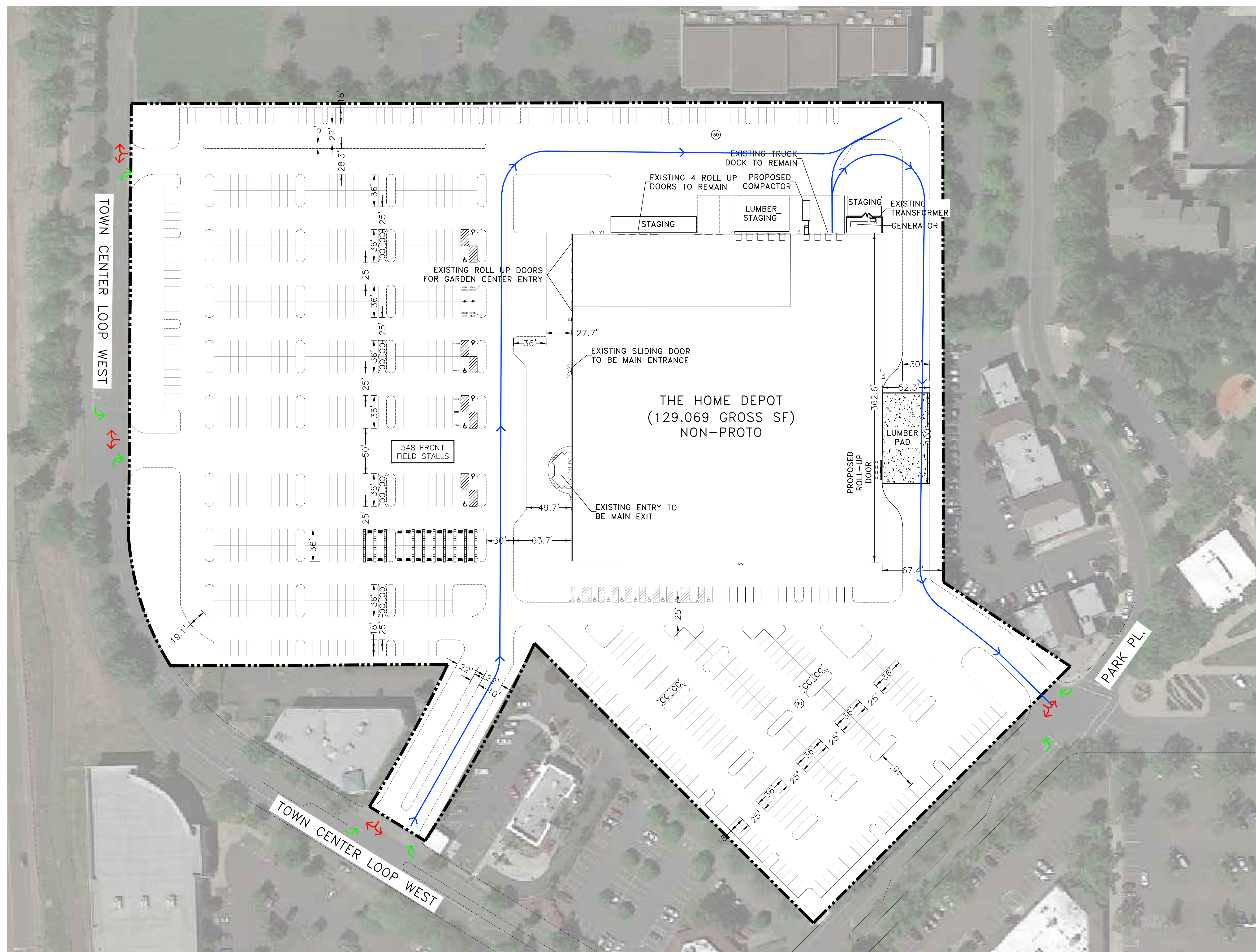
PARKING REQUIRED		
THE HOME DEPOT	4.1 / 1,000 SF	529 STALLS
TOTAL PARKING REQUIRED		529 STALLS

PARKING PROVIDED		
FRONT FIELD		548 STALLS
SIDE FIELD / REAR		290 STALLS
TOTAL PARKING PROVIDED		838 STALLS

INCLUDED IN PARKING PROVIDED		
ACCESSIBLE STALLS (17 REQ. @ 2%)		17 STALLS

NOT INCLUDED IN PARKING PROVIDED		
CART CORRALS		12 STALLS
ACCESSORY PARKING NOT INCLUDED		12 STALLS
TOTAL THD PARKING PROVIDED		838 STALLS

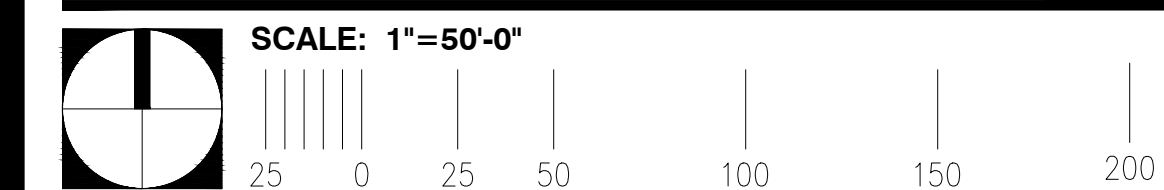
ZONING CLASSIFICATION		
JURISDICTION		CITY OF WILSONVILLE
ZONING CLASSIFICATION		PLANNED DEVELOPMENT
		COMMERCIAL TOWN CENTER (PDC-TC)
THD USE PERMITTED BY RIGHT		YES



NOTES
 1. PLAN BOUNDARY IS BASED OFF AVAILABLE APN MAPS; AN ALTA SHOULD BE COMPLETED FOR ACCURACY.

THE HOME DEPOT
THE HOME DEPOT WILSONVILLE, OR
 29400 TOWN CENTER LOOP W
 WILSONVILLE, OR 97070

DRAWING ISSUE DATE 03.04.2024
 HD SITE SELECTION NUMBER SS-02804.2001



OR - SITE PLAN 10

ATTACHMENT C

Trip Generation Calculations

**Home Depot Wilsonville
Weekday Daily Trip Generation Summary**

	Units ¹	ITE LUC ²	Directional Distribution ²		Trip Rate or Equation ²	Trips Generated		
			In	Out		In	Out	Total
WEEKDAY DAILY								
<u>Proposed:</u>								
Home Improvement Superstore	129,100 SF	862	50%	50%	30.74	1,985	1,984	3,969
<i>Passby Trips</i> ³	42%					-834	-833	-1,667
					Subtotal (less passby) =	1,151	1,151	2,302
<u>Less Existing:</u>								
Electronics Superstore	166,495 SF	863	50%	50%	41.05	3,418	3,417	6,835
<i>Passby Trips</i> ³	40%					-1,367	-1,367	-2,734
					Subtotal (less passby) =	2,051	2,050	4,101
Net New Daily Trips =						-900	-899	-1,799

Notes:

¹ SF = Square Feet.

² Institute of Transportation Engineers, Trip Generation Manual, 11th Edition.

³ Passby percent based on Institute of Transportation Engineers, Trip Generation Manual, 11th Edition. The pass-by rate was assumed to be equal to the PM peak hour rate for LUC 862 and 863.

**Home Depot Wilsonville
Weekday AM Peak Hour Trip Generation Summary**

	Units ¹	ITE LUC ²	Directional Distribution ²		Trip Rate or Equation ²	Trips Generated		
			In	Out		In	Out	Total
WEEKDAY AM PEAK HOUR								
<u>Proposed:</u>								
Home Improvement Superstore	129,100 SF	862	57%	43%	1.51	111	84	195
<i>Passby Trips</i> ³	42%					-47	-35	-82
					Subtotal (less passby) =	64	49	113
<u>Less Existing:</u>								
Electronics Superstore	166,495 SF	863	73%	27%	0.34	42	15	57
<i>Passby Trips</i> ³	0%					0	0	0
					Subtotal (less passby) =	42	15	57
Net New AM Peak Hour Trips =						22	34	56

Notes:

¹ SF = Square Feet.

² Institute of Transportation Engineers, Trip Generation Manual, 11th Edition.

³ Passby percent based on Institute of Transportation Engineers, Trip Generation Manual, 11th Edition. The pass-by rate was assumed to be equal to the PM peak hour rate for LUC 862 and was assumed to be 0% for LUC 863.

**Home Depot Wilsonville
Weekday PM Peak Hour Trip Generation Summary**

	Units ¹	ITE LUC ²	Directional Distribution ²		Trip Rate or Equation ²	Trips Generated		
			In	Out		In	Out	Total
WEEKDAY PM PEAK HOUR								
<u>Proposed:</u>								
Home Improvement Superstore	129,100 SF	862	49%	51%	2.29	145	151	296
<i>Passby Trips</i> ³	42%					-61	-63	-124
					Subtotal (less passby) =	84	88	172
<u>Less Existing:</u>								
Electronics Superstore	166,495 SF	863	50%	50%	4.25	354	354	708
<i>Passby Trips</i> ³	40%					-141	-142	-283
					Subtotal (less passby) =	213	212	425
Net New PM Peak Hour Trips =						-129	-124	-253

Notes:

¹ SF = Square Feet.

² Institute of Transportation Engineers, Trip Generation Manual, 11th Edition.

³ Passby percent based on Institute of Transportation Engineers, Trip Generation Manual, 11th Edition.

CITY OF



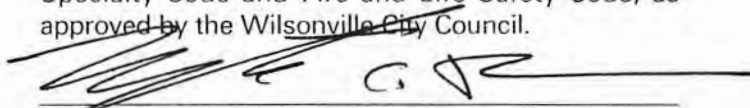
P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

BUILDING DEPARTMENT

CERTIFICATE OF OCCUPANCY

Address: 29400 S.W. Town Center Loop West
 Name: Incredible Universe
 Owner: Tandy Name Brand
 Address: 1400 Two Tandy Center Fort Worth, Texas 76102
 Contractor: S.D. Deacon
 Address: P.O. Box 25392
 Use of Structure Retail
 Permit No. B92081 Zone: PDC
 Certificate is hereby given this 29th day of September, 19 93

that said building may be occupied and that it complies with all requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code, as approved by the Wilsonville City Council.



 Building Official

20

After recording return to:
PERKINS COIE
111 S.W. Fifth Avenue, Suite 2500
Portland, Oregon 97204
Telephone (503) 295-4400
Attn: Richard A. Cantlin

FIRST AMENDMENT TO PLANNED BUSINESS
COMMUNITY DECLARATION FOR WILSONVILLE
TOWN CENTER PROPERTY

This FIRST AMENDMENT TO PLANNED BUSINESS COMMUNITY
DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND
RESTRICTIONS (this "First Amendment") is made this 29th day of
June, 1992, by Capital Realty Corp., an Oregon
corporation ("Capital"), with the consent of Tandy
Corporation, a Delaware corporation.

The Declaration recorded on February 14, 1992 in the real
property records of Clackamas County, Oregon at No. 92-08575
is hereby amended by adding new section 2.5 and Exhibit D
thereto. All capitalized terms not defined herein shall have
the meanings given them in the Declaration.

2.5 Bicycle and Pedestrian Access to Open Space.
At such time as the property described in Exhibit D
attached hereto (the "Open Space") is dedicated to
the City of Wilsonville and for so long as the Open
Space has not reverted to Capital pursuant to such
dedication, lawful users of such Open Space shall be
allowed to use the pedestrian and bicycle pathways
of the Center for, respectively, pedestrian and
bicycle ingress and egress to and from the Open
Space, provided such persons obey all rules and
regulations of the Center.

IN WITNESS WHEREOF, the undersigned have executed this
First Amendment as of the date first above written.

CAPITAL REALTY CORP.,
an Oregon corporation

By Kimberly D. Beach
Name: Kimberly D. Beach
Title: Vice President

[15428-0003/PA920760,146]

PAGE 1
4/3/92 2:09 pm

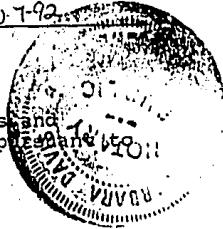
92 63558

CHICAGO TITLE INSURANCE CO. C-89153

STATE OF OREGON)
) ss.
County of Multnomah)

^{29th} The foregoing instrument was acknowledged before me this day of June, 1992 by Kimberly J. Beach as Vice President of Capital Realty Corp., an Oregon corporation.

Baillara Davis
Notary Public for Oregon
My commission expires 10-7-92



The undersigned Tandy Corporation acknowledges and consents to the recording of this First Amendment pursuant to Section 8.1 of the Declaration.

TANDY CORPORATION,
a Delaware corporation

By: W.C. Bousquette
Name: W.C. BOUSQUETTE
Title: EXECUTIVE VICE PRESIDENT

STATE OF ~~OREGON~~)
) ss.
County of ~~Multnomah~~)

^{14th} The foregoing instrument was acknowledged before me this day of April, 1992 by W.C. BOUSQUETTE as Exec. Vice Pres. of Tandy Corporation, a Delaware corporation.

Betty S. Galloway
Notary Public for Oregon ~~OREGON~~ TEXAS
My commission expires 8-31-92



The undersigned U.S. National Bank of Oregon acknowledges and consents to the recording of this First Amendment as an encumbrance to the Parcel 1 Property solely in its capacity as

2

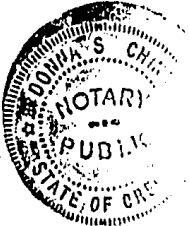
beneficiary of a deed of trust encumbering the Parcel 1
Property.

U.S. NATIONAL BANK OF OREGON

By: [Signature]
Name: DAVID P. ROBINSON
Title: ADMINISTRATIVE OFFICER

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this
28th day of April, 1992 by David P. Robinson as Administrative Officer
of U.S. National Bank of Oregon.



[Signature]
Notary Public for Oregon
My commission expires 8-26-92

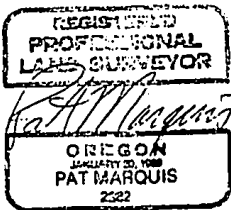
EXHIBIT D

OPEN SPACE
LEGAL DESCRIPTION

A parcel of land being a portion of Parcel 3 and all of Parcel 2 of Partition Plat 1991-164 of the Clackamas County Survey Records and situated in the southwest quarter of Section 13 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, with said parcel of land being more particularly described as follows:

COMMENCING at the southwest corner of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon: thence North 00°03'01" East along the section line between Sections 13 and 14 a distance of 1,452.05 feet to the northwest corner of Parcel 3 of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records and the TRUE POINT OF BEGINNING: thence leaving said section line and tracing the northerly line of Parcel 3 and continuing along the northerly line of Parcel 2 of Partition Plat 1991-164 North 89°26'52" East 549.20 feet to the northeast corner of said Parcel 2; thence leaving said northerly line and tracing the easterly line of said Parcel 2 South 00°03'01" West 440.61 feet to the southeast corner of said Parcel 2; thence tracing the southerly line of said Parcel 2 and continuing along the southerly line of Parcel 3 North 89°57'00" West 479.78 feet to an angle point; thence North 00°03'00" East 63.00 feet to an angle point of said Parcel 3; thence leaving said southerly line North 00°03'00" East 103.86 feet to a point of curvature; thence tracing the arc of a 150.00 foot radius curve to the left through a central angle of 39°44'31" an arc distance of 104.04 feet (the long chord bears North 19°50'27" West 101.97 feet) to a point of reverse curvature; thence tracing a 150.00 foot radius curve to the right through a central angle of 39°44'31" an arc distance of 104.04 feet (the long chord bears North 19°50'27" West 101.97 feet) to a point of tangency on the westerly line of said Parcel 3; thence tracing said westerly line North 00°03'01" East 76.20 feet to the TRUE POINT OF BEGINNING, containing 222,151 square feet or 5.10 acres more or less.

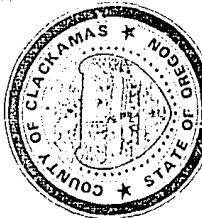
OPENS.P.LEG
467-0302
03/02/92



3-5-92

STATE OF OREGON
County of Clackamas
I, John Kauffman, County Clerk, for the County of Clackamas do hereby certify that the instrument of recording was received for recording in the records of said county at

92 OCT - 8 PM 1:30



Witness my hand and seal this 8th day of October 1992
JOHN KAUFFMAN
County Clerk
Recording Certificate
CCP-84 (Rev. 8/91) 92-63558

4

45
90

**FIRST SUPPLEMENTAL PLANNED
BUSINESS COMMUNITY DECLARATION FOR
WILSONVILLE TOWN CENTER PROPERTY**

This FIRST SUPPLEMENTAL PLANNED BUSINESS COMMUNITY DECLARATION FOR WILSONVILLE TOWN CENTER PROPERTY (this "Supplemental Declaration") is made this 17 day of December, 1993, by CAPITAL REALTY CORP., an Oregon corporation ("Declarant").

Declarant has made that certain Planned Business Community Declaration for Wilsonville Town Center Property recorded on February 14, 1992, at No. 92-08575 in the official records of Clackamas County, as amended by that certain First Amendment to Planned Business Community Declaration for Wilsonville Town Center Property recorded on October 8, 1992, at No. 92-63558 (collectively, as amended, the "Declaration"), concerning certain real property in the City of Wilsonville, Clackamas County, Oregon described on Exhibit A attached hereto (the "Original Property"). Declarant currently owns a portion of the Original Property.

Declarant owns that certain real property in the City of Wilsonville, Clackamas County, Oregon, described on Exhibit B attached hereto (the "Additional Property"). The Additional Property is adjacent to the Original Property.

NOW, THEREFORE, pursuant to Section 2.2 of the Declaration, by recording this Supplemental Declaration in the chains of title of both the Original Property and the Additional Property, Declaration hereby declares that the Additional Property shall be held, sold and conveyed subject to the Declarant and the easements, covenants, restrictions and charges set forth therein, which shall run with the Additional Property and shall be binding upon and inure to the benefit of all parties having or acquiring any right, title or interest in the Additional Property or any part thereof.

By adoption of this Supplemental Declaration, Declarant is not committing itself to take any action for which definite provision is not made in the Declaration, nor is Declarant prohibited from undertaking any activity not described in the Declaration.

RETURN TO:

First American Title Insurance Company
200 S.W. Market, Suite 150 17th Floor
Portland, OR 97201
mjlsh

93 95443

[16428-0003/PA933420.101]

PAGE 1
12/15/93 5:42 PM

FATCO 743112

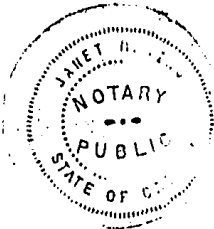
IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration on the date first above written.

CAPITAL REALTY CORP.

By: Don C. Weege
Name: Don C. Weege
Title: Authorized Signatory

STATE OF OREGON)
County of Multnomah) ss.

The foregoing instrument was acknowledged before me this 16 day of December, 1993 by Don C. Weege as Authorized Signatory of Capital Realty Corp., an Oregon corporation.



Janet H. King
Notary Public for Oregon
My commission expires 1-23-94

EXHIBIT A

PARCEL 1 DESCRIPTION

A parcel of land consisting of two parcels, one of which is Parcel 1 of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records, situated in the southwest quarter of Section 13 and a parcel within the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southwest corner of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; thence North $00^{\circ}03'01''$ East along the section line between Sections 13 and 14 a distance of 44.00 feet to the POINT OF BEGINNING; thence continuing North $00^{\circ}03'01''$ East along said section line a distance of 339.50 feet; thence South $89^{\circ}58'30''$ West a distance of 338.63 feet to the easterly right-of-way line of Town Center Loop Road West; thence North $00^{\circ}00'22''$ East along said easterly right-of-way line a distance of 46.55 feet to a point of curvature; thence 247.91 feet along the arc of a 380.54 foot radius curve to the left through a central angle of $37^{\circ}19'37''$ and whose chord bears North $16^{\circ}39'27''$ West a distance of 243.55 feet to a point on a curve; thence North $45^{\circ}03'00''$ East a distance of 589.42 feet to the westerly, northwest corner of said Parcel 1 of Partition Plat 1991-164; thence tracing the northerly, northeasterly, easterly, and southerly lines of said Parcel 1 the following courses and distances: North $45^{\circ}03'00''$ West 4.59 feet; thence South $89^{\circ}57'00''$ East a distance of 66.14 feet; thence South $00^{\circ}03'00''$ West a distance of 63.00 feet; thence South $89^{\circ}57'00''$ East a distance of 479.78 feet; thence South $00^{\circ}03'01''$ West a distance of 285.68 feet to the intersection with a non-tangent curve; thence 93.82 feet along the arc of a 317.33 foot radius curve to the right through a central angle of $16^{\circ}56'21''$ and whose chord bears South $55^{\circ}30'59''$ East a distance of 93.48 feet to a point of reverse curvature; thence 248.26 feet along the arc of a 338.67 foot radius curve to the left through a central angle of $42^{\circ}00'00''$ and whose chord bears South $68^{\circ}02'49''$ East a distance of 242.74 feet to a point of tangency; thence South $89^{\circ}02'49''$ East a distance of 51.65 feet to a point of curvature; thence 174.68 feet along the arc of a 200.00 foot radius curve to the right through a central angle of $50^{\circ}02'34''$ and whose chord bears South $64^{\circ}01'32''$ East a distance of 169.18 feet to a point of tangency; thence South $39^{\circ}00'15''$ East a distance of 97.50 feet to a point on a non-tangent curve; thence 338.31 feet along the arc of a 494.00 foot radius curve to the left through a central angle of $39^{\circ}14'18''$ and whose chord bears South $19^{\circ}40'06''$ West a distance of 331.74 feet to a point of tangency; thence South $00^{\circ}02'57''$ West a distance of 39.46 feet to a point of curvature; thence 46.76 feet along the arc of a 30.00 foot radius curve to the right through a central angle of $89^{\circ}18'29''$ and whose chord bears South $44^{\circ}42'11''$ West a distance of 42.17 feet to a point of tangency; thence South $89^{\circ}21'26''$ West a distance of 975.76 feet to the Point of Beginning. Said parcel of land contains 22.96 acres, more or less.

3

**PARCEL 2
LEGAL DESCRIPTION**

A parcel of land being a portion of Parcel 1 of Partition Plat 1991-202 of the Clackamas County Survey Records and a portion of that certain tract described in deed to Plaza Royal recorded September 5, 1980 in Recorder's Fee 80-33295 of the Clackamas County Deed Records and situated in the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southeast corner of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon: thence North $00^{\circ}03'01''$ East along the section line between Sections 13 and 14 a distance of 1,077.07 feet to the most westerly northwest corner of Parcel 1 of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records and the TRUE POINT OF BEGINNING: thence leaving said section line and tracing the southeasterly line of Parcel 1 of Partition Plat 1991-202 South $45^{\circ}03'00''$ West 400.00 feet; thence leaving said southeasterly line North $44^{\circ}57'00''$ West 435.01 feet to a point of non-tangent curvature; thence tracing the arc of a 2,000.00 foot radius curve to the right (the radial center of which bears North $65^{\circ}07'50''$ West) through a central angle of $07^{\circ}23'12''$ an arc distance of 257.84 feet (the long chord bears South $28^{\circ}33'46''$ West 257.66 feet) to the northeasterly right-of-way line of Town Center Loop Road West (a 72.00 foot-wide public road right-of-way); thence tracing said northeasterly road right-of-way line North $57^{\circ}44'38''$ West 72.00 feet to a point of radial intersection with a 1,928.00 foot radius curve; thence leaving said northeasterly right-of-way line and tracing the arc of a 1,928.00 foot radius curve to the left (the radial center bears North $57^{\circ}44'38''$ West) through a central angle of $05^{\circ}32'12''$ an arc distance of 186.31 feet (the long chord bears North $29^{\circ}29'16''$ East 186.23 feet); thence South $89^{\circ}52'55''$ West 304.91 feet to a point of non-tangent curvature on the said northeasterly right-of-way line of Town Center Loop Road West; thence tracing said right-of-way line along a 268.16 foot radius curve to the right (the radial center bears North $56^{\circ}01'43''$ East) through a central angle of $33^{\circ}55'55''$ an arc distance of 158.81 feet (the long chord bears North $17^{\circ}00'19''$ West 156.50 feet) to a point of tangency; thence continuing along said right-of-way line North $00^{\circ}02'22''$ West 151.37 feet to the intersection with the southeasterly line of that certain tract as deeded to the the estate of Harold Laswell, et al, in deed recorded April 9, 1991 in recorder's fee 91-33353 of the Clackamas County Deed Records; thence tracing the westerly line of said Laswell tract, said line being common with the easterly right-of-way line of Town Center Loop Road West North $00^{\circ}02'22''$ West 98.21 feet to a point of curvature; thence leaving said westerly line of Laswell and tracing the northwesterly and northerly lines of said tract the following courses and distances: tracing the arc of a 30.00 foot radius curve to the right through a central angle of $90^{\circ}00'41''$ an arc

4

distance of 47.13 feet (the long chord bears North 44°57'58" East 42.43 feet) to a point of tangency; thence North 89°58'19" East 72.56 feet to the centerline of the vacated road known as Market Road No. 27 and the southeasterly line of that certain tract described in deed to the City of Wilsonville recorded November 12, 1986 in recorder's fee 86-44959 of the Clackamas County Deed Records; thence tracing said southeasterly line and continuing along the southeasterly line of that certain tract described in deed to the City of Wilsonville per Recorder's Fee 86-44957 of the Clackamas County Deed Records North 38°37'19" East 51.22 feet to the northerly line of said tract per fee 86-44959; thence tracing said northerly line South 89°58'19" West 104.56 feet to a point of curvature; thence tracing a 30.00 foot radius curve to the right through a central angle of 89°59'19" an arc distance of 47.12 feet (the long chord bears North 45°02'02" West 42.42 feet) to a point of tangency on the easterly right-of-way line of said Town Center Loop Road West as dedicated per document recorded May 31, 1984 in Recorder's fee 84-18317 of the Clackamas County Deed Records; thence leaving said northerly property line and tracing said easterly right-of-way line North 00°02'22" West 121.76 feet; thence leaving said easterly right-of-way line and tracing the following courses and distances: North 89°52'55" East 894.36 feet to a line being parallel with and 140.00 feet westerly of the said section line common to sections 13 and 14; thence tracing said parallel line South 00°03'01" West 528.73 feet; thence South 56°23'33" East 168.00 feet to the TRUE POINT OF BEGINNING.

Containing 648,809 square feet or 14.89 acres more or less.

PARCEL2.LEG
467-0302
12/03/91



Pat Marquis
OREGON
JANUARY 28, 1982
PAT MARQUIS
2302

1-28-92

A PORTION OF THE WITHIN DESCRIBED PROPERTY LIES WITHIN PARTITION PLAT 1992-24

5

W&H PACIFIC
8405 SW Nimbus Avenue
P.O. Box 80940
Portland, OR 97280

EXHIBIT B
Page 1 of 4

**PARCEL FOR PROPERTY LINE ADJUSTMENT
LEGAL DESCRIPTION**

PARCEL 1

A parcel of land being a portion of Parcel 3 of Partition Plat 1992-24 of the Clackamas County Plat Records and a portion of Parcel 3 of Partition Plat 1991-164 of said plat records, situated in the southwest quarter of Section 13 in Township 3 South, Range 1 West, Willamette Meridian and the southeast quarter of Section 14 in said township and range, City of Wilsonville, Clackamas County, Oregon, with said parcel of land being more particularly described as follows:

COMMENCING at the southwest corner of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; thence North 00°03'01" East along the section line between Sections 13 and 14 a distance of 1,077.07 feet to the Initial Point of Partition Plat No. 1992-24 recorded in Clackamas County Plat Records and the TRUE POINT OF BEGINNING; thence leaving said section line and tracing the southwesterly line of Parcel 3 of Partition Plat No. 1992-24 North 56°23'33" West 168.00 feet to the southwesterly corner of said Parcel 3 of Partition Plat No. 1992-24; thence tracing the westerly line of said Parcel 3 North 00°03'01" East 280.63 feet to the point of intersection with the westerly projection of the northerly line of Parcel 3 of Partition Plat No. 1991-164 of the Clackamas County Plat Records; thence leaving said westerly line and tracing said projection North 89°26'32" East 140.01 feet to said section line between Sections 13 and 14; thence along said section line South 00°03'01" West 76.30 feet to a point of curvature; thence leaving said section line 104.09 feet along the arc of a 150.00 foot radius curve to the left through a central angle of 39°45'40" (the long chord bears South 19°49'49" East 102.02 feet) to a point of reversing curvature; thence 104.09 feet along the arc of a 150.00 foot radius curve to the right through a central angle of 39°45'39" (the long chord bears South 19°49'50" East 102.02 feet) to a point of tangency; thence South 00°03'00" West 103.56 feet to an angle point of Parcel 3 of Partition Plat No. 1991-164; thence tracing the southerly line of said Parcel 3 of Partition Plat No. 1991-164 North 89°57'00" West 66.14 feet; thence South 45°03'00" West 4.59 feet to said section line between Sections 13 and 14 and the TRUE POINT OF BEGINNING.

Containing 59,740 square feet or 1.37 acres more or less.

001-0771-0000-000
07/21/91

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Pat Marquis 8-27-93
OREGON
JAN. 20, 1989
PAT MARQUIS
#2382

EXPIRES 10-31-94
(503) 626-0455 Fax (503) 526-0775 Planning • Engineering • Surveying • Landscape Architecture • Environmental Services

W&H PACIFIC
8405 S.W. Nimbus Avenue
P.O. Box 80040
Portland, OR 97280

EXHIBIT B
Page 2 of 4

**NORTHERLY PARCEL FOR PROPERTY LINE ADJUSTMENT
LEGAL DESCRIPTION**

PARCEL 2

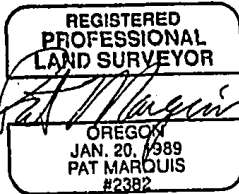
A parcel of land, a portion of which is Parcel 3 of Partition Plat 1992-24 of Clackamas County plat records, situated in the southeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, with said parcel of land being more particularly described as follows:

COMMENCING at the southeast corner of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; thence North 00°03'01" East, along the east line of said Section 14, a distance of 1,452.05 feet to northwest corner of Partition Plat 1991-164, recorded in Clackamas County plat records and the **TRUE POINT OF BEGINNING**; thence, leaving said section line and tracing the westerly projection of the north line of said Partition Plat 1991-164, South 89°26'32" West, 140.01 feet to the most southerly, west line of Parcel 3 of Partition Plat 1992-24 recorded in Clackamas County plat records; thence, tracing the most southerly, west line of said Parcel 3, North 00°03'01" East, 248.10 feet to the re-entrant corner of the most southerly, west line and most westerly, south line of said Parcel 3; thence, tracing the most westerly, south line of said Parcel 3, South 89°52'55" West, 638.10 feet to the most northerly, southwest corner of said Parcel 3, which is on the centerline of Market Road No. 27, vacated in Ordinance No. 303, recorded August 28, 1987, under Document No. 87-39564, Clackamas County Deed Records; thence tracing the centerline of said vacated Market Road No. 27, a portion of which is along the northwesterly line of said Parcel 3, North 38°37'19" East, 797.02 feet to the southerly right-of-way line of Town Center Loop Road West, 36.00 feet from the centerline thereof; thence, tracing the southerly right-of-way line of said Town Center Loop Road West, North 89°49'25" East, 230.09 feet to a point of curvature; thence, along the arc of a 20.00 foot radius curve, concave southwesterly, the central angle of which is 90°13'36", the long chord of which bears South 45°03'47" East, 28.34 feet, an arc distance of 31.50 feet to a point of tangency on the westerly right-of-way line of Parkway Avenue; thence, tracing the westerly right-of-way line Parkway Avenue, parallel with and 31.00 feet from, measured perpendicular thereto, the east line of said Section 14, South 00°03'01" West, 311.16 feet to a point of curvature; thence, along the arc of a 20.00 foot radius curve, concave northwesterly, the central angle of which is 50°12'29", the long chord of which bears South 25°09'15" West, 16.97 feet, and arc distance of

EXHIBIT B
Page 3 of 4

17.53 feet to a point of reverse curvature; thence along the arc of a 55.00 foot radius curve, concave easterly, the central angle of which is $87^{\circ}42'22''$, the long chord of which bears South $06^{\circ}24'19''$ West, 76.21 feet; an arc distance of 84.19 feet to the north line of said Parcel 3; thence, tracing the north line of said Parcel 3, nontangent to the last described course, North $89^{\circ}52'55''$ East, 46.64 feet to the east line of said Section 14; thence tracing the east line of said Section 14, South $00^{\circ}03'01''$ West, 446.65 feet to the **TRUE POINT OF BEGINNING**.

Containing 349,085 square feet or 8.01 acres more or less.



Revised 12-31-94

November 9, 1993

8

4-467-0306

PARCEL 3

Parcel 2 of Partition Plat 1992-24 of the Clackamas County Survey Records, situated in the southeast one-quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

PARCEL 4

Parcel 3 of Partition Plat 1991-202 of the Clackamas County Survey Records, situated in the southeast one-quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

PARCEL 5

A parcel of land being that certain tract described in Recorder's Fee 92-08577 of the Clackamas County deed records and lying within a portion of Parcel 1 of Partition Plat 1991-202 of the Clackamas County Survey Records, situated in the southeast one-quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southeast corner of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon: thence North 00°03'01" East along the section line between Sections 13 and 14 a distance of 1,077.07 feet to the most westerly northwest corner of Parcel 1 of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records; thence leaving said section line and tracing the southeasterly line of Parcel 1 of Partition Plat 1991-202 South 45°03'00" West 589.42 feet to the northeasterly right-of-way line of Town Center Loop Road West (a 72.00 foot-wide public road right-of-way) and a point of non-tangent curvature; thence tracing said northeasterly road right-of-way line along the arc of a 380.54 foot radius curve to the left (the radial center bears South 52°40'44" West) through a central angle of 20°25'23" an arc distance of 135.64 feet (the long chord bears North 47°31'57" West 134.93 feet) to a point of tangency; thence continuing along said right-of-way line North 57°44'38" West 304.88 feet to most southerly corner of said tract described in Recorder's Fee 92-08577 of the Clackamas County deed records and THE TRUE POINT OF BEGINNING: thence continuing along said right-of-way line North 57°44'38" West 158.42 feet to a point of curvature; thence tracing the arc of a 268.16 foot radius curve to the right through a central angle of 23°46'21" an arc distance of 111.26 feet (the long chord bears North 45°51'27" West 110.47 feet); thence leaving said right-of-way line and tracing the northerly line of said tract described in Recorder's Fee 92-08577, North 89°52'55" East 304.91 feet to a point of non-tangent curvature; thence tracing the southeasterly line of said tract along the arc of a 1,928.00 foot radius curve to the right (the radial center bears North 63°16'50" West) through a central angle of 05°32'12" an arc distance of 186.31 feet (the long chord bears South 29°29'16" West 186.23 feet) to THE TRUE POINT OF BEGINNING. Containing 27,191 square feet or 0.624 acres more or less.

9

10

STATE OF OREGON } ss.
County of Clatsamas }

I, John Kaufman, County Clerk, for the County of Clatsamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

93 DEC 17 PM 2:59



Witness my hand and seal this 17th day of December, 1993.
John Kaufman

JOHN KAUFFMAN
County Clerk
Recording Certificate
C2-444 (Rev. 6/91)

93 95443

5

After recording return to:
PERKINS COIE
111 S.W. Fifth Avenue, Suite 2500
Portland, Oregon 97204
Telephone (503) 295-4400
Attn: Christopher T. Matthews

**SECOND AMENDMENT TO PLANNED BUSINESS
COMMUNITY DECLARATION FOR WILSONVILLE
TOWN CENTER PROPERTY**

This SECOND AMENDMENT TO PLANNED BUSINESS COMMUNITY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (this "Second Amendment") is made this 27th day of December, 1994, by Capital Realty Corp., an Oregon corporation ("Capital").

The Declaration recorded on February 14, 1992 in the real property records of Clackamas County, Oregon at No. 92-08575, and amended by that certain First Amendment thereto recorded on March 19, 1992, at No. 92-15608, is hereby further amended by clarifying Section 2.3.1 as provided below.

Add the following language at the end of Section 2.3.1:

"The easements described in this Section 2.3.1 do not apply to any drive-through service lanes, play place areas or trash corrals."

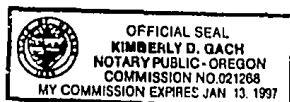
IN WITNESS WHEREOF, the undersigned has executed this Second Amendment as of the date first above written.

CAPITAL REALTY CORP.,
an Oregon corporation

By Don Weege
Name: Don C. Weege
Title: VICE PRESIDENT

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 27th day of December, 1994 by Don Weege as Vice President of Capital Realty Corp., an Oregon corporation.



Kimberly D. Gach
Notary Public for Oregon
My commission expires 1/13/97

Recorded By
First American Title Insurance Company of Oregon
No. 728419

STATE OF OREGON 94-098676
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 12524 \$5.00
DATE AND TIME: 12/30/94 03:06 PM
JOHN KAUFFMAN, COUNTY CLERK

2

22
207
90

**SECOND SUPPLEMENTAL PLANNED
BUSINESS COMMUNITY DECLARATION FOR
WILSONVILLE TOWN CENTER PROPERTY**

This SECOND SUPPLEMENTAL PLANNED BUSINESS COMMUNITY DECLARATION FOR WILSONVILLE TOWN CENTER PROPERTY (this "Supplemental Declaration") is made this 14th day of ~~January~~, 1996, by CAPITAL REALTY CORP., an Oregon corporation ("Declarant"). *February*

Declarant has made that certain Planned Business Community Declaration for Wilsonville Town Center Property recorded on February 14, 1992, at No. 92-08575 in the official records of Clackamas County, as amended by that certain First Amendment to Planned Business Community Declaration for Wilsonville Town Center Property recorded on October 8, 1992, at No. 92-63558, as supplemented by that certain First Supplemental Planned Business Community Declaration for Wilsonville Town Center Property, recorded on December 17, 1993, at No. 93-95443, and as amended by that certain Second Amendment to Planned Business Community Declaration for Wilsonville Town Center Property, recorded on December 30, 1994, at No. 94-098676 (collectively, as amended and supplemented, the "Declaration"), concerning certain real property in the City of Wilsonville, Clackamas County, Oregon (the "Original Property"). Declarant currently owns a portion of the Original Property.

Declarant owns that certain real property in the City of Wilsonville, Clackamas County, Oregon, described on Exhibit A attached hereto (the "Additional Property"). The Additional Property is adjacent to the Original Property.

NOW, THEREFORE, pursuant to Section 2.2 of the Declaration, by recording this Supplemental Declaration in the chains of title of both the Original Property and the Additional Property, Declarant hereby declares that the Additional Property shall be held, sold and conveyed subject to the Declaration and the easements, covenants, restrictions and charges set forth therein, which shall run with the Additional Property and shall be binding upon and inure to the benefit of all parties having or acquiring any right, title or interest in the Additional Property or any part thereof.

The Declaration references a Master Plan for Wilsonville Town Center Property. That Master Plan has been amended and modified from time to time. The Partial Master Plan depicted on Exhibit B attached hereto shall hereafter be the Master Plan referred to in the Declaration with respect to the northernmost property subject to this Declaration (including the Additional Property).

- 1 - SECOND SUPPLEMENTAL PLANNED BUSINESS COMMUNITY DECLARATION FOR WILSONVILLE TOWN CENTER PROPERTY

CTM11761d.doc

96-013196

TRANSACTION
TITLE INSURANCE 4780196
Ret. to:
Vickie K.

By adoption of this Supplemental Declaration, Declarant is not committing itself to take any action for which definite provision is not made in the Declaration, nor is Declarant prohibited from undertaking any activity not described in the Declaration.

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration on the date first above written.

CAPITAL REALTY CORP.
an Oregon corporation

By: [Signature]
Name: DON C. WEDGE
Title: VICE PRESIDENT

STATE OF OREGON)
) ss.
County of Washington

This instrument was acknowledged before me on this 14th day of February, 1996, by Don C. Wedge as Vice President of Capital Realty Corp., an Oregon corporation.



[Signature]
Notary Public for Oregon
My Commission Expires: 10/31/96

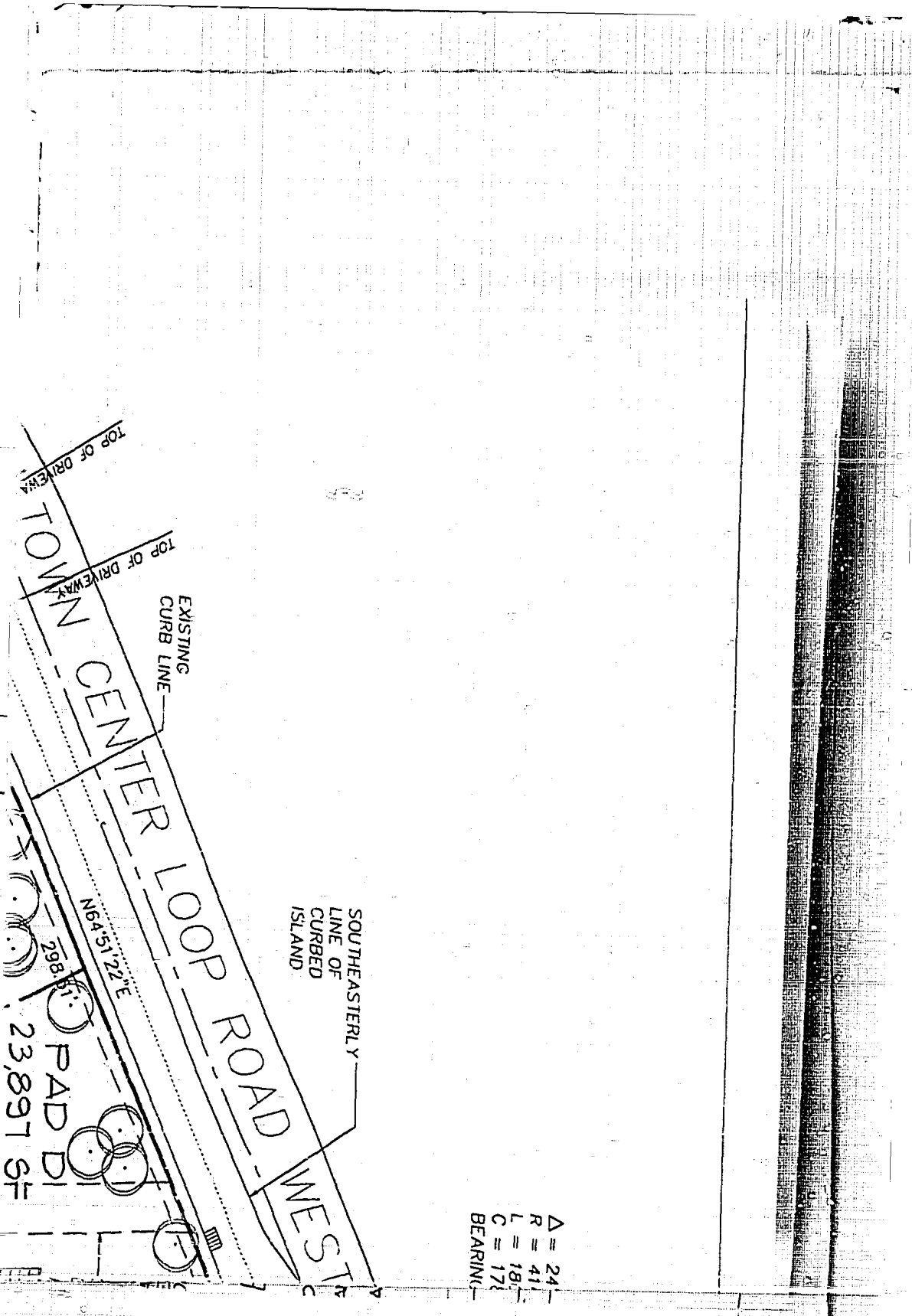
DESCRIPTION:

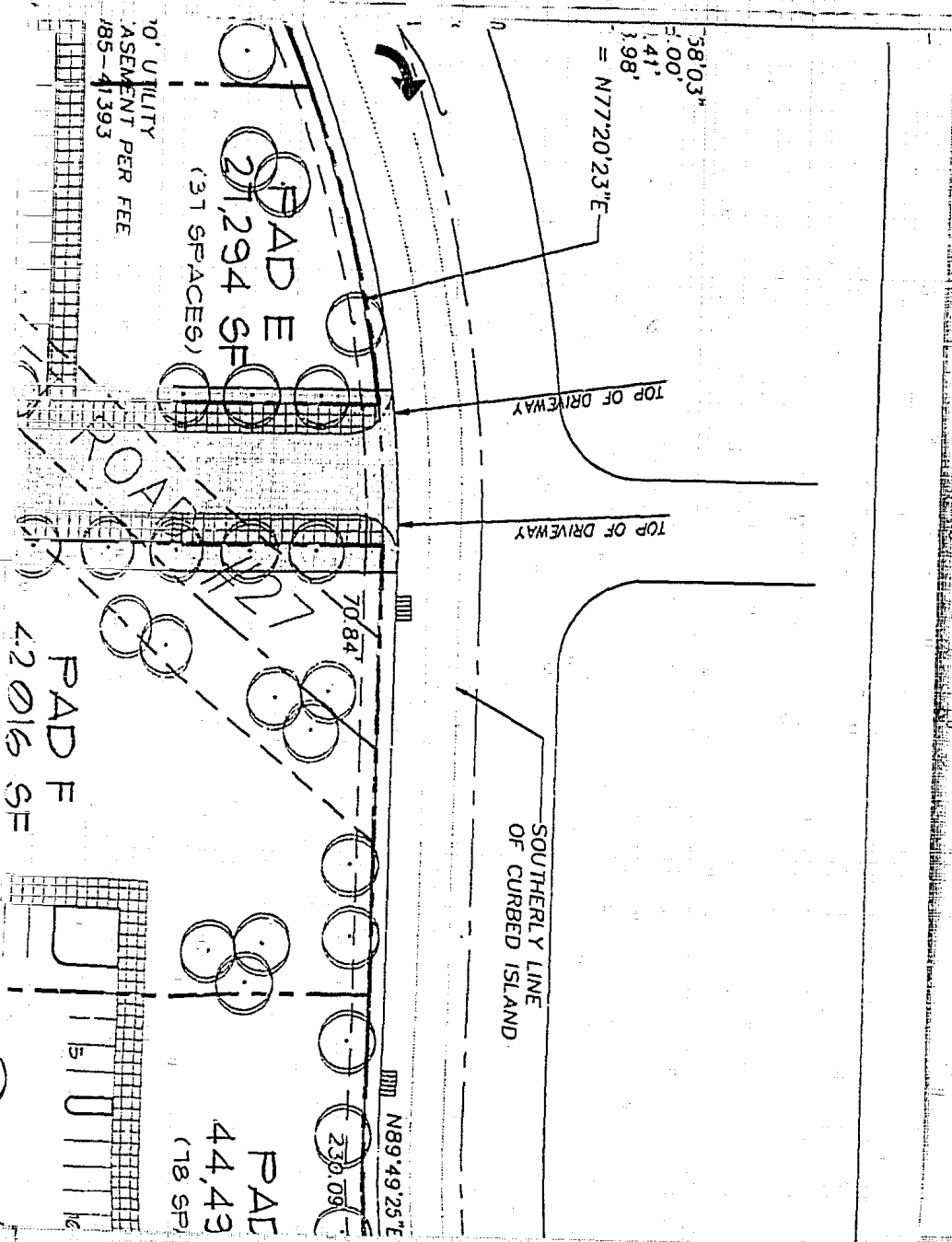
Exhibit 'A'

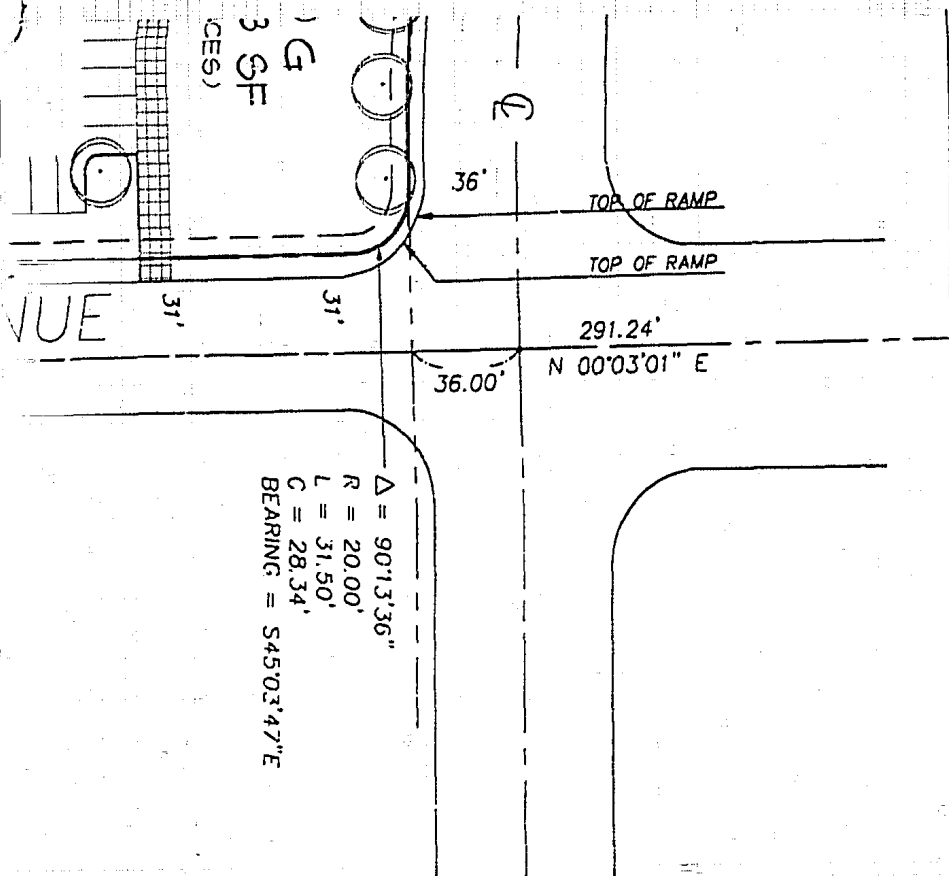
A parcel of land being a portion of that certain tract described in Deed to Plaza Royal, recorded September 5, 1980, in Recorder's Fee No. 80 33295 and all of that certain tract described in Deed to Plaza Royal recorded November 15, 1982, in Recorder's Fee No. 82 31329 of the Clackamas County Deed Records and situated in the Southeast one-quarter of Section 14, in Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon. Said parcel of land being more particularly described as follows:

Commencing at the East one-quarter corner of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence South $00^{\circ}03'01''$ West along the section line between Sections 13 and 14, a distance of 327.26 feet to a point on the Southerly right of way line of Town Center Loop Road; thence South $89^{\circ}49'25''$ West 281.18 feet along said Southerly right of way line to the centerline of the vacated road right of way called Market Road No. 27 per City of Wilsonville Ordinance No. 303 and the true point of beginning; thence leaving said Southerly right of way line and tracing said centerline South $38^{\circ}37'19''$ West 797.02 feet; thence leaving said centerline South $89^{\circ}52'55''$ West 256.27 feet to the Easterly right of way line of Town Center Loop Road West (a 72.00 foot wide public road right of way) as described in dedication to the City of Wilsonville in Deed recorded May 31, 1984, in Recorder's Fee No. 84 18317; thence tracing said Easterly, Southeasterly and Southerly right of way line along the following courses and distances: North $00^{\circ}02'22''$ West 81.89 feet to a point of curvature; thence tracing the arc of a 414.00 foot radius curve to the right through a central angle of $64^{\circ}53'52''$ an arc distance of 468.93 feet (the long chord bears North $32^{\circ}24'34''$ East 444.26 feet) to a point of tangency; thence North $64^{\circ}51'30''$ East 298.51 feet to a point of curvature; thence tracing the arc of a 414.00 foot radius curve to the right through a central angle of $24^{\circ}58'03''$ an arc distance of 180.41 feet (the long chord bears North $77^{\circ}20'23''$ East 178.98 feet) to a point of tangency; thence North $89^{\circ}49'25''$ East 70.84 feet to the point of beginning.

(Map and Tax Lot No. 31W14D 00108)







$\Delta = 90^{\circ}13'36''$
 $R = 20.00'$
 $L = 31.50'$
 $C = 28.34'$
 BEARING = $545^{\circ}03'47''$ E



Architects PC

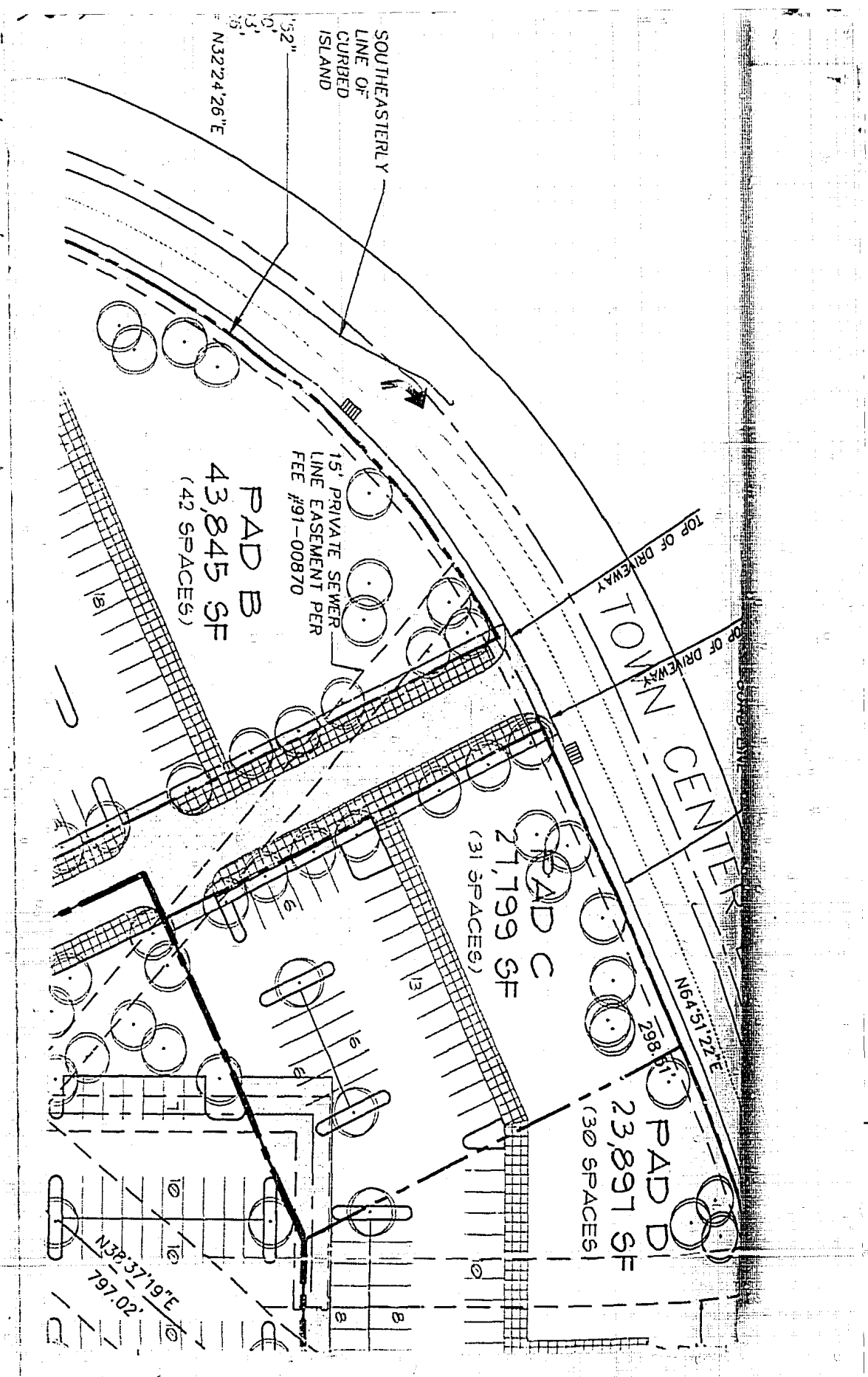
Street • Suite 200 • Portland, Oregon 97205
 503-227-5616 • FAX 503-227-3590

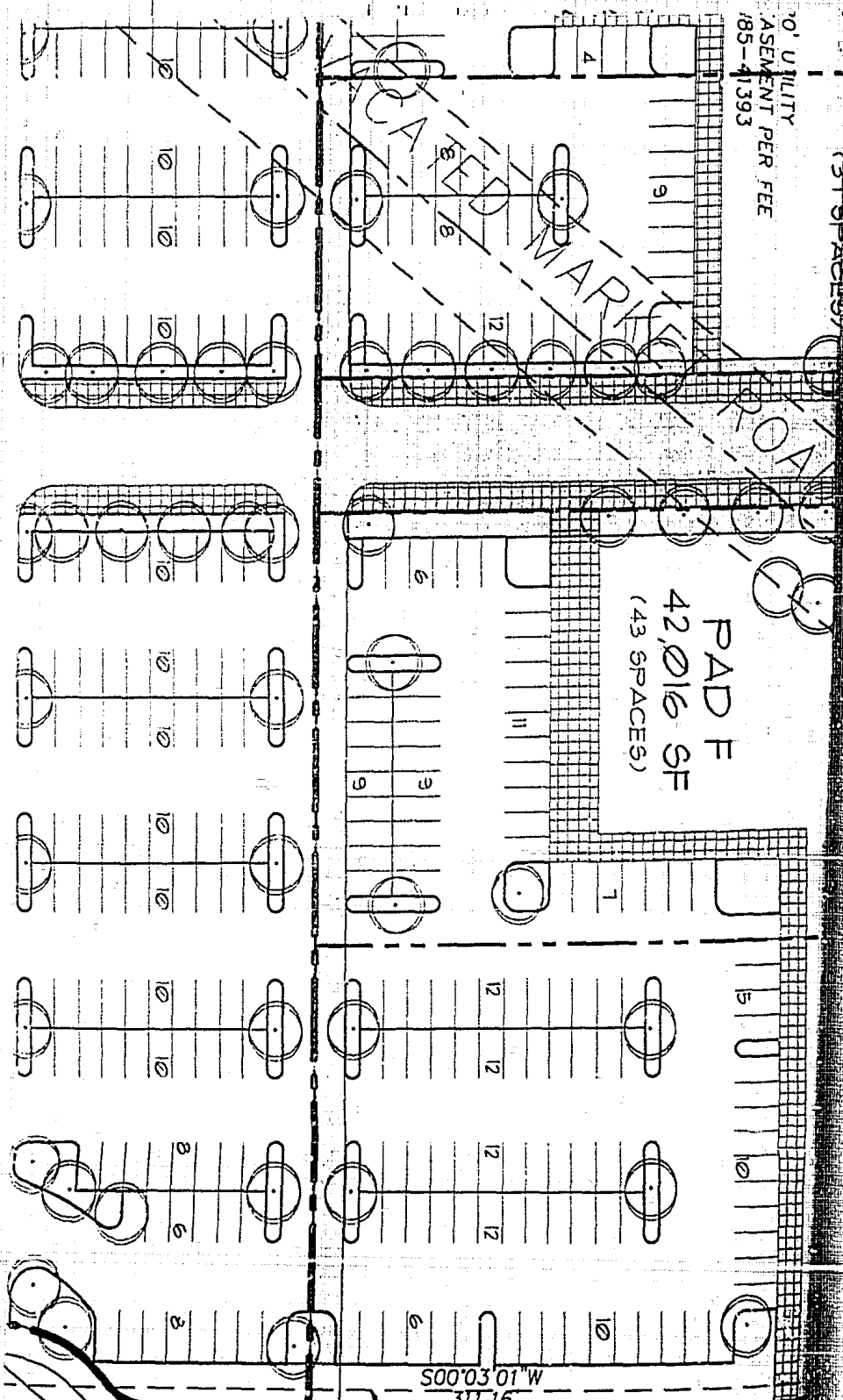
$\Delta = 64^{\circ}53'52''$
 $R = 414.00'$
 $L = 468.93'$
 $C = 444.26'$
BEARING = $N32^{\circ}24'26''E$

SOUTHEASTERLY
LINE OF
CURBED
ISLAND

15' PRIVATE
LINE EASEMENT
FEE #91-C

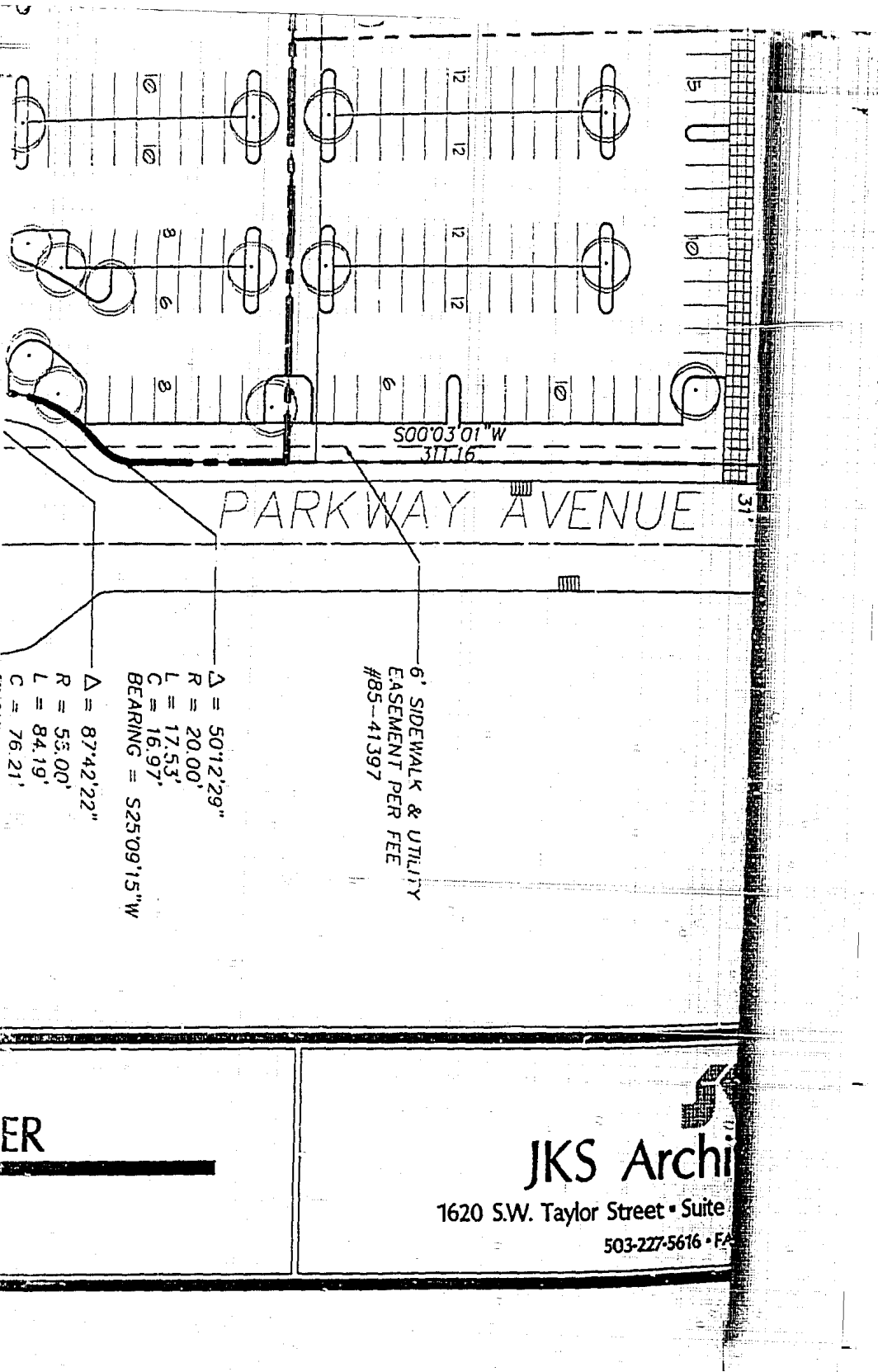
PAI
43,800
(42 SF)





PARKWAY AVENUE

Attachment Page 10 of 2503 of 404



$\Delta = 50'12'29''$
 $R = 20'00'$
 $L = 17'53'$
 $C = 16'97'$
 BEARING = $S25^{\circ}09'15''W$

 $\Delta = 87'42'22''$
 $R = 55'00'$
 $L = 84'19'$
 $C = 76'21'$

6' SIDEWALK & UTILITY
 EASEMENT PER FEE
 #85-41397

PARKWAY AVENUE

500'03'01"W
311.16

ER


JKS Archi
 1620 S.W. Taylor Street • Suite
 503-227-5616 • FA

① 6' SIDEWALK & UTILITY
EASEMENT PER FEE
#85-41394

ROAD PER FEE 84-18317

TOP OF DRIVEWAY

TOP OF DRIVEWAY

N00°02'30"W

36'

81.87'

PAD A
51,032 SF
(9) SPACES

256.27'

12

N00°02'30"W

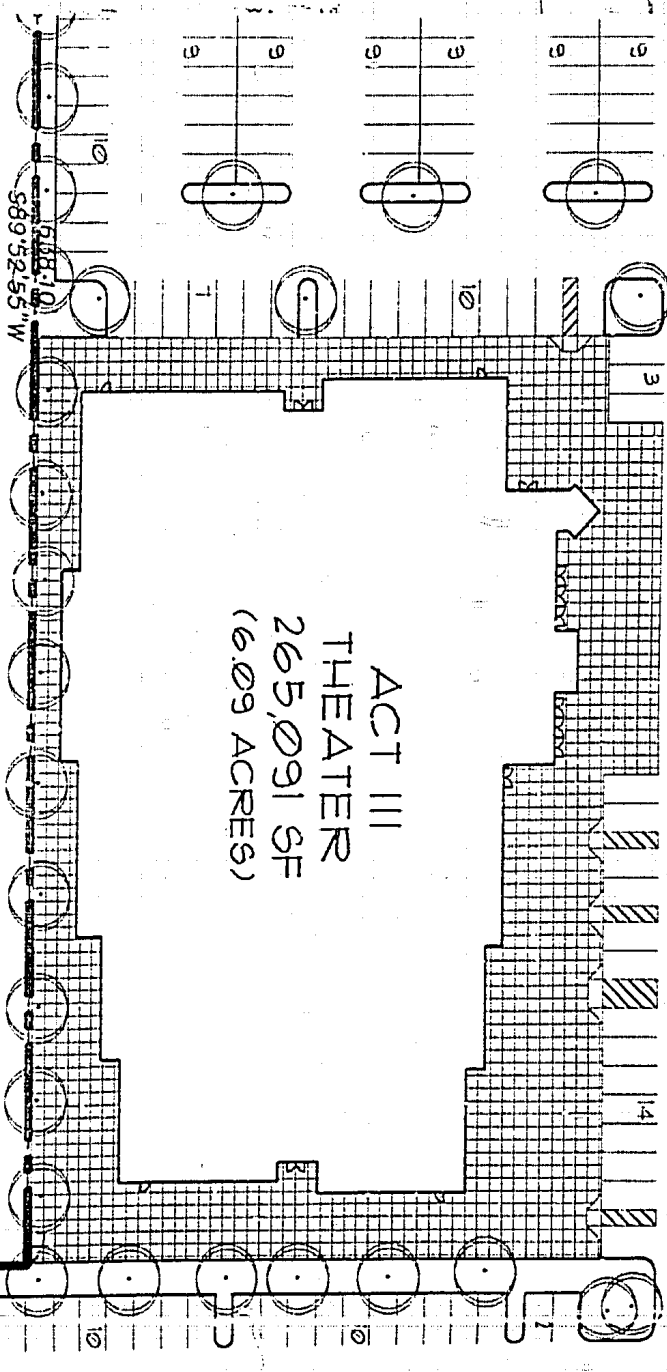
81.87'

PAD A
57,032 SF
(91 SPACES)

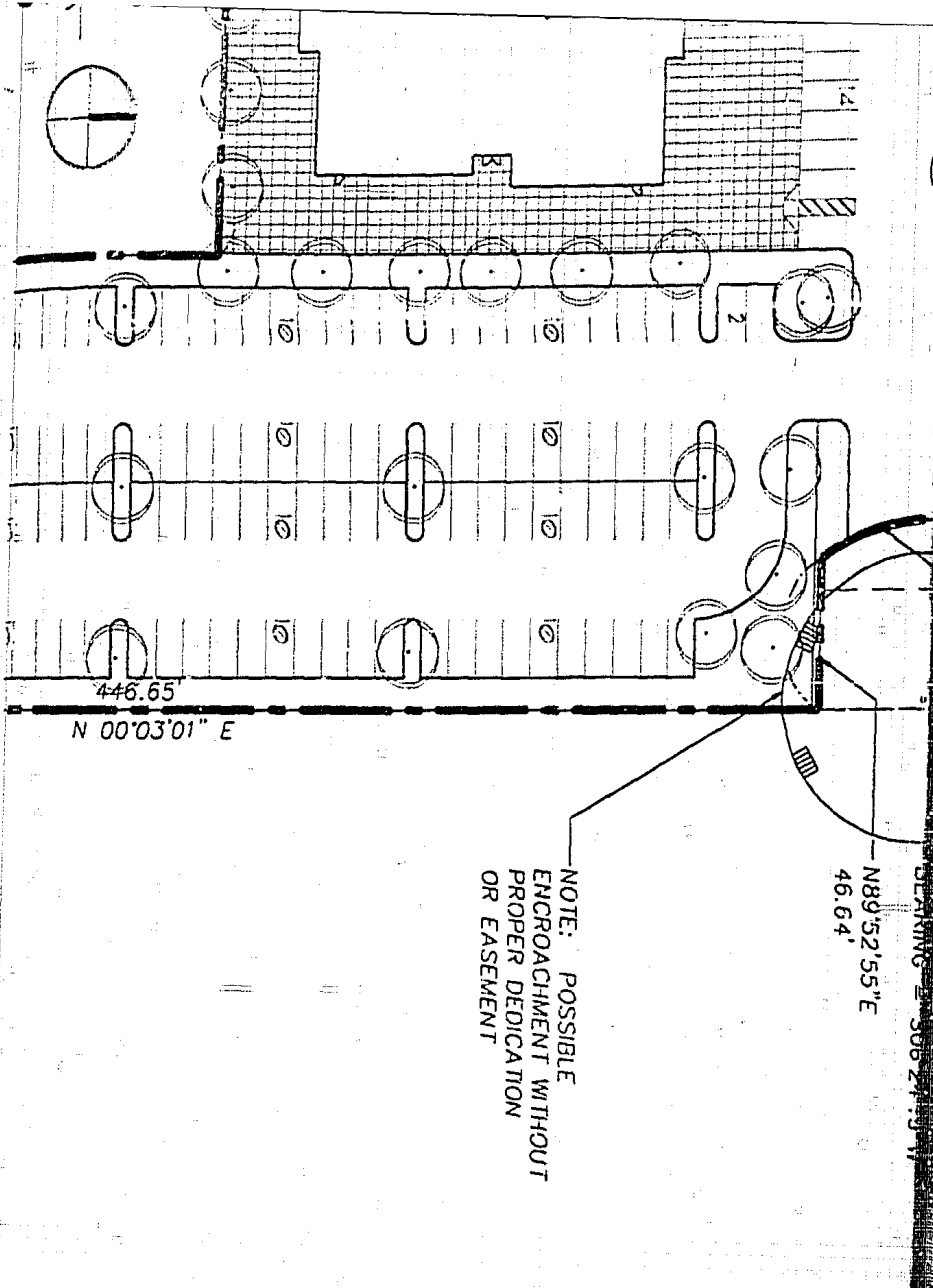
256.27'

UTILITY EASEMENT PER CITY OF WILSONVILLE
ORDINANCE #308 FILE #87-39565 (A PORTION
OF THAT CERTAIN PARCEL DESCRIBED AS
PARCEL 2 OF EXHIBIT "D" PAGE 2 OF 3 AND
THAT PARCEL DESCRIBED WITHIN EXHIBIT G-4)

SCHEMATIC SITE PLAN
1" = 40'



ACT III
THEATER
265,091 SF
(6.09 ACRES)



NOTE: POSSIBLE
ENCROACHMENT WITHOUT
PROPER DEDICATION
OR EASEMENT.

N89°52'55\"/>

PLANING - SOB 2-19-11

Revisions

SITE PLAN STUDIES FOR:
WILSONVILLE TOWN CENTER

Exhibit 'B'

DEDICA

APPORTIONMENT FEE
PER FEE 80-33295

PUBLIC UTIL
AND SIDEW/
PER 86-44

Attachment 16 of 2509 of 4

PUBLIC UTILITIES
AND SIDEWALK EASEMENT
PER 86-44958

A PORTION OF EASEMENT
PER FEE 80-33295

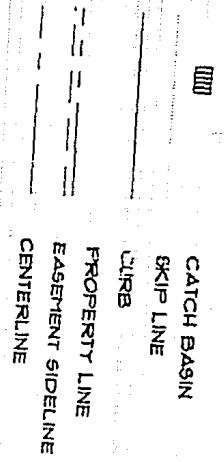
- ① SI
- ③ S
- ⑫ U

20' S
F

ANITARY SEWER EASEMENT
 R FEE #72-29510 - SCHEDULED
 OR VACATION.

EASEMENT LEGEND

DEWALK AND UTILITY EASEMENT - 7'
 ANITARY LINE 'A1' - 15'
 WATER LINE 'A1' - 15'



PROJECT AREA

THEATER	265,091 SF
PAD A	51,032 SF
PAD B	43,845 SF
PAD C	21,199 SF
PAD D	23,897 SF
PAD E	21,294 SF
PAD F	42,016 SF
PAD G	44,493 SF
TOTAL	531,467 SF

SEATING:

1939 SEATS

REQUIRED PARKING:

THEATER-1/4 SEATS

500 SPACES

PARKING PROVIDED:

THEATER

498 SPACES

BUFFER

16 SPACES

ESTIMATED PARKING FOR PADS A-G:

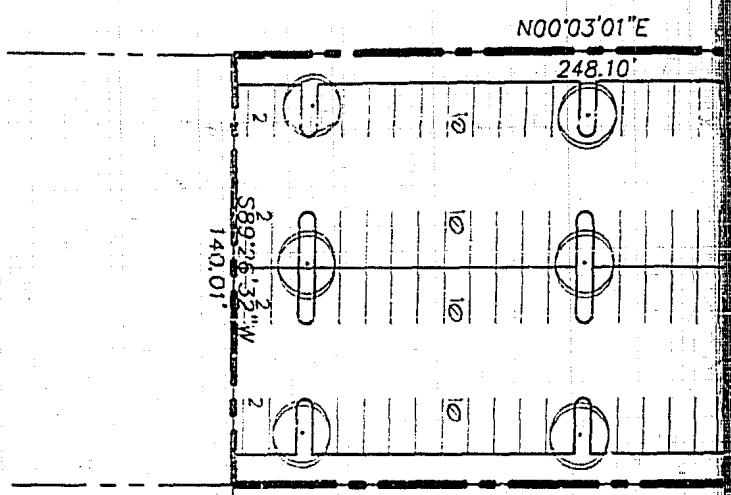
351 SPACES

N00°03'01"E

248.10'

140.01'

- 5,091 SF
- 232 SF
- 845 SF
- 199 SF
- 351 SF
- 124 SF
- 216 SF
- 133 SF
- 1,671 SF
- 19 SEATS
- 10 SPACES
- 5 SPACES
- 5 SPACES
- 1 SPACES
- SPACES



STATE OF OREGON 96-013196
 CLACKAMAS COUNTY
 Received and Placed in the public
 Records of Clackamas County
 RECEIPT# AND FEE: 32237 \$95.08
 DATE AND TIME: 02/26/96 02:41 PM
 JOHN KAUFFMAN, COUNTY CLERK

18

C = 76.21'

KLD
 Drawn By
 95021
 Job No.

WMR/RSE
 Checked By
 6-13-95
 Date

Sheet Title
 Sheet No.

of 1

10
10 28

After recording return to:

Perkins Coie
1211 SW Fifth Ave., Suite 1500
Portland, Oregon 97204-3515
Attn: Steven P. Hultberg

This space reserved for recorder's use.

**THIRD AMENDMENT TO PLANNED BUSINESS
COMMUNITY DECLARATION FOR WILSONVILLE
TOWN CENTER PROPERTY**

This Third Amendment to Planned Business Community Declaration of Easements, Covenants, Conditions and Restrictions (this "Third Amendment") is made this 3rd day of September, 1998, by Capital Realty Corp., an Oregon corporation ("Capital").

The Declaration recorded on February 14, 1992 in the real property records of Clackamas County, Oregon at No. 92-08575, and amended by that certain First Amendment thereto recorded on March 19, 1992, at No. 92-15608, and amended by that certain Second Amendment thereto recorded on December 30, 1994, at No. 94-098676, is hereby further amended as provided below.

1. The phrase "car wash" shall be deleted from the restrictions set forth in Section 7.1.1.

2. With respect to Section 9.3, the rights of an Owner to succeed to the rights of Declarant to remedy Violations under Section 9.3 shall be limited to the Owner(s) of Property (and their successors and assigns) to which the Declaration is subject as of the date of this Third Amendment and shall not apply to Owners of Property added to the Declaration by any amended or supplemental Declaration.

3. With respect to Section 9.3, any lien established for non-reimbursement of advanced costs shall be a matter affecting title only from the date such funds are advanced by the party seeking reimbursement and shall not relate back to any earlier date.

98-085029

PAGE 1
9/1/98 10:07 AM

[16428-0003/PA982440.015]

WILSONVILLE TITLE INS. CO. 8088FO67

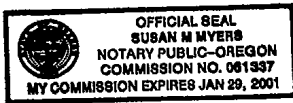
IN WITNESS WHEREOF, the undersigned has executed this Third Amendment as of the date first above written

CAPITAL REALTY CORP.,
an Oregon corporation

By: [Signature]
Name: Brett Wilcox
Title: President

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 3rd day of September, 1998 by Brett Wilcox as President of Capital Realty Corp., an Oregon corporation.



[Signature]
Notary Public for Oregon
My commission expires: 1-29-01

STATE OF OREGON **98-085029**
CLACKAMAS COUNTY
Received and placed in the public records of Clackamas County
RECEIPT# AND FEE: 78289 \$20.00
DATE AND TIME: 09/11/98 02:02 PM
JOHN KAUFFMAN, COUNTY CLERK

2

[16428-0003/PA982440.013]

PAGE 2
9/1/98 10:07 AM

19808F067

15
11
6
P-CHMRES
30


CHICAGO
1031008

After recording return to:

Perkins Coie
1120 NW Couch
Portland, Oregon 97209
Attn: Steven P. Hultberg

Clackamas County Official Records
Sherry Hall, County Clerk

2003-133685



00577864200301336850030031

\$36.00

10/03/2003 01:38:39 PM

PD-RES Cnt=1 Stn=3 BEVERLY
\$15.00 \$11.00 \$10.00

**FOURTH AMENDMENT TO PLANNED BUSINESS
COMMUNITY DECLARATION FOR WILSONVILLE
TOWN CENTER PROPERTY**

This Fourth Amendment to Planned Business Community Declaration for Wilsonville Town Center Property (this "Fourth Amendment") is effective as of the 13th day of April 2003, by Capital Realty Corp., an Oregon corporation ("Capital").

Reference is made to that certain Planned Business Community Declaration for Wilsonville Town Center Property, recorded on February 14, 1992 in the real property records of Clackamas County, Oregon at No. 92-08575, as supplemented by that certain First Supplemental Planned Business Community Declaration for Wilsonville Town Center Property, recorded on December 17, 1993, at No. 93-95443, and as supplemented by that certain Second Supplemental Planned Business Community Declaration for Wilsonville Town Center Property recorded on February 26, 1996, at No. 96-013196, and amended by that certain First Amendment thereto recorded on March 19, 1992, at No. 92-15608, and amended by that certain Second Amendment thereto recorded on December 30, 1994, at No. 94-098676, and as further amended by that certain Third Amendment thereto, recorded on September 11, 1998, at No. 98-085029 (together, the "Declaration"), is hereby further amended as provided below.

8.1 Amendments or Termination. This Declaration, or any provision hereof, or any covenant, condition, or restriction contained herein, may be terminated, extended, modified or otherwise amended by Declarant with the consent of any and all Owners *and Occupants leasing 30,000 square feet or more in the Center* and ~~Occupants~~ materially affected by such action, except that supplemental Declarations adding additional property as provided in

CHICAGO TITLE INSURANCE COMPANY OF OREGON
HAS RECORDED THIS INSTRUMENT AS AN ACCOM-
MODATION ONLY AND ASSUMES NO LIABILITY FOR
ERRORS OR OMISSIONS HEREIN, NOR DOES
CHICAGO TITLE REPRESENT THAT IT WILL CREATE
THE ESTATE OR INTEREST IN REAL PROPERTY
WHICH IT PURPORTS TO CREATE.

[/PA032650040.DOC]

Section 2.2 above or a Notice of Withdrawal as provided in Section 10.8 below shall not require any consent.

8.1.1 Notice. Declarant shall notify any and all Owners, Occupants *leasing 30,000 square feet or more in the Center materially affected by any termination, extension, modification or amendment*, ~~Occupants and Institutional First Mortgagees~~ at least forty-five (45) days and no more than sixty (60) days prior to any termination, extension, modification, or amendment of this Declaration, other than a supplemental Declaration adding additional property as provided in Section 2.2 above or a Notice of Withdrawal as provided in Section 10.8 below. Failure of any Owner, Occupant *leasing 30,000 square feet or more in the Center* to disapprove in writing the proposed action within forty-five (45) days after receipt of a written request for such approval containing the text of any new language to be included and of any existing language to be deleted shall be deemed to be the consent of such Owner or Occupant, ~~or Institutional First Mortgagee.~~

7.1.1. Neither the Property nor any portion thereof shall at any time or from time to time for a period of twenty (20) years from the date thereof be used or occupied for any of the following purposes, to-wit: a billiard room which is less than first-class in decoration and operation; a bingo hall; a church or other place of worship; an automobile repair facility (except as (1) same may be utilized in connection with a department store or other similar operation, or (2) an oil change facility); a full-scale automobile dealership (including both automobile sales and servicing, provided that a showroom facility for automobile sales only shall be permitted);

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

2

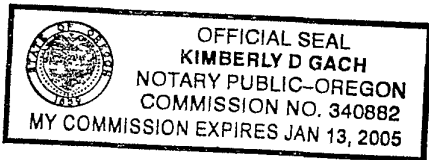
IN WITNESS WHEREOF, the undersigned has executed this Fourth Amendment effective as of the date first set forth above.

CAPITAL REALTY CORP.,
an Oregon corporation

By: Brett Wilcox
Name: Brett Wilcox
Title: President

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 2nd day of October, 2003 by Brett Wilcox as President of Capital Realty Corp., an Oregon corporation.



Kimberly D. Gach
Notary Public for Oregon
My commission expires: 11/3/05

③



November 9, 2023

EXECUTIVE SUMMARY

Impact of 1992 Planned Business Community Declaration for Wilsonville Town Center Property (“1992 CCRs”) on Wilsonville Town Center Development

This Executive Summary explores some of the key constraints caused by the 1992 CCRs for development, re-development, and alteration of properties located in the Wilsonville Town Center. A map of the properties the City has identified as subject to the 1992 CCRs is attached as **Attachment 1** (“Subject Properties”). At the direction of elected leadership, the City of Wilsonville (“City”) undertook a project beginning in 2016 to reimagine the Town Center in order to better align policies with changing economies, housing needs, and the desire for a central community hub in Wilsonville. Prior to this project, the last time the City established a vision for Town Center was in 1973. After a robust, 2-year community-driven engagement process, in 2019, the City adopted a new plan for the Town Center that imagines a dynamic, thriving mixed-use district with walkable and engaging public spaces, great destinations, places and spaces for people to connect, and year-round activities. The 2019 Town Center Plan (“2019 Plan”) accomplishes this vision by establishing new standards that create opportunities for an increase in jobs, housing units, and local businesses that draw tourists and community members alike. This 2019 Plan allows for a variety of uses and developments within the Town Center, including multi-family residential. It also contemplates redevelopment of underutilized areas, and plans for new connectivity throughout the Town Center.

As part of the 2019 Plan, the City noted certain components of the 1992 CCRs that likely constrain or prohibit development and redevelopment of the Subject Property allowed under the City’s new Town Center regulations. In other words, certain terms of the 1992 CCRs are incompatible with the vision for the Town Center in the 2019 Plan and with new City Development Code regulations. Below is a high-level overview of the key provisions of the 1992 CCRs that are incompatible with the 2019 Plan and the reimagining of the Town Center.

1. Site Master Plan

The 1992 CCRs restrict the construction of buildings on Subject Properties to the general locations, sizing and mass as depicted in the Site Master Plan attached to the 1992 CCRs. The Site Master Plan is attached here as **Attachment 2**. The Site Master Plan is generally consistent with the current built form of the Town Center, but is incompatible with the City’s new Town Center regulations. Thus, if development or redevelopment is to occur on a Subject Property, it will either not meet the requirements of the Site Master Plan or will not meet current City

requirements. In essence, the Site Master Plan and the City regulations are mutually exclusive of one another and, absent addressing the 1992 CCRs, new development and redevelopment are not possible on the Subject Properties.

2. Use Constraints

The 1992 CCRs state that any office and retail use allowed under public land use laws are permitted on the Subject Properties. However, the 1992 CCRS do not expressly allow any residential uses. Thus, without clear direction in the 1992 CCRs permitting residential uses, much of the mixed-use and multi-family residential development and redevelopment allowed and envisioned by current Town Center policy may not be possible. When the City conducted a feasibility analysis of development and redevelopment opportunities in Town Center, mixed-use residential development was consistently found to be economically feasible in Town Center. In the near term, office/retail mixed-use and new-build retail spaces were generally found to be less feasible than residential mixed-use developments.

The 1992 CCRs may effectively prohibit economically viable development and redevelopment opportunities on the Subject Properties if multiple-family residential developments are not allowed to be constructed.

3. Parking Limitations

The Town Center currently has significantly underutilized parking lots. These parking lots represent real estate transaction opportunities and new development sites in Town Center. The 1992 CCRs state that current parking areas, or portions of them, cannot be used for any long-term use that precludes parking. In other words, the 1992 CCRs preclude the conversion of underutilized parking lots to new development.

Additionally, the 1992 CCRs expressly prohibit the use of street parking to provide for customer and employee parking. All parking must be maintained onsite for each separate property. First, these provisions are now inconsistent with newly adopted Oregon regulations (OAR 660-012-0430 and 660-012-0440) that removed minimum parking requirements for most new development. Second, the 2019 Plan and City Code allow for, and encourage, street parking and shared parking in lieu of onsite parking lots. As noted by the City's Town Center feasibility study, onsite parking lot requirements significantly limit the feasibility of redevelopment and new development occurring within the Town Center because they take up space that could otherwise be used for retail, commercial, office, and residential uses.

4. Separate Approvals

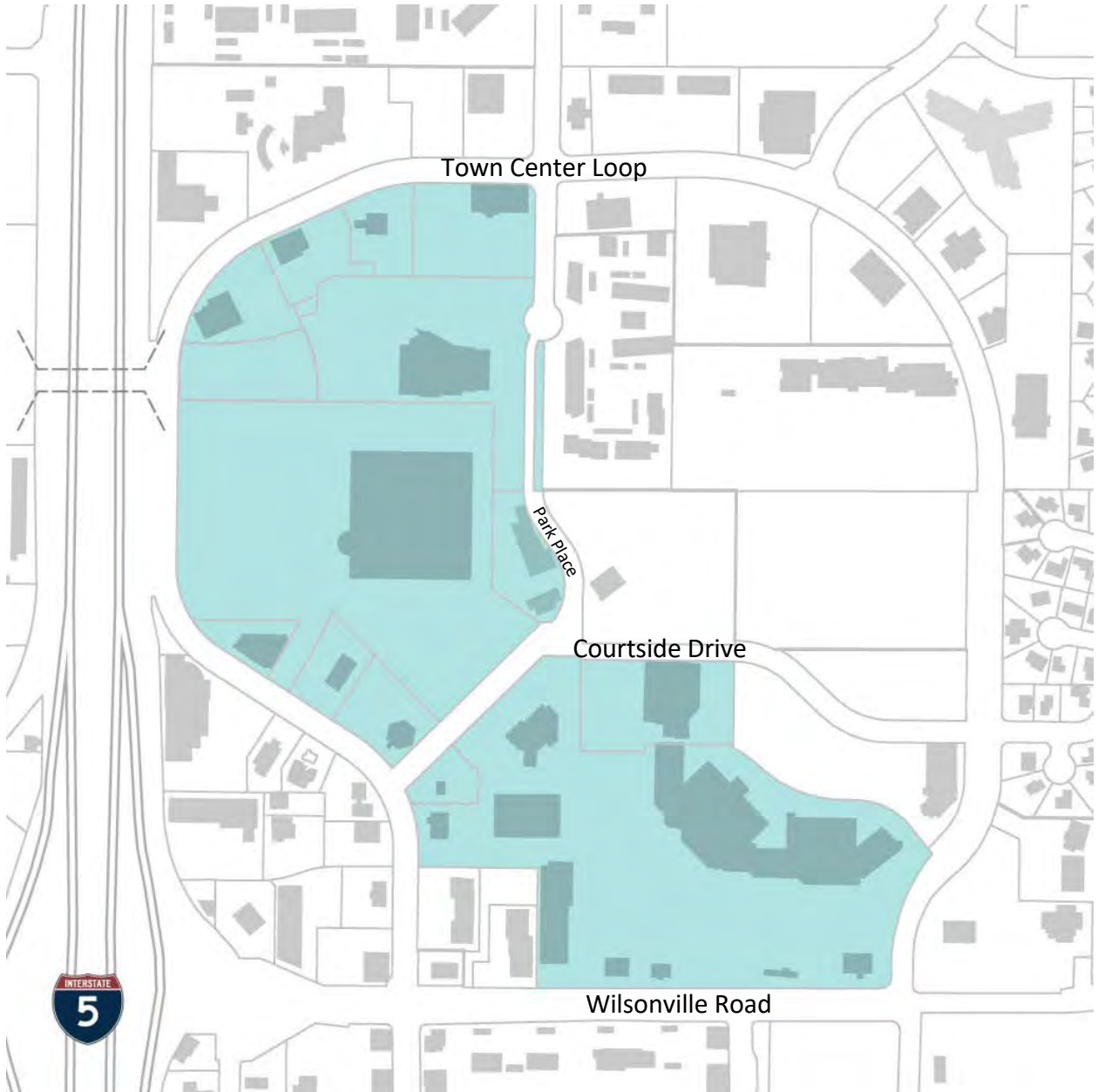
Generally, any new uses, occupancies, and construction within Town Center will require some level of City design review and approval. In addition to the standard City approval process, the 1992 CCRs require a separate approval process by the Declarant designated by the CCRs. Thus, property owners or developers who want to develop or redevelop on a Subject Property will incur added time and expense as a result of having to go through two separate processes, either of which could delay or deny a project altogether.

Moreover, if a property owner or developer seeks to have their property removed from the 1992 CCRs, or to modify the 1992 CCRs to fit their proposed development, any property owner of a Subject Property or large tenant may object to the modification. This represents risk and uncertainty that can cause property owners and developers to choose not to invest in Town Center.

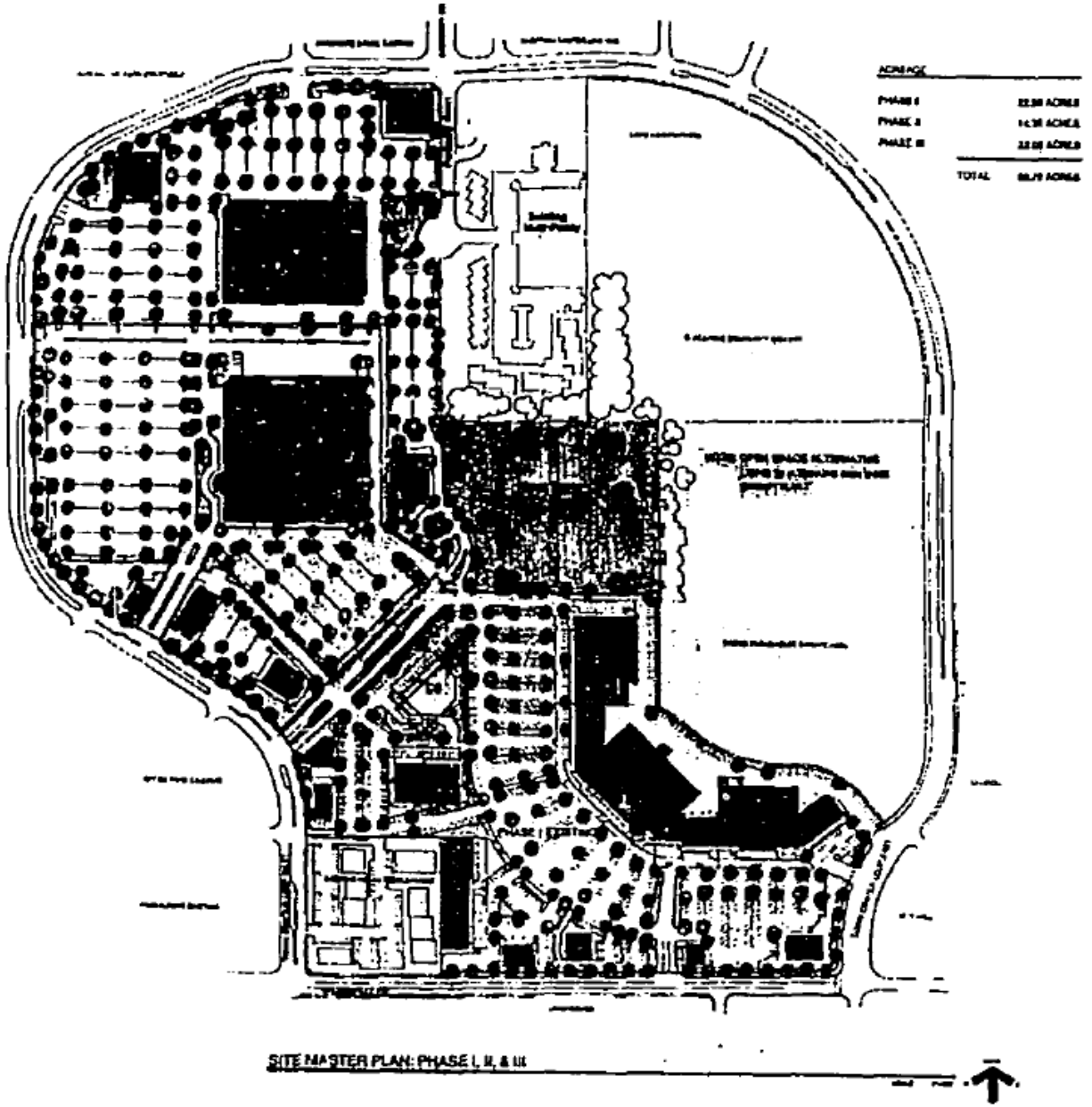
Summary

The provisions of the 1992 CCRs significantly limit the investments and development that may occur in the Town Center and are incompatible with new City policies. The City hopes to work with owners of the Subject Properties to address these issues so that property owners and the Wilsonville community can participate in and benefit from the investment and development opportunities afforded by the 2019 Town Center Plan.

**ATTACHMENT 1 TO EXECUTIVE SUMMARY
MAP OF SUBJECT PROPERTIES**



ATTACHMENT 2 TO EXECUTIVE SUMMARY
 SITE MASTER PLAN



CITY OF



30000 SW Town Center Loop East
Wilsonville, Oregon 97070
503-682-4960

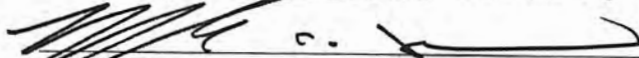
BUILDING DEPARTMENT

CERTIFICATE OF OCCUPANCY

Address: 29029 S.W. Town Center Loop East
 Name: Ace Hardware
 Owner: Chris Dunn
 Address: 16200 SW Pacific Hwy #276 Tigard, OR 97224
 Use of Structure: Retail Group M & S.1
 Permit Number: B0093

Certificate is hereby given this 16th day of August, 2000

that said building may be occupied and that it complies with all requirements of the State of Oregon Structural Specialty Codes and Fire/Life Safety Code, as adopted by the Wilsonville City Council.



 Building Official

Handwritten notes:
 Attachment 60 of 256
 6/28


City of
WILSONVILLE

799 SW Town Center Loop East
Wilsonville, Oregon 97070
503-682-4960
BUILDING DEPARTMENT

CERTIFICATE OF OCCUPANCY

Use:	Mercantile	Bldg. Permit No.:	BB11-0079
Business Name:	ACE HARDWARE	Group:	M/S-1
Building Address:	29029 SW TOWN CENTER LOOP E WILSONVILLE OR 97070-9409	Type of Construction:	Type VB
Owner:	DARYL SOLI	Fire Sprinkler:	No
Owner Address:	29029 SW TOWN CENTER LOOP E WILSONVILLE OR 97070-9409	Occupant Load:	333
		Code Edition:	1998
		Date of Issuance:	03/07/2011

That said building may be occupied and that it complies with all requirements of the State of Oregon Structural Specialty Codes and Fire/Life Safety Code, as adopted by the Wilsonville City Council.


Building Official

DETOXIFICATION FACILITIES. Facilities that serve patients who are provided treatment for substance abuse on a 24-hour basis and who are incapable of self-preservation or who are harmful to themselves or others.

HOSPITALS AND MENTAL HOSPITALS. Buildings or portions thereof used on a 24-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation.

NURSING HOMES. Nursing homes are long-term care facilities on a 24-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five persons and any of the persons are incapable of self-preservation.

308.4 Group 1-3. This occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. An 1-3 facility is occupied by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

- Correctional centers
- Detention centers
- Jails
- Prerelease centers
- Prisons
- Reformatories

Buildings of Group 1-3 shall be classified as one of the occupancy conditions indicated in Sections 308.4.1 through 308.4.5 (see Section 408.1).

308.4.1 Condition 1. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

308.4.2 Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied smoke compartment to one or more other smoke compartments. Egress to the exterior is impeded by locked *exits*.

308.4.3 Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual *sleeping units* and group activity spaces, where egress is impeded by remote-controlled release of *means of egress* from such a smoke compartment to another smoke compartment.

308.4.4 Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.4.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.5 Group 1-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

308.5.1 Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and *personal care services* shall be classified as Group 1-4.

Exception: A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group R-3.

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group 1-4.

Exception: A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

SECTION 309 MERCANTILE GROUP M

309.1 Mercantile Group M. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

309.2 Quantity of hazardous materials. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials stored or displayed in a single *control area* of a Group M occupancy shall not exceed the quantities in Table 414.2.5(1).

SECTION 310 RESIDENTIAL GROUP R

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

- Boarding houses* (transient)
- Hotels (transient)
- Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-2 Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses* (nontransient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*.
- Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.
- Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.
- Congregate living facilities* with 16 or fewer persons.

Adult care and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the *International Residential Code* provided the building is protected by an *automatic sprinkler system* installed in accordance with Section 903.2.7.

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides *personal care services*. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

TRANSIENT. Occupancy of a *dwelling unit* or *sleeping unit* for not more than 30 days.

SECTION 311 STORAGE GROUP S

311.1 Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.2 Moderate-hazard storage, Group S-I. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture

- Furs
- Glues, mucilage, pastes and size
- Grains
- Horns and combs, other than celluloid
- Leather
- Linoleum
- Lumber
- Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1 (1) (see Section 406.6)
- Photo engravings
- Resilient flooring
- Silks
- Soaps
- Sugar
- Tires, bulk storage of
- Tobacco, cigars, cigarettes and snuff
- Upholstery and mattresses
- Wax candles

311.3 Low-hazard storage, Group S-2. Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic *trim*, such as knobs, handles or film wrapping. Group S-2 storage uses shall include, but not be limited to, storage of the following:

- Asbestos
- Beverages up to and including 16-percent alcohol in metal, glass or ceramic containers
- Cement in bags
- Chalk and crayons
- Dairy products in nonwaxed coated paper containers
- Dry cell batteries
- Electrical coils
- Electrical motors
- Empty cans
- Food products
- Foods in noncombustible containers
- Fresh fruits and vegetables in nonplastic trays or containers
- Frozen foods
- Glass
- Glass bottles, empty or filled with noncombustible liquids
- Gypsum board
- Inert pigments
- Ivory
- Meats
- Metal cabinets
- Metal desks with plastic tops and *trim*
- Metal parts
- Metals
- Mirrors
- Oil-filled and other types of distribution transformers
- Parking garages, open or enclosed
- Porcelain and pottery
- Stoves
- Talc and soapstones
- Washers and dryers

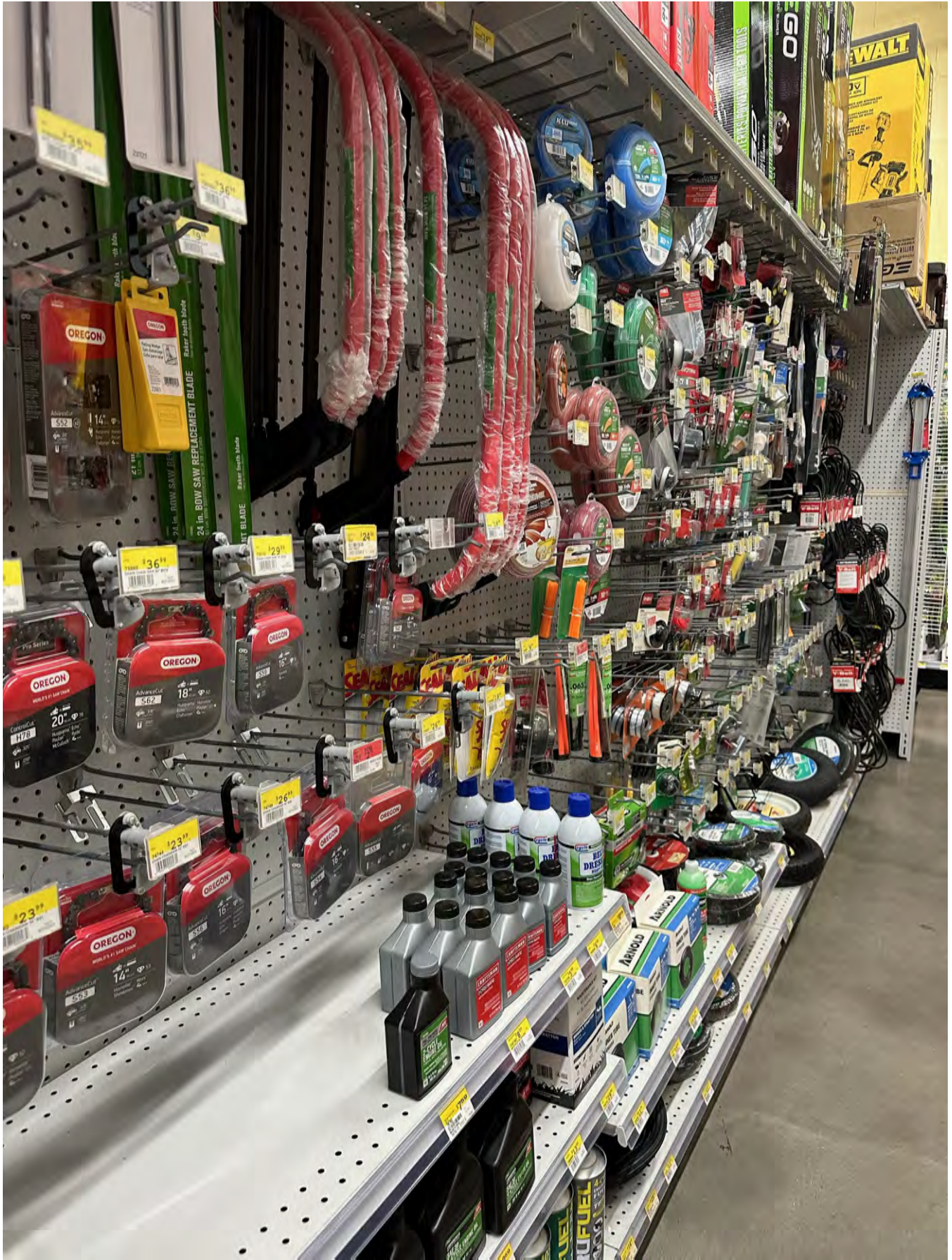
SECTION 312

UTILITY AND MISCELLANEOUS GROUP U

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns
- Carports
- Fences more than 6 feet (1829 mm) high
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers









COMPREHENSIVE PLAN AND
DEVELOPMENT CODE AMENDMENTS

City of Wilsonville

Comprehensive Plan

*Draft Amendments Supporting the Wilsonville Town Center Plan
September 19, 2018*



Updated December 2016

This document uses the December 5, 2016 amendments adopted for the Frog Pond Master Plan as the “accepted” base text for further amendment.

CITY OF WILSONVILLE
COMPREHENSIVE PLAN

Table of Contents

INTRODUCTIONINTRO - 1

BRIEF HISTORY INTRO - 1

HISTORY OF LOCAL PLANNING EFFORTS INTRO - 1

 Comprehensive Plan Land Use Map Intro - 3

 Additional to the Land Use Map, the Plan includes the following text: Intro - 4

 Supporting Documents: Intro - 5

PROCEDURES INTRO - 6

 How to Use the Plan Intro - 6

 Plan Amendments Intro - 7

 Planning/Zoning Procedures Intro - 9

OREGON’S STATEWIDE PLANNING GOALS INTRO - 11

CITIZEN INVOLVEMENT.....A - 1

URBAN GROWTH MANAGEMENT.....B - 1

 CITY LIMITS B - 2

 URBAN GROWTH BOUNDARIES..... B - 3

PUBLIC FACILITIES AND SERVICESC - 1

 TIMING -- CONCURRENCY ISSUES C - 3

 PAYING FOR NEEDED FACILITIES AND SERVICES..... C - 4

 PRIMARY FACILITIES AND SERVICESC - 5

 Sanitary Sewer Plan C - 5

 Water Service Plan C - 6

~~Roads and Transportation Plan~~ [Deleted by Ord. No. 671, 11/16/09] See Transportation Below

~~Street Improvements~~.....[Deleted by Ord. No. 671, 11/16/09] See Transportation Below

 Storm Drainage Plan..... C - 8

 Fire Protection Plan C - 11

 Police Protection And Public Safety..... C - 12

 COMPLEMENTARY FACILITIES/SERVICES PLANC - 13

 School And Educational Services..... C - 13

 Parks/Recreation/Open Space..... C - 14

 Park System Classifications..... C - 18

 Solid Waste..... C - 18

 Semi-Public Utilities..... C - 19

 City Administration C - 20

 Health And Social Services C - 20

 TRANSPORTATION..... C - **ERROR! BOOKMARK NOT DEFINED.**

 The Transportation Network..... C - **Error! Bookmark not defined.**

 I-5/Wilsonville Road IMAC - **Error! Bookmark not defined.**6

 I-5/Elligsen Road Interchange C - 27

LAND USE AND DEVELOPMENT	D - 1
ECONOMIC DEVELOPMENT	D- 3
GENERAL DEVELOPMENT	D- 5
COMMERCIAL DEVELOPMENT	D- 8
<u>TOWN CENTER DEVELOPMENT</u>	
INDUSTRIAL DEVELOPMENT	D- 11
RESIDENTIAL DEVELOPMENT	D- 14
RESIDENTIAL PLANNING DISTRICTS SHOWN ON THE LAND USE MAP OF THE	
COMPREHENSIVE PLAN	D- 20
Density (0-1 du/ac)	D- 20
Density (2-3 or 4-5 du/ac).....	D- 21
Density (6-7 or 10-12 du/ac).....	D- 21
Density (18-20 du/ac)	D- 22
ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN	D- 22
COMPACT URBAN DEVELOPMENT	D- 33
NEIGHBORHOOD RESIDENTIAL	
THE PLAN MAP.....	E - 1
AREAS OF SPECIAL CONCERN	F - 1
AREA A	F- 1
AREA B	F- 2
AREA C	F- 2
AREA D	F- 2
AREA E	F- 4
AREA F	F- 4
AREA G	F- 7
AREA H	F- 9
AREA I	F- 9
AREA J	F- 9
AREA K	F- 10
AREA L	F- 10
HISTORIC SITES OR FEATURES	F- 10

The Wilsonville Comprehensive Plan was revised in entirety and adopted by City Council Ordinance No. 517 on October 16, 2000. It has been amended since then by the ordinances below. These ordinances have been incorporated into the December 2016 Comprehensive Plan.

Ordinance #	Description	Adoption Date
<u>No.</u>	<u>City of Wilsonville Town Center Plan</u>	<u>Date</u>
<u>No.</u>	<u>Frog Pond Master Plan</u>	<u>Date</u>
742	Wilsonville Residential Land Study	5/19/14
718	2013 Transportation System Plan (Replaces prior Transportation Systems Plan)	9/6/12
707	Water System Master Plan (<i>Replaces all prior Water System Master Plans</i>)	9/6/12
700	Stormwater Master Plan (<i>Repeals Ordinance No. 515</i>)	2/23/12
676	Accessory Dwelling Units	3/3/10
674	Metro Title 13 (Nature in Neighborhoods) Compliance	11/16/09
671	Transportation-related amendments	11/16/09
653	Transit Master Plan	7/7/08
638	Statewide Planning Goal 9: Economic Opportunities Analysis	12/3/07
637	Coffee Creek 1 Master Plan	10/15/07
625	Parks and Recreation Master Plan	9/17/07
623	Bicycle and Pedestrian Master Plan	12/20/06
609	Villebois Village Master Plan Amendments	5/15/06
610	Public Works Standards	5/1/06
594	Villebois Village Master Plan Amendments	12/3/05
574	Reduction of Allowable Commercial Uses in Industrially-Zoned Land	11/1/04
573	Memorial Parks Trails Master Plan	9/20/04
571	Wastewater Facility Plan	8/30/04
566	Villebois Village Master Plan Amendment	6/21/04
556	Villebois Village Master Plan (adoption of)	8/18/03
552	Transportation Systems Plan	6/2/03
555	Villebois Village Concept Plan - Comprehensive Plan Map amendment	6/2/03
554	Villebois Village Concept Plan text amendment	6/2/03
553	Villebois Village Concept Plan (adoption of)	6/2/03
549	Metro Title 5 Compliance	10/21/02
531	Water System Master Plan (<i>Replaced by Ordinance No. 707, adopted 9/6/12</i>)	1/24/02
530	Wastewater Collection System Master Plan	7/17/01
515	Stormwater Master Plan (<i>Repealed by Ordinance No. 700, adopted 2/23/12</i>)	6/7/01
516	Natural Resources Plan	6/7/01

Deleted: N

Deleted: F

Deleted: D

INTRODUCTION

BRIEF HISTORY

Wilsonville is located within the traditional territory of the Kalapuyan people who occupied nearly all of the Willamette River watershed above the Falls (at Oregon City). The Tualatin Kalapuyans occupied the north bank of the Willamette and all of the Tualatin River watershed. The Santiam Kalapuyans occupied the south bank of the Willamette (including what is now the Charbonneau District of Wilsonville).

The opening of overland and sea routes to Oregon brought Old World diseases which repeatedly devastated Kalapuyan populations in a series of epidemics that ranged from smallpox to malaria in the late 18th and early 19th centuries. After that, the expansion of white and multi-racial immigration restricted Kalapuyan land management and undermined the native economy. Following treaties in the 1850s, the remnants of both the Santiam and Tualatin Kalapuyans were moved to the Grand Ronde Reservation.

Early settlement of the Wilsonville area by people other than the indigenous Native Americans dates back to the early 1800s. In addition to scattered farms, the early settlement began providing needed support services for travelers using a ferry crossing the Willamette River. The ferry was operated by Alphonse Boone, a relative of Daniel Boone, and provided access to the southern Willamette Valley from the Portland area. The town was named after early postmaster Charles Wilson. In 1908 the railroad came to the area, creating a transportation link that still continues today. Electricity, natural gas lines, telephone service, automobiles, paved roads and eventually the I-5 Interstate freeway came to Wilsonville, inducing more growth. The freeway brought Wilsonville to within a 20-minute drive to Portland, and a 30-minute drive to Salem. With the completion of I-205, connecting with I-5 just north of Wilsonville, the area's advantageous position for interstate trucking and commerce was substantially enhanced. Freeway and rail access and an abundance of open land have made Wilsonville a desirable place for commercial and industrial development. The peaceful, rural setting also provided a pleasant atmosphere for residential development. As a result, Wilsonville has been one of the fastest growing cities in the state and has one of the highest ratios of jobs to housing.

HISTORY OF LOCAL PLANNING EFFORTS

The creation of the Interstate-5 freeway in the late 1950s, followed by the first sections of I-205 in the 1960s, increased the pressure for development within this area. In a move to increase local control, the local residents voted to incorporate. On January 1, 1969, Wilsonville became a City.

It should be noted that the term "City," as used in this document, refers to the land where the City of Wilsonville is located, the collective citizenry of the community, and the political entity providing governance of the community – subject to the City Charter.

Almost immediately after incorporation, the newly-formed City began work on a General Plan that was intended to help the City preserve the natural qualities of the area, while also ensuring efficient land use as development occurred.

Wilsonville's General Plan, completed in 1971, was adequate for its time. However, changes in economic and social circumstances, as well as adoption of new state planning legislation, soon outdated the General Plan. Requirements for land use plans in Oregon changed substantially with the adoption of new state legislation (Senate Bill 100) in 1973. In 1975, a new Comprehensive Plan Map was adopted which included an urban growth boundary as required by LCDC. Subsequent Comprehensive Plan amendments were adopted on July 7, 1980, by Resolution No. 144; on May 3, 1982, by Ordinance No. 209; and on November 7, 1988, by Ordinance No. 318. The last two of those major amendments were the result of periodic review processes.

The adoption of SB 100 established the Land Conservation and Development Commission (L.C.D.C.) and empowered the Commission to adopt Statewide Planning Goals. All cities and counties in Oregon were required to adopt Comprehensive Plans and implementing ordinances in conformance with the Statewide Planning Goals and to coordinate their Plans with affected units of government and special districts under the State Legislation. Since that time, Comprehensive Plans have become the dominant legal documents directing land use and development within local jurisdictions. The requirement to conform to the Statewide Planning Goals has also made local Plans more comprehensive in content. Plans must also be supported by adequate documentation and analysis of alternatives, impacts, etc., and must be legislatively adopted by the City. Wilsonville's Comprehensive Plan and implementing ordinances must also be coordinated with the plans of both Washington and Clackamas Counties. In the Portland area, local plans and ordinances must also be reviewed by the Metropolitan Service District (Metro) for compliance with regional plans and policies.

The Metro Charter, approved by two-thirds of the region's voters in November 1992, established growth management as Metro's primary task and gave Metro's elected Council broad powers affecting city and county planning programs throughout the region.

Wilsonville's planning programs are required to support Metro's 2040 Regional Framework Plan, and any Functional Plans that are formally adopted by the Metro Council. Such Metro plans are intended to direct the region's urban growth and development.

With the adoption of Metro's 2040 Plan, Wilsonville joined other cities and counties as an active participant in a regional planning effort. This is particularly important to Wilsonville because Metro's decisions on the regional UGB will have a direct effect on land supply and housing demands in this area.

Wilsonville's history of growth is partly the result of its physical location, its position in the regional economy, and its relationship to the interstate freeway system. Wilsonville continues its cooperative and participatory approach to growth management in order to preserve the local quality of life as additional people move into the urban area. Also, as a participant in regional planning efforts, Wilsonville must deal with the issues accompanying growth - traffic congestion,

loss of open space, speculative pressure on rural farm lands, rising housing costs, diminishing environmental quality, demands on infrastructure such as transportation systems, schools, water and sewer treatment plants, and vulnerability to natural hazards - within a common framework. A planning program that recognizes each of these issues and provides a means of balancing and equitably resolving the conflicts between competing interests enhances the community's ability to manage urban growth successfully and creates the opportunity for a livable future.

In addition to meeting Metro requirements, Wilsonville's Comprehensive Plan must be reviewed by LCDC for compliance with the Statewide Planning Goals. All local land use decisions must be made in conformance with the provisions and policies of the City's Comprehensive Plan.

The Comprehensive Plan is an official statement of the goals, policies, implementation measures, and physical plan for the development of the City. The Plan documents the City's approach to the allocation of available resources for meeting current and anticipated future needs. In doing so, it records current thinking regarding economic and social conditions. Because these conditions change over time, the Plan must be directive, but flexible, and must also be periodically reviewed and revised to consider changes in circumstances.

Periodic Review is a State-mandated process through which a local government reviews its Comprehensive Plan and land use regulations to ensure continued compliance with the Statewide Planning Goals and other legal requirements.

The current amendments to the Comprehensive Plan are a result of the Periodic Review process that was initiated in 1996. In the years since the previous major update of the Comprehensive Plan, Wilsonville has experienced significant increases in both population and employment. The Comprehensive Plan has been updated so that the City's actions will be based on recent trends and future projections.

Wilsonville's Comprehensive Plan has been re-evaluated, updated, and in some places re-written, to produce a more user-friendly, current document that will guide the City's growth and development for some years into the future.

Comprehensive Plan Land Use Map

The Land Use Map of the Comprehensive Plan shows land designated for Public, Industrial, [Town Center](#), Commercial, and Residential use.

The residential designations include planned density ranges which have been changed to reflect Metro's requirement that minimum densities be at least 80% of maximums. In order to meet that requirement, the lower end of the planned density range has been increased and the higher end left unchanged. For example, properties that were previously designated for residential development at 7 to 12 units/acre are now planned for 10 to 12 units/acre. Most of the residential development that has occurred in Wilsonville has been at densities within 80% of the maximum, so this change is not expected to significantly alter the patterns of housing development that have already been established.

The City historically protected natural resources through the Primary Open Space (POS) and Secondary Open Space (SOS) designations in the Comprehensive Plan and Comprehensive Plan Land Use Map. Primary Open Space was a protected resource category that did not allow any development, and Secondary Open Space, which served as a buffer to Primary Open Space, allowed limited development through a Conditional Use permit review process.

In order to comply with the requirements of Statewide Planning Goal 5-Natural Resources, Title 3 of Metro's Urban Growth Management Functional Plan and the Endangered Species Act (ESA) related to the listing of salmonids in the Willamette River as threatened, the City has completed a public process and has created a Significant Resource Overlay Zone. This overlay zone and implementing ordinance replaces the POS/SOS designations in the Comprehensive Plan and on the Comprehensive Plan Land Use Map.

Additional to the Land Use Map, the Plan includes the following text:

1. Separate sections as follows:
 - A. Citizen Involvement;
 - B. Urban Growth Management;
 - C. Public Facilities and Services; and
 - D. Land Use and Development.
2. Each section includes background information and a listing of the Goals, Policies, and Implementation Measures which describe the desired form, nature and rate of City development. Goals state what the community intends to achieve through the implementation of the Comprehensive Plan. Policies are clearly stated commitments from the City Council that are intended to help achieve the stated Goals. Implementation Measures describe the actions that the City will take in support of the Policies. None of these things are intended to be merely guidelines. Policy statements address the entire range of topics included in the Statewide Planning Goals. Also included are references to the Metro 2040 Plan, as well as the Framework and Functional Plans that apply to Wilsonville's planning program.
3. A land use map shows what kind of use is planned for each piece of land, and how these uses are related to adjacent uses. Uses include residential, public, commercial, and industrial activities. For residential areas, the map shows anticipated densities. Public uses include streets, parks, schools, fire stations, public water and sewer facilities and other City buildings.
4. The City uses a two-map system for land use planning (the Land Use Map of the Comprehensive Plan and the Zoning Map). Those researching the potential uses of land should see both maps and read the applicable portions of the City's Development Code, as well as the text of the Comprehensive Plan.

Supporting Documents:

All of the following documents, including amendments that may subsequently be made, should be considered to be supportive of the contents of the Comprehensive Plan. However, only those documents that have been specifically adopted by the City Council as part of this Comprehensive Plan, or implementing this Plan, shall have the force and effect of the Plan.

- Bicycle and Pedestrian Master Plan (Replaces Chapter 5 of Transportation Systems Plan) (2006)
- Capital Improvements Plan Summary Findings and Recommendations (on-going),
- Coffee Creek 1 Master Plan (2007)
- Development Code (Chapter 4 of the Wilsonville Code) and other implementing City ordinances.
- Federal Emergency Management Agency Floodway and Flood Insurance Rate Maps (2008)
- Guidelines for a Water Wise Landscape (1998)
- Master Public Facilities and Capital Improvements Plan (on-going).
- Memorial Park Trails Plan (2004)
- Metro’s Region 2040 program (1995), Regional Framework Plan (1997), Urban Growth Management Functional Plan (1997) and subsequent titles (chapters), Regional Transportation Plan (RTP) and supporting documents (including the Regional Housing Needs Analysis, 1997).
- Metro’s Title 13 (Nature in Neighborhoods) compliance (with Metro’s Urban Growth Management Functional Plan)
- Natural Resource Plan and supporting documents (2001)
- Parks and Recreation Master Plan (2007)
- Physical Inventory – The Natural Environment Research/Analysis (1979)
- Public Works Standards (2006)
- Statewide Planning Goal 9: Economic Opportunities Analysis (2007)
- Statewide Planning Goals and Guidelines, as amended. Please see the end of this Introduction section for a list of the Statewide Planning Goals.
- Stormwater Master Plan (2012)
- Street Tree Study (1998)
- Transit Master Plan (Replaces Chapter 6 and Chapter 8 of the 2003 Transportation Master Plan) (2008)
- Transportation Systems Plan (2003) and supporting documents.
- Urban Renewal Plan (1993)
- Villebois Village Concept Plan (2003)

- Villebois Village Master Plan (2006)
- Wastewater Collection System Master Plan (2001)
- Wastewater Facility Plan (2004)
- Water Moratorium and Public Facility Strategy Information (1998 – 2000)
- Water Supply Study Report (1997)
- Water System Master Plan (2012)
- West Side Master Plan (1996)
- Wilsonville Residential Land Study (2014)
- Frog Pond Area Plan (2015)
- Frog Pond West Master Plan (2017)
- City of Wilsonville Town Center Plan (date)

PROCEDURES

How to Use the Plan

The purpose of this Plan is to guide the physical development of the City. Following this introduction, the text of the Plan is presented in four major sections that provide a framework for land use decisions. The four sections are:

- A. Citizen Involvement – this section describes the City’s on-going citizen involvement program.
- B. Urbanization – this section defines where and when urban level development will be permitted and recognizes Metro’s authority relative to the regional urban growth boundary.
- C. Public Facilities and Services – this section determines what facilities and services must be available to support urban development, and therefore, further defines when development can occur.
- D. Land Use and Development – this section determines future zoning and how a parcel of land may be developed. It provides basic standards for residential, public, town center, commercial, and industrial uses and establishes general planning districts for each of these types of uses. The planning districts are visually represented on a land use map.

This Plan consists of general background and explanatory text, City of Wilsonville Goals, Policies, Implementation Measures, and a Plan Map. When any ambiguity or conflict appears to exist, Goals shall take precedence over Policies, Implementation Measures, text and Map; Policies shall take precedence over text, Implementation Measures, and Map. The land use map is only a visual illustration of the intent of the Plan. Therefore, the lines separating uses on the map are not rigid and inflexible. The lines for residential districts do, however, provide a basis

for computing permitted densities or total number of allowable units, or zoning densities within a given development.

The Planning Commission, Development Review Board, and Planning Director are authorized to interpret the standards and requirements of either the text or maps of the Comprehensive Plan. The City Council shall have final authority for the interpretation of the text and/or map when such matters come before the Council for consideration.

Plan Amendments

This Plan has been designed to provide some flexibility in interpretation in an effort to be market-responsive and to minimize the need for Plan amendments. However, since it is impossible and impractical to allow for all possible combinations of land development proposals, it is probable that occasional Plan amendments will be necessary. In addition, economic and social conditions change over time, as do land use laws. Therefore, Plans must be periodically reviewed to consider changed circumstances. As noted above, periodic review of local Plans is also required by state law.

The Planning Commission, Development Review Board, and City Council all provide the public with opportunities to comment on non-agenda items at each regularly scheduled public meeting. Any interested person has the opportunity to suggest changes to the Comprehensive Plan that those decision-making bodies may wish to consider. The Commission, DRB, or Council may initiate a Plan amendment, by motion, as prescribed in #1, below.

1. Who May Initiate Plan Amendments? An amendment to the adopted Plan may be initiated by:
 - a. The City Council
 - b. The Planning Commission (for legislative amendments) or Development Review Board (for quasi-judicial amendments); or
 - c. Application of the property owner(s) or contract purchaser(s) affected or their authorized agents, as specified in #2, below.

2. Application for Plan Amendments:

An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City Council, DRB, or Planning Commission, as noted in #1, above, shall be accompanied by a Plan Amendment Fee.

3. The Consideration of Plan Amendments:
 - a. Amendments to the maps or text of the Comprehensive Plan shall only be considered by the City Council after receiving findings and recommendations from the Planning Commission (legislative) or Development Review Board (quasi-judicial) at their regular or special meetings.

- b. Amendments must be initiated as provided in this section, sufficiently in advance of the first evidentiary hearing on the proposal to allow adequate time for providing public notice and preparing a staff report on the proposal. The first evidentiary hearing is usually the first public hearing held by the Planning Commission or Development Review Board on the proposal.
- c. This Plan, and each of its elements, is always open for amendments that consider compliance with the Statewide Planning Goals and Plans of Metro. Amendment and revision for compliance with the above regional Goals, Objectives, and Plans shall be consistent with any re-opening of local Plans as approved by the Land Conservation and Development Commission (LCDC).

This provision is not to be construed as waiving any legal rights which the City may have to challenge the legality of a regional Goal, Objective or Plan provision.

- d. The Planning Commission or City Council may conduct a public hearing at any time to consider an amendment to the Plan text or Plan map when the Commission or Council finds that the consideration of such amendments are necessary to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said text or Plan map.

4. Standards for approval of Plan Amendments.

In order to grant a Plan amendment, the City Council shall, after considering the recommendation of the Development Review Board (quasi-judicial) or Planning Commission (legislative), find that:

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.
- b. The granting of the amendment is in the public interest.
- c. The public interest is best served by granting the amendment at this time.
- d. The following factors have been adequately addressed in the proposed amendment:
 - the suitability of the various areas for particular land uses and improvements;
 - the land uses and improvements in the area;
 - trends in land improvement;
 - density of development;
 - property values;
 - the needs of economic enterprises in the future development of the area;
 - transportation access;
 - natural resources; and
 - the public need for healthful, safe and aesthetic surroundings and conditions.

- e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.
5. Public Notice Requirements.
- a. Notice of public hearings before the Development Review Board, Planning Commission, and City Council concerning proposed Plan amendments shall be published in a newspaper of general circulation as prescribed by the state. A written notice of proposed amendments shall be posted in at least three conspicuous public places within the City not less than ten (10) days prior to the hearing(s). Written notice of map amendments shall be mailed to owners of property within 250 feet of the properties or property described in the notice at least ten (10) days prior to the date of the hearing(s).

The City of Wilsonville regularly meets and exceeds the typical standards for public notice concerning land use planning matters. This practice will continue, including City-wide notice, in appropriate situations, to all property owners.

- b. The public notice shall include the date, time, and place of the public hearing(s); a description of the properties involved in the proposed amendment; and a general statement of the nature of the proposed amendment to be considered by the reviewing body.
- c. In the process of amending any Comprehensive Plan provision or implementing ordinance, the City will continue to give notice to Metro as required. At such time as any notice is given to the Director of the Department of Land Conservation and Development pursuant to ORS 197.610 or 197.615, a copy shall be sent to Metro's Executive Officer. In addition to the content of the notice required by ORS 197.610 or 197.615, the notice furnished to Metro shall include an analysis demonstrating that the proposed amendments are consistent with applicable Functional Plans. However, if the analysis demonstrating consistency with Functional Plans is not included in the initial notice, Metro requirements specify that a report containing the analysis shall be delivered to Metro no later than fourteen (14) days before the City conducts a final hearing on the proposed amendment.

Planning/Zoning Procedures

The City is gradually building out, with much less undeveloped property than in the past. Portions of the undeveloped areas are currently served with adequate public facilities for urban level development. Other areas are not adequately served and the service levels vary greatly throughout the City.

Therefore, in order to provide a process to insure orderly development consistent with the availability of adequate public facilities, the provisions of this Plan shall be administered through

case-by-case zoning and Site Plan review procedures set forth in the Wilsonville Code. The Development Code clearly defines the standards that must be met to obtain a Zone Change and/or Site Development Permit.

The purpose of the case-by-case review is two-fold. First, the zoning process is intended to serve as an administrative procedure to evaluate the conversion of urbanizable land to urban land consistent with the conversion criteria set forth in the Statewide Planning Goal 14 (Urbanization). Because the service levels vary throughout the City, the zoning process will allow for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions in terms of phasing of development related to needed facility improvements.

Secondly, not all types of development create equal community impact. Therefore, each development must be evaluated on its own merits and liabilities. For this reason, a case-by-case Site Development Plan review is intended to provide site specific analysis of impacts related to particular development proposals, rather than general use categories such as residential, commercial or industrial.

All land development proposals shall be reviewed for conformity to the Plan and specific standards set forth in implementing Ordinances.

The applicable Statewide Planning Goals, as of March 2000, have been copied in full below to help the reader to understand the City's role in the State's overall planning program.

OREGON'S STATEWIDE PLANNING GOALS

1. Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
2. Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.
3. Agricultural Lands: To preserve and maintain agricultural lands.
4. Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.
5. Natural Resources, Scenic and Historic Areas, and Open Spaces: To conserve open space and protect natural and scenic resources.
6. Air, Water, and Land Resources Quality: To maintain and improve the quality of the air, water, and land resources of the state.
7. Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.
8. Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.
9. Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.
10. Housing: To provide for the housing needs of the citizens of the state.
11. Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
12. Transportation: To provide and encourage a safe, convenient and economic transportation system.
13. Energy Conservation: To conserve energy.
14. Urbanization: To provide for the orderly and efficient transition from rural to urban land use.
15. Willamette River Greenway: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

CITIZEN INVOLVEMENT

In one way or another, directly or indirectly, the Comprehensive Plan affects all citizens in the City, whether they own property or not. The Plan allocates land to various residential, public, commercial and industrial uses. It also establishes standards for how and when such lands may be developed for the designated purposes. The Comprehensive Plan is not a document created by one faction and imposed upon another, but rather an ongoing planning process that needs and depends upon input and direction developed by all concerned. For these reasons, citizen involvement is a vital part of the planning process. In fact, under Oregon law, citizen involvement is required. Statewide Planning Goal No. 1 requires each community to adopt, implement, and periodically review a citizen involvement program.

Since its incorporation, including development of the 1971 General Plan; and each subsequent revision of the Comprehensive Plan, as well as routine planning and zoning administration, the City of Wilsonville has encouraged citizen involvement in the decision-making process. For a number of years, Wilsonville Interested Neighbors (WIN) served as the City's official Citizen Advisory Committee. WIN ceased meeting in 1991 and after that a number of different ad hoc committees have been appointed to provide for citizen involvement. The City's Planning Commission has continued to serve as the primary citizen involvement organization throughout that time. Given this history, the City has chosen to recognize the Planning Commission's continuing role in facilitating and encouraging public involvement. This does not preclude the use of other ad hoc or adjunct groups to gain public participation but it does formalize the Planning Commission's responsibilities in advising the City Council about the City's overall citizen involvement program.

Wilsonville's Planning Commission, made up of people with diverse interests in the community, now fulfills the role as the City's official Committee for Citizen Involvement. Unlike most Planning Commissions that have quasi-judicial authority, Wilsonville's Planning Commission deals only with legislative and long-range policy issues. The Planning Commission's quasi-judicial functions were transferred to the Development Review Board in 1997, in order to allow the Commission to focus on advising the City Council on legislative policy issues. The Planning Commission's advisory duties make the Commission especially qualified to fulfill the role as the City's Committee for Citizen Involvement. The Planning Commission frequently conducts work sessions and other informal public meetings that are deliberately intended to encourage an exchange of ideas and opinions without the formality of public hearings. These meetings are intended to "open" the City's planning processes for greater public participation.

The Commission may conduct both work sessions and public hearings in one meeting. For instance, it is fairly typical for the Commission to have a work session or informal public meeting before or after a public hearing. The Commission conducts regularly scheduled meetings each month and frequently schedules additional meetings to deal with a wide range of issues. All Planning Commission meetings are open to the public.

Wilsonville’s Planning Commission meets the two principal requirements of Statewide Planning Goal No. 1 to serve as the City’s official Committee for Citizen Involvement:

- * members are broadly representative of geographic areas and interests related to land use; and
- * members are selected through an open, well-publicized public process.

All City residents and interested parties are allowed and encouraged to participate throughout the City’s planning processes. Citizens also regularly participate in decision-making or advisory capacities as members of:

- Development Review Board
- Planning Commission
- Parks and Recreation Advisory Board
- Library Board
- Budget Committee
- Other special study task forces

The City has long recognized the importance of citizen involvement and understanding in government decisions. In support of past involvement activities and to guide future citizen involvement, the following goals, policies, and implementation measures are established.

Local planning decisions also affect other public agencies. Therefore, elements of the Plan and the supporting database will continue to be coordinated with numerous other public agencies.

GOAL 1.1 To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.

Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.

Implementation Measure 1.1.1.a Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in “draft” form, thereby allowing for community involvement before decisions have been made.

Implementation Measure 1.1.1.b Support the Planning Commission as the City’s official Citizens Involvement Organization with regular, open, public meetings in which planning issues and projects of special concern to the City are discussed and resultant recommendations and resolutions are recorded and regularly reported to the City Council, City staff, and local newspapers. The Planning Commission may schedule special public meetings as the Commission deems necessary and appropriate to carry out its responsibilities as the Committee for Citizen Involvement.

Implementation Measure 1.1.1.c Support the Planning Commission as the Committee for Citizen Involvement, which assists City Officials with task forces for gathering information, sponsoring public meetings and/or evaluating proposals on special projects relating to land use and civic issues, when requested by officials or indicated by community need.

Implementation Measure 1.1.1.d Support the Planning Commission as a public Citizens Involvement Organization which assists elected and appointed City Officials in communicating information to the public regarding land use and other community issues. Examples of ways in which the Commission may accomplish this include conducting workshops or special meetings.

Implementation Measure 1.1.1.e Encourage the participation of individuals who meet any of the following criteria:

1. They reside within the City of Wilsonville.
2. They are employers or employees within the City of Wilsonville.
3. They own real property within the City of Wilsonville.
4. They reside or own property within the City’s planning area or Urban Growth Boundary adjacent to Wilsonville.

Implementation Measure 1.1.1.f Establish and maintain procedures that will allow any interested parties to supply information.

Implementation Measure 1.1.1.g The Planning Commission will continue to conduct three different kinds of meetings, all of which are open to the public. Whenever feasible and practical, and time allows, the Commission and staff will conduct additional informal meetings to gather public suggestions prior to drafting formal documents for public hearings. The different kinds of meetings conducted by the Commission will include:

1. Public hearings;
2. Work sessions and other meetings during which citizen input is limited in order to assure that the Commission has ample time to complete the work that is pending; and
3. Informal work sessions and other meetings during which the general public is invited to sit with the Commission and play an interactive part in discussions. These sessions are intended to provide an open and informal exchange of ideas among the members of the general public and the Commissioners. Such meetings will happen at least two or three times each year.

Implementation Measure 1.1.1.h In preparing public notices for Planning Commission meetings, the staff will clarify whether the meeting will involve a public hearing and/or a work session.

GOAL 1.2: For Wilsonville to have an interested, informed, and involved citizenry.

Policy 1.2.1 The City of Wilsonville shall provide user-friendly information to assist the public in participating in City planning programs and processes.

Implementation Measure 1.2.1.a Clarify the process of land use planning and policy formulation so citizens understand when and how they can participate.

Implementation Measure 1.2.1.b Using press releases or other means, publicize the ways in which interested parties can participate and the topics which will be considered by public boards.

Implementation Measure 1.2.1.c Establish procedures to allow interested parties reasonable access to information on which public bodies will base their land use planning decisions.

Policy 1.3 The City of Wilsonville shall coordinate with other agencies and organizations involved with Wilsonville’s planning programs and policies.

Implementation Measure 1.3.1.a Encourage members of the Wilsonville Chamber of Commerce and other interested organizations to serve on City Boards and Planning Commission.

Implementation Measure 1.3.1.b Where appropriate, the City shall continue to coordinate its planning activities with affected public agencies and private utilities. Draft documents will be distributed to such agencies and utilities and their comments shall be considered and kept on file by the City.

Elements of this Plan and the supporting database have been coordinated with the following agencies:

- Dept. of Land Conservation and Development (DLCD)
- Metropolitan Service District (Metro)
- Tri-Met
- Washington County
- Clackamas County
- Cities of: Tualatin, Sherwood, West Linn, Rivergrove, Canby, Durham, Lake Oswego, Tigard, Aurora, Woodburn, and Newberg.
- Sherwood, Canby, and West Linn-Wilsonville School Districts
- Oregon Department of Environmental Quality
- Oregon Department of Transportation and Parks and Recreation Dept.
- Oregon Department of Economic Development
- Oregon Department of Fish and Wildlife
- Oregon Department of Forestry

- Port of Portland
- U.S. Army Corps of Engineers
- Bonneville Power Administration
- The franchise utilities operating within the City.

URBAN GROWTH MANAGEMENT

Wilsonville is located within the jurisdiction of Metro, and coordinates the management of urban growth in and around Wilsonville with the affected county and regional governments. This section of the Comprehensive Plan recognizes that land around Wilsonville, especially land within the Urban Growth Boundary (UGB), is intended to meet urban growth needs for many years to come. This section is closely tied to the public facilities element to assure the orderly economic provision of urban services. This prioritizes areas for phased urban development, and specifies policies for the conversion of rural land to urban uses.

Wilsonville's rapid growth is clearly demonstrated by the following statistics: of the land within the current City limits, three times as much was developed in 1999 as was the case in 1988; and the City's population increased by nearly 400 percent in the same period. Economic development has grown just as rapidly, yielding an employment base that has grown as rapidly as the population. Figures provided by Metro in 1996 indicated that Wilsonville had more than three jobs for each housing unit within the City.

Based on Metro's (1981) regional growth allocation statistics, Wilsonville's population was projected to grow to 15,600 by the year 2000. In the same time period, the City's economic growth is expected to generate a total of 14,400 jobs. Those projections proved to be surprisingly accurate. In fact, Wilsonville's population in 2000 approached the 15,600 figure, and the number of jobs exceeded the 14,400 figure.

The City has found that uncontrolled rapid growth can seriously impact and overload the available public facilities and services. However, the City recognizes that the Portland metropolitan region continues to grow, and the City has made the commitment to do its fair share to accommodate part of the region's urban growth. Doing its fair share includes expanding the capacity of public facilities and services to keep pace with growth. The City also recognizes that if growth is uncontrolled, the City's current pleasant living and working environment will deteriorate. Therefore, the following provisions have been established as a framework for growth management policies and procedures.

It is a basic premise of this Plan that the purpose of designating land for urban development is to provide for needed housing, employment, and community services. Therefore, while public facilities are used as a controlling factor in growth management, it is not the intent of this Plan to place a priority on the provision of public facilities and services over that of providing for housing and employment. Rather, it is the intent of the Plan to seek a balance of these factors by insuring that a reasonable service level of public facilities is maintained to support urban growth.

The policies and Implementation Measures of this section of the Comprehensive Plan have been established for the management of urban growth in, and adjacent to, the City of Wilsonville.

CITY LIMITS

Wilsonville's City limits establish the boundary of the City's authority and jurisdiction. Only in cases where the City has an intergovernmental agreement (IGA) with one or both of the surrounding counties will the City have jurisdiction over outlying properties.

The City of Wilsonville intends to enter into and maintain such IGAs with both Washington and Clackamas Counties, to allow the City to continue to prepare long-range plans for the properties within Wilsonville's planning area and outside the City limits. Additional authority to zone, provide urban services to, or issue development approvals for, lands outside the City will require separate IGAs. Wilsonville's Planning Commission has strongly encouraged the City staff to enter into these IGAs as soon as possible after the enactment of this Comprehensive Plan.

The City will actively participate in the land use planning decisions of nearby jurisdictions that may have an effect on Wilsonville.

The City limit line is used to clearly indicate the edge of urban development at any given time. It provides for flexibility within the land development market, to assure that there are choices in type, location, and density or intensity of residential, commercial, and industrial development.

While the entire City, other than land that is designated as open space, is planned for immediate growth, the City recognizes that not all areas within the City can be equally served by existing facilities and services. This pattern is likely to continue in the future as the City grows out into previously rural land.

By allowing development to occur anywhere within the City limits, maximum market efficiency is maintained, and a greater variety of development proposals are made possible. The emphasis is then placed on the timing or phasing of actual site development in accordance with the ability to provide services.

Even within the City limits, it is important to place a priority on contiguous development. In so doing, capital improvements can be concentrated from the center portion of the City (near the freeway) outward, thus, providing for maximum efficiency in the street and utility systems.

In spite of the rapid rate of growth and development in Wilsonville since the City's incorporation, there are still portions of the City that lack full urban level services and street improvements. Development master plans and subdivision plats may be approved within these areas, but site development will be restricted to the service level capacities of the existing primary facilities until such time as urban level services are provided, as specified in Section 'C' of the Comprehensive Plan (Public Facilities and Services). The approval of development plans and subdivision plats in such areas with phased development controls will provide specific service demand information which is needed for efficient public facility planning and capital improvements.

URBAN GROWTH BOUNDARIES

Consistent with the Statewide Planning Goals, and statutory mandates, Metro has established, and will periodically expand the urban growth boundary for the region. Upon a demonstration of need, the Metro Council is required to add land to the Urban Growth Boundary to meet projected growth requirements for twenty years.

Once land has been added to the Urban Growth Boundary established by Metro, the City may annex adjacent parts of the UGB into the City limits. This allows for development, subject to the City's review procedures. Only in highly unusual situations would the City annex land outside the regional UGB, and then only after coordination with Metro, the affected county, and any other affected jurisdictions.

At the City's request, Metro has added land to the UGB adjacent to Wilsonville. However, there are still substantial land areas outside the City limits that the City considers to be within its planning area for long-range urban growth. The City does not have the legal authority or responsibility to plan for areas outside the City limits unless that land has been added to the UGB or the City has an approved Urban Growth Management Agreement (i.e., intergovernmental agreement) with the affected county. Given the demand for urban development in Wilsonville, it makes sense for the City to begin planning for outward expansion into those areas and to coordinate such planning with Metro, the counties and the state.

GOAL: 2.1 To allow for urban growth while maintaining community livability, consistent with the economics of development, City administration, and the provision of public facilities and services.

Policy 2.1.1. The City of Wilsonville shall support the development of all land within the City, other than designated open space lands, consistent with the land use designations of the Comprehensive Plan.

Implementation Measure 2.1.1.a. Allow development within the City where zoning has been approved and other requirements of the Comprehensive Plan have been met.

Implementation Measure 2.1.1.b. Allow urbanization to occur to provide adequate housing to accommodate workers who are employed within the City.

Implementation Measure 2.1.1.c. Encourage a balance between residential, industrial, and commercial land use, based on the provisions of this Comprehensive Plan.

Implementation Measure 2.1.1.d. Establish and maintain revenue sources to support the City's policies for urbanization and maintain needed public services and facilities.

Implementation Measure 2.1.1.e. Allow new development to proceed concurrently with the availability of adequate public services and facilities as specified in Public Facilities and Services Section (Section C) of the Comprehensive Plan.

Implementation Measure 2.1.1.f. To insure timely, orderly and efficient use of public facilities and services, while maintaining livability within the community, the City shall establish and maintain growth management policies consistent with the City's regional growth allocation and coordinated with a Capital Improvements Plan.

1. The Planning Commission shall periodically review growth-related data, e.g., the 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, make recommendations to the City Council regarding Growth Management Plans.
2. 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 management tool, the Development Review Board may, as a condition of approval, set an annual phasing schedule coordinated with scheduled Capital Improvements, particularly streets and related transportation facilities.

Implementation Measure 2.1.1.g. To discourage speculative zoning and to provide for maximum responsiveness to new design concepts and a changing market, site plan approvals shall carry an expiration date with substantial progress towards site development required to preserve the approval.

Policy 2.2.1. The City of Wilsonville shall plan for the eventual urbanization of land within the local planning area, beginning with land within the Urban Growth Boundary.

Implementation Measure 2.2.1.a. Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

Implementation Measure 2.2.1.b The City of Wilsonville, to the best of its ability based on infrastructure provided at the local, regional, and state levels, shall do its fair share to increase the development capacity of land within the Metro UGB.

1. The City of Wilsonville shall comply with the provisions of the Metro Urban Growth Management Functional Plan, unless an exception to the requirements is granted as provided in that Functional Plan.
2. The City shall comply with the provisions of Metro’s Urban Growth Management Functional Plan, as long as that compliance does not violate federal or state law, including Statewide Planning Goals.
3. The City of Wilsonville recognizes that green corridors as described in the 2040 Growth Concept are critical to interurban connectivity. If the City at some future date annexes an area that includes a Metro-designated green corridor, it will be the City's policy to do the following:
 - a. Control access to the transportation facility within the green corridor to maintain the function, capacity and level of service of the facility and to enhance safety and minimize development pressures on rural reserve areas; and

- b. Provide adequate screening and buffering to adjacent development and limit signage in such a way as to maintain the rural character of the green corridor.

[Implementation Measure 2.2.1.b(3) added per Ordinance 549, October 21, 2002.]

Implementation Measure 2.2.1.c In conjunction with Metro, Washington County, and Clackamas County, the City shall periodically review and recommend revisions to the Urban Growth Boundary containing buildable land of a quality and quantity adequate to meet urban growth needs for twenty years.

Implementation Measure 2.2.1.d The City shall review all proposed UGB and urban reserve amendments in the Wilsonville area for conformance with Wilsonville's Comprehensive Plan.

Implementation Measure 2.2.1.e Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.
2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
3. Statewide Planning Goals.
4. Applicable Metro Plans;
5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.
6. Consistency with legislative Master Plans and other applicable provisions of the Comprehensive Plan and Development Code.

Implementation Measure 2.2.1.f Washington and Clackamas Counties have agreed that no new lots shall be created outside the City and within the Urban Growth Boundary that contain less than ten acres. Development of existing lots of record and newly created lots of 10 or more acres shall be limited to single-family dwellings, agricultural activities; accessory uses which are directly related to the primary residential or agricultural use and necessary public and semi-public uses. *(Note that this Implementation Measure may need to be revised after the State has completed pending revisions to Statewide Planning Goal 14.)*

Implementation Measure 2.2.1.g Urban sanitary sewer and water service shall not be extended outside the City limits, with the following exceptions:

1. Where an immediate demonstrable threat to the public health exists, as a direct result of the lack of the service in question;
2. Where a Governmental agency is providing a vital service to the City; or

3. Where it is reasonable to assume that the subject area will be annexed to the City within a reasonable period of time.

Implementation Measure 2.2.1.h To assure consistency between Comprehensive Plans and establish the City's interest in the area, the City shall jointly adopt dual interest area agreements with Washington and Clackamas Counties for comprehensive planning of the land outside the City and within the UGB and the Wilsonville planning area.

PUBLIC FACILITIES AND SERVICES

Public facilities and services include sanitary sewer, water, fire and police protection, libraries, storm drainage, schools, parks and recreation, transportation, solid waste and general governmental administrative services. Semi-public facilities are privately owned and operated, but have general public benefit and may be regulated by government controls. They include a wide range of services from electric utilities to day care.

As a growing City, Wilsonville has learned through experience the importance of community facilities and services that are adequate to serve urban growth. In the late 1990s, the City adopted two Public Facilities Strategies and a City-wide water moratorium on new development approvals. Those actions were due to proposed developments that, if approved, would have exceeded the City's ability to provide concurrent facilities and services.

Wilsonville uses a three-step approach to planning for public facilities. First, general Policies and Implementation Measures are contained in the Comprehensive Plan. Second, individual master plans (e.g., Parks and Recreation Master Plan, Stormwater Master Plan, Transportation Systems Plan, etc.) are prepared and periodically updated to deal with specific facility requirements. Finally, the City annually updates a rolling five-year Capital Improvement Program, based on these master plans, that is used for scheduling and budgeting of improvement projects.

Relying heavily on the formation of Local Improvement Districts (LIDs) and the use of Systems Development Charges (SDCs), Wilsonville typically requires developers to pay for the costs of major facility expansions to serve new development.

As development increases, so does the requirement for improved and greater capacity facilities and services. Providing facilities in response to growth rather than in anticipation of growth is ineffective and causes gaps in service capabilities. In the worst case situations, failure to provide needed facilities and services can result in threats to the public's health or safety. In recognition of this circumstance, the City continues to emphasize the need for providing adequate facilities and services in advance of, or in conjunction with, urban development. However, it also recognizes that not all facilities and services require the same level of service adequacy, simultaneous with development. The Comprehensive Plan, therefore, prioritizes facilities into primary and complimentary categories and establishes specific development policies for each facility or service.

The City's policies for the provision of public facilities and services can be divided into three categories. The first is the City's overall commitment to provide, or coordinate the provision of, facilities and services to meet the community's needs. The second concerns the timing of the provision of facilities and services relative to development (i.e., concurrency issues). The third concerns the costs of providing facilities and services and who is responsible for paying.

This Plan also includes provisions dealing specifically with different types of facilities and services. They are covered in the following order:

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

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

Complementary Facilities and Services include: those which complement the public health, safety and general welfare of urban residents and workers, but are not necessarily directly linked to the land development process or public health and safety. These facilities include:

- Schools, library, and educational services;
- Parks, recreation, and open space;
- Solid waste;
- Semi-public utilities;
- City administration; and
- Health and social services.

While these complementary facilities and services affect the overall quality of urban living and should be planned for in anticipation of development, in some cases it is more economical and practical to determine service levels subsequent to actual development.

The following provisions apply to public facilities and services in general. More specific Policies and Implementation Measures applying to specific facilities and services follow later in the document.

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

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

Implementation Measure 3.1.1.a The City will continue to prepare and implement master plans for facilities/services, as sub-elements of the City’s Comprehensive Plan. Facilities/services will be designed and constructed to help implement the City’s Comprehensive Plan.

Implementation Measure 3.1.1.b The City Engineer shall report annually, and at other times as needed, to the Planning Commission, Budget Committee, and City Council, and other City

committees or commissions on the status and available capacity of urban services/facilities, including streets, bicycle and pedestrian facilities, water, sanitary sewer, and storm drainage.

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

Implementation Measure 3.1.1.d The City shall periodically review and, where necessary, update its development densities indicated in the land use element of the Plan, based on the capacity of existing or planned services and/or facilities.

TIMING -- CONCURRENCY ISSUES

Wilsonville emphasizes the importance of providing the needed public facilities and services in advance of, or concurrently with, development. In fact, much of the text of the Comprehensive Plan deals with concurrency.

In the course of the most recent Comprehensive Plan revision process, the various provisions dealing with concurrency have been reorganized and listed below:

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

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

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

1. Planning approvals may be granted when evidence, including listing in the City's adopted Capital Improvement Program, supports the finding that facilities/services will be available within two years. Applicants may be encouraged or required to plan and complete development in phases, in order to assure that the rate of development does not exceed the capacity of needed facilities/services.
2. Building permits will be issued when planning approvals have been granted and funding is in place to assure completion of required facilities/services prior to occupancy. Applicants must sign a statement acknowledging that certificates of occupancy will not be given until adequate facilities/services, determined by the Building Official, after consulting with the City Engineer, are in place and operational. Parks, recreation facilities, streets and other transportation system improvements may be considered to be adequately in place and operational if they

are listed in the City's adopted Capital Improvement Program, or other funding is committed for their completion within two years. In such cases, water, sewer, and storm drainage facilities must be available, to the satisfaction of the City Engineer, on at least a temporary basis, prior to occupancy.

3. Final certificates of occupancy will not be given until required facilities/services are in place and operational. Temporary certificates of occupancy may only be granted when the Building Official determines, after consulting with the City Engineer, that needed facilities/services will be in place and operational at the conclusion of the time period specified in the temporary certificate of occupancy. Nothing in this policy is intended to indicate that a temporary certificate of occupancy will be granted without assurance of full compliance with City requirements.

Implementation Measure 3.1.2.c Where a shortage of facilities/services exists or is anticipated in the near future, and other alternatives are not feasible to correct the deficiency, the City shall take steps to implement a moratorium on development activity or to manage growth through a public facilities strategy, as provided by statute. In the event that State laws provide other alternatives to address shortages of facilities/services, the City will consider those alternatives as well.

Implementation Measure 3.1.2.d As an alternative to denying a development application that otherwise meets all applicable standards and criteria, the City shall impose reasonable conditions of approval on that development, in terms of the provision of adequate services/facilities.

Implementation Measure 3.1.2.e When development is proposed in areas of the City where full urban services/facilities are not yet available, development approval shall be conditioned on the provision of adequate facilities and services to serve the subject property. Where the development can reasonably proceed in phases prior to the availability of full urban services/facilities, such development may be permitted. However, the use of on-site sewage disposal and private water systems shall only be approved where permitted by City ordinance.

Implementation Measure 3.1.2.f Coordinate with the appropriate school district to provide for additional school sites substantially ahead of the anticipated need.

PAYING FOR NEEDED FACILITIES AND SERVICES

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

Implementation Measure 3.1.3.a Developers will continue to be required to pay for demands placed on public facilities/services that are directly related to their developments. The City may establish and collect systems development charges (SDCs) for any or all public

facilities/services, as allowed by law. An individual exception to this standard may be justified, or SDC credits given, when a proposed development is found to result in public benefits that warrant public investment to support the development.

Implementation Measure 3.1.3.b The City will continue to prepare and implement a rolling five-year Capital Improvement Program, with annual funding decisions made as part of the municipal budget process.

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

PRIMARY FACILITIES AND SERVICES

Sanitary Sewer Plan

The City operates its own wastewater treatment plant and sewage collection system, independent of any other agencies. The wastewater treatment plant was significantly expanded in the late 1990s. The wastewater treatment plant has now undergone four major expansions to keep pace with community growth since its original construction. The latest improvements were designed to serve the community through approximately the year 2015.

The City recognizes Metro's role in coordinating water management and waste treatment planning as well as the Department of Environmental Quality's role in monitoring water quality.

The City recognizes and assumes its responsibility for the operation and maintenance of the wastewater treatment plant and the collection system, including public lines and pump stations that have been designed and constructed to City standards. The City also assumes the responsibility for assuring that wastewater treatment plant capacity expands to keep pace with community growth.

Policy 3.1.4 The City of Wilsonville shall continue to operate and maintain the wastewater treatment plant and system in conformance with federal, state, and regional water quality standards.

Implementation Measure 3.1.4.a The City shall continue to maintain a sewer service capacity monitoring and expansion program to assure that adequate treatment and trunk main capacity are available to serve continued development, consistent with the City's urban growth policies and the concurrency standards noted above.

Implementation Measure 3.1.4.b The City shall continue to manage growth consistent with the capacity of sanitary sewer facilities.

Implementation Measure 3.1.4.c Based on the service capacity and the permit monitoring program, the City shall plan and appropriately schedule future expansions of the wastewater treatment plant.

Implementation Measure 3.1.4.d. While the City assumes the responsibility for maintaining the treatment plant and collection system, it does not assume the responsibility for extending lines to serve individual properties and developments.

Implementation Measure 3.1.4.e The City shall continue to require all urban level development to be served by the City's sanitary sewer system.

Implementation Measure 3.1.4.f The cost of all line extensions and individual services shall be the responsibility of the developer and/or property owners(s) seeking service. When a major line is to be extended, the City may authorize and administer formation of a Local Improvement District (LID). All line extensions shall conform to the City Sanitary Sewer Collection System Master Plan, urbanization policies, and Public Works Standards.

Water Service Plan

The City's water system has expanded significantly from the original well and reservoir located on Elligsen Road. The water system has four reservoirs with a total storage capacity of 7.95 million gallons and eight wells with a total production capability of 5.2 million gallons per day (MGD). Following voter approval in 1999, a surface water treatment plant on the Willamette River was designed to provide up to 20 MGD of capacity for the local system with up to 50 additional MGD available to be pumped to neighboring communities north of Wilsonville. The initial phase of the treatment plant construction is intended to meet the average daily water demands predicted through the year 2015. Additional phases of treatment plant expansion will be built as the demand actually occurs, so system expansion will occur on a regular basis. It is also anticipated that a water system master plan update (due for completion in fiscal year 2000-2001) will indicate the need for additional reservoir capacity before the year 2020. As future growth occurs, it will be necessary to incrementally expand the existing water system to provide additional storage, pumping, and pipeline capacity.

The City recognizes and assumes the responsibility for developing and maintaining the community's basic water system.

Policy 3.1.5 The City shall continue to develop, operate and maintain a water system, including wells, pumps, reservoirs, transmission mains and a surface water treatment plant capable of serving all urban development within the incorporated City limits, in conformance with federal, state, and regional water quality standards. The City shall also continue to maintain the lines of the distribution system once they have been installed and accepted by the City.

Implementation Measure 3.1.5.a The City shall review and, where necessary, update the Water System Master Plan to conform to the planned land uses shown in the Comprehensive Plan and any subsequent amendments to the Plan.

Implementation Measure 3.1.5.b All major lines shall be extended in conformance to the line sizes indicated on the Master Plan and, at a minimum, provisions for future system looping shall be made. If the type, scale and/or location of a proposed development negatively impacts operating pressures or available fire flows to other properties as determined by the City Engineer, the Development Review Board may require completion of looped water lines, off-site facilities, pipelines, and/or facility/pipelines to achieve or maintain minimum pressures or fire flows as a conditions of development approval.

Implementation Measure 3.1.5.c Extensions shall be made at the cost of the developer or landowner of the property being served. When a major line is extended that is sized to provide service to lands other than those requiring the initial extension, the City may:

1. Authorize and administer formation of a Local Improvement District to allocate the cost of the line improvements to all properties benefiting from the extension; or
2. Continue to utilize a pay-back system whereby the initial developer may recover an equitable share of the cost of the extension from benefiting property owners/developers as the properties are developed.

Implementation Measure 3.1.5.d All water lines shall be installed in accordance with the City's urban growth policies and Public Works Standards.

Implementation Measure 3.1.5.e The City shall continue to use its Capital Improvements Program to plan and schedule major water system improvements needed to serve continued development (e.g., additional water treatment plant expansions, transmission mains, wells, pumps and reservoirs).

Policy 3.1.6 The City of Wilsonville shall continue a comprehensive water conservation program to make effective use of the water infrastructure, source water supply and treatment processes.

Implementation Measure 3.1.6.a The City will track system water usage through production metering and service billing records and take appropriate actions to maintain a target annual average unaccounted for water volume of less than 10% of total production.

Implementation Measure 3.1.6.b The City will maintain other programs and activities as necessary to maintain effective conservation throughout the water system.

Policy 3.1.7 The City of Wilsonville shall maintain an accurate user demand profile to account for actual and anticipated demand conditions in order to assure an adequately sized water system.

Implementation Measure 3.1.7.a. The City will track system water usage through production metering and service billing records and take appropriate actions to maintain a target annual average unaccounted for water volume of less than 10% of total production.

Implementation Measure 3.1.7.b. The City will maintain other programs and activities as necessary to maintain effective conservation throughout the water system.

Policy 3.1.8 The City of Wilsonville shall coordinate distribution system improvements with other CIP projects, such as roads, wastewater, and storm water, to save construction costs and minimize public impacts during construction.

~~Roads and Transportation Plan~~ [Deleted by Ord. No. 671, 11/16/09] See “Transportation” on page C – 20.

Storm Drainage Plan

Conventionally designed urban development tends to result in an increase in impervious surfaces. Increased quantities of impervious surface increase both the volume and speed of storm water flows, while also damaging water quality. As a rapidly urbanizing and growing area, Wilsonville now experiences the effects of increased impervious surfaces with every major storm event. Increases in impervious surface area in Wilsonville also have the potential to impact downstream locations along the Willamette River.

There are increasing regulatory requirements that affect stormwater and the various drainage ways that convey that water. Federal standards regulate water quality (including temperature and turbidity) and the Endangered Species Act calls for the protection of native salmonid species. The City must set its own standards for development and land use activities to comply with relevant federal standards, and must also comply with regional and state requirements in the process.

The City’s storm drainage responsibilities range from controlling the volume and speed of run-off through storm water detention facilities, to regulating land development activities to assure that individual private construction projects do not overburden the public systems or damage the environment without adequate mitigation. Additionally, the City must now regulate land uses to protect or improve riparian vegetation as feasible, along drainage ways.

To identify deficiencies in the City's storm drainage system, to improve uniform drainage information, to create specified storm drainage standards, and establish a systems development and maintenance program, the City has prepared a Stormwater Master Plan.

Policy 3.1.7 The City of Wilsonville shall develop and maintain an adequate storm drainage system. However, where the need for new facilities is the result of new development, the financial burden for drainage system improvements shall remain primarily the responsibility of developers. The City will use systems development charges, user fees, and/or other funding sources to construct facilities to improve storm water quality and control the volume of runoff.

- Implementation Measure 3.1.7.a In order to adequately provide for urban development, the City has established and will maintain a Stormwater Master Plan, development policies/standards for control of an on and off-site drainage, Public Works Standards, and a Capital Improvements Program to upgrade deficient structures and drainage ways.
- Implementation Measure 3.1.7.b. To assure maximum efficiency and effectiveness of the drainage system, a maintenance program has also been established to assure compliance with the City's NPDES (National Pollution Discharge Elimination System) permit. In some circumstances, private maintenance of facilities (by homeowners associations or other entities) may be required, as has been the case for the maintenance of neighborhood parks in Wilsonville.
- Implementation Measure 3.1.7.c. A storm drainage systems development charge shall continue to be collected from developers prior to issuance of a building permit. The Stormwater Master Plan and the Capital Improvements Program will continue to be the basis of establishing Systems Development Charges for storm drainage. The funds are used to upgrade the storm drainage system beyond those improvements required to serve individual developments. Provision of drainage control within a given development shall remain the responsibility of the developer, with the City assisting only insofar as the system will also accommodate off-site drainage. In reviewing planned improvements, the City Engineer may specify the use of on-site or off-site storm water detention, based on specific site characteristics and drainage patterns of the area.
- Implementation Measure 3.1.7.d Major natural drainage ways shall be retained and improved as the backbone of the drainage system and designated as open space. The integrity of these drainage ways shall be maintained as development occurs. Where possible, on-site drainage systems will be designed to complement natural drainage ways and designated open space to create an attractive appearance and will be protected by conservation, utility, or inundation easements. Alteration of minor drainage ways may be allowed provided that such alterations do not adversely impact stream flows and in-stream water quality of the major drainage ways and provide for more efficient use of the land. Such alteration must be approved by the City. Remnant creek channels, which previously carried water that has since been diverted, shall be evaluated for their wildlife habitat value before being selected for use as drainage ways. Where a remnant creek channel is found to provide unique habitat value without being a riparian zone, and that habitat value would actually be diminished through the re-introduction of storm water, alternate methods of conveying the storm water will be considered and, if feasible, used.
- Implementation Measure 3.1.7.e Existing culverted or piped drainage ways will be "daylighted" (converted from underground to surface facilities) when doing so will help to achieve the City's goals for storm drainage without overly conflicting with development.
- Implementation Measure 3.1.7.f Conversion of existing swales or drainage ways to culverted or piped systems shall be permitted only where the City Engineer determines that there is no other reasonable site development option. See Option A, above.

- Implementation Measure 3.1.7.g Conversion of existing meandering swales or drainage ways to linear ditches shall be permitted only when the City Engineer determines that there is no other reasonable site development option.
- Implementation Measure 3.1.7.h Open drainage ways may be used to meet a portion of the landscaping and open space requirements for developments, provided that they meet the design requirements of the Development Review Board.
- Implementation Measure 3.1.7.i It is the intent of these measures to maximize the use of the natural drainage system to allow for ground water infiltration and other benefits to community aesthetics as well as habitat enhancement. This does not mean that natural drainage ways will be left unimproved.
- Implementation Measure 3.1.7.j The natural system must also be improved and maintained to handle the anticipated run-off in a manner that meets the requirements of the Stormwater Master Plan. Where wetlands are constructed for the purpose of accommodating storm drainage, certain areas of those wetlands may be designed to accumulate sediment. The City will periodically dredge and maintain those areas in constructed wetlands, or will permit others to do so, as necessary to maintain the storm drainage functions of those constructed wetlands.
- Implementation Measure 3.1.7.k One-hundred year flood plains and floodways have been established through the Federal Flood Insurance program, for all flood-prone areas of the City except Coffee Lake Creek, north of Barber Street. For that area along Coffee Lake Creek, a hydrology study to establish the 100-year flood elevation will be required prior to development approval. The floodways must continue to be protected from encroachment. Development within the flood plain shall be regulated consistent with the standards of the Federal Flood Insurance Act, and Title 3 of Metro's Urban Growth Management Functional Plan. Storm water runoff from upstream development shall be controlled so as to not adversely impact the peak flood flow in the mainstream channels.
- Implementation Measure 3.1.7.l The City will regulate new land divisions to prevent the creation of additional lots for building sites within 100-year floodplains. This is not intended to prohibit the creation of new lots that are partially within flood plains, provided that the developable portion of each lot will be outside of the 100-year flood plain, and FEMA standards are met.
- Implementation Measure 3.1.7.m The City will regulate cuts and fills within flood plains to assure that the amount of fill material added will not exceed the amount of cut material that is removed.
- Implementation Measure 3.1.7.n Wilsonville has established a single-storm drainage runoff standard that is applied throughout the City. That standard requires developers to plan for at least a 25-year storm event. However, the differences in the natural characteristics of the Boeckman Creek and Seely Ditch Basins and their sub-area basins will require developers and their engineers to plan for different types of detention or retention facilities

in one basin than would be used in another. The appropriate criteria will be established and implemented through the City's Public Works Standards.

Implementation Measure 3.1.7.o Based on facility capacities identified in the Stormwater Master Plan, appropriate storm run-off standards shall be implemented through the City's Public Works Standards.

Implementation Measure 3.1.7.p In the course of site development, developers may be required to retain or improve native vegetation in identified riparian zones and landslide prone areas to decrease the amount of surface water run-off, to shade areas of surface water, to preserve areas of natural percolation, help stabilize landslide-prone areas, and reduce erosion. Replacement, enhancement, and/or restoration of vegetation, including the removal of invasive plants, may also be required depending on the type, scale, and location of development.

Implementation Measure 3.1.7.q Natural drainage ways shall be stabilized as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion. The City Engineer may require the use of energy dissipaters to help minimize erosion.

Implementation Measure 3.1.7.r Sediment and erosion control shall be provided consistent with the Public Works Standards. All approved open drainage channels and open detention/retention basins shall be designed, constructed, and maintained with appropriate safeguards to insure public health and safety.

Implementation Measure 3.1.7.s All drainage facilities shall be designed to be consistent with state and federal standards for the passage of fish and wildlife.

Implementation Measure 3.1.7.t All development proposals shall be accompanied by a storm drainage plan and hydrologic analysis adequate to meet the above policies and standards, unless waived by the City Engineer for good cause. No development permit shall be issued for any project until a storm drainage plan has been approved by the City Engineer and/or the Development Review Board.

Fire Protection Plan

Fire protection is very adequately provided by the Tualatin Valley Fire and Rescue District. The District has responsibility for maintaining and upgrading fire-fighting apparatus and making necessary capital improvements such as new fire stations. However, the overall effectiveness of their operations is significantly affected by the location and design of urban development.

Policy 3.1.8 The City of Wilsonville shall continue to coordinate planning for fire safety with the Tualatin Valley Fire and Rescue District.

Implementation Measure 3.1.8.a All development plans, as approved by the Development Review Board, shall be approved by the City's Building Division for consistency with the state Uniform Fire Code (as amended by the Tualatin Valley Fire and Rescue District and subsequently adopted by the City of Wilsonville).

Implementation Measure 3.1.8.b The City shall update Chapter 9 of the Wilsonville Code by adopting the Fire Prevention Code of the Tualatin Valley Fire and Rescue District as it is updated.

Implementation Measure 3.1.8.c The City shall require that all buildings be designed to a maximum fire flow rating of 3,000 GPM at 20 p.s.i. or such other standard as may be agreed to by the City and the Fire District.

Implementation Measure 3.1.8.d The City's Public Works Standards shall be reviewed for conformity to minimum Fire District Requirements.

Implementation Measure 3.1.8.e The City shall continue to coordinate with the Fire District in maintaining accurate maps (including addressing) and land development records. The City should also take advantage of the District's computer capacity, when operational, for the storage and retrieval of such land use data.

Implementation Measure 3.1.8.f Provide fire protection consistent with the health, welfare, and safety of Wilsonville citizens.

Police Protection And Public Safety

The City's police protection is provided through a contract with the Clackamas County Sheriff's Department. Supplemental services are also available from the State Police.

Policy 3.1.9 The City of Wilsonville shall continue to provide adequate police protection.

Implementation Measure 3.1.9.a To augment formal police protection and minimize public financing of police services, the City shall:

1. Work in concert with the County Sheriff's office and local citizens to develop community crime prevention and safety programs, i.e., citizen patrol.
2. Incorporate where appropriate defensible space and other safety and security design concepts/standards in site and building design review.
3. Encourage local businesses to utilize private security personnel for site specific property protection.

Implementation Measure 3.1.9.b Provide police protection consistent with the health, welfare, and safety of Wilsonville citizens.

COMPLEMENTARY FACILITIES/SERVICES PLAN

These services support urban growth and add to or complement livability in a community. The adequacy of their service levels also tend to be less definable than those in the primary category. Service levels in this category typically lag behind demand and are generally more economical to provide in response to specific rather than projected demands. Even so, it is important to plan for these facilities and services in advance, and if significant service deficiencies exist, to regulate growth accordingly.

School And Educational Services

Public educational facilities/services in Wilsonville are currently provided by three school districts. The West Linn – Wilsonville School District serves the majority of the City but portions of the City also lie within the Canby and Sherwood Districts. Current services provided by the districts are adequate and provisions are being made for new or expanded facilities where existing capacities have been exceeded.

While existing services and facilities are adequate, the division of the City into three districts tends to detract from continuity in community identity.

Policy 3.1.10 The City of Wilsonville shall continue to coordinate planning for educational facilities with all three local school districts and Clackamas Community College.

Implementation Measure 3.1.10.a To provide better continuity throughout the community and realize the maximum benefit to the local tax structure, the City will continue to support the consolidation of the entire City limits into one school district.

Implementation Measure 3.1.10.b Residential development directly impacts school facilities and services. However, the City does not have the responsibility for providing educational services. For this reason, the City will provide information to the school districts about proposed and actual residential developments within the City.

Implementation Measure 3.1.10.c The City shall continue to coordinate with the school districts for the planning, scheduling, and construction of needed educational facilities. To minimize unnecessary duplication, the City will also work in concert with the school districts for the provision of recreational facilities and programs.

Implementation Measure 3.1.10.d The City will encourage private educational services and will work with organizations or individuals proposing such activities in an effort to meet their needs while complying with the appropriate elements of the Comprehensive Plan.

Implementation Measure 3.1.10.e It is the basic reasoning of these policies that development within the City should not be regulated based on the availability of school facilities and services. Rather, these services should be planned for and provided to meet the demands

created by development. If, however, school facilities and/or services were determined to be severely inadequate and the school districts unable to provide satisfactory improvement, then growth limitations would be appropriate.

Parks/Recreation/Open Space

Parks and recreational facilities in and around Wilsonville are provided for by the City, County, State and local school districts. The City's close proximity to Portland provides local residents with numerous recreational and entertainment opportunities provided throughout the metropolitan area, all within a 30 to 40 minute drive. Even the ocean beaches, Mt. Hood and other Cascade Mountains and several campgrounds, rivers and lakes are close at hand, within a couple of hours drive, thus providing an abundance of recreational activities.

Within the City, recreational planning is coordinated with the West Linn-Wilsonville School District. The District provides traditional physical education programs as part of their regular school curriculum plus competitive sports programs in the upper grade levels. Other youth sports programming is provided by the City and a variety of non-profit organizations. The School District's community education program also provides recreational programs for both youth and adult activities and coordinates the use of District facilities.

As the City continues to grow, additional facilities and services will need to be developed.

The following Park and Recreation policies are further supported by policies in the Land Use and Development Section of the Comprehensive Plan regarding the natural environment, natural resources, and general open space.

The 1971 General Plan and the 1988 Comprehensive Plan sought to:

1. Preserve the natural integrity of the Willamette River. Provide for frequent contact with the river. Encourage development of an adequate park and recreation system which would contribute to the physical, mental and moral health of the community.
2. Encourage the school/park concept as a basic feature of the park element of the Plan.
3. Develop parks and open spaces where the land and surrounding development make it least suited for intensive development.
4. Develop an extensive system of trails along stream courses and power line easements.
5. Encourage early acquisition of recreation sites to protect them from development and to reduce the public cost of acquiring the land.

6. Encourage commercial recreation carefully sited within, or adjacent to, other uses.

These standards recognize the importance of an adequate park and recreation system to the physical, mental and moral health of the community. They also represent a common-sense approach to parks planning and are, therefore, reaffirmed by this Plan. The Park and Recreation system envisioned is a combination of passive and active recreational areas including specified park lands, schools, and linear open spaces in both public and private ownership. It is a basic premise of this Plan that the availability of conveniently located open recreational spaces is more important than the form of ownership.

In planning for such a system, it is helpful to classify the individual components (neighborhood parks, community parks, Greenway, etc.) which will or could comprise the park system. In addition, the establishment of a reasonable acquisition and development program requires a listing of priorities and a guide to desirable service levels. To maximize effectiveness, however, the actual development of such a system requires relating the provision of facilities and services to the particular needs and recreational desires of the residents to be served.

In recognition of Statewide Planning Goals and to provide a framework for development of park and recreation facilities, the following policy and implementation measures have been established:

Policy 3.1.11 The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.

Implementation Measure 3.1.11.a Identify and encourage conservation of natural, scenic, and historic areas within the City.

Implementation Measure 3.1.11.b Provide an adequate diversity and quantity of passive and active recreational opportunities that are conveniently located for the people of Wilsonville.

Implementation Measure 3.1.11.c Protect the Willamette River Greenway from incompatible uses or developments.

Implementation Measure 3.1.11.d Continue the acquisition, improvement, and maintenance of open space.

Implementation Measure 3.1.11.e Require small neighborhood parks (public or private) in residential areas and encourage maintenance of these parks by homeowner associations or other entities as deemed appropriate by the City.

Implementation Measure 3.1.11.f Maintain and develop the current park system for centralized community-wide park facilities, but emphasize the future acquisition of small parks in localized areas.

Implementation Measure 3.1.11.g Where appropriate, require developments to contribute to open space.

Implementation Measure 3.1.11.h Protect residents from bearing the cost for an elaborate park system, excessive landscape maintenance, and excessive public facility costs.

Implementation Measure 3.1.11.i Develop limited access natural areas connected where possible by natural corridors for wildlife habitat and watershed and soil/terrain protection. Give priority to preservation of contiguous parts of that network which will serve as natural corridors throughout the City for the protection of watersheds and wildlife.

Implementation Measure 3.1.11.j Identify areas of natural and scenic importance and where appropriate, extend public access to, and knowledge of such areas, to encourage public involvement in their preservation.

Implementation Measure 3.1.11.k Protect the river-connected wildlife habitat.

Implementation Measure 3.1.11.l Encourage the interconnection and integration of open spaces within the City and carefully manage development of the Willamette River Greenway.

Implementation Measure 3.1.11.m Provide for legal public access to the river only through and within the City parks, right-of-ways, easements, or other public property.

Implementation Measure 3.1.11.n Park classifications and standards shall be developed to guide a program for acquisition and development of a park and open space system to insure an adequate supply of usable open space and recreational facilities, directly related to the specific needs of the local residents.

Implementation Measure 3.1.11.o Individual park and recreational sites, as defined by the parks and open space standards and classification system will be developed according to the following priorities:

1. Where possible, facilities within a park should be adjusted to meet the needs and desires of the local residents and the characteristics of the site. Park and/or recreational facilities in demand and least supply should receive the highest priorities.
2. Parks should be planned to insure maximum benefit to the greatest number of local residents. For this reason, acquisition and development of community level parks should be given the highest park priority.
3. Development of additional neighborhood Parks will have a lower priority for public funding, except where a higher priority is established for a specific area by a legislative Master Plan or other provision of the Comprehensive Plan. To assure localized benefit, development and maintenance of neighborhood parks

shall continue to be accomplished through homeowner associations or other entities as deemed appropriate by the City.

4. Small neighborhood parks have the lowest development priority and should be supplied at public expense only if an area is determined to be isolated from access to other parks, or where deemed to be needed by a legislative Master Plan, or where space is extremely limited, and the park is supported by the adjacent neighborhood the park is serving. Maintenance of such parks should be assigned to a homeowners' association or other neighborhood organization or the City. Small neighborhood parks tend to benefit a very localized population. It is, therefore, the intent of these standards to assign, where possible or appropriate to specific areas, the financial burden of maintenance and even development to those that benefit the most. In addition, a significant factor affecting maintenance costs is one of transporting equipment from park to park. Therefore, by concentrating public maintenance efforts to a few community parks, efficient use of maintenance dollars can be maximized.
5. Provision of regional park facilities will only be considered as an inter-jurisdictional project; and should have a low priority unless unusual circumstances arise.
6. The City will encourage dedication or acquisition of land for parks and other public purposes in excess of lands needed to satisfy immediate needs.

Implementation Measure 3.1.11.p New developments shall be responsible for providing specified amounts of usable on-site open space depending on the density characteristics and location of the development, considering the provisions of applicable legislative Master Plans. Where possible, recreational areas should be coordinated with and complement Willamette River Greenway, and other open space areas identified as environmentally sensitive or hazardous areas for development.

Implementation Measure 3.1.11.q All development within the Willamette River Greenway shall be controlled through the conditional use permit process and shall be subject to Design Review approval.

It is the reasoning of these policies that the need for open space is closely related to density. There is a relationship between the amount of interior space provided within living units and the desire for outdoor space. That is, if the interior living space creates a confined or crowded feeling, the availability of outdoor space becomes more important than if the interior area is spacious and comfortable. Therefore, while standards for open space will be set, they may be adjusted based on individual site design characteristics. The standards further recognize the value of urban land for development and attempts to reasonably balance the need for open or recreational space with competing uses.

The West Linn – Wilsonville School District currently provides recreational facilities and programs for City residents. They have developed facilities at Wood Middle School and at Wilsonville High School. These facilities and services are considered a vital part of the City's park and recreational system.

Implementation Measure 3.1.11.r The City shall continue to work on cooperative arrangements with the school districts to encourage provision of adequate year-round recreational programs and facilities, and to eliminate unnecessary overlap of facilities. Joint ventures in providing facilities and programs should be carefully considered in order to maximize the use of public funds in meeting local needs.

Safe and convenient access to park and recreation facilities is an important factor in a successful park system. The pedestrian/bicycle/equestrian paths are essentially an element of the City's transportation system and policies regarding their development are included in the Transportation Systems Plan. Pathways do, however, also serve a recreational function and are, therefore, referenced in this element. This is particularly true with respect to coordination/alignment of proposed pathways with park and recreational facilities, including schools.

Implementation Measure 3.1.11.s Facilities constructed to implement the Bicycle and Pedestrian Master Plan shall be designed to insure safe and convenient pedestrian, bike and, where appropriate, equestrian access from residential areas to park, recreational and school facilities throughout the City.

Park System Classifications

Detailed park development standards are included in the City of Wilsonville Parks & Recreation Master Plan, dated December 1994. That document includes standards for the following:

- Neighborhood parks;
- Community parks;
- Regional parks;
- Minor limited-use recreation center and minor multi-use recreation centers;
- Major limited-use recreation centers;
- Major multi-use recreation centers;
- Activity Centers; and
- Nature trails, minor pathways, and major pathways.

Solid Waste

Within the City of Wilsonville, solid waste disposal is currently handled by United Disposal Service which operates under an exclusive franchise agreement with the City.

Within the Portland metropolitan area solid waste disposal has been a concern for many years. The average family of four generates about 4 tons of garbage a year, which ends up in sanitary landfills. The existing landfills in the metropolitan area have been filled up and it is no longer feasible to site new ones. In fact, garbage from the Portland region is now hauled, at considerable expense, to Eastern Oregon for disposal.

This Plan also recognizes, however, that a successful solid waste management plan will have to deal with much broader issues than just landfills. Such a regional plan must address the issue of throwaway products and emphasize programs for waste reduction rather than discard as a long-term solution.

Policy 3.1.12 The City of Wilsonville shall continue to acknowledge Metro's legislative authority for regional solid waste management and landfill siting. The City may also, from time to time, recommend adoption of solid waste management strategies or programs.

Implementation Measure 3.1.12.a. In an effort to minimize the solid waste problem, the City will continue to support the local recycling/reuse program as well as supporting regional efforts in waste reduction programs.

Semi-Public Utilities

Semi-public utilities are privately owned and operated companies, but have general public benefit and may be regulated by governmental controls. They include energy and communications facilities and services.

Utilities in this category, serving Wilsonville include GTE, Century Telephone, Northwest Natural Gas Company and Portland General Electric. These services and facilities are currently generally adequate.

Policy 3.1.13 The City of Wilsonville shall coordinate planning activities with the utility companies, to insure orderly and efficient installation of needed service lines and equipment.

Implementation Measure 3.1.13.a. To enhance aesthetic quality, promote public safety and to protect service lines from damage (e.g., ice/wind storms or vehicle accidents), as new development occurs all utility service lines serving the developing property shall be placed underground, in accordance with the City's Public Works Standards.

Implementation Measure 3.1.13.b The City shall encourage the utility companies to underground existing above-ground services, at the earliest possible time.

Implementation Measure 3.1.13.c Above-ground facilities such as transformers, etc., shall be located in a manner that minimizes their visual impact. Where possible such facilities should be coordinated with the landscaping to provide screening.

Implementation Measure 3.1.13.d To reduce future demands for electrical energy, the City shall:

1. Encourage incorporation of alternative energy sources (e.g., solar, etc.) into new construction, as well as retrofitting of existing development.

2. Encourage energy efficient site and building designs. The City should also consider joint efforts with PGE and the Army Corps of Engineers and other government agencies, to study the potential for local power generation.
3. To set an example for proposed developments, the City will incorporate energy-efficient designs into construction of City buildings and facilities.
4. The City will review and revise existing street lighting standards to provide adequate safety while minimizing the demand for power (e.g., use of minimum number of lights, use of energy-efficient lights such as high pressure sodium lamps, etc.).

City Administration

Decisions about the growth of City staff and how to fund operations are properly within the purview of the City Council, after receiving recommendations from the Budget Committee. Therefore, no specific staffing standards are established.

Policy 3.1.14 The City of Wilsonville shall, pursuant to Statewide Planning Goal 11 and within the confines of the City budget, maintain a qualified staff adequate to support the various service functions of the City. The City shall plan for the provision of adequate work spaces and facilities in order to maximize the accessibility of City services to the public. Facilities shall be funded in the manner deemed most cost-effective and efficient by the Budget Committee and City Council.

Health And Social Services

Health care facilities and services are provided by a variety of public and private agencies throughout the metropolitan area. Legacy - Meridian Park Hospital located just north of the City, in Tualatin, is the closest facility with general medical and emergency services available.

Social services are also provided by a variety of agencies, including State and County facilities and volunteer or non-profit organizations. Many of these facilities are, however, extremely limited in capacity and additional facilities will be needed to support future population growth.

Policy 3.1.15 The City of Wilsonville shall periodically monitor the availability of health and social services, including day care, and where feasible, will cooperate with the appropriate agencies in providing additional services and facilities. The adequacy of these facilities should be considered during the process of planning for future growth.

For information on public facility construction projects, please see the City's Capital Improvement Program, which is updated annually.

TRANSPORTATION

[This section was amended by Ord. # 718, 6/17/13]

Under the State’s Transportation Planning Rule (TPR), planning for transportation must “encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation”.

In MPO areas, (i.e. Metro), “regional and local Transportation Systems Plans (TSP) shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile”. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today”.

Both the Transportation Planning Rule and the federally mandated State Air Quality Plan call for reductions in vehicle miles travelled (VMTs) per capita. The goal is to adopt plans and measures that are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period. The Metro Regional Transportation Plan (2035 Federal component) states that, “Improvement in non-single occupancy vehicle (non-SOV) mode share will be used to demonstrate compliance with per capita travel reductions” [VMT reductions] “required by the TPR.”

Transportation plans must also “facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation”.

Communities must “protect existing and planned transportation facilities, corridors and sites for their identified functions’ and also “provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans”.

Transportation plans must include a transportation financing program.

The Wilsonville Comprehensive Plan includes, as sub-elements of the Plan, the City’s Transportation Systems Plan (2013), the Bicycle and Pedestrian Master Plan (2006) and the Transit Master Plan (2008). There are no airports or marine transportation facilities within the city. The City has adopted 1-Year and 5-Year Capital Improvement Plans which provide for the construction of transportation facilities, improvements and services necessary to support the City’s Transportation Systems Plan, the Bicycle and Pedestrian Master Plan and the Transit Master Plan.

The Transportation Network

Wilsonville is bisected by I-5, just south of its intersection with I-205. I-5 is classified as an Interstate Highway. It is part of the National Highway system and is a designated freight route

between Portland and points south. The operational objective for Interstate Highways is to provide safe and efficient high-speed travel in urban and rural areas.

Two I-5 interchanges are located within Wilsonville, Interchange 283, I-5 at Wilsonville Road, and 286, I-5 at Elligsen Road. Both interchanges provide a vital function in supporting local and regional economic development goals and plans. Local traffic, including commercial and industrial vehicles, must have safe and efficient access to and from the freeway.

In the late 1990s, substantial public improvements were made to upgrade both interchanges. Ten years later, both interchanges again had capacity limitations. A major modernization project completed in 2012 reconstructed the I-5/Wilsonville Road interchange. The I-5/Wilsonville Road project created elevated bike/pedestrian pathways on both sides of the street, expansion of the travel way to eight lanes under the I-5 Bridge, and wider and longer on and off ramps.

Capacity limitations also existed at the 95th/ Commerce Circle /Boones Ferry Road intersections. The improvements in 2012 added an additional right-turn lane southbound off I-5 to Boones Ferry Road, an additional left-turn lane from Boones Ferry Road to 95th Avenue, and an additional right-turn lane from 95th Avenue to Boones Ferry Road, as well as making Commerce Circle a right-in / right-out intersection with 95th Ave thereby minimizing congestion at this intersection.

The City has a network of streets which serve the east side or the west side, with only three connection points east–west across I-5. These are Wilsonville Road, Boeckman Road and Elligsen Road. The recent extension of Boeckman Road to Grahams Ferry Road has provided an alternative east-west route resulting in a reduction of the trip levels on both Wilsonville and Elligsen Roads.

City street standards require provision of bicycle facilities and sidewalks on all new streets. Developments in areas without bicycle facilities and sidewalks are required to provide them as part of the development of their site. The City also maintains a sidewalk infill fund for construction of missing sidewalk segments in older neighborhoods. The Bicycle and Pedestrian Master Plan provides greater detail about the existing system and its deficiencies and identifies planned improvements and financial resources.

Local and regional trails and community pathways traverse the community and connect neighborhoods with other destinations. The City is a partner in the 2013 Master Plan for the Ice Age Tonquin Trail, which will connect the communities of Tualatin, Sherwood, and Wilsonville.

The City operates a transit system, SMART, which provides local service, and connects with WES, Cherriots in Salem and Tri-Met in the Portland area. WES, the Westside Express Service Commuter Rail, operates during weekday commuter hours in the morning and evening, connecting Wilsonville with the Beaverton Transit Station and the MAX system. The Transit Master Plan provides greater detail about the existing system and its deficiencies and identifies planned improvements and financial resources.

GOAL 3.2: To encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation.

Policy 3.2.1 To provide for safe and efficient vehicular, transit, pedestrian and bicycle access and circulation.

Implementation Measure 3.2.1.a Provide a safe, well-connected, and efficient network of streets and supporting infrastructure for all travel modes.

Implementation Measure 3.2.2 The City may adopt street demonstration plans and other illustrative guidance to street, bicycle and pedestrian connectivity, and require development to show consistency with those plans.

Policy 3.2.2 To provide for a mix of planned transportation facilities and services that are sufficient to ensure economical, sustainable and environmentally sound mobility and accessibility for all residents and employees in the city.

Policy 3.2.3 If adequate regional transportation services, including I-5 interchange modification or additions, and high capacity public transportation, cannot be provided, then the City shall reevaluate 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.

GOAL 3.3: To achieve adopted standards for increasing transportation choices and reducing reliance on the automobile by changing land use patterns and transportation systems so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

Policy 3.3.1 The City shall provide facilities that allow people to reduce reliance on single occupant automobile use, particularly during peak periods.

Implementation Measure 3.3.1.a. Encourage a balance among housing, employment, and commercial activities within the City so more people are able to live and work within Wilsonville, thereby reducing cross-jurisdictional commuting.

Implementation Measure 3.3.1.b. Increase densities and intensities of development in or near the Town Center area and in other locations where transportation systems can meet those needs.

Implementation Measure 3.3.1.c. Plan for increased access for alternative modes of transportation, such as bicycling, transit and walking.

Implementation Measure 3.3.1.d. Continue use of the Planned Development/ Master Plan process to encourage developments that make it more convenient for people to use transit, to walk, to bicycle, and to drive less to meet daily needs.

Implementation Measure 3.3.1.e. Provide more and better options for travel from one side of the freeway, the railroad, and the Willamette River to the other.

Implementation Measure 3.3.1.f. Support provision of full day and Saturday transit service in the WES corridor.

Implementation Measure 3.3.1.g. Advocate for the extension of WES to Salem.

Implementation Measure 3.3.1.h. Consider reducing parking requirements where it can be shown that transit and/or bicycle pedestrian access will reduce vehicular trips.

Policy 3.3.2 The City shall work to improve accessibility for all citizens to all modes of transportation.

Implementation Measure 3.3.2.a. Provide pedestrian and bicycle connections between residential neighborhoods and major commercial, industrial, and recreational activity centers throughout the city, as shown in the Bicycle and Pedestrian Master Plan. Coordinate the system of pathways planned by adjacent jurisdictions to allow for regional travel.

Implementation Measure 3.3.2.b. Concrete sidewalks will be provided on both sides of all streets unless waived when alternative provisions are found to adequately address pedestrian needs.

Implementation Measure 3.3.2.c. Transportation facilities shall be ADA-compliant.

Implementation Measure 3.3.2.d. Fill gaps in the existing sidewalk and off-street pathway systems to create a continuous network of safe and accessible bicycle and pedestrian facilities.

GOAL 3.4: To facilitate the safe, efficient and economic flow of freight and other goods and services within the city and the region.

Policy 3.4.1 Upgrade and/or complete the street network on the west side of I-5, including in the Coffee Creek and Basalt Creek areas, to serve the warehousing, distribution, and other industrial uses located there.

Implementation Measure 3.4.1.a Where the City Council officially designates truck routes, these streets shall be developed to arterial street construction standards and be posted as truck routes.

Policy 3.4.2 The City will work with ODOT, Metro and neighboring communities to maintain the capacity of I-5 through a variety of techniques, including requirements for concurrency, continued development of a local street network within and connecting cities along I-5, access management, and completion of targeted improvements on I-5 such as auxiliary lanes, improvements at interchanges, etc.

Implementation Measure 3.4.2.a. Consistent with the City’s policy that needed public facilities and services are provided in advance of, or concurrently with, development, proposed land use changes within the I-5/Wilsonville Road IMA shall be consistent with planned future transportation projects.

GOAL 3.5: To protect existing and planned transportation facilities, corridors and sites for their identified functions, including protection of the function and operation of the I-5/Wilsonville Road Interchange and the I-5/Elligsen Road Interchange, together with the local street network within the Interchange Areas.

Policy 3.5.1 Develop and maintain a transportation system that balances land use and transportation needs in a manner that enhances the livability and economic vitality of the city.

Implementation Measure 3.5.1.a. Establish and maintain design standards for each arterial and major collector street, in accordance with the Functional Street Classification System. The conceptual location of proposed new major streets identified in the TSP will be refined based on detailed engineering specifications, design considerations, and consideration of local impacts.

Implementation Measure 3.5.1.b. Evaluate the alignment and design of local streets on a project-by-project basis in coordination with the overall purposes of the TSP.

Implementation Measure 3.5.1.c. The Transportation Systems Plan shall be used to establish the Functional Street Classification System.

Implementation Measure 3.5.1.d. The Development Review Board or City Council may approve specific modifications through the planned development process. Such modifications shall be made in consideration of existing traffic volumes and the cumulative traffic generation potential of the land uses being developed.

Implementation Measure 3.5.1.e. All arterial and collector streets shall be dedicated public streets.

Policy 3.5.2 Review all land use/development proposals with regards to consistency with the TSP transportation impacts.

Implementation Measure 3.5.2.a. All development proposals shall be required to provide for a transportation impact analysis by payment to the City for completion of such study by the city’s traffic consultant unless specifically waived by the City’s Community Development Director because the scale of the proposed development will have very limited impacts.

Implementation Measure 3.5.2.b. The City may approve local private streets through the Planned Development process, provided that adequate emergency access is available and that proper maintenance by private entities is ensured.

Implementation Measure 3.5.2.c. Any proposed change to the Comprehensive Plan or Zoning Maps that would result in additional trips above that allowed under the city's concurrency policies may be denied unless mitigation measures are identified and provided.

Policy 3.5.3 Provide for an adequate system of local roads and streets for access and circulation within I-5 Interchange Management Areas that minimize local traffic through the interchanges and on the interchange cross roads.

I-5/Wilsonville Road IMA:

Implementation Measure 3.5.3.a. The City will require future development to plan for and develop local roadway connections consistent with the I-5/Wilsonville Road IAMP as part of the development permit approval process.

Implementation Measure 3.5.3.b. Bicycle and pedestrian connections within the IMA will be required for new development consistent with the City's Bicycle and Pedestrian Plan.

Implementation Measure 3.5.3.c. System operational improvements, including signal synchronization, transportation demand management measures and incident management shall be implemented within the vicinity of the interchange to maximize the efficiency of the local street network and minimize the impact of local traffic on the interchange.

Implementation Measure 3.5.3.d. The City will require future development to adhere to access management spacing standards for private and public approaches on statewide highways as adopted in the Wilsonville Road IAMP.

Implementation Measure 3.5.3.e. The City will approve development proposals in the I-5/Wilsonville Road Interchange Management Area (IMA) only after it is demonstrated that proposed access and local circulation are consistent with the Access Management Plan in the I-5/Wilsonville Road IAMP.

Implementation Measure 3.5.3.f. Ensure that future changes to the planned land use system are consistent with protecting the long-term function of the interchange and the surface street system.

Implementation Measure 3.5.3.g. Any proposed change to the Comprehensive Plan Map or existing zoning that would result in additional trips above that allowed under the current zoning and assumed in the I-5/Wilsonville Road IAMP must include a review of transportation impacts consistent with OAR 660-12-0060.

Implementation Measure 3.5.3.h. The City will provide notice to ODOT for any land use actions proposed within the I-5/Wilsonville Road IAMP Overlay Zone.

I-5/Elligsen Road Interchange

Implementation Measure 3.5.3.i. The City will require future development to adhere to access management spacing standards for private and public approaches on statewide highways as required by the Oregon Highway Plan.

Implementation Measure 3.5.3.j. Ensure that future changes to the planned land use system are consistent with protecting the long-term function of the interchange and the surface street system.

Implementation Measure 3.5.3.k. Bicycle and pedestrian connections within the Interchange Area will be required for new development consistent with the City's Bicycle and Pedestrian Plan.

Implementation Measure 3.5.3.l. System operational improvements, including signal synchronization, transportation demand management measures and incident management shall be implemented within the vicinity of the interchange to maximize the efficiency of the local street network and minimize the impact of local traffic on the interchange.

GOAL 3.6: To provide for the construction and implementation of transportation facilities, improvements and services necessary to support the TSP, the Transit Master Plan and the Bicycle and Pedestrian Master Plan.

Policy 3.6.1 The City will plan, schedule, and coordinate implementation of all street improvements through the on-going five-year Capital Improvements Plan. A priority is given to eliminating existing deficiencies and in upgrading the structural quality of the existing arterial system.

Implementation Measure 3.6.1.a. Complete the major street system improvements shown in the Transportation Systems Plan. The City may not be able to finance all of these improvements. Some may be financed by other entities, or a combination of public and private funds.

Implementation Measure 3.6.1.b. The City shall coordinate routine and necessary maintenance with the appropriate State or County agencies.

Policy 3.6.2 Require each development to provide all collector and local streets, unless the benefit to the entire community warrants public participation in funding those collector streets.

GOAL 3.7: Maintain a transportation financing program for the construction and implementation of transportation facilities, improvements and services necessary to support the TSP, the Transit Master Plan and the Bicycle and Pedestrian Master Plan.

Policy 3.7.1 To ensure development of an adequate street system, the City shall collect a Systems Development Charge as development occurs. Funds collected shall be allocated through the Capital Improvements Plan as needed to provide extra capacity service.

GOAL 3.8: To maintain coordination with neighboring cities, counties, Metro, ODOT local businesses, residents and transportation service providers regarding transportation planning and implementation.

Policy 3.8.1 The City shall work with the State, Metro, Clackamas and Washington Counties and adjacent jurisdictions to develop and implement a Regional Transportation Plan that is complementary to and supportive of the City's Plan while addressing regional concerns. The City expects a reciprocal commitment from the other agencies. This policy recognizes that there is a need for a collective and cooperative commitment from all affected agencies to solve existing and future transportation problems. The City will do its part to minimize transportation conflicts, but it must also have the support of County, regional, State and Federal agencies to effectively implement this Plan.

Implementation Measure 3.8.1.a. The City shall advocate for the State, Metro, and Counties to improve regional transportation facilities which, due to inadequate carrying capacities, limit implementation of the City's Transportation Plan.

LAND USE AND DEVELOPMENT

The previous sections on urbanization and public facilities have addressed the City's intent in terms of where and when development should occur. This section discusses the “what” (type) and “how” (design) of development.

The City of Wilsonville is required to utilize standards to help implement the Metro 2040 Growth Concept and Metro functional plans. Such standards include allowing the creation of smaller lots and more flexible use of land, strategies to encourage land assembly, more flexible zoning, and improvements in the pre-application process to ensure timely and thorough review.

The following plan policies are divided into five sections. The first deals with general development standards applying throughout the City. The second deals with commercial development; followed by sections on the Town Center, industrial development and residential development.

Deleted:

The last section deals with resource areas and natural hazards and it discusses the City's intention to protect environmental resources. It also supports the establishment of community design standards. It provides guidelines for integrating development with the natural features of the community, as well as with surrounding uses. In combination, these standards yield an integrated community design that blends the natural environment with urban development. The design criteria ensure the protection of significant natural resources and enhance the visual attractiveness of the community.

In reviewing this section of the Comprehensive Plan, it is important to remember that Wilsonville is required to conduct its planning efforts in conformance with state and regional requirements. The fundamental theme of the statewide planning program is that urban areas (especially cities) are expected to provide urban services and accommodate urban densities and intensities of development in order to reduce the development pressure on farm and forest lands. The fundamental theme of Metro’s regional requirements is that the cities and counties in the urban Portland region must cooperate in meeting urban growth needs in order to reduce the development pressure on farms and forest lands outside the regional Urban Growth Boundary.

Metro has established its own standards for design that the City must consider in amending the local Comprehensive Plan. These “design types” can be found in Metro’s 2040 Growth Concept. It is important to note that Wilsonville’s Comprehensive Plan does not necessarily use the same terminology as Metro’s Growth Concept and the results can be different. The following Metro design types do not necessarily have the same meaning as the words used in Wilsonville’s Comprehensive Plan:

Town Center - Local retail and services will be provided within this area, with compact development and transit service. Note that the boundaries of Wilsonville’s Town Center area, as defined in the local Comprehensive Plan and zoning, are more refined than Metro’s Town Center designation. Recommended average density - 40 persons (residents and employees) per acre.

Deleted: , v

Station Communities - Include nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. Depending on the location and design of a station within Wilsonville for commuter rail, a Station Community may be developed within the City. It should be noted, however, that commuter rail stations tend to have different operating characteristics than light rail stations because they have fewer arrivals and departures throughout the course of a day. Because of those different operating characteristics, development planned around Wilsonville’s commuter rail station should not be expected to meet the same standards as light rail areas elsewhere in the region. Recommended average density - 45 persons (residents and employees) per acre.

Main Streets - Include part of the Town Center and the neighborhoods served by main streets, typically including retail and service developments, as well as housing, served by transit. Wilsonville’s plans for the Old Town District along Boones Ferry Road would help to establish that neighborhood as a Main Street. The Town Center Plan also includes a Main Street sub-district with active ground floor uses. Recommended average density - 39 persons (residents and employees) per acre.

Corridors - Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and generally high-densities. Corridor areas in Wilsonville include Parkway Drive from Town Center through the north Wilsonville freeway interchange, and the northern end of Boones Ferry Road leaving the city limits. Recommended average density - 25 persons (residents and employees) per acre.

Employment Areas - Various types of employment and some residential development are encouraged in employment areas, with limited commercial uses. Wilsonville has three employment areas according to Metro maps. Metro’s employment areas are regarded primarily as industrial development sites in the City’s Comprehensive Plan. The site that previously housed the Burns Brothers Truck Stop (Area of Special Concern ‘A’) is labeled as an employment area by Metro, but is zoned for commercial development by the City. Such sites with existing commercial zoning have been exempted from Metro requirements limiting large retail developments in employment areas. Recommended average density - 20 persons (employees) per acre.

Industrial Areas - Industrial areas are set aside primarily for industrial activities with limited supporting uses. Metro maps designate one large industrial area within the City. Most of Wilsonville’s industrial properties have been categorized by Metro as employment areas. Recommended average density - 9 persons (employees) per acre.

Inner Neighborhoods - Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes, are classified as inner neighborhoods. It should be noted that the residential designations on Wilsonville’s Comprehensive Plan Land Use Map cover a wide range of densities. Overall, properties with residential zoning in Wilsonville will exceed the recommended density established by Metro. Recommended average density - 14 persons per acre.

Outer Neighborhoods - Residential neighborhoods farther away from large employment centers, with larger lot sizes and lower densities, are classified as outer neighborhoods. (Please see the notes on residential densities in inner neighborhoods, above.) Recommended average density - 13 persons per acre.

Deleted:

It should be noted that the City will revisit and reconsider Metro's design types as part of the ongoing revisions to the Comprehensive Plan. The City will be considering possible changes to the Land Use Map of the Comprehensive Plan in the process of completing the Transportation Systems Plan in 2000 or 2001. The potential for changing City land use designations to better match Metro's design types will be considered at that time.

ECONOMIC DEVELOPMENT

Industrial development has been the primary element in Wilsonville's growth in recent years. However, commercial development, particularly professional offices, has begun to be of interest to business developers. Housing development has also increased substantially. Metro has now projected growth that will more than double both the number of housing units and the number of jobs in Wilsonville between the year 2000 and approximately 2020. If this growth occurs as predicted, the existing imbalance between jobs and housing (estimated at more than three jobs for each housing unit in 1996) will continue into the future.

Economic trends have fluctuated significantly, although perhaps cyclically, since Wilsonville was incorporated in 1969. As with much of Oregon, the local economy hit a low point in the early 1980s but boomed throughout the 1990s.

Commercial and industrial developments accounted for a total local employment that exceeded 17,000 jobs in 1996 (Metro data – ES 202). As of October 1999, the ten top employers within the City had a total of approximately 5,200 employees. Of those top-ten employers, only one was a retail store. The rest would be considered to be industrial uses of one kind or another. Although the number of workers in the ten largest local employers was impressive for a City of less than 15,000 residents, it also indicated how many smaller companies were employing people in Wilsonville. This is a clear indication of the economic diversity that the community now enjoys.

Industrial development is the basic element of economic growth as it produces goods for marketing, as well as being the primary employment generator. Commercial development is also important in that it creates secondary employment and provides retail outlets for manufactured goods. The commercial sector also provides support services for industry and personal goods and services (e.g., doctors, lawyers, food, clothing, etc.) for local residents and workers. It should be noted that having adequate commercial services in proximity to homes and other businesses reduces the need for travel and helps to meet state and regional goals for air quality and traffic congestion.

While commercial and industrial developments are generally associated with economic growth, housing is also an important element of the local economy. Housing development provides

employment in planning, engineering, architecture, construction and real estate. More important, however, is the relationship of the availability of affordable housing to the local labor market. The first section of this element of the Plan is oriented to commercial and industrial development. However, this Plan recognizes the importance of providing housing commensurate with the social and economic needs of local employees and is, therefore, followed by a section on housing.

The State’s Economic Development Goal (Goal 9) is, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” Prior to adoption of this statewide goal, Wilsonville had developed the 1971 General Plan. The 1971 General Plan's goals and objectives included:

To develop an attractive and economically sound community.

Encourage commercial and industrial development to provide a balanced tax base and take advantage of the City's strategic location along I-5 and the rail line.

Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth.

Protect industrial lands from incompatible uses.

Encourage only industries interested in and willing to participate in development and preservation of a high-quality environment.

Encourage incorporation of large office complexes in industrial parks.

Develop performance standards, in addition to site development standards, which will limit emissions of smoke, dust, odor, glare, noise, and vibration from industrial uses.

Plan for industry to take advantage of the railroad and I-5 where necessary services can be provided.

These goals and objectives are still as much value today, as they were in 1971. In addition, the 1971 Plan attempted to provide for a reasonable amount of commercial facilities in a planned relationship to the people they will serve. Commercial areas were designated to reinforce existing development patterns and to be centered along Wilsonville Road and the north freeway interchange.

Existing commercial and industrial development has generally conformed to these guidelines and the 1988 Plan reaffirmed them as desirable objectives. The Comprehensive Plan continues to retain a focus on commercial development in the form of centers, rather than strip development.

Wilsonville is strategically located on the fringe of the metropolitan area, just south of the confluence of the I-5 and I-205 freeways, making it very desirable for economic development. Because of this, the City has an excellent opportunity to actively plan and guide its commercial and industrial development rather than remain in a passive review role. In this way, the City can ensure the type of development it wishes to occur.

GENERAL DEVELOPMENT

The rate of business and residential growth experienced by Wilsonville between 1980 and 2000 clearly indicates the popularity of this community as a place to do business, a place to work, and a place to live. The City has historically focused considerable attention on economic development without losing sight of the importance of protecting natural resources and developing attractive residential neighborhoods. The City has a well-established history of designating and protecting open space areas. Wilsonville residents also voted to support regional efforts to acquire large tracts of open space outside the City.

The City completed the West Side Master Plan in 1996, covering most of the City limits west of I-5 and south of Boeckman Road. The implementation of that Master Plan was delayed pending the prison-siting decision by the State and the completion of Wilsonville's Transportation Systems Plan. Much of the text of the West Side Master Plan can now be incorporated into the Comprehensive Plan.

Throughout this section of the Comprehensive Plan, provisions have been made for allowing certain mixes of uses to occur within the separate land use districts. This flexibility is provided to allow for the realization of benefits derived from complementary relationships in land uses. The benefits to be derived from these mixed-uses are primarily related to improvements in transportation and related utilization of energy and subsequent emissions of pollutants. The mixed-use provisions are not intended merely to increase property values.

GOAL 4.1 To have an attractive, functional, economically vital community with a balance of different types of land uses.

Policy 4.1.1 The City of Wilsonville shall make land use and planning decisions to achieve Goal 4.1.

Implementation Measure 4.1.1.a To ensure overall economic stability, the City will continue to coordinate its policies with those of Clackamas County's and Washington County's Overall Economic Development Plans (OEDP), as well as the Oregon Economic Development Department.

Implementation Measure 4.1.1.b To guide the local economic development program, the City will work with the local Chamber of Commerce to plan and promote economic growth in the community. In this regard, the City will maintain the base data and mapping necessary to assist economic development activities. The City will establish a process to update the base data at least annually.

Implementation Measure 4.1.1.c The City will continue to support a cooperative and active working relationship with the business community through the Chamber of Commerce as

well as those businesses that are not members of the Chamber of Commerce and will seek their input when making decisions having economic impacts on the business community.

Implementation Measure 4.1.1.d In the process of administering the City's Comprehensive Plan, careful consideration will be given to the economic impacts of proposed policies, programs and regulations. Efforts will be made to simplify and streamline the planning and zoning review process while maintaining the quality of development.

Implementation Measure 4.1.1.e The City shall protect existing and planned industrial and commercial lands from incompatible land uses, and will attempt to minimize deterrents to desired industrial and commercial development.

Implementation Measure 4.1.1.f Through the City's public facilities, transportation, and Capital Improvements Plans, priorities will be established to ensure that adequate public facilities are available to support desired industrial and commercial development. A high priority shall be given to improvements to water, storm drainage, traffic circulation, and safety. It is not the intent of this Implementation Measure for the City to subsidize commercial or industrial development. Developers continue to be primarily responsible for providing needed improvements. The City merely acts as the coordinating agent to ensure that adequate facilities coincide with development.

Implementation Measure 4.1.1.g The City of Wilsonville will continue to help implement the Metro 2040 Growth Concept and the Urban Growth Management Functional Plan through the use of development standards allowing the creation of smaller lots and more flexible use of land, strategies to encourage land assembly, more flexible zoning and improvements in the pre-application process to ensure timely and thorough review.

Implementation Measure 4.1.1.h Application for proposed developments will be accompanied by site plans which at a minimum:

1. Identify and protect adjacent properties.
2. Designate access points; and where possible, coordinate these points with adjacent uses.
3. Provide for adequate on and off-site vehicular and pedestrian/bike circulation.
4. Identify proposed building locations, heights, set-backs, and landscaped areas, architectural drawings or sketches sufficient to demonstrate the intent, impact, character, and intensity of use of the proposed development. Detailed specifications will be required as part of final development plans, which may occur in phases.

Implementation Measure 4.1.1.i In reviewing proposed developments, the City will continue to examine:

1. The intensity of use, which includes percentage of lot coverage.
2. Number of employees per acre.

3. Peak vehicle trips per hour per acre.
4. Total trips per day per acre.

Implementation Measure 4.1.1.j Development will coincide with the provision of public streets, water, and sanitary sewer and storm drainage facilities as specified in Section ‘C,’ above. These facilities shall be: (a) capable of adequately serving all intervening properties as well as the proposed development; and, (b) designed to meet City standards.

Implementation Measure 4.1.1.k Unless otherwise specified in a legislative master plan or the development code, a minimum of 15% of the total gross area of all developments shall be landscaped and, where possible, integrated with the open space system. Areas identified as having significant natural resources may require enhancement in order to be considered part of the required open space for a given development. Additional landscaping may be required by the Development Review Board depending on the scale of the proposed development and its compatibility with abutting properties and their respective uses.

Deleted:

Implementation Measure 4.1.1.l Continue to utilize performance standards, in addition to site development standards, which will limit emissions of smoke, dust, odor, glare, noise, and vibration from industrial and commercial uses.

Implementation Measure 4.1.1.m Encourage a balance between light industrial and residential growth within the City.

Implementation Measure 4.1.1.n As existing businesses are renovated and new ones are constructed, the Development Review Board will require high standards of compatibility with surrounding development, landscaping, architecture and signage. The ability of a site to function properly in relation to the surrounding area will be emphasized.

Implementation Measure 4.1.1.o Applications for proposed developments will be accompanied by detailed site plans as specified in the City’s Development Code.

Implementation Measure 4.1.1.p Require the placement of utilities underground in new developments and seek means of undergrounding existing above-ground utilities, other than storm drainage facilities.

Implementation Measure 4.1.1.q Implement those portions of the text of the West Side Master Plan that do not conflict with the remainder of the Comprehensive Plan. Changes to the Land Use Map of the Comprehensive Plan, implementing the West Side Master Plan, will not be made until the Transportation Systems Plan has been adopted by the City Council.

To further guide economic growth, specific goals, objectives and policies have been established for residential, commercial, and industrial land use decisions.

COMMERCIAL DEVELOPMENT

Commercial development is often a major identifying feature in a community, offering impressions to resident and visitor alike of the quality of life available. The Plan, therefore, urges that shopping areas be pleasant environments to live near and to do business within. They should not be designed in a manner only to attract attention. Buildings need not be painted in an offensive manner or have obtrusive signs to secure their share of the shopping public. In fact, the reverse trend tends to be the case, with centers providing a pleasant shopping environment often being more prosperous.

Commercial development demands special consideration in terms of traffic. On one hand, most commercial businesses need lots of customers coming and going in order to thrive. On the other hand, traffic jams at commercial locations can adversely affect the quality of the lives of other people in the area. The City must balance the needs of both the commercial and non-commercial sectors of the community in reviewing proposed development and considering the traffic impacts that will result. This is not intended to imply that commercial development is the only source of traffic problems. It is not. Rather, it is intended to point out that some commercial land uses may thrive in an environment where the traffic is excessive for other uses.

Commercial areas designated on the Plan recognize and reinforce existing development patterns, at the north (Elligsen Road) and south (Wilsonville Road). The Plan also recognizes the commercial development potential within the Charbonneau District, and the need for complementary commercial uses within or near the industrial area of the City. All commercial districts are planned in the form of centers or complexes rather than as a strip development along major streets. Five types of commercial centers have been recommended in Wilsonville’s Comprehensive Plan since 1971. They are:

- Town Center ([please see the Town Center Development section below](#));
- Service Centers;
- Office Complexes;
- Commercial Recreation Centers; and
- Neighborhood Commercial Sites.

At this time, it is apparent that there are commercial areas of the City that do not clearly fall into the categories listed above. For that reason, the Planning Commission and City Council are continuing to discuss potential changes to commercial land designations. More changes to the commercial designations of the Comprehensive Plan are expected with the completion of the City’s Transportation Systems Plan in the months ahead.

[The Town Center or City Center was, prior to the preparation of the Town Center Plan, described in the Comprehensive Plan as the City’s “major commercial district”. Through the extensive community process to create the Town Center Plan, the vision has been broadened by a mixed use heart of the City. Please see the Town Center section below.](#)

Service Centers are primarily related to the motoring public and should be located at the freeway interchanges, particularly the Stafford Interchange. These centers would be the sites for motels, restaurants, automobile and truck service centers, and other large site users dependent on easy

Deleted: is

Deleted: It and a grocery offering a wide addition to restaurants, and Metro, the To population de transit service

access for freeway travelers. Such centers may also be incorporated into industrial developments. Service centers will be "on view" to a maximum number of visitors to the City and, accordingly, their appearance and their physical and visual relationship to abutting land uses are critical. Such uses should not compete for the same retail market as that intended to be served by the Town Center.

Office Complexes are distinguished from other commercial centers primarily because they are expected to generate less traffic than retail operations. A limited amount of retail is expected to occur within office complexes, but the amount of retail space is intended to be accessory or incidental to the primary office functions. Structures that will be located in these locations should be relatively small in scale if they are to form a transition between abutting residential areas and more intensive uses. The offices should be set back from streets a distance not less than that of abutting residential areas. Larger office complexes are appropriate in larger commercial or industrial locations. Parking areas and yards should be landscaped and signing should be subtle and "in keeping" with a quality environment. Large-scale and technology-oriented office facilities should be encouraged to locate in the Town Center and in large planned development commercial or planned development industrial zones.

Commercial Recreation - One such center has been developed in Charbonneau and is related to the golf courses contained within the development. Commercial recreation developments should be carefully introduced into the natural or constructed landscape of which they are a part, such as river or other water-oriented park sites. Such developments may also serve the convenience shopping needs of nearby residences.

Neighborhood Commercial Centers are established to provide for daily convenience needs of nearby residential or industrial areas. They will consist primarily of a small markets. Other related uses such as barber and beauty shops, laundry and dry cleaner pickup and delivery facilities, small bakery shops and other similar uses would also be appropriate in these small centers. If located in a residential area, parking facilities, signs, landscaping and the architecture of these centers must be of a quality at least equal to that of surrounding housing. Neighborhood Commercial Centers should be sensitively designed so that they are physically and visually compatible with the residential world of which they are generally a part.

Because large portions of the designated commercial areas are undeveloped, the opportunity exists to develop master plans, i.e., Town Center, or Wilsonville Square '76, to coordinate uses within a given area. The use of master plans for development within Wilsonville has been employed by the City since its incorporation. When small areas or individual lots develop, it also makes sense to coordinate them with adjacent properties. Therefore, under the commercial designation, a Planned Development Review process will continue to be the primary method of administration.

The intent of the Planned Development Review process is to allow for more flexible and creative designs and to encourage coordinated master planning of large areas. It is a further intent to provide for a logical mix of uses in relation to the surrounding uses without necessitating a Plan Amendment.

Policy 4.1.2 The City of Wilsonville shall encourage commercial growth primarily to serve local needs as well as adjacent rural and agricultural lands.

Implementation Measure 4.1.2.a Encourage commercial uses which are compatible with the residential nature of the community, and are complementary to or supportive of industrial development in the City.

Implementation Measure 4.1.2.b Provide opportunities for a basic mix of needed goods and services.

Implementation Measure 4.1.2.c Encourage a rate of commercial development consistent with serving the needs of residents of the City and adjacent rural and agricultural lands.

Implementation Measure 4.1.2.d Cluster commercial activity near the freeway interchanges and encourage service or freeway-oriented commerce to locate near the Stafford Interchange. Encourage retail and other local-oriented commerce to locate in commercial districts along Wilsonville Road to minimize transient traffic impacts on the Wilsonville Interchange.

Implementation Measure 4.1.2.e Maintain the area south of the Willamette River for residential needs and with a residential character consistent with the amended Charbonneau Master Plan (which includes some commercial development).

Implementation Measure 4.1.2.f The City, in accordance with Title 4 of the Metro Urban Growth Management Functional Plan, will encourage development of lands designated by Metro as “Employment” and “Industrial” areas to include supportive retail development. Commercial uses in those areas can be expected to include some limited retail uses, primarily to serve the needs of people working or living in the immediate area and office complexes housing technology-based industries. Where the City has already designated land for commercial development within Metro’s employment areas, the City has been exempted from Metro development standards.

Implementation Measure 4.1.2.g The location and development of commercial areas within the community should be given very careful consideration. Although they may occupy a relatively small percentage of the total land area, commercial developments customarily occur at points of maximum traffic movement and, therefore, have a tremendous impact on people's impressions of the visual quality of the community. If Wilsonville is to retain an image as a desirable place to live, its commercial areas must reflect that quality.

Implementation Measure 4.1.2.h Non-commercial uses may be permitted within a planned development commercial zone, provided that the predominant uses remain commercial. In many locations, the development of residential uses is appropriate and desirable in upper floors, while ground-floor uses remain commercial.

Implementation Measure 4.1.2.i As existing businesses are renovated and new ones are constructed, the Development Review Board will require high standards of compatibility

with surrounding development, landscaping, architecture, and signage. The ability of a site to function properly in relation to the surrounding area will be emphasized.

Implementation Measure 4.1.2.j Neighborhood commercial, limited to convenience goods and services for local residents and workers, may be permitted as part of a Planned Development in a residential or industrial area provided the following criteria are met:

1. Sites shall be separated from other commercial uses by at least one-half (1/2) mile.
2. Each neighborhood commercial area shall be limited to no more than 5% of the total planned development acreage (gross) or one acre, whichever is less.
3. Sites shall have direct access to a street of at least a collector classification. Pedestrian access to surrounding development areas should also be provided.
4. Sites shall not include more than one quadrant of an intersection and will not result in undue traffic congestion.

Implementation Measure 4.1.2.k In order to assure compliance with Metro standards, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted within areas zoned for industrial development.

TOWN CENTER DEVELOPMENT

In the early 1970’s, a proposal by Payless Drugs to locate its warehouse and headquarters in Wilsonville led to the relocation of Wilsonville’s Town Center land from the west side of I-5 to the current location east of I-5 and north of Wilsonville Road. A group of landowners in the new Town Center convened and hired architect Mel Kroker to prepare a master plan for Town Center. The Wilsonville City Center Plan (1973) recommended a suburban village approach to development with a mix of housing and commercial uses lining a loop road with a park or lake in the center. Kroker envisioned that one day the land would be in high demand and new development would fill in the center of the loop. As a result, the City Council amended the City’s Comprehensive Plan in 1978 to reflect the adopted Wilsonville City Center Plan.

After three decades of development and a lot of change, the City recognized the need for a new vision for the Town Center. In 2014, the City Council adopted Wilsonville’s Urban Renewal Strategy and the Tourism Development Strategy, both of which identified a Town Center Redevelopment Plan as a priority action item. In 2015, the City of Wilsonville was awarded a Metro Community Planning and Development Grant to help fund the Wilsonville Town Center Plan. Through an extensive outreach process, the Wilsonville community developed and adopted the City of Wilsonville Town Center Plan, which envisions the Town Center as a vibrant, walkable destination and heart of Wilsonville. The following policies state that vision in full, and the implementation steps to achieve it.

Policy 4.TC.1. The vision for Wilsonville’s Town Center is:

“Town Center is a vibrant, walkable destination that inspires people to come together and socialize, shop, live, and work. Town Center is the heart of Wilsonville. It is home to active parks, civic spaces, and amenities that provide year-round, compelling experiences.

Wilsonville residents and visitors come to Town Center for shopping, dining, culture, and entertainment.”

All development in the Town Center shall be consistent with the above-stated vision.

Policy 4.TC.2. The Wilsonville Town Center Plan shall be a supporting document of the Comprehensive Plan, adopted by the City as a part of this Comprehensive Plan with the full force and effect of the Plan.

Policy 4.TC.3. The planning area in the Wilsonville Town Center Master Plan shall be designated Town Center on the Comprehensive Plan Land Use Map. This map designation shall be implemented by the Town Center Zone. The purpose of the Town Center Zone is to implement Wilsonville’s vision for the Town Center, these policies, and the Wilsonville Town Center Master Plan.

Policy 4.TC.4. Development in the Town Center shall create a highly connected and walkable street and multi-modal transportation network that is consistent with the Wilsonville Town Center Master Plan.

Policy 4.TC.5. Development in the Town Center shall create open spaces that are linked, that serve as attractive amenities for the Town Center, and are consistent with the Wilsonville Town Center Master Plan.

Policy 4.TC.6. The Town Center Zone shall include design and development standards that will:

- A. Provide high quality design in new development and redevelopment that promotes a sense of community identity and implements the Wilsonville Town Center Vision.
- B. Provide a well-defined pedestrian, bicycle and vehicular network, good connections to adjacent land uses and efficient connections to transit stops.
- C. Provide quality and usable open space, increase street tree canopy, and create transitions between land uses.
- D. Provide sustainable development through the adaptive reuse of existing buildings and increase the use of low-impact development best practices.

Policy 4.TC.7. The City may use a variety of strategies to fund improvements in the Town Center. These include but are not limited to: funding by developers; public-private partnerships; partnerships with public agencies; urban renewal funding, special fees, and others authorized by the City Council.

INDUSTRIAL DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL DEVELOPMENT

Housing is a basic human need which concerns everyone. With today's housing costs, satisfying this basic need is becoming an increasingly difficult task. Governments at all levels are giving more and more attention to housing issues.

In the process of adopting the Statewide Planning Goals, LCDC established the goal providing for the housing needs of citizens of the State. To meet this goal, all local jurisdictions in the State must develop plans, "that encourage the availability of adequate number of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

As of October 1999, the existing housing stock of 6,788 units consisted of 41.2% single-family 52.4% multi-family (including duplexes and condominiums), and 6.4% manufactured housing (mobile homes). This mix of housing types indicates that the City met the intent of the State's "Metro Housing Rule" applying to housing mix. It is also important to note that the total number of housing units within the City increased by more than 200% in thirteen years. During that period, there were 476 more multiple-family units than single-family units added to the City's housing mix. The number of mobile and manufactured housing units actually declined during that period, in spite of the fact that local codes were amended to permit those units to be located alongside conventionally built houses and multiple-family units.

Even prior to the adoption of the Statewide Planning Goals, Wilsonville's 1971 General Plan contained a goal that supported affordable housing, plus the following objectives:

- Establish residential areas that are safe, convenient, healthful, and attractive places to live;
- Encourage variety through the use of clusters and planned developments; and
- Develop a renewal program to update the "Old Town" area.

In compliance with these objectives, numerous residential developments, including apartments, single family subdivisions, planned developments, and a mobile home park were approved by the City. However, during the review hearings of many of these projects, questions of need, related to the timing, type, and number of units continually arose. Subsequently, as part of the 1988 Plan update, a detailed housing and economic development analysis was conducted (the Housing and Economic Development Report). While the report discussed several factors, it identified two significant factors related to housing. They were as follows:

The majority of workers employed in Wilsonville did not live in the City.

The prevailing vacancy rates for all types of housing as of January 1987, within the City were extremely low. This indicates that the demand for housing in Wilsonville exceeded the supply.

Many members of the community's sizable work force still cannot afford to live in Wilsonville because of their incomes and the lack of affordable housing.

The City recognizes that some of the existing mobile home parks were originally approved as temporary transitional uses, eventually to be phased out for commercial or industrial uses in conformance with the designations of the 1975 Plan map. The City also recognizes that existing residents within these parks have chosen to live in mobile or manufactured homes based on personal preference and economic factors. They have also invested money in their homes and, if their parks are phased out, will be faced with finding suitable relocation sites, be forced to relocate outside of the City or sell their mobile homes.

The City is required by Metro to assure that residential densities in new developments are not less than 80 percent of maximum-zoned densities. The City is also required to determine the calculated capacity of dwelling units and jobs by the year 2017, using the capacity of its current Comprehensive Plan and implementing ordinances.

Additionally, the City is required to periodically review its public facility capacities and plans to assure that planned public facilities can be provided to accommodate the calculated capacity within the planning period.

The City is required to calculate the increases in dwelling unit and job capacities by the year 2017 from any proposed changes to the current Comprehensive Plan and Development Code that must be adopted and add the increases to the calculation of expected capacities.

The City is required to determine the effect of each of the following on calculated capacities, and include any resulting increase or decrease in calculated capacities:

1. Required dedications for public streets, consistent with Metro's Regional Accessibility requirements;
2. Off-street parking requirements, consistent with the Metro Urban Growth Management Functional Plan;
3. Landscaping, setback, and maximum lot coverage requirements;
4. The effects of tree preservation ordinances, environmental protection ordinances, view preservation ordinances, solar access ordinances, or any other regulations that may have the effect of reducing the capacity of the land to develop at the zoned density;

5. The effects of areas dedicated to bio-swales, storm water retention, open space dedications, and other requirements of local codes that may reduce the capacity of the land to develop at the planned density.

If any of the calculated capacities are determined to be less than the City's target dwelling unit and job capacities specified by Metro, either jurisdiction-wide or in mixed-use areas, or both, then the City is required to increase calculated capacities, as needed, to comply with the calculated capacities of Metro's Urban Growth Management Functional Plan. The City is required to achieve the target capacities for both dwelling units and jobs.

As stated above, housing is a basic human need. Therefore, residential development is considered a primary element of this Plan. A priority is given to satisfying the housing Goal. In so doing, however, it is not the intent of this section to ignore other sections of the Plan. Rather, the intent is to balance conformance to other provisions of the Plan so as to best satisfy housing needs within the City. To complete the framework for evaluating residential development, the following Implementation Measures have been established.

Policy 4.1.4 The City of Wilsonville shall provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.

Implementation Measure 4.1.4.a The City shall encourage that at least an area of land equal to that now utilized for existing mobile home parks within the City, shall be identified within the City for development of replacement mobile or manufactured parks or subdivisions prior to redevelopment of the existing parcels for other uses. Preservation of existing parks will be encouraged where consistent with other provisions of this Plan.

Implementation Measure 4.1.4.b Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.

Implementation Measure 4.1.4.c Establish residential areas that are safe, convenient, healthful, and attractive places to live while encouraging variety through the use of planned developments and clusters and legislative Master Plans.

Implementation Measure 4.1.4.d Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.

Implementation Measure 4.1.4.e Targets are to be set in order to meet the City’s Goals for housing and assure compliance with State and regional standards.

Implementation Measure 4.1.4.f Accommodate the housing needs of the existing residents of the City of Wilsonville. The future status of existing mobile home dwellers within the City is a particular concern in establishing this Measure.

Implementation Measure 4.1.4.g Coordinate housing development with the social and economic needs of the community.

Implementation Measure 4.1.4.h Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.

Implementation Measure 4.1.4.i Restrict the number of housing starts to the capacities of public facilities and services.

Implementation Measure 4.1.4.j The City shall have a diverse range of housing types available within its City limits.

Implementation Measure 4.1.4.k The City shall adopt specific goals for low and moderate cost housing to ensure that sufficient and affordable housing is available to households of all income levels that live or have a member working within the City of Wilsonville.

Implementation Measure 4.1.4.l The City shall work to improve the balance of jobs and housing within its jurisdictional boundaries.

Implementation Measure 4.1.4.m The City will consider the use of the following tools identified by Metro to improve availability of sufficient housing affordable to households of all income levels and manufactured housing to assure a diverse range of available housing types.

1. Donation of buildable tax-foreclosed properties to nonprofit organizations or governments for development as mixed-market affordable housing.
2. Development of permitting process incentives for housing being developed to serve people at or below 80% of area median income.
3. Provision of fee waivers and property tax exemptions for projects developed by nonprofit organizations or governments serving people at or below 60% of area median income.
4. Creation of a land-banking program to enhance the availability of appropriate sites for permanently affordable housing.
5. Adoption of replacement ordinances that would require developers of high-income housing, commercial, industrial, recreational or government projects to replace any affordable housing destroyed by these projects.

6. Creation of linkage programs that require developers of job-producing development, particularly that which receives tax incentives, to contribute to an affordable housing fund.
7. Committing locally controlled funds, such as Community Development Block Grants, Strategic Investment Program tax abatement funds, or general fund dollars, to the development of permanently affordable housing for people at or below 60% of area median income.
8. Within the limits set by State law, consider inclusionary zoning requirements, particularly in tax incentive programs, for new development in transit zones and other areas where public investment has contributed to the value and developability of land.

Implementation Measure 4.1.4.n Amend the Development Code to permit manufactured homes configured as duplexes, triplexes, fourplexes, etc. outside manufactured dwelling parks, consistent with zoning densities.

Implementation Measure 4.1.4.o The City will encourage the development of housing of various types and densities. Guided by the urbanization, public facilities, and economic elements, the City will, however, manage residential growth to ensure adequate provision of public facilities and that proposed housing satisfies local need and desires, i.e., type, price and rent levels.

Implementation Measure 4.1.4.p In an effort to balance residential growth with the City's employment base, the City shall encourage the development of housing to meet the needs of the employees working in the City.

Implementation Measure 4.1.4.q The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.

Implementation Measure 4.1.4.r All development, except as indicated in the lowest density districts, will coincide with the provision of adequate streets, water, and sanitary sewerage and storm drainage facilities, as specified in the Public Facilities and Services Section of the Plan. These facilities shall be (a) capable of adequately serving all intervening properties as well as the proposed development and (b) designed to meet City standards.

Implementation Measure 4.1.4.s Residential subdivisions, including mobile home subdivisions, shall be developed with paved streets, curbs and gutters, street lights and walkways, according to City standards. All utilities, other than storm water facilities, will be placed underground.

Implementation Measure 4.1.4.t Site plans will provide for adequate open space to (a) protect adjacent properties; and (b) provide ample yard space and play areas for residents. The residential character of established neighborhoods, particularly low density developments,

shall also be protected as surrounding development occurs. Site development standards shall continue to be applied to ensure compatibility with adjacent land uses. High design standards will be established for signage and appearance, including the landscaping of setback areas and the designation of access points.

Implementation Measure 4.1.4.u To provide variety and flexibility in site design and densities, residential lands shown on the Land Use Map and legislative Master Plans of the Comprehensive Plan have been divided into districts, with different density ranges for each district. In all residential developments, other than those that are so small that it is not mathematically feasible to achieve the prescribed minimum density, the 80% minimum shall apply. The following density ranges have been prescribed for each district:

- Density: 0-1 units/acre
- 2-3 units/acre
- 4-5 units/acre
- 6-7 units/acre
- 10-12 units/acre
- 18-20 units/acre

Densities may also be defined for specific areas in legislative Master Plans.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting special needs (e.g., low/moderate income, elderly, or handicapped). Site development standards, performance criteria, density flexibility and other standards may be established for specific areas in legislative Master Plans.

Implementation Measure 4.1.4.w These Implementation Measures shall not be administered in such a manner as to violate other provisions of this Plan.

Implementation Measure 4.1.4.x Apartments and mobile homes are to be located to produce an optimum living environment for the occupants and surrounding residential areas.

Development criteria includes:

1. Buffering by means of landscaping, fencing, and distance from conflicting uses.
2. Compatibility of design, recognizing the architectural differences between apartment buildings and houses.
3. On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.
4. The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security.

Implementation Measure 4.1.4.y Housing units shall be designed, constructed, and maintained so that the community is assured of safe, sanitary, and convenient living conditions in

dwellings that are sound, energy efficient, and attractive in their appearance. Conservation of housing resources shall be encouraged through code enforcement, renovation, and rehabilitation of the existing housing stock.

Implementation Measure 4.1.4.z The City shall continue to apply a minimum density standard to all zones allowing residential use, such that all development, including subdivisions, will result in the eventual build-out of 80 percent or more of the maximum number of dwelling units per net acre permitted by the zoning designation for a given development. The minimum density requirement does not apply inside areas designated by the City as open spaces or significant resource sites. The maximum-zoned density does not include the density bonus for zones that allow them.

Implementation Measure 4.1.4.aa The City will continue to allow partitioning or subdividing where existing lot sizes are two or more times that of the minimum lot size in the Development Code, and all other applicable requirements are met.

Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached or attached single family dwelling that is permitted to be built in any zone, subject to standards in the Land Development Code or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans. Regulations of such units include size, architectural design to match the primary unit on the site, and parking requirements. [Amended by Ord. 676, 3/3/10]

Implementation Measure 4.1.4.cc In order to encourage originality, flexibility, and innovation in land development, and minimize monotonous standardized subdivisions, all subdivisions over two acres in size require Planned Development review (P.D.R.). Multi-plexes and single-family attached units may also be approved as part of a planned development.

Implementation Measure 4.1.4.dd Continue the development of a renewal program to update/upgrade the "Old Town" area of Wilsonville.

RESIDENTIAL PLANNING DISTRICTS SHOWN ON THE LAND USE MAP OF THE COMPREHENSIVE PLAN

Density (0-1 du/ac)

The purpose of this district is to provide for very low density housing areas to satisfy individuals desiring to own a large lot within an urban setting. This district recognizes and protects existing and future large-lot developments within the City. This density would generally fall under the PDR-1 zoning district category as outlined in the Development Code.

The following areas should be designated and developed at this density:

1. Areas which are currently developed at suburban densities and where little need exists for redevelopment.

2. Areas where transportation is limited to minor collector and local streets, and where high volume traffic would create safety problems.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

Density (2-3 or 4-5 du/ac)

The purpose of this district is to provide for low density residential areas. The 2-3 du/acre density would generally fall under the PDR-2 zoning district category as outlined in the Development Code. The 4-5 du/acre density would generally fall under the PDR-2 and PDR-3 (or other categories that could work out to this level of density) zoning district category as outlined in the Development Code.

The following areas should be designated and developed at this density:

1. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
2. Undeveloped areas adjacent to existing lower density developments, or near the fringe of the Urban Growth Boundary.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

Density (6-7 or 10-12 du/ac)

The purpose of this district is to ensure an efficient use of urban land by providing for the development of medium density housing areas. This density would generally fall under the PDR-3 and PDR-4 (or other categories that could work out to this level of density) zoning districts category as outlined in the Development Code.

The following areas should be designated and developed as urban medium density:

1. Areas with access to a major or minor arterial or collector street. Siting should not, however, result in significant traffic impacts through lower density residential areas.
2. Areas located near or adjacent to commercial areas, employment centers and/or mass transit routes.
3. Areas adjacent to urban lower density developments or planning districts.

Permitted uses in this district typically include single family dwellings, whether detached or attached, accessory dwelling units, multi-family dwellings, including duplexes and tri-plexes, and mobile home parks or subdivisions, multi-family developments, including duplexes and multi-plexes and mobile home parks or subdivisions, will be subject to Development Review approval.

Neighborhood or convenience commercial uses may be permitted as part of a Planned Development but should be integrated into the design of the surrounding residential development, i.e., first floor of multi-story structure or similar design as residential units. Such commercial developments shall be limited to locations where there is clearly demonstrated local need. All such uses shall be subject to Development Review approval.

Density (18-20 du/ac)

The purpose of this district is to provide for efficient use of land near the major commercial or employment centers by providing for high-density residential development. It is a further purpose of this district to encourage mixed uses in commercial areas. This density would generally fall under the PDR-6 and PDR-7 (or other categories that could work out to this level of density) zoning district categories as outlined in the Development Code.

The following areas may be designated urban high-density residential:

1. Areas located on major or minor arterials and where such development will not result in significant traffic impacts through low- or medium-density residential areas.
2. Areas located within or adjacent to major shopping centers, employment centers and/or adjacent to mass transit routes.

Because of the land use intensity allowable in this district, the zoning will be restricted to a Planned Development review.

All developments will be subject to Development Review Board approval, including lot sizes, setbacks, open space, and parking requirements. Where feasible, under-structure parking will be encouraged on structures over two (2) stories in height.

Residential – Village

See the Compact Urban Development section of this Plan for the description of the Residential – Village designation.

Residential – Neighborhood

See the Residential Neighborhood section of this Plan for the description of the Residential – Neighborhood designation.

ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

At a glance, most land appears to be much the same as the lands surrounding it, with the exception of obvious differences such as topography and vegetation. However, a more detailed analysis can reveal distinct differences in the land composition and physical characteristics of

nearly any two adjacent parcels of land. These differences can affect the overall suitability of a particular parcel of land for various types of land use. Each piece of land has a natural land use intensity potential which results from variations in its physical features and their interrelationships with natural processes, such as:

1. Underlying geological deposits and associated characteristics.
2. Types of surface soils and associated characteristics.
3. Water, the hydrologic cycle and natural drainage.
4. Slope of the land.
5. Vegetative cover (type, size, and location).
6. Weather conditions.
7. Character of adjoining natural features and developments.

Certain combinations of these natural features and processes can create inherently hazardous or unstable conditions which have special significance to humans and their land use activities. These conditions, referred to as natural hazards, are more appropriately labeled physical or natural limitations and occur in the form of:

1. Flood plains and wetlands
2. Runoff and erosion potentials.
3. Soil instability, including landslides, settlement, shrink/swell potential and earthquakes.

In addition to natural limitations, there are also natural potentials which can provide a more desirable living environment if given proper consideration in determining land use patterns and development design. The elements which offer these potentials are:

1. Existing vegetation.
2. Topography.
3. Wildlife and their associated habitats.
4. River, streams, lakes, and ponds.

In nature, there is a balanced system of events and processes that affect and shape the land on which we live. Because these processes continually and ultimately affect land and property, it follows that we should respect these natural processes in making land use decisions. For example, unless mitigated, it would not be wise to make a land use decision that encourages subdivisions to be built in areas that are known to flood.

By using nature as a guide to initial land use decisions, it is possible to minimize potential development hazards due to physical limitations of the land. It is also possible to maximize the preservation of nature and natural processes, thereby insuring that development occurs in harmony with the natural features of the community. This approach can also maintain and even enhance the natural aesthetic qualities of the community.

Following a detailed analysis of the characteristics of Wilsonville's natural environment, several areas of special concern were identified. They are:

1. Areas containing weak foundation soils, which are soft or compressible or those prone to liquefaction in the event of earthquakes and require special foundation engineering for construction.
2. Areas subject to seasonal or periodic flooding.
3. Areas with seasonally high ground water tables.
4. Areas of steep slope and subject to landslide and/or erosion.
5. Fish and wildlife habitat and associated water courses and native vegetation.

These areas are discussed in detail in the Physical Inventory report. The most significant areas identified are as follows:

1. Coffee Lake Creek/Seely Ditch - this area contains historically hydric soils with a high water table and low compressive strength. The wet soil conditions are compounded by winter rains resulting in standing water over much of the area during the winter months.
2. Boeckman Creek and other small streams have formed steep-sided canyons and ravines as they drain into the Willamette River. These steep slopes, as well as the steep banks along the Willamette River itself, include locations that are extremely unstable and subject to landslide and/or excessive erosion.
3. The flood plains along the Willamette River, Coffee Lake Creek, and Seely Ditch which are subject to seasonal and/or periodic high water following heavy storms.
4. Several stands of native vegetation scattered throughout the City, particularly along natural drainage ways. These areas provide visual relief from urban development plus run-off erosion control and habitat for wildlife.

Generally, all intensive urban development creates conflicts with open space and associated wildlife areas. However, careful management within and adjacent to these areas can significantly reduce these conflicts. Open-space-use management can also increase public safety by controlling development in hazardous areas while preserving valuable natural resources.

The City has identified significant natural resource areas that warrant special use management consideration in order to preserve water quality, visual quality, and sensitive wildlife habitats. Uncontrolled development of adjacent properties could diminish the natural quality of these areas. Therefore, it is necessary to establish development standards for properties along the fringe of the sensitive areas. The management and protection of these natural resource areas is implemented through the provisions of the Significant Resource Overlay Zone ordinance. The economic loss of development of open space lands can be compensated for through such techniques as density transfers. In order for such a technique to work, the City must take an effective and creative approach to proposed developments, without placing unnecessary limitations on the density of development that will be permitted.

Many of these open space areas also provide scenic views, although no significant site-specific viewpoints have been identified. The Physical Inventory Report identifies the following general scenic views:

1. The Willamette River from the water, its bank, and from the I-5 bridge.
2. Numerous stands of trees throughout the City.
3. Mount Hood.
4. Boeckman Creek.

These views can be observed from numerous locations throughout the City and are infrequently threatened by development in accordance with current standards. Therefore, special scenic view standards are considered impracticable and unnecessary.

The City has determined that there is limited commercial timber resource in the numerous stands of trees throughout the City. However, as noted, they have been considered worthy of protection to preserve wildlife habitats and the community's air and visual quality, as well as providing shade, soil stabilization, and erosion control.

Other environmental resources investigated in the Physical Inventory Report include mineral and aggregate deposits. Based on the Report, there are no known mineral deposits in the City. There are some gravel deposits along the I-5 corridor north of the Willamette River. However, these deposits are of low grade in both quality and quantity. In addition, further excavation of these deposits would significantly conflict with the urban uses planned along the I-5 corridor. Therefore, no provisions have been made to protect this resource.

In addition to these factors, one of the major aspects of Wilsonville's natural environment is its relationship to agricultural land. Statewide Planning Goal #3 is intended to preserve agricultural lands.

Wilsonville's 1971 General Plan and 1988 Comprehensive Plan set objectives to allow for the continuation of agriculture as a viable part of the community's economy. Agricultural activities still exist as an interim use within the City, and they are the primary land use outside of the City. In recognition of this factor, Metro has established an urban growth boundary to protect prime agricultural lands outside of the urban area. The urban growth boundary has been established in consideration of the placement of existing and planned utilities in relation to existing and planned development patterns and provides sufficient vacant land for continued growth over the next 20 years.

As a basic framework for land use decisions in these areas, the following Policies and Implementation Measures have been established. Many of these Policies and Implementation Measures are complemented by policies in the parks and open space sections of the Public Facilities Element.

In combination, these Policies and Implementation Measures form the foundation for an integrated community design that preserves the integrity and aesthetic quality of the natural environment while allowing for development. It is the underlying intent of the Plan to reconcile

these factors through site planning and design, so that they complement each other. Wilsonville's agricultural and rural heritage has long given it a sense of openness accented by lines and clusters of trees and other natural vegetation. As the City has become more urban, there remains a desire to create the sense of openness and to preserve natural features, while allowing for higher density development, as expected in urban areas.

Noise, water quality, and air quality affect our health, our economic interests and quality of life. High noise levels affect a person's mental and physical well being and ability to work. Poor water and air quality can be a health hazard. Because of their complexities, air and water quality and noise control require both local and regional action. A regional and urban growth boundary has been established to concentrate urban growth within a specified area and to reduce sprawl. Wilsonville is within the regional growth boundary. While urban growth will be contained by the boundary, the boundary, without the necessary safeguards (such as performance standards), could simultaneously exaggerate and concentrate urban pollution.

Wilsonville is located within the Portland/Vancouver Air Quality Maintenance Area (AQMA). Within the AQMA there are three non-attainment areas (CO, TSP, O₃). Only the O₃ non-attainment area includes Wilsonville (it has the same boundaries as the AQMA). Consequently, the City is subject to the policies and standards set forth in the State Implementation Plan jointly adopted by Metro and State Department of Environmental Quality (DEQ).

Full compliance with these standards could result in some development constraints with the City and at a minimum could require installation of air pollution control devices on some industries. Air quality will remain a concern as urban development occurs.

Similarly, water quality is regulated by Federal Standards enforced by DEQ at the State level. For example, the City's sanitary sewer treatment system is monitored to insure compliance with DEQ wastewater discharge standards.

The major source of noise pollution within the City is the I-5 Freeway. Other noticeable sources include boats on the river and trains passing through town.

In recognition of the noise conflicts with the Freeway and railroad tracks, the City has made an effort to minimize the location of residential development adjacent to the Freeway or tracks. In addition, site design and sound control devices, i.e., berms and walls can be used to reduce noise conflicts.

In considering the overall character of the community, it is important to look to the past. As a community develops, it should not discard its past for the sake of the future. Historic features provide a link with the past and add character and variety to the community's design.

The Statewide Inventory of Historic Sites and Building identifies one historic site in the City, the Boones Ferry Landing Site. There is no physical evidence of this landing site, except that Boone's Ferry Road terminates at the river's edge. The site is part of a six-acre City Park and is located within the Willamette River Greenway Boundaries. Other than documentation and

recognition that this landing site exists, no additional standards or measures are considered necessary to preserve its historic value.

Additional Wilsonville sites and buildings have been inventoried and the results have been included as an appendix to the Comprehensive Plan as potential historic sites and structures. The City has worked with the local Historical Society on that inventory in the past and is expected to continue to coordinate with that group in completing the Goal 5 process for historic resources in the future.

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.a Require the placement of utilities underground in new developments and seek means of undergrounding existing above-ground utilities, other than storm drainage facilities.

Implementation Measure 4.1.5.b Help to preserve agricultural land by protecting the agricultural lands outside the Urban Growth Boundary, by guiding development within the boundary. Discourage long term agricultural uses within the urban boundary.

Implementation Measure 4.1.5.c Provide a buffer use or transition zone between urban and adjacent agricultural areas.

Implementation Measure 4.1.5.d Conserve and create open space throughout the City for specified objectives.

Implementation Measure 4.1.5.e Protect the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas and Habitat Conservation Areas identified by Metro by limiting or mitigating the impact on these areas from development activities.

Implementation Measure 4.1.5.f Ensure protection of Water Quality and Flood Management Areas and Habitat Conservation Areas pursuant to Title's 3 and 13 of the Metro Urban Growth Management Functional Plan by either:

1. Adopting the relevant provisions of the Metro Water Quality and Flood Management model ordinance and Metro Water Quality and Flood Management Conservation Area Map; or
2. Adopting the relevant provisions of the Metro Title 13 model ordinance and Habitat Conservation Areas Map; or
3. Demonstrating that the City's plans and implementing ordinances substantially comply with the performance standards, including the map, contained in Title 3. In this case, the purpose of this map is to provide a performance standard for evaluation of substantial compliance for the City; or

4. Demonstrating that the City’s plans and implementing ordinances substantially comply with the development standards, including the Habitat Conservation Areas Map; or
5. Any combination of 1 and 3 above that substantially complies with all performance standards in Section 4 of Title 3 of Metro’s Urban Growth Management Functional Plan.
6. Any combination of 2 and 4 above that substantially complies with all development standards in Section 6 of Title 13 of Metro’s Urban Growth Management Functional Plan.

Implementation Measure 4.1.5.g Encourage identification and conservation of natural scenic and historic areas within the City.

Implementation Measure 4.1.5.h Develop an attractive and economically sound community.

Implementation Measure 4.1.5.i Identify buildings of unusual or outstanding architectural style from earlier eras. Encourage preservation of these structures.

Implementation Measure 4.1.5.j Ensure that open space conforms to the characteristics of the land, type of land use, adjacent land uses and City needs.

Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

Implementation Measure 4.1.5.l Identify areas of natural and scenic importance and give them priority in selection of public open space. Where legal rights of access have been acquired, extend public access to, and knowledge of such areas, in order to encourage public involvement in their preservation.

Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.

Implementation Measure 4.1.5.n Adopt performance and development standards, in accordance with Metro, to conserve, preserve, protect, and enhance fish and wildlife habitat within the fish and wildlife habitat conservation areas identified on Metro’s water quality and flood management area map and Habitat Conservation Areas Map.

Implementation Measure 4.1.5.o Adopt Metro’s Habitat-Friendly Development Practices, which provide a method of developing property that protects natural resources and focuses on

land development and site design that mimic natural processes. The design and construction practices include the following categories:

1. Minimize hydrologic impacts
2. Minimize impacts on wildlife corridors and fish passage
3. Protect and enhance native landscaping

Implementation Measure 4.1.5.p Require compliance with Oregon Department of Fish and Wildlife (ODFW) seasonal restrictions for in-stream work. Limit development activities that would impair fish and wildlife during key life-cycle events according to the guidelines contained in ODFW’s “Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources.”

Implementation Measure 4.1.5.q The Administrative Review, Variance and mitigation procedures within the Development Code may be used to consider claims of map error and unique hardship, to assure that the standards do not render any legal tax lot to be unbuildable by application of requirements for natural resource protection.

Implementation Measure 4.1.5.r Continue to regulate development in potential disaster and hazard areas to minimize risks to life or property.

Implementation Measure 4.1.5.s Housing development, and any other development intended for human occupancy, shall occur, to the greatest extent possible, on lands designated for development that are free from flood hazard, severe soil limitations, or other hazards.

Implementation Measure 4.1.5.t Ensure adequate storm drainage.

Implementation Measure 4.1.5.u Define risks of development by using Federal Emergency Management Agency maps showing flood plains and floodways. Restrict buildings in the flood plains and prohibit buildings in the floodway.

Implementation Measure 4.1.5.v Require engineering where necessary to minimize the potential effects of natural hazards.

Implementation Measure 4.1.5.w Require all future utilities to be placed underground, other than storm drainage facilities.

Implementation Measure 4.1.5.x Provide available information, when requested, to those interested in developing land in areas of the following hazards:

- a. 100 year floods;
- b. slides and earthquake damage; or
- c. wind damage, possible tree topping.

Implementation Measure 4.1.5.y Protect the Willamette River Greenway from incompatible uses or development activities, using the standards of the Greenway section of the Development Code.

Implementation Measure 4.1.5.z Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process shall be designated as one or more overlay zones on the City Zoning Map.

Implementation Measure 4.1.5.aa Protected natural resources within the Significant Resource Overlay Zone are intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:

1. Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process and are included in the Significant Resource Overlay Zone.
2. Water quality resource areas as defined by Metro’s Title 3 of the Urban Growth Management Functional Plan.
3. Habitat Conservation Areas as defined by Metro’s Title 13.

Implementation Measure 4.1.5.bb An Area of Limited Conflicting Use is defined as an area located between the riparian corridor boundary, riparian impact area or the Metro Urban Growth Management Functional Plan Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream and the outside edge of the SROZ or an isolated significant wildlife habitat area as defined by Goal 5. These areas can serve as a buffer between development and conservation. Limited development impacts may be permitted in accordance with special development standards found within the Planning and Land Development Ordinance.

Implementation Measure 4.1.5.cc Undeveloped portions of the Significant Resource Overlay Zone may be used towards satisfaction of open space requirements. A density transfer credit of not more than 50% of the designated Significant Resource Overlay Zone will also be allowed, except where legislative Master Plans have defined subdistricts or use other means to determine the amount and location of residential density outside of the SROZ without the use of a density transfer credit.

Implementation Measure 4.1.5.dd In vegetated areas, the positive visual impact of the trees, etc., is to be preserved. Any clearing of trees for development is subject to arboricultural standards and the requirements of the Planning and Land Development Ordinance.

Implementation Measure 4.1.5.ee Due to potential hazards to human health, the high voltage powerline easements within the City are regulated by the Planning and Land Development Ordinance. No residential structures shall be allowed within the easements and any development, particularly residential, adjacent to the easements will be carefully reviewed. While these corridors offer some potential for recreational use, their use is also somewhat limited by utility requirements. Any proposed non-residential development within powerline easements shall also be coordinated with, and approved by, the Bonneville Power Administration or Portland General Electric Company, depending on the easement ownership.

Implementation Measure 4.1.5.ff To protect the integrity of the Willamette River Greenway, the City has established standards for the development of non-water-related and non-water-dependent uses consistent with Greenway standards. These standards:

- a. Direct incompatible (non-water-related and non-water-dependent) development away from the river.
- b. Establish a minimum setback from the top of bank where no native vegetation can be removed, and only allow selective vegetation removal within the remaining portion of the Greenway Boundaries with revegetation required.
- c. Establish a minimum setback from the river banks for all uses that are not appropriate river-dependent or river-related land uses.
- d. Provide protection of public and private property, as well as public safety.
- e. Provide necessary and needed public access to the river oriented through public lands, without precluding legal river access at appropriate locations across private property. Such public access shall be based upon recorded easements or other legal instruments.

Implementation Measure 4.1.5.gg Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system. It is not the intent of this Measure to encourage unsightly and unsafe open ditches. Rather, open drainage systems should be designed to: (1) accent natural creeks and drainage channels and provide an attractive natural area-like appearance; and/or (2) be an integrated part of the streetscape; and/or (3) be designed as an attractive and functional amenity within a development.

Implementation Measure 4.1.5.hh Minimize the impact of urban development on adjacent rural and agricultural lands. Buffering, open space and low density land use designation may be employed.

Implementation Measure 4.1.5.ii The design of developments within the community can be regarded from two viewpoints: the design of structures as they relate to site and function (architectural design) and, their relationship to the surrounding area (community design). Both aspects shall be considered to be of equal importance. Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.

Implementation Measure 4.1.5.jj All proposed developments, except single family dwellings outside of designated significant natural resource areas, shall continue to be subject to site plan (including landscaping) and architectural development review approval. Single-family subdivisions are subject to development review for approval of street tree plans. Individual (single-family) dwellings to be located within a designated significant natural resource area are subject to site plan review for removal of trees and vegetation and impacts to natural resources. They are not, however, subject to architectural review.

Implementation Measure 4.1.5.kk Minimum open space and landscaping standards have been established, emphasizing the incorporation of native vegetation and unique topographic features in site design. Additional landscaping may be required based on the scale and type of development and its compatibility with abutting land uses. Legislative Master Plans may further direct open space standards appropriate to their planning areas.

Implementation Measure 4.1.5.ll Landscaping and/or open space may be used to buffer non-compatible uses. It is intended to soften the visual impact and provide a sense of openness and should be used to complement good building designs and may be used to screen certain types of development.

Implementation Measure 4.1.5.mm Sign standards have been established to control the visual impact of signs on the community and minimize sign clutter. Legislative Master Plans may specify sign standards appropriate to their planning area.

Implementation Measure 4.1.5.nn The City shall coordinate with and encourage the State and other appropriate agencies to assist in developing noise controls and mitigation measures.

Implementation Measure 4.1.5.oo Industrial and other potential noise generating activities will be located and designed so as to minimize noise conflicts with adjacent uses. The City will cooperate with DEQ and ODOT in establishing and where practicable assisting in enforcing noise control standards.

Implementation Measure 4.1.5.pp In reviewing all major residential, commercial, industrial and public facility uses, the City shall coordinate with DEQ to insure compliance with the Portland AQMA Plan and standards as well as other applicable regional, State and Federal air, water and environmental quality standards.

Implementation Measure 4.1.5.qq The City will further cooperate with the appropriate State and Federal agencies for enforcement of air, water, noise and other environmental quality standards.

Implementation Measure 4.1.5.rr The City recognizes that historic features form a desirable link with the past and that they form a vital part of and contribute to the overall character of Wilsonville. The City, therefore, will cooperate with the Wilsonville Historical Society, the State Historic Preservation Office, Clackamas County and other interested parties to evaluate and identify potential historic sites and structures and proceed with the Goal 5 process. The City shall determine which sites and structures, if any, are suitable for inclusion on the Plan Inventory and will contact the owners of potentially historic properties to determine whether they object to having their properties listed.

COMPACT URBAN DEVELOPMENT

Several hundred acres of the Metro Urban Growth boundary are affected by the directives of the Villebois Village Concept Plan (Ordinance No. 533). These properties, bounded generally on the north by Tooze Road, west by Grahams Ferry Road, south by the Metro Urban Growth Boundary at Brown and Evergreen Roads, and east to the current City western boundary, can be designated “Residential-Village” on the Comprehensive Plan Map.

Including Dammasch State Hospital property, development and redevelopment will integrate a mixed-use land pattern that combines natural resources, transportation facilities and land uses to create over 2300 residential units that are configured around three neighborhood areas.

The Residential-Village Plan Map Designation fulfills and replaces the intent of previous Comprehensive Plan language that addressed this portion of the City as Special Area of Concern B on the Comprehensive Plan Map. A Residential-Village Plan Map designation carries additional requirements and implementation tools as described below.

The City’s “Village” Zone District will implement this area’s development. The Villebois Village Master Plan will direct necessary infrastructure improvements. The Significant Resource Overlay Zone District will govern how identified natural resources are integrated under the Concept Plan.

Specific development proposals will be guided and directed by “specific area plans” and pattern books. In many cases a development proposal will be reviewed by the City’s Development Review Board for conformance with development requirements for this area.

Policy 4.1.6 Require the development of property designated “Residential-Village” on the Comprehensive Plan Map to create livable, sustainable urban areas which provide a strong sense of place through integrated community design, while also making efficient use of land and urban services.

Implementation Measure 4.1.6.a Development in the “Residential-Village” Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the “Village” Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.

Implementation Measure 4.1.6.b The Villebois Village Master Plan shall contain the following elements:

1. An integrated plan addressing land use, transportation, utilities, open space and natural resources.
2. Direction for cohesive community design based on sustainable economic, social and environmental principles; pedestrian and transit friendly principles; mitigation of

traffic impacts; and enhanced connectivity within proposed development as well as to the remaining Wilsonville environs.

3. Identification of opportunities for employment and services within a village core area to reduce vehicle trip lengths.
4. Incorporation of designs or an indication of where those designs shall be developed that will implement Villebois Village Concept Plan principles of innovative rainwater management, aesthetic vistas, nature corridors and pathways, active and passive parks, wildlife corridors, protection of trees, wetlands, and other sensitive natural resources.
5. Identification of how the properties will accommodate a mix of housing types and densities so that an ultimate buildout of over 2300 housing units is accommodated.
6. Direction for provision of community housing consistent with Oregon Revised Statute 426.508.
7. Identification of architectural patterns and types, creating neighborhoods that encourage bicycle and pedestrian travel, human interaction, and appreciation for natural features and systems.

Implementation Measure 4.1.6.c The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.

Implementation Measure 4.1.6.d The “Village” Zone District shall allow a wide range of uses that benefit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.

[*Compact Urban Development* added per Ordinance No. 554, June 2, 2003.]

RESIDENTIAL NEIGHBORHOOD DEVELOPMENT

Since the original 1971 General Plan, Wilsonville has planned for expansions of the City for residential growth. With the addition of the Frog Pond Area to the Urban Growth Boundary in 2002, and subsequent designation of Urban Reserve Areas in 2010, the vision for the expanded city gained new focus and attention. Overall, the City intends for these urban expansion areas to be walkable neighborhoods that are a connected part of the larger community. The vision for the Frog Pond Area Plan is indicative of the city’s intent to coordinate development and ensure a high level of livability in these new neighborhoods. The Frog Pond Area Plan’s vision statement is:

“The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community’s hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville.” (Frog Pond Area Plan, adopted November, 2015)

Policy 4.1.7a New neighborhoods in residential urban growth expansion areas may be designated “Residential Neighborhood” on the Comprehensive Plan Map.

The purpose of the Residential Neighborhood designation is to:

- A. Implement legislative Area Plans and Master Plans for new neighborhoods in Wilsonville.
- B. Create attractive and connected residential neighborhoods.
- C. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- D. Encourage and require high quality architectural and community design.
- E. Provide transportation choices, including active transportation options.
- F. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is appropriate visual and physical access to nature.

Implementation Measure 4.1.7.a Area Plans (also called Concept Plans) shall be prepared to guide the overall framework of land use, multi-modal transportation, natural resources, parks and open space, public facilities, and infrastructure funding. Master Plans shall direct more detailed planning. The City may at its discretion combine Area Planning and Master Planning.

Implementation Measure 4.1.7.b Legislative Master Plans for Residential Neighborhood areas shall be tailored to the needs of the specific area being planned and coordinated with the needs of the larger community. Master Plans should include but are not limited to:

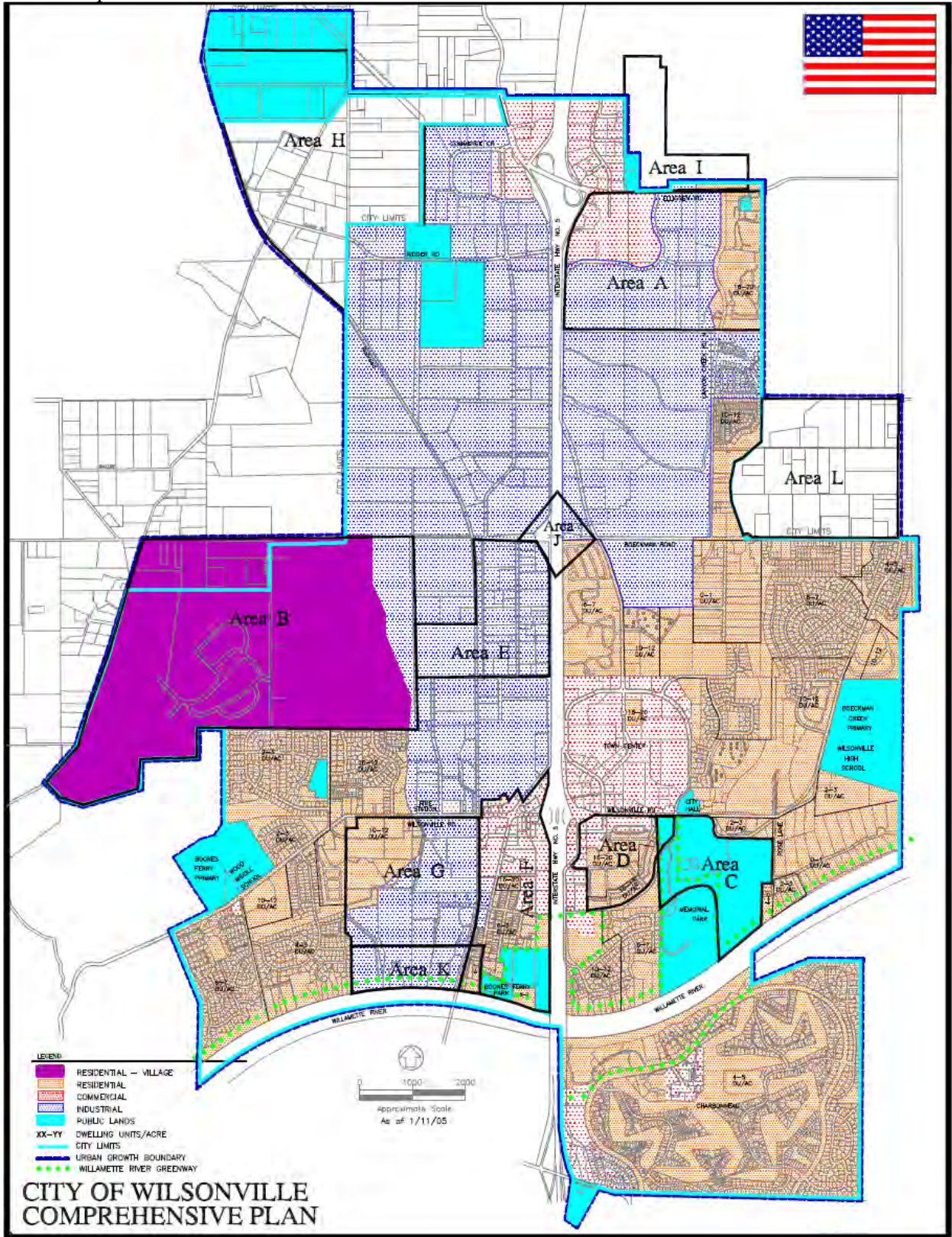
1. An integrated plan addressing land use, transportation, utilities, open space and natural resources.
2. Zoning which directs the land uses, densities and development standards needed to regulate and guide development.
3. Identification of how the properties will accommodate a mix of housing types and densities to accommodate the City’s housing needs and variety of housing that is appropriate to each neighborhood.
4. Recommendations that promote community interaction and the creation of community gathering places.
5. Community and site design standards that ensures quality development and implementation of the vision for the neighborhood.
6. Transportation recommendations that promote travel choices, including active transportation choices.
7. Street, path and trail designs that create complete and pedestrian-friendly streets, pedestrian and bicycle routes.
8. Park, open space and natural resource strategies that tie together green spaces into connected networks of open space and protect natural resources.
9. Design studies and strategies that illustrate the intended built form of the neighborhood and show how many individual developments can be knit together over time.
10. Infrastructure plans and funding strategies.
11. Strategies for promoting compatibility between new development and adjacent areas.

Implementation Measure 4.1.7.c The “Residential Neighborhood” Zone District shall be applied in all areas that carry the Residential Neighborhood Plan map designation, unless otherwise directed by an area plan or master plan.

THE PLAN MAP

The Plan Map represents a visual illustration of the general land use concepts presented in the Plan. It establishes a basic land use pattern by allocating specific areas or districts to various land uses, including residential, commercial, industrial, public and open space. The map illustrates a typical separation of uses, consistent with conventional zoning. However, the Plan text recognizes that certain combinations of uses can be beneficial and, therefore, language in the text provides for a mixing of those combinations through a Planned Development Review process. When interpreting the intent of the Plan, the text supersedes the map in the event of a conflict.

This Comprehensive Plan Map is dated January 11, 2005 and does not include amendments made to the Map after that date.



AREAS OF SPECIAL CONCERN

In reviewing and updating the Plan map, several areas of special concern were identified. It was felt that the general language in the text did not adequately address these concerns in these areas.

The following section includes specific language describing special considerations that must be addressed in development of these areas.

AREA A

This area is comprised of land in the southeast quadrant of the I-5/Stafford (Exit 286) interchange. The designated development for this area is a mixture of commercial, industrial, and residential activities, with the majority of the area designated as industrial park. While this is a logical land use pattern, generally conforming to the City's original General Plan goals and objectives, the potential impacts of these designations were considered great enough to warrant special attention.

Ideally, the entire area would be redeveloped under a common master plan, with a development agreement involving all of the property owners and the City. In fact, the various owners worked jointly with the City in developing the original designations on the Comprehensive Plan Map. Specific concerns for this area are related to transportation, land use, and environmental/community design issues. Each development of this area shall be consistent with or complimentary to the following objectives:

Transportation Objectives

1. Assure that congestion at the I-5/Stafford interchange, including conflicts between the freeway on-off ramps and Parkway Avenue, does not exceed the City's adopted level-of-service standards.

Environmental Resources and Community Design Objectives

1. Capitalize on special development opportunities provided by existing topography and natural vegetation. Concentrate sensitive residential uses in areas where privacy may be provided by natural vegetation and topographic variety.
2. Minimize the disruptive and incompatible impacts of the high voltage power lines which transverse the area. Housing should be located away from the power line easements. Less sensitive uses (e.g., short term parking/storage and open space) may effectively utilize areas adjacent to and within the power line easements.
3. Future development shall be designed and located so as to soften the intense appearance of large buildings or expanses of asphalt.

AREA B

[Deleted per Ordinance No. 554, June 2, 2003]

AREA C

This area is located between Memorial Drive and Rose Lane and south of Wilsonville Road. Considerable concern was expressed over the potential impacts of development on the low-density Montgomery Way area and also over potential traffic impacts on Rose Lane and Wilsonville Road.

Design Objectives

1. Provide low-density and/or open space buffers adjacent to existing large lot development.
2. Maximize the visual buffering effect of Boeckman Creek and associated vegetation by locating higher densities southwest of the Creek.
3. Provide a master plan for the development of the east side of Memorial Park and for the Boozier property that has been acquired by the City.

AREA D

This area is the site of the Village at Main Street development located south of Wilsonville Road and east of Parkway Avenue. The area is now undergoing commercial and residential development. The majority of the site is designated for residential development. The frontage of the area is designated for commercial development intended to create a vital village atmosphere. Concerns for this area are related to traffic, design, and use.

Design Objectives

1. Minimize direct access to Wilsonville Road. Primary access to this site shall be provided at signalized intersections to Wilsonville Road aligned with the Town Center Loop Road and the central access to the Town Center. An internal street network shall provide connectivity to and from Parkway Avenue, Memorial Drive, Rogue Lane, Holly Street, the library and the commercial frontage. Provisions for transit access and coordination with existing and planned pedestrian and bike pathways to the City library and City Park are also concerns in this area.
2. The predominant use of the site is intended to be residential. Commercial uses shall be located as designated on the Comprehensive Plan Map and shall be subject to careful design review for compatible and complementary design with the adjacent residential uses. Uses are intended to be convenience and neighborhood oriented to serve the local residents, but may include service commercial and office uses provided they are found to be consistent with the design objectives established in the Planned Development review process. Uses shall interrelate to each other to create a dynamic and vital sense of place. Buildings shall be oriented

to each other and to court yards or plazas to facilitate connectivity. All commercial uses and buildings are subject to Development Review Board approval as part of the Stage I Master Plan and Stage II Site Development Plan.

3. Residential building design shall maintain human scale and provide a mix of public and private spaces resulting in a safe, healthful, attractive, and engaging community. Sign lines and visual reference points shall be created and/or enhanced throughout the site to strengthen the overall aesthetics of the development.
4. The heavy stand of fir trees along the southern portion of the property shall be maintained, providing continuity in the vegetation line extending west from the City Park. A visual corridor and pedestrian/bikeway connection shall be provided between the residential areas and the park.
5. The Village at Main Street development is recognized as a sub district of the Town Center. The core area is located immediately across Wilsonville Road. As such, the subject property creates an opportunity for a unique complementary relationship to the Town Center as a mixed use development. While not physically part of the core area of Town Center, the commercial portion of the Village at Main Street development shall be designed to function as a special sub district with a neighborhood or main street that complements the City's major commercial district. This also recognizes that the predominant use within the subject site is residential.
6. As a special sub-district of the Town Center, the entire development shall be designed with a strong pedestrian orientation both internally and externally to the site. This is of particular concern within the commercial portion where there is an opportunity to create a less auto-dominated environment than has occurred within the Town Center. This special design orientation also recognizes the site's unique geographic location adjacent to the Town Center, City Library, City park and nearby City Hall which are all within easy walking distance. To create a vital pedestrian-oriented environment, the commercial development shall be designed with multiple linkages between storefronts and main doorways. While building sizes may vary, it is the orientation between buildings, store fronts, building entries, walkways and plazas that is of specific concern to maximize the pedestrian environment. Second story uses such as office and residential are also encouraged to strengthen the mix of use and activity within the center.

AREA E

This is the area planned for industrial use between Boeckman Road and Barber Street, from Boones Ferry Road to the railroad tracks. It also includes the property west of the railroad, immediately north of Barber Street, that has been identified as a potential commuter rail station and park-and-ride lot. The primary concerns for this area have been related to continuity in design and protection of the existing mobile home park.

The area has been previously divided into numerous small lots, many of which are in separate ownerships. For this reason, the opportunity to design development under a common master plan is minimized. Therefore, there is a potential for an uncoordinated patchwork development pattern to occur.

The Walnut Park mobile home park is also located in this area. While economics may ultimately force redevelopment of the park to industrial use, the life of the park can be prolonged through careful design considerations of surrounding development. Doing so will help to retain one of the City's affordable housing opportunities.

Design Objectives

1. Encourage consolidation of smaller lots to allow for master planning of large areas.
2. Provide buffers adjacent to the mobile home park, e.g., increased landscaped setbacks, or complementary uses.
3. Minimize traffic (truck) conflicts with residential activities, including pedestrians.
4. Provide an attractive and easily accessible park-and-ride facility in conjunction with a commuter rail station. If necessary to meet these objectives, prepare a master plan for the area around the selected commuter rail station site.
5. Determine the appropriate alignment for a road connecting 95th Avenue and Kinsman Road through this area.

AREA F

This area is situated west of I-5 and primarily, although not entirely, south of Wilsonville Road and includes commercial and residential properties in the Old Town neighborhood. It includes the existing retail centers, both north and south of Wilsonville Road, plus land to the south along both sides of Boones Ferry Road to the Willamette River. Future development applications in Area 'F' must address the design objectives listed below, as well as all other applicable Development Code requirements.

This Area of Concern specifically includes the "Old Town" area of the City. A portion of Old Town includes properties previously master planned as "Wilsonville Square 76." As a result of the West Side master planning effort, additional emphasis has been placed on creating a special

Old Town District (through overlay zoning), and reinforcing the appearance of the City’s historic beginnings.

Existing development within Old Town includes a gas station, bank building, prior post office, the Old Methodist Church, the Wilsonville Primary School, apartments, a mini-storage facility, two historic commercial structures, a manufacturing facility, and two mixed-use commercial/industrial buildings, as well as many residential properties with varying densities. One of the mixed-use buildings was recently developed as the first historic replica facade envisioned for the Old Town District discussed below.

Through the planning effort that led to the preparation of the West Side Master Plan, additional emphasis has been placed on creating a special Old Town Overlay Zone. The purpose of the Overlay Zone is to reinforce the appearance of the city’s historic beginnings and to create a unique commercial main street. The Old Town District is envisioned as a modern representation of the community’s past, and is intended to promote compatibility of commercial designs with Old Town residential development and to create a functional main street.

By moving in the direction of recreating an “Old Town” it is recognized that the Wilsonville Square Plan is outdated, falling short of new design objectives. Therefore, there is a need for coordinated planning and broader based master planning that addresses all of the commercial development in Old Town, not just that on the east side of Boones Ferry Road.

The portion of Area ‘F’ that is north of Wilsonville Road includes properties between Boones Ferry Road and the freeway, the Riverwood Shopping Center at the northwest corner of Boones Ferry and Wilsonville Roads, and other properties to the north and west of the Riverwood Center. There has not been much continuity of design in this area in the past and access control is expected to be of increasing importance in the future as traffic congestion increases.

The Design Objectives listed below include provisions dealing with both commercial and non-commercial properties.

Design Objectives

1. Establish Old Town as a special overlay zoning district, with design criteria reflecting the character of Willamette Valley architecture that was prevalent between 1880 and 1930.
2. As noted above, not all of Area ‘F’ is within the Old Town Overlay Zone. Because of this, there are two different standards of review for new development proposals in the area. Require master planning (Stage I) coordinating access, circulation, and streetscape, linking both sides of Boones Ferry Road, for any proposed development as far south as 4th Street. For properties within the Old Town Overlay Zone, include architectural design and general building orientation within the Stage I review process. A “main street” pedestrian-oriented feel and look is the desired outcome of such coordinated design. In order for that to be accomplished, on-street parking will need to be provided wherever feasible in the Old Town area.

3. Coordinate public facilities, and in particular master planning of commercial accesses and circulation options, consistent with Old Town Overlay zoning regulations. These requirements apply to all properties in Area F.
4. Coordinate street improvements, including alternate routes to help relieve traffic impacts on Old Town neighborhood residents and on Wilsonville Road near the I-5 Interchange. The new coordinated access and circulation plan is intended, in part, to replace and expand upon the old local street plan set forth in the Wilsonville Square 76 Plan. Internal circulation is intended to provide flow-through access from site to site, not limited by property lines. However, such access need not be via dedicated public streets.
5. Maintaining reasonable access is an important factor in accommodating additional commercial development in this area. Commercial development will create additional traffic. Therefore, it will be necessary to balance maintaining an acceptable level of service and safety while providing reasonable and functional commercial access.
6. Almost all of the long-standing businesses in this area of the community are now in need of modernization or redevelopment, and may also be planning to expand. Therefore, allowing for appropriate remodeling and/or redevelopment of the existing commercial sites or buildings is a concern for the current owners of these properties. There needs to be flexibility allowed to accommodate normal modernization and even redevelopment of existing commercial operations while still making provisions for coordinated design, access, and circulation.
7. New development and redevelopment is expected throughout most of the old Wilsonville Square 76 area. Redevelopment of the school property and the Lowrie's property (on the west side of Boones Ferry Road) is also anticipated. The anticipated redevelopment plan for the school site includes stores fronting Boones Ferry Road. There is also an intent to preserve and remodel the old church on the east side of Boones Ferry Road as some form of public space.
8. Community members have expressed concern about the loss of the park and play facilities which were part of the historic school site. The City will seek ways to replace the recreational space and explore incentive mechanisms to protect and encourage enhancement of the historic residential character of the neighborhood, while preserving appropriate public open space.
9. Minimize the disruptive and incompatible nature of the railroad, which abuts this District. The City may consider pursuing a second commuter rail stop in or near Old Town, at such time as commuter rail service is extended south toward Salem. If a park & ride is added in this area, it will need to be sized and sited to be complimentary with the needs of the commercial district, without drawing unnecessary freeway traffic into the neighborhood.
10. Minimize non-residential traffic impacts south of 4th Street, while planning for improving the recreational potential of the Willamette River and Boones Ferry Park.

11. Allow flexible mixed-use development, including retail commercial, offices, service commercial and light industrial, residential, and public activities within the Old Town Overlay Zone. Limit the area of service commercial development based on traffic capacity.
12. Coordination of utilities and street locations, alignment, and connections will require cooperation among property owners. The City will need to work with private landowners and developers to deliver the desired outcomes.
13. Two-story buildings shall be encouraged along Boones Ferry Road in the Old Town area in order to add to the “Main Street” feel.

AREA G

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

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

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

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

Improved access into and through this area could actually result in conflicts between industrial truck traffic and general commercial and residential vehicles. These conflicts will be exaggerated if pedestrian paths and bikeways are not adequately separated from other street improvements. Such anticipated conflicts could increase resistance to the cooperation necessary in developing streets south of Wilsonville Road and west of the railroad tracks. Therefore, the City will likely need to participate in a cooperative public/private partnership.

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

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

Design Objectives

1. Require master planning (Stage I) of large areas to provide long-term protection of the concrete/gravel operation, accommodate the city's water treatment plant and associated water feature park, accommodate new compatible residential, industrial, and office development, and provide for continuity of design and coordination of uses. Note that residential development at moderate densities may be one alternative to other uses that would otherwise generate excessive traffic on Wilsonville Road.
2. Provide coordinated access and circulation that accommodates industrial development, minimizes conflicts with residential neighborhoods, provides an alternate route for Boones Ferry Road and Old Town, and that helps to minimize congestion on Wilsonville Road, particularly where capacity is limited.
3. The city shall work with property owners to identify appropriate street alignments that provide needed access and circulation while serving adjacent properties and Old Town.
4. Provide buffering along the western perimeter of the area for adjacent residential developments. Buffering can be provided by open space, walls, or berms; residentially sensitive buildings such as offices or light industrial; by visual barriers and sound control mechanisms and structures; or combinations thereof.
5. Maintain and enhance the aesthetic and environmental quality of Seely Ditch, Coffee Lake Creek, and the Willamette River.
6. Carefully limit incompatible uses in this area, while minimizing noise and air quality impacts on adjacent residential neighborhoods.

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

AREA H

Note: the previous Area 8 has been replaced with Area H, dealing with the Day Road area, northwest of the current City limits, including the new State prison. This area is bordered by Clay and Day Roads on the north and railroad tracks on the west.

A master plan for this neighborhood will be needed to address property-owner concerns and mitigate the effects of the 110-acre prison development. The City is providing urban services to the prison prior to annexation, and expects to provide services to the entire area when it has been master planned and annexed.

AREA I

Note: the previous Area 9 has been replaced with Area I, dealing with the land along Elligsen Road, north of the current City limits. This area includes the Pheasant Ridge RV facility, a City water reservoir, and another 50 or more acres that are still in agricultural use. Interesting development proposals have been discussed for this area, including an amphitheater for outdoor concerts. However, the City has not yet approved a master plan for the area, and future uses are uncertain.

The development of Area I will need to be coordinated with the redevelopment of the old Burns Brothers property, south of Elligsen Road, because of traffic issues in close proximity to freeway interchange #286.

AREA J

The City has long viewed the Boeckman Road crossing of I-5 as a suitable location for construction of an interchange with I-5. However, the City also recognizes that I-5, being an interstate freeway, has state and national functions which may have to be balanced-with local interests. The Oregon Department of Transportation (ODOT) has authority along with the Federal Highway Administration for the design, construction, and operation of I-5. Only recently has ODOT agreed to work with the City to study the feasibility of a Boeckman Road interchange.

The land between the Wilsonville Road / I-5 and the North Wilsonville-Stafford Road / I-5 Interchanges was planned initially with a transportation system which included an interchange at Boeckman Road. The City and ODOT will be evaluating all aspects of need, as well as preliminary interchange design for Boeckman Road at I-5. There are many potential impacts on surrounding land use patterns and other aspects of the local transportation network that will depend on the outcome of the study of interchange feasibility for Boeckman Road at I-5.

As viewed by the City, the rationale for an interchange at this location is at least threefold. (1) Interchange congestion could be reduced by distributing the number of trips among three rather than two interchanges, (2) traffic associated with development allowed by the Wilsonville Comprehensive Plan in the vicinity of Boeckman Road (and especially the Dammasch area, noted in 'D,' above) could be expedited more effectively, and (3) options for improving traffic upon other roadways serving the City of Wilsonville could be enhanced. The City recognizes that if item three is verified, then the improvement to I-5 at Boeckman Road may be viewed by ODOT as a local improvement which is inconsistent with the purpose of the interstate freeway. This may be sufficient or additional reason for ODOT to reject the interchange.

Because of these, and perhaps other, benefits to the City, the City Council has chosen to highlight the City's interest in this potential project by including this special section in the Comprehensive Plan. The City will continue to cooperate with other interested parties to conduct feasibility analyses of a Boeckman Road interchange. As appropriate, City consultants, staff, the Planning Commission and City Council will conduct reviews and hold public meetings on the options.

In the event that the City determines, with ODOT's concurrence, the feasibility of the interchange, the City will proceed with a plan amendment to add the Boeckman Road interchange to the Transportation Systems Plan. In the event this project is to be included in the City's Plan, the City will prepare amendments necessary to include in the Plan the other roadways required to complete the City's transportation network. In this regard, the City realizes that, because a Boeckman Road interchange can only be implemented with the cooperation of ODOT. The City will need to obtain agreement from ODOT demonstrating compliance with state and federal regulations pertaining to the addition of new interchanges before the proposed Boeckman Road interchange can be included in the City's Transportation Systems Plan and capital improvement plans.

AREA K

Note: Area K, land along the Willamette River, west of Boones Ferry, has been designated in the West Side Master Plan for river-focused development. Text applying to this Area of Special Concern will be completed when the Natural Resource Plan has been adopted.

AREA L

[Deleted per Ordinance No. __, date, 2017]

HISTORIC SITES OR FEATURES

NOTE: information on the historical sites survey, including that generated in 1999, has been moved to the background inventory until the Goal 5 process has been completed.

The City will coordinate its review of land development proposals with the local historical society when any uses are proposed that could have an adverse impact on listed historical features.

DEVELOPMENT CODE MODIFICATIONS

TOWN CENTER ZONE

Section 4.132. Town Center Zone.

(.01) Applicability and Purpose.

The Town Center (TC) Zone applies to lands within the Town Center Comprehensive Plan Map designation. The TC Zone is a Planned Development Zone, subject to applicable Planned Development regulations (see Section 4.140 and 4.118). Where conflicts occur between these standards and other Development Code regulations or other ordinances, the provisions of this Chapter shall apply.

The purposes of the TC Zone are to:

- A. Implement the Town Center policies and implementation measures of the Comprehensive Plan.
- B. Implement the Wilsonville Town Center Plan recommendations for the Town Center Comprehensive Plan Map designation.
- C. Create a vibrant, walkable destination that inspires people to socialize, shop, live, and work.
- D. Support future development that transforms Town Center into the heart of Wilsonville.
- E. Foster active parks, civic spaces, and amenities that provide year-round, compelling experiences.
- F. Create a development pattern where Wilsonville residents and visitors come for shopping, dining, culture, and entertainment.

Sub-districts. The TC Zone includes four sub-districts (Figure 1):

- a. **Main Street.** A walkable and lively main street with a mix of active uses and three- to four-story buildings through the heart of Town Center along Parkway Avenue, which would extend south past Town Center Park to Wilsonville Road.
- b. **Neighborhood-Mixed Use.** Development would be primarily small-scale mixed-use, two- to three-story development, with neighborhood-serving commercial businesses or townhomes adjacent to Town Center Loop East and the existing residential neighborhoods. Neighborhood-mixed use provides a transition from single-family neighborhoods east of Town Center Loop East to the central portions of Town Center.
- c. **Mixed Use.** A variety of two- to four-story buildings throughout Town Center would provide the mix of residential, commercial and office uses the community is looking to have in Town Center. Moderate activity near Wilsonville Road would be commercially focused while the areas near Town Center Park would include more residential and mixed-use buildings.
- d. **Commercial-Mixed Use.** Allowing taller buildings, up to five stories, along I-5 and near the future bike/pedestrian bridge landing, would improve Town Center's visibility, help create a sense of place, and support the increased level of activity and economic vibrancy desired by community members, including additional employment opportunities, entertainment, and hospitality services. As proposed, residential uses in this area would be required to be buffered from I-5 by non-residential buildings.

If a development site includes more than one sub-district, and the development of different portions of the parcel under different sub-districts is not feasible due to site size or other site constraints not related to proposed uses, the applicant may follow the standards for either sub-district within 50 feet of the sub-district boundary. The selection and application of the sub-district standards must provide for compatibility with any existing or approved development designed pursuant to the TC Zone standards and result in

building orientation consistent with the building and street frontage requirements in Subsection 4.132 (.06) B.

(.02) Uses permitted anywhere in the TC Zone

- A. Open space
- B. Multiple-family Dwelling Units, except in areas immediately adjacent to I-5 as noted in Subsection (.03) A. below within the Commercial-Mixed Use District.
- C. Public or private parks, playgrounds, recreational and community buildings and uses
- D. Commercial recreation
- E. Religious institutions
- F. Retail sales and service of retail products, under a footprint of 30,000 square feet per use
- G. Office, including medical facilities
- H. Personal and professional services
- I. Child and/or day care
- J. Food service (e.g. restaurants, food carts, food cart pods)
- K. Beverage service (e.g. cafes, brewpubs, bars)
- L. Any of the above in mixed-use buildings

Figure 1. Town Center Sub-Districts



(.03) Permitted and Prohibited uses in specific sub-districts

Figure 1, Land Use Sub-Districts, illustrates subareas of the Town Center where certain regulations apply. Below are use-related regulations for the sub-districts.

A. COMMERCIAL-MIXED USE (C-MU)

1. Additional permitted uses – Commercial recreation with outdoor facilities (e.g. cart track); single-user commercial or retail (e.g. grocery store or retail establishment) may exceed 30,000 square feet if located on more than one story of a multi-story building; cinemas.
2. Multiple-family dwelling units are prohibited immediately adjacent to I-5. Multiple-family development must be buffered from I-5 by non-residential building(s).
3. Uses with drive-through facilities – New uses with drive-through facilities (e.g. fast food, banks, car wash) are permitted in the C-MU sub-district, provided that they meet design and development standards for the TC Zone. Existing drive-through uses and facilities may be continued consistent with Section 4.189.

B. MAIN STREET (MS)

1. Uses with drive-through facilities – New uses with drive-through facilities (e.g. fast food, banks, car wash) are prohibited. Existing drive-through uses and facilities may be continued consistent with Section 4.189. In the MS sub-district, a change in use is prohibited for new drive-through uses.

C. MIXED USE (MU)

1. Additional permitted uses – Single-user commercial or retail (e.g. grocery store or retail establishment) may exceed 30,000 square feet if located on more than one story of a multi-story building.
2. Uses with drive-through facilities – New uses with drive-through facilities (e.g. fast food, banks, car wash) are permitted in the MU sub-district, provided that they meet design and development standards for the TC Zone. Existing drive-through uses and facilities may be continued consistent with Section 4.189.

D. NEIGHBORHOOD-MIXED USE (N-MU)

1. Uses with drive-through facilities – New uses with drive-through facilities (e.g. fast food, banks, car wash), are prohibited. Existing drive-through uses and facilities may be continued consistent with Section 4.189. In the N-MU sub-district, a change in use is permitted if redeveloping an existing drive-through use with another drive-through use, consistent with the other standards of Section 4.189.

(.04) Consistency with Street Network and Multi-modal Network

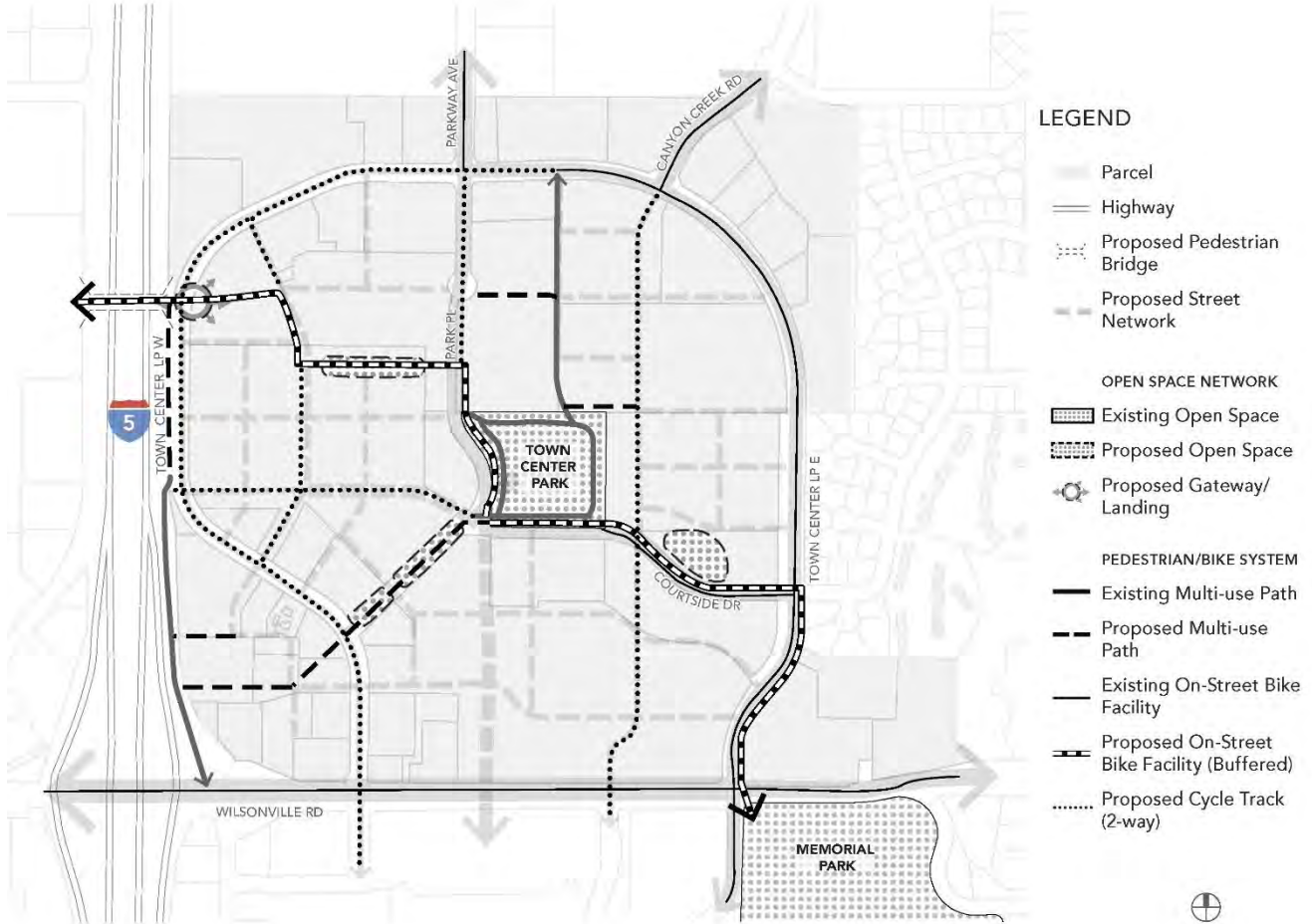
- A. All development will be consistent with the Street Network and Multi-modal Network, shown in Figures 2 and 3. Street and multi-modal facility locations are approximate and will be finalized as part of the development review process. The purpose of these plans are to support the creation of a highly connected and walkable Town Center where there are options for travel. The Development Review Board (DRB) may approve variations from Figures 2 and/or 3, if:
 1. Existing development restricts the connection from being developed;

2. Existing natural resources and/or open space would be adversely affected by construction of the facility and mitigation of those impacts is not feasible.
- B. If a street or other multimodal connection varies from Figures 2 and/or 3, equivalent connectivity and multi-modal travel options shall be provided as determined in a Transportation Impact Analysis prepared per Section 4.140 and approved by the City Engineer.
 - C. All development shall provide transportation facilities consistent with the cross-sections in the Wilsonville Town Center Plan and applicable provisions of the Wilsonville Transportation System Plan subject to variations approved by the City Engineer.
 - D. All franchise utilities shall be located underground within the public sidewalk.

Figure 2. Street Network



Figure 3. Multimodal Network



(.05) Consistency with Open Space Network

- A. All development will be consistent with the Open Space Network, shown in Figure 4. The open space sizes and locations on Figure 4 are approximate and will be finalized as part of the development review process. The purpose of the plan is to create open spaces that are linked and serve as attractive amenities for Town Center. The Development Review Board may approve variations from Figure 4 if needed to accommodate existing development or physical constraints, and/or, preserve natural resources and open space. If an open space is varied, equivalent open space and open space linkage shall be provided.
- B. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners’ association, the City Attorney shall review any pertinent bylaws, covenants or agreements prior to recordation.

Figure 4. Open Space Network



(.06) Design and Development Standards

A. PURPOSE AND INTENT

The purpose of the design standards is to:

1. Provide high quality design in new development and redevelopment that promotes a sense of community identity and implements the Wilsonville Town Center Vision.
2. Provide a well-defined pedestrian, bicycle and vehicular network, good connections to adjacent land uses and direct connections to transit stops.
3. Provide quality and usable open space, increase street tree canopy, and create transitions between land uses.
4. Provide sustainable development through the adaptive reuse of existing buildings and increase the use of low-impact development best practices.
5. All development shall follow these standards except as permitted in Subsection 4.132 (.06) D.

B. BUILDING/STREET FRONTAGE REQUIREMENTS

Building and street frontage requirements in this section are intended to create an active pedestrian environment through sidewalk-facing ground floors and entryways with protection from the elements for pedestrians.

Table 1. Building/Frontage Design Standards.

Street type	Main Street	Local Roads	Collectors	Arterial	Multi-Use Paths
Objective	Provides pedestrian-oriented and active building frontage on street.	Provides local access to adjacent development with pedestrian design focus. Local roads should also provide access to parking and service entrances.	Provides capacity to accommodate multimodal transportation access and connectivity to regional connections.	Provides connectivity to regional system focused on moving people. Access from adjacent multimodal networks is focused at signalized intersections.	Provides bicycle, and pedestrian connectivity travel within Town Center and connections to larger bike/ped system.
Sidewalks	Required. Separated from curb by planting strip, tree wells, or rain gardens.	Required. Separated from curb by planting strip, tree wells, or rain gardens.	Required. Separated from curb by planting strip, tree wells, or rain gardens.	Required. Separated from curb by planting strip, tree wells, or rain gardens.	N/A
Sidewalk width (curb to building) [1]	12 feet, plus optional setbacks. 10 feet fronting Town Center Park.	12-14 feet, depending on local street option.	12-13.5 feet (per TSP).	13.5-16.5 feet (per TSP).	Varies-minimum 12 feet.
Landscaping type	Street trees and plantings, including rain gardens, rooftop gardens, plazas.	Street trees and plantings, including rain gardens, rooftop gardens, plazas.	See Section 4.176.	See Section 4.176.	See Section 4.176.
On-street parking	Parallel or diagonal parking required. Parklets and bicycle parking permitted in street [2].	Dependent on local road design (see cross section options). Parallel parking on both sides, or diagonal parking on one side, depending on ROW availability and street cross-section.	Optional	Prohibited	N/A
Number of lanes	Two	Two	Two	Three to five	N/A

Street type	Main Street	Local Roads	Collectors	Arterial	Multi-Use Paths
Bicycle facilities	See Figure 3. One-way buffered bike lanes required north of Town Center Park. Two-way cycle track adjacent to Town Center Park and on Courtside Drive from Park Place to Town Center Loop East.	Varies by local street option.	Buffered, one-way, except where two-way cycle track is recommended (see Figure 3).	Buffered, one way.	N/A
Minimum % of building along street frontage (see Figures 5.A through 5.D for typical site designs)	Minimum 70% of buildings facing main street. Buildings to be placed at corners with primary building access at or within 20 feet of the corner.	Minimum 50% of building facing a local street. Buildings to be placed at corners.	Minimum 50%	Minimum 50%	N/A
Location of parking	On street, behind building (surface or structured, above or below grade)), or at shared central location.	On street when allowed, behind or to the side of building. Off street parking is not permitted along main street frontage. Off-street parking prohibited at corners of public streets.	To the back or side of building. Off-street parking prohibited at corners of public streets.	To the back or side of building. Off-street parking prohibited at corners of public streets.	N/A
Parking access	Parking access provided via local street, alley, or midblock crossing. Alleys must be located more than 100 feet from another road or access point. Shared access is encouraged. Parking access is restricted on north/south main street unless	Parking access provided via local access street or alley.	Parking access provided via local street.	Not permitted. Access to be provided at signalized intersections and interior circulation system.	N/A

Street type	Main Street	Local Roads	Collectors	Arterial	Multi-Use Paths
	no other access is feasible.				
Driveway spacing standards	100 ft. min	100 ft. min	100 ft. min	N/A	N/A
Block length	Maximum block length is 400 ft. The maximum distance to a pedestrian mid-block crossing shall be 250 ft. Maximum mid-block crossing width up to 20 ft.	Maximum block length is 400 ft. The maximum distance to a pedestrian mid-block crossing shall be 250 ft. to provide pedestrian and parking access. Maximum mid-block crossing width up to 30 ft.	N/A	N/A	N/A
Typical vehicle speed	20-25 mph	20-25 mph	25-30 mph	25-35 mph	N/A

[1] Sidewalk width includes landscaping area. Tree wells shall include root barriers, the use of structural soils, soil cells, or other means to minimize impacts to sidewalks or roadway from root intrusion.

[2] A maximum of two parklets are permitted per block, per side of street.

Figure 5.A. Building Placement and Location of Parking, Main Street Intersection (typical)

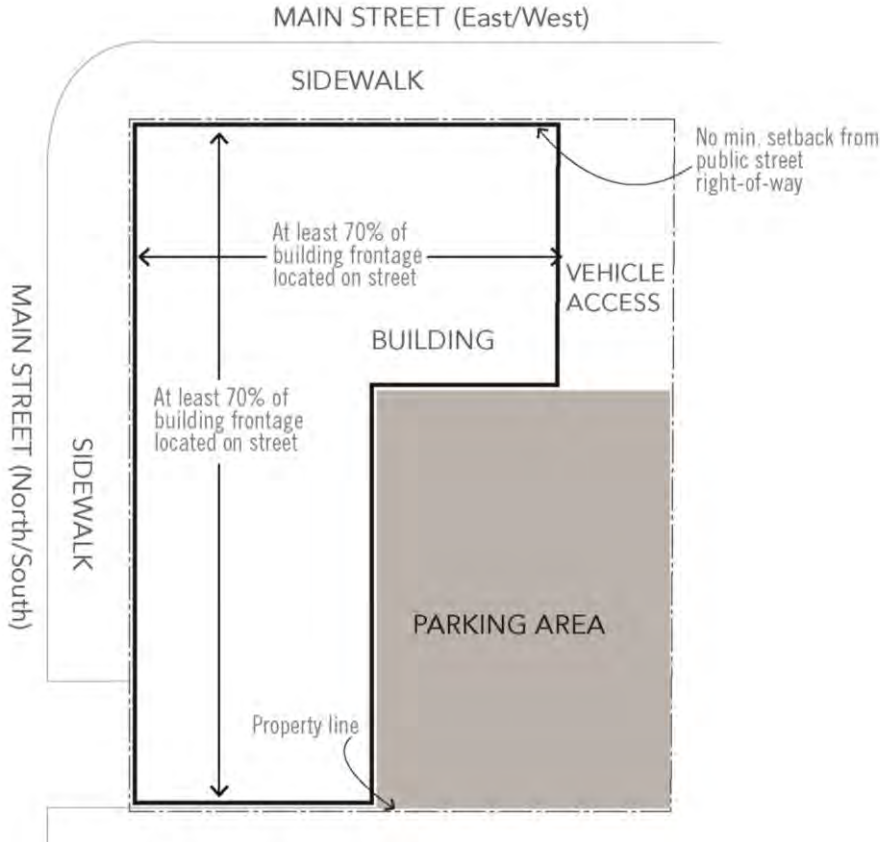


Figure 5.B. Building Placement and Location of Parking, Main Street/Local Street Intersection (typical)

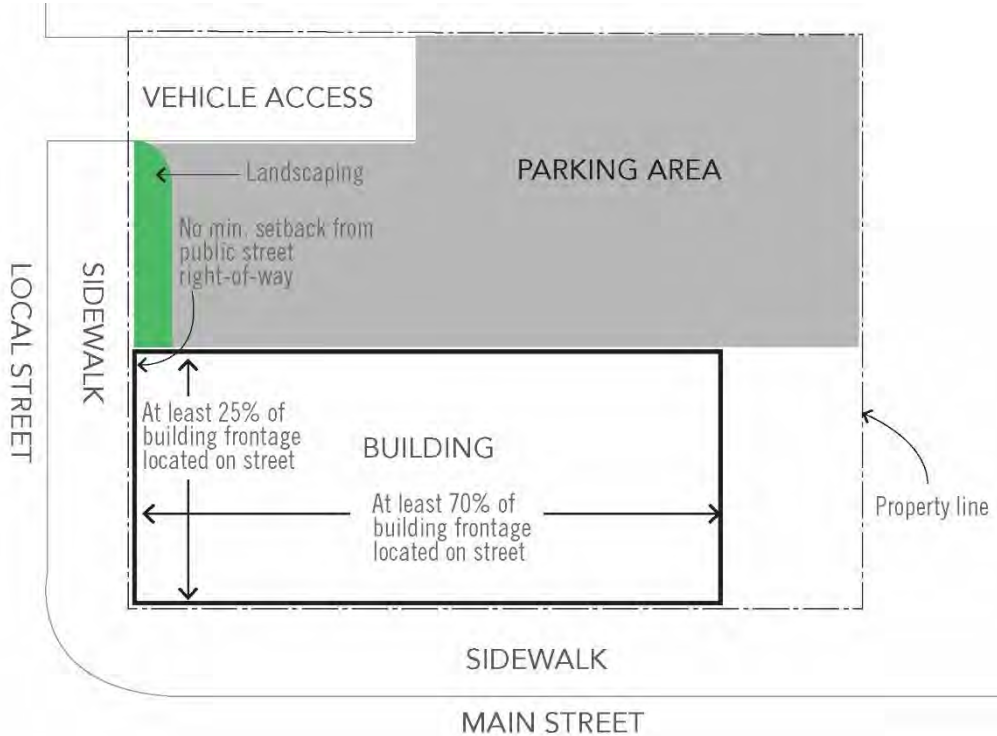


Figure 5.C. Building Placement and Location of Parking, Local Street/Local Street Intersection (typical)

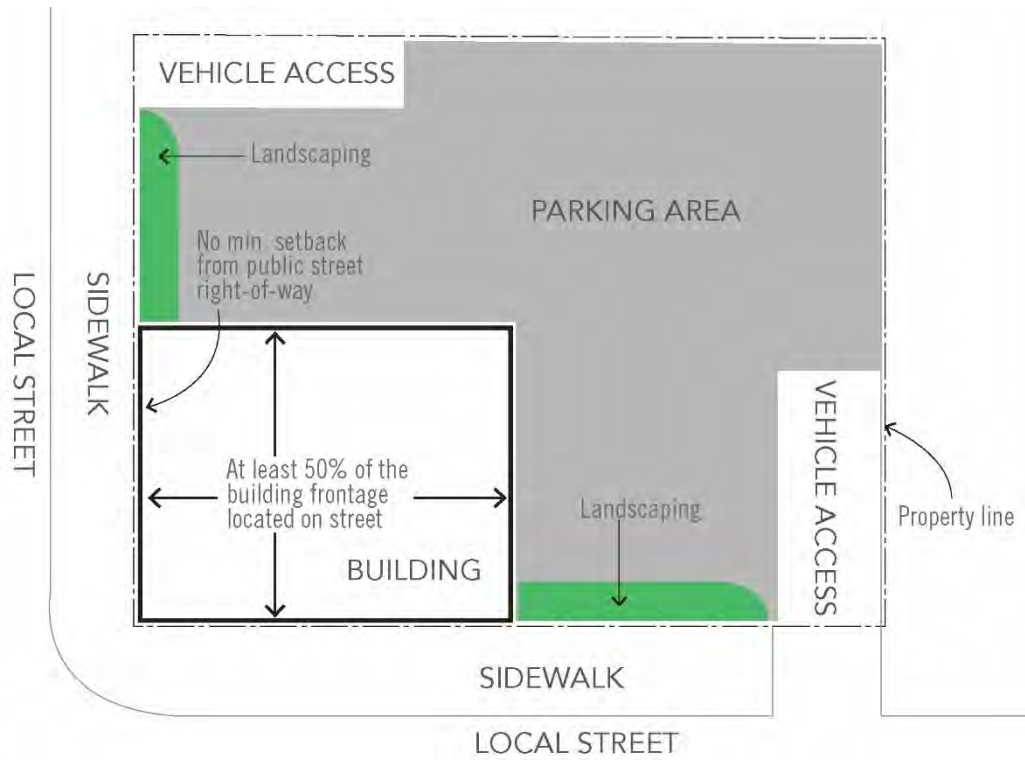
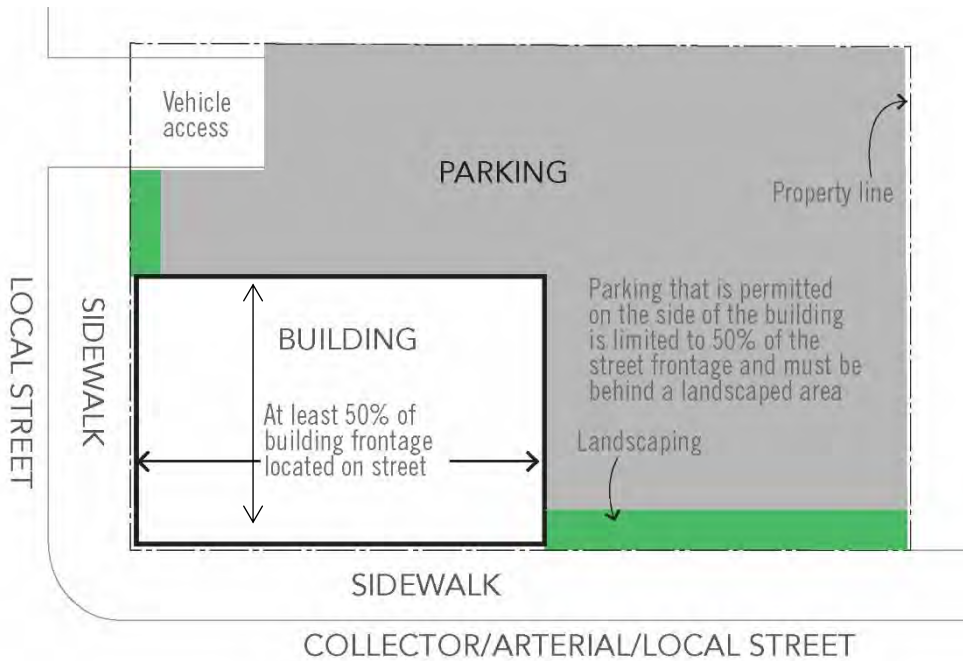


Figure 5.D. Building Placement and Location of Parking, Arterial/Collector/Local Street frontage (typical)



C. DEVELOPMENT STANDARDS

Development standards apply to all new development within the Town Center boundary.

Table 2. Town Center Development Standards [1]

	Town Center			
STANDARD	SUB-DISTRICT			
	MSD	N-MU	MU	C-MU
Front setback				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum [2]	20 ft.	20 ft.	20 ft.	10 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum [2]	10 ft.	10 ft.	10 ft.	10 ft.
Side yard				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum [2]	10 ft.	10 ft.	10 ft.	10 ft.
Rear setback				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	20 ft.	20 ft.	20 ft.	20 ft.
Building height (stories) [3]				
Minimum	two	two	two	two
Maximum (stories/feet) [4]	four	three	four	five
Ground floor height minimum [5]	15 ft.	12 ft.	12 ft.	15 ft.
Ground floor uses	Mixed-use buildings required within 200 feet of the Park Place/Courtside Drive intersection.	N/A	N/A	N/A
Building site coverage maximum	90%	75%	90%	90%
Minimum landscaping	10%	15%	15%	10%
Minimum building frontage	70%	25%	50%	50%

	Town Center			
STANDARD	SUB-DISTRICT			
	MSD	N-MU	MU	C-MU
Residential density (units per acre)				
Minimum [6]	40	16	40	40
Maximum	None	40	None	None

- [1] This table does not apply to existing development. All new buildings in the district must meet these development standards.
- [2] For commercial development, the maximum front and street side yard setback is 10 feet. For mixed-use and residential only development, the maximum front setback is 20 feet. Front setbacks are permitted provided they are used for seating or other uses that encourage pedestrian activity and active ground floor uses. A variety of building setbacks are encouraged.
- [3] Second stories or higher in buildings must be useable. No false front buildings are permitted.
- [4] Within the MSD, MU and C-MU sub-districts, the maximum number of building stories may be increased by one story if a minimum of 25% of the units of the bonus floor area are affordable, with rental rates /mortgage restrictions for a minimum of 10 years, to households earning at or below 80% of median family income of Wilsonville.
- [5] This standard does not apply to residential only buildings.
- [6] Minimum residential density applies to residential-only development. There is no minimum residential density for mixed-use development.

D. WAIVERS TO DEVELOPMENT STANDARDS

The Development Review Board (DRB) may approve waivers to the size of the ground floor of a building floorplate and/or the number of stories of a building within the MU and C-MU sub-districts, consistent with the provisions of Section 4.118 (.03) if one item from each of the two following menus are met in a manner to clearly go substantially above and beyond code requirements and typical building and site design to create a sense of place and mitigate negative impacts of the project related to the reason for the waiver. Items chosen from the menus shall account for need based on adjacent sites or the surrounding area:

Menu One

1. Public amenities, such as a plaza or other community gathering space, incorporated into the building design. Public plaza or other gathering spaces located in a prominent, visible location adjacent to a public street and include movable furniture that is functional and visually interesting.
2. Public community meeting space provided within the building.
3. Provision of ground floor facades that include additional supporting storefronts. The primary entrance of all businesses shall be located on the primary street frontage.
4. Provision of incubator space on site, either within or adjacent to the development that provides below market lease rates for small businesses.
5. Provision of affordable housing on the development site, consistent with the provisions of Table 2, footnote 4.

Menu Two

1. Innovative building techniques, such as rainwater harvesting, graywater systems, green roofs, or other environmental systems, shall be incorporated into the building design to significantly reduce impact to the environment.
2. Building architecture that creates a distinctive community landmark exemplifying the preferred materials and form for Town Center described in Subsection 4.132 (.06) M. and discussed in the Town Center Plan.
3. Pedestrian-oriented and creative lighting incorporated into landscape features and plazas and/or interior window retail displays that are lit at night.
4. Achievement of LEED certification, Earth Advantage, or another recognized environmental certification.
5. Installation of public art, consistent with the provisions of Subsection 4.132 (.06) K. for art within plaza areas.

E. BUILDING PLACEMENT

Buildings shall meet the following standards:

1. Main Streets and Local Streets. Where parcels are bounded by a main street and perpendicular street, buildings shall be located at the street intersection. For parcels with frontage only on one street or if a building is already located at the street intersection, the new building shall be located immediately adjacent to existing building to create a continuous building façade with adjacent buildings. Street frontage requirements for main street are a minimum of 70 percent of the lot frontage. Off-street parking shall be located behind buildings fronting main street, either on surface or tuck under lot, parking structure, or at a central off-site parking facility located within the TC boundary.
2. If a parcel fronts two or more different street design classifications, the primary building entrance shall front the following in order of priority: main street, local street, collector street.
3. Minimum building frontage requirements for a local street shall be 25 percent if the development also fronts main street.
4. Minimum building frontage requirements for a local street shall be 50 percent if the development fronts another local street.
5. For parcels that do not front a main street or a local street, the minimum building frontage shall occupy a minimum 50 percent of the lot frontage.
6. The Development Review Board may approve variations from building placement standards if existing development, physical constraints, or site circulation and access are infeasible. If the Development Review Board determines that a variation from building placement standards is required, building placement should be prioritized as follows:
 - a. If the development is adjacent to main street, the primary frontage of the building shall remain on main street with variation from this standard occurring on a side street.

- b. If the development is adjacent to the main streets (e.g. Park Place and Courtside Drive) the primary frontage shall be on Park Place with the variation occurring on Courtside Drive.
- c. If the development is adjacent to two local streets, the primary frontage shall be on the north/south local street with the variation occurring on east/west local street.

F. BUILDING SETBACKS

The minimum building setback from public street rights-of-way shall be zero feet; the maximum building setback shall be 20 feet for MSD and N-MU districts. The maximum setback shall be 10 feet for all other districts. No off-street vehicle parking or loading is permitted within the setback. Bicycle parking is permitted within the setback.

G. FRONT YARD SETBACK DESIGN

Landscaping, water quality treatment, seating areas, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged.

H. WALKWAY CONNECTION TO BUILDING ENTRANCES

A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are encouraged.

I. PARKING LOCATION AND LANDSCAPE DESIGN

1. Parking for buildings adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings, except for buildings fronting main street, where parking must be located behind the building, either surface, tuck under or structured (above or below grade). For locations where parking may be located to the side of the building, parking is limited to 50% of the street frontage and must be behind a landscaped area per Section 4.176.
2. Within off-street parking lots, all parking spaces, except for those designated for ADA accessible space or deliveries, shall be shared spaces. Designation for individual uses is not permitted.
3. Within off-street parking lots, time limitations may be placed on parking spaces to encourage parking turnover. This includes time limitations to pickup and drop off of goods from area businesses (e.g. drycleaner, bank ATM etc.).

J. PARKING GARAGES AND OFF-STREET PARKING ACCESS

Parking garages must meet all building standards identified within this section. Off street access to a parking lot or garage should be located to minimize conflicts with pedestrians and must be provided from an alley or local street.

K. PLAZA AREAS

The following plaza design standards are intended to enhance the overall site layout and ensure that plaza areas are designed as an accessible amenity.

1. Plaza space shall be required when a mixed-use or commercial development or redevelopment involves a gross site area greater than two acres. When a plaza is required as a percentage of the overall required open space the plaza space shall incorporate at least three of the following elements:
 - a. One seating space is provided for every 250 square feet of plaza area and/or public space. The seating space requirement may be met by providing benches, chairs, and/or seat-walls. Areas actively used for public outdoor cafes are exempted from the calculation in the seating area requirement. Remaining plaza areas must meet the seating requirement.
 - b. Structures such as pergolas, canopies, awnings, arcades, or other similar elements to provide shade and rain coverage. Structures should provide coverage for year-round use of the plaza.
 - c. Notwithstanding trees required to satisfy the open space requirement, additional trees are provided at a rate of one tree per 800 square feet of plaza or public space area.
 - d. Water features.
 - e. Public art. Public art that is proposed or provided must satisfy all of the following requirements:
 - i. The art must be designed and produced by a professional artist;
 - ii. The art must relate in terms of scale, material, form and content to immediate and adjacent buildings and architecture, landscaping or other settings so as to complement the site and its surroundings;
 - iii. The art must demonstrate excellence in craftsmanship, originality in conception, and integrity of materials. Interactive art is encouraged;
 - iv. Minimal maintenance must be adequate for preserving the long-term integrity and enjoyment of the art, as evidenced by a maintenance plan submitted with the public art proposal;
 - v. Art in private construction projects must be maintained by the property owner in a manner acceptable to the City in accordance with a maintenance plan submitted with the art proposal;
 - vi. The art must meet all applicable building code requirements.
 - vii. The art must be accompanied by an identifying plaque that features the artist's name, artwork title and date of completion. This plaque must be made of a durable material and be installed permanently near the art.
 - f. Activity areas including but not limited to outdoor cafes, retail spaces, and/or programmed spaces that accommodate entertainment, meetings, educational activities, and play areas.
 - g. Pedestrian-scale wayfinding.

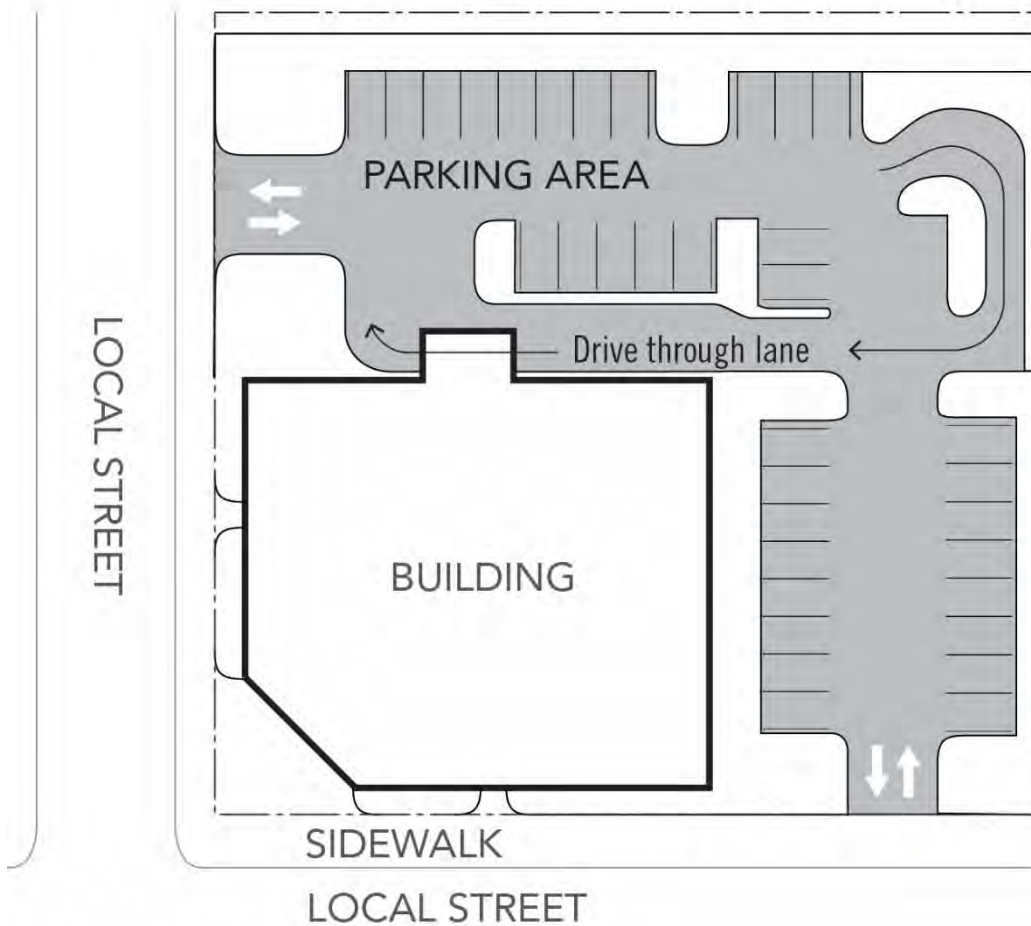
2. Plaza areas shall be visible and accessible from adjacent streets or pedestrian areas. A minimum of 75 percent of the plaza frontage shall provide direct unobstructed access from adjacent streets.
3. Stormwater management facilities shall be integrated into the plaza design and used as an amenity to the greatest extent possible.
4. No less than 20 percent or more than 60 percent of the plaza area shall be utilized for planted landscaping, including stormwater detention areas. All other areas shall be composed of hardscaping.
5. The minimum size of a plaza shall be 2,000 square feet.
6. Litter receptacles shall be provided at a minimum of four cubic feet of capacity per 800 square feet of open plaza space.

L. DRIVE THROUGH FACILITIES

A drive-through facility shall be subject to the following standards:

1. Shall only be permitted if the building also includes indoor seating.
2. Shall not be permitted on parcels with frontage on a main street.
3. All traffic queuing using the drive through facilities shall be accommodated on site and shall not conflict with bicycle and pedestrian mobility adjacent to the site.
4. A drive-through lane shall not be located in the area between a building and a public street and the drive-through windows shall not face a public street.
5. In addition to standards for drive throughs, buildings with drive-through facilities shall also meet standards for primary building access (Subsection 4.132 (.06) M. 2. h.).
6. Drive-through facilities shall be clearly marked with signage to avoid conflict with on site and adjacent pedestrian and bicycle facilities.

Figure 6. Drive Through Facilities in Town Center, if not enclosed in a structure (typical)



M. BUILDING DESIGN STANDARDS

1. General Provisions

- a. The first-floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.
- b. Building entrances shall be clearly marked, provide weather covering, and incorporate architectural features of the building.
- c. Architectural features and treatments shall not be limited to a single façade. All visible sides of a building from the street, whether viewed from public or private property, shall display a similar level of quality and architectural interest, with elements such as windows, awnings, murals, a variety of exterior materials, reveals, and other similar features.
- d. Green building techniques are encouraged, which could include the use of green roofs, gray water and water harvesting, and/or LEED certification of buildings.

2. Design Standards

a. All buildings, including parking garages, shall comply with the following design standards.

Building facade windows are required on all street-facing facades (see Figure 7), as follows:

Ground Story: Mixed Use and Non-Residential	60% of facade
Upper Stories: Mixed Use	30% of facade
Ground Story: Residential Only	30% of facade

- i. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Facade area is the aggregate area of each street-facing vertical wall plane.
- ii. Required windows shall be clear glass and not mirrored or frosted, except for bathrooms. Clear glass within doors may be counted toward meeting the window coverage standard.
- iii. Ground floor windows. All street-facing elevations within the building setback (zero to 20 feet) along public streets shall include a minimum of 60 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from two feet above grade to ten feet above grade for the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as the entire requirement is located at a building corner.
- iv. Street-facing facades that contain vehicle parking, such as a parking structure, do not have to provide windows but shall provide facade openings that meet the minimum required window area. If required facade openings do not contain glass, they may contain architectural elements that are no more than 30 percent sight-obscuring.

b. Building Facades

- i. Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by other design features that reflect the building's structural system (See Figure 8). No building facade shall extend for more than 250 feet without a pedestrian connection between or through the building (see Figure 11).
- ii. Buildings more than three stories are required to step back six feet from the building facade at the beginning of the fourth story.

Figure 7. Window Placement and Percentage of Facade

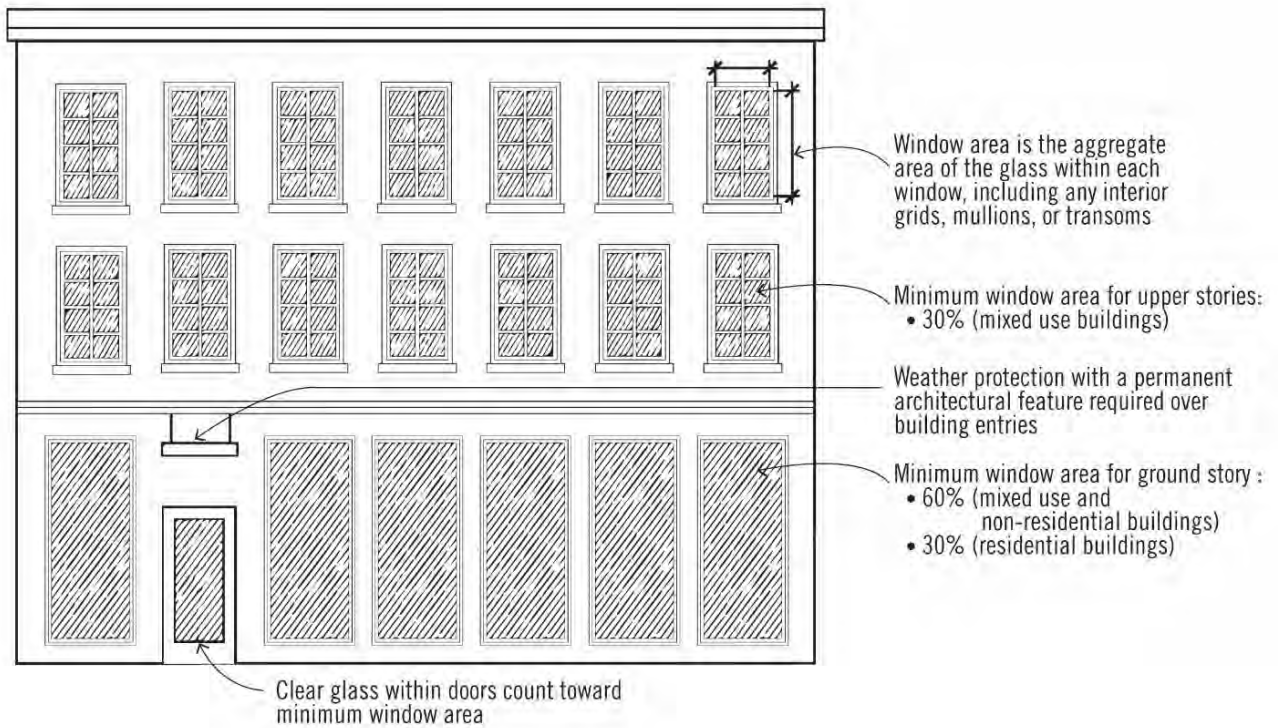
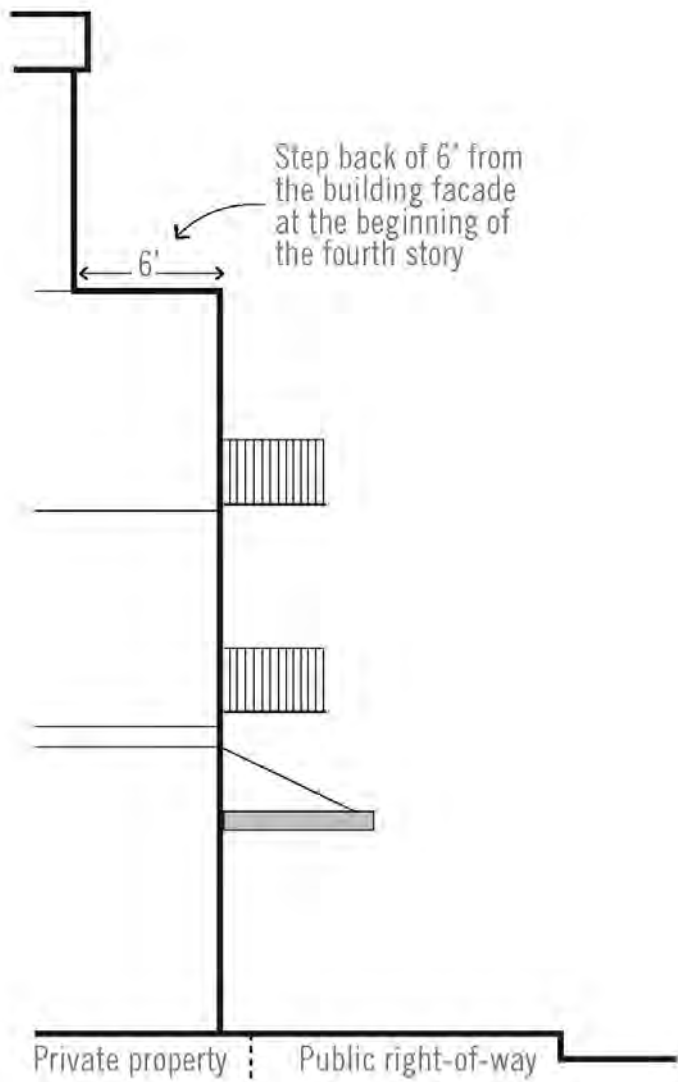
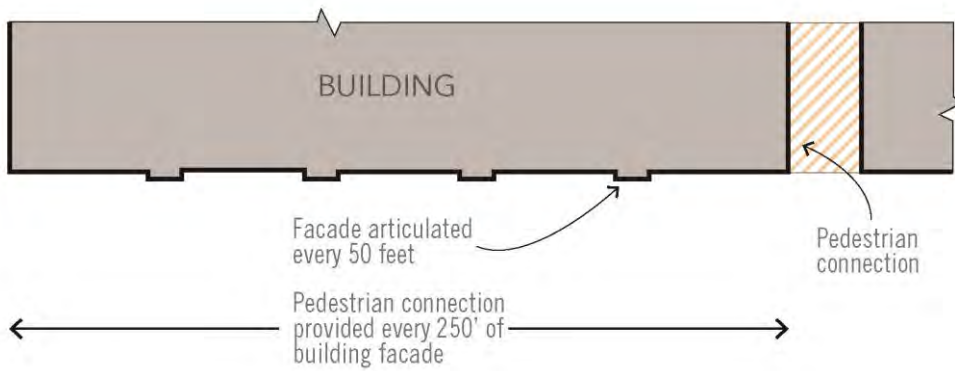


Figure 8. Building Facade Articulation and Stepbacks

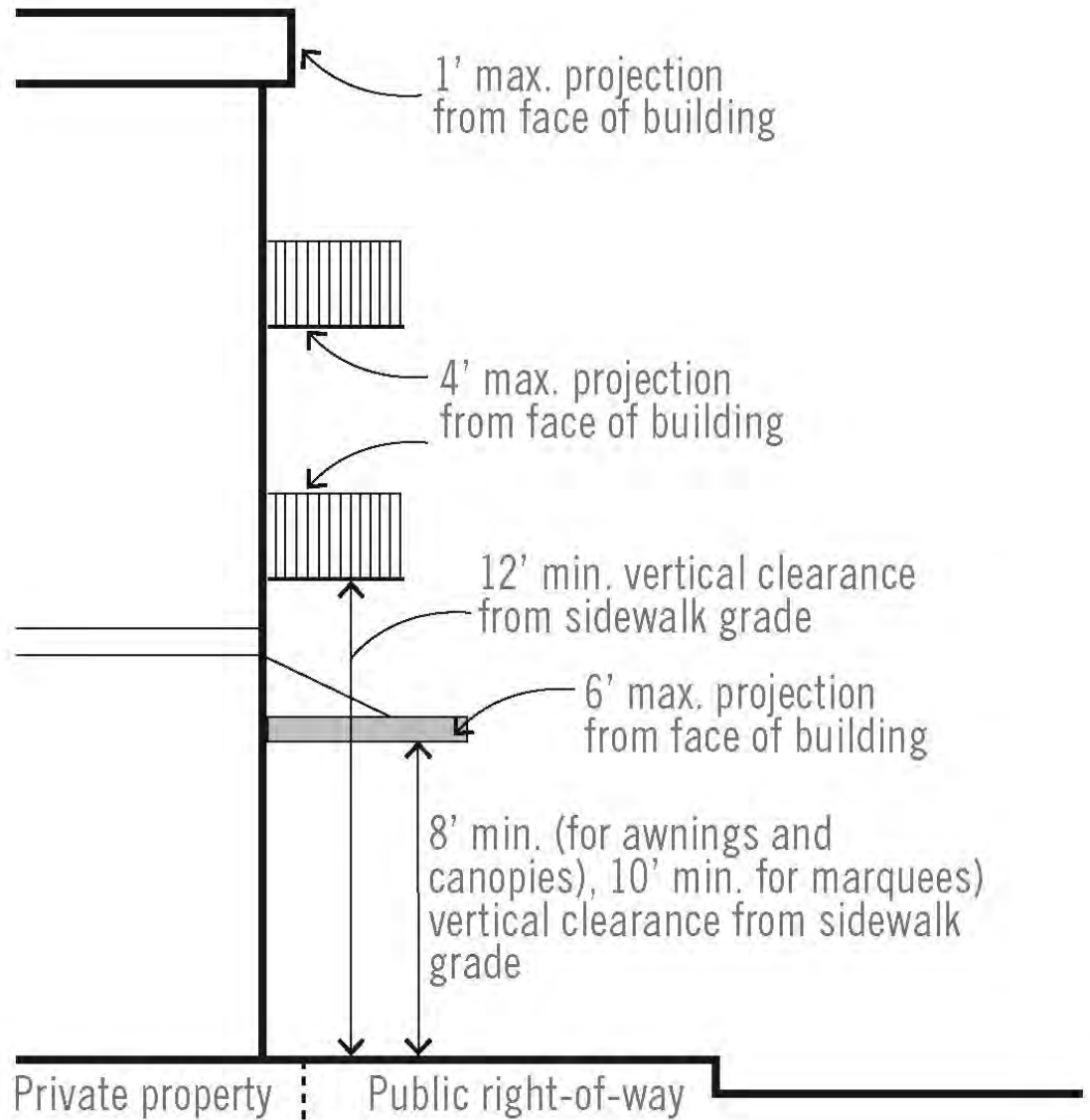


- c. Weather protection (for non-residential and mixed-use buildings):
 - i. A projecting facade element (awning, canopy, arcade, or marquee) is required on the street-facing façade. Within the MSD sub-district, weather protection shall be provided across the entire length of the building frontage.
 - ii. All weather protection must comply with the Oregon Structural Specialty Code in effect at the time of application for projections or encroachments into the public right-of-way.
 - iii. Weather protection shall be maintained and in good condition.
 - iv. Marquees shall have a minimum 10-foot clearance from the bottom of the marquee to the sidewalk. Canopies and awnings shall have a minimum 8-foot clearance from the bottom of the awning or canopy to the sidewalk.
 - v. The projecting façade element shall not extend into amenity zone or conflict with street lights. If the projecting façade element blocks light shed from adjacent street lights, exterior lighting shall be located on the building.
 - vi. Awnings shall match the width of storefronts or window openings.
 - vii. Internally lit awnings are not permitted.
 - viii. Awnings shall be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.
- d. Building materials. Plain concrete block, plain concrete, T-111 or similar sheet materials, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet. Use of brick and natural materials (wood) is encouraged.
- e. Roofs and roof lines. Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.
- f. Rooftop features/equipment screening
 - i. The following rooftop equipment does not require screening:
 - Solar panels, wind generators, and green roof features;
 - Equipment under two feet in height.
 - ii. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

- iii. Satellite dishes and other communications equipment shall be limited to 10 feet in height from the roof, shall be set back a minimum of five feet from the roof edge and screened from public view to the extent possible.
 - iv. All other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and screened from public view and from views from adjacent buildings.
 - v. On all structures exceeding 35 feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
 - vi. Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, through the use of similar materials, colors, and other building elements.
 - vii. Required screening shall not be included in the building's maximum height calculation.
- g. General Screening. Utility meters shall be located on the back or side of a building, screened from view from a public street to the greatest extent possible, and shall be painted a color to blend with the building façade.
- h. Primary Entry
- i. For commercial/institutional/mixed-use buildings:
 - At least one entry door is required for each business with a ground floor frontage.
 - Each entrance shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
 - All primary ground-floor common entries shall be oriented to the street or a public space directly facing the street, or placed at an angle up to 45 degrees from an adjacent street. Primary ground-floor common entries shall not be oriented to the interior or to a parking lot.
 - Courtyards, plazas and similar entry features may be utilized to satisfy the building entrance requirement when these features are designed to connect the adjacent street edge to the main building entrance.
 - ii. For residential buildings:
 - Entry door. The primary public entrance to each building unit shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
 - All primary ground-floor common entries of multifamily buildings or individual unit entries of attached residential units that front the street shall be oriented to the street or public right-of-way, not to the interior or to a parking lot.
- i. Building projections. Building projections are allowed as follows (see Figure 9):

- i. Architectural elements such as eaves, cornices and cornices may project up to one foot from the face of the building.
- ii. Bay windows and balconies may project up to four feet from the face of the building. Balconies that project into the right-of-way shall have a minimum vertical clearance of 12 feet from sidewalk grade or be mounted at the floor elevation, whichever is greater.
- iii. See also Subsection 4.132 (.06) M. 2. C. for standards related to weather protection.

Figure 9. Building Projections



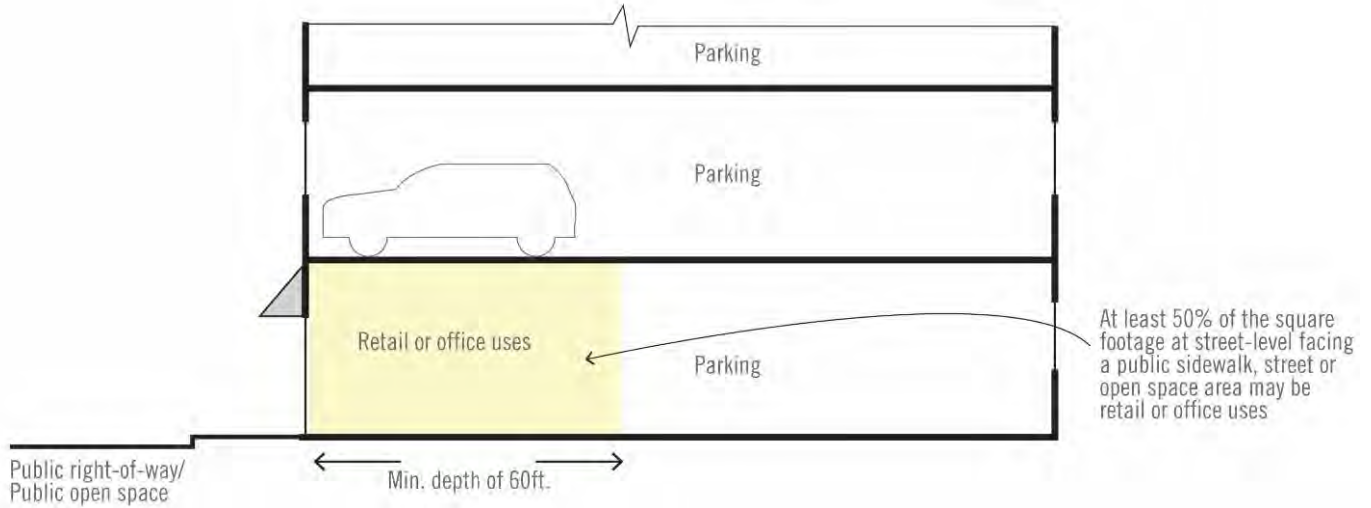
N. OFF STREET PARKING AND LOADING

Parking standards are identified in Section 4.155.

O. PARKING WITHIN A BUILDING OR STRUCTURE

1. Parking structures shall be designed to allow reuse of the building for non-parking uses, such as office or residential uses.
2. The ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a minimum unfinished floor to ceiling height of 15 feet in order to allow occupancy by uses other than parking that are permitted in the underlying district (see Figure 10).
3. Parking structures located in the MSD and adjacent to a public street shall contain retail or office uses on the first floor fronting the street or be wrapped with development of equal or greater height than the parking structure. At least 50 percent of a street-level floor facing a public sidewalk, street, or open space area shall contain retail or office uses to a minimum depth of 60 feet.
4. Facade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting on those facades shall be level, not inclined.
5. The first floor facade of a parking structure located adjacent to a public street shall include at least three architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.
6. Parking structures shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of 42 inches.
7. Where the upper floors of above-ground parking structures are visible from a public street, such surfaces shall include architectural or vegetative finishes.
8. Within a surface parking lot or structure, the bicycle spaces, carpool, vanpool, shared car, or electric vehicle charging spaces should be placed in preferred locations relative to the street, the building entrances, and the primary pedestrian routes within and around the project site.

Figure 10 Parking Structure-Ground Floor Design



P. STREET CONNECTIVITY

1. Purpose

The purpose of these standards and procedures is to create safe, comfortable, and attractive streetscapes for pedestrians, improve connectivity for all modes of travel, and remove barriers for small-scale incremental development.

2. General provisions

This section contains the standards and procedures for improvements to public transportation facilities for all property located in the Wilsonville Town Center Boundary, including specific standards for vehicle, pedestrian, bicycle, and transit facilities. The terms "transportation facilities" and "transportation improvements" generally include those facilities, or improvements to those facilities, that accommodate all modes of travel that are usually located in public rights-of-way, also commonly referred to as streets. "Frontage improvements" are transportation improvements immediately adjacent to a proposed development's street frontage. "Off-site improvements" are transportation improvements not adjacent to a proposed development's street frontage.

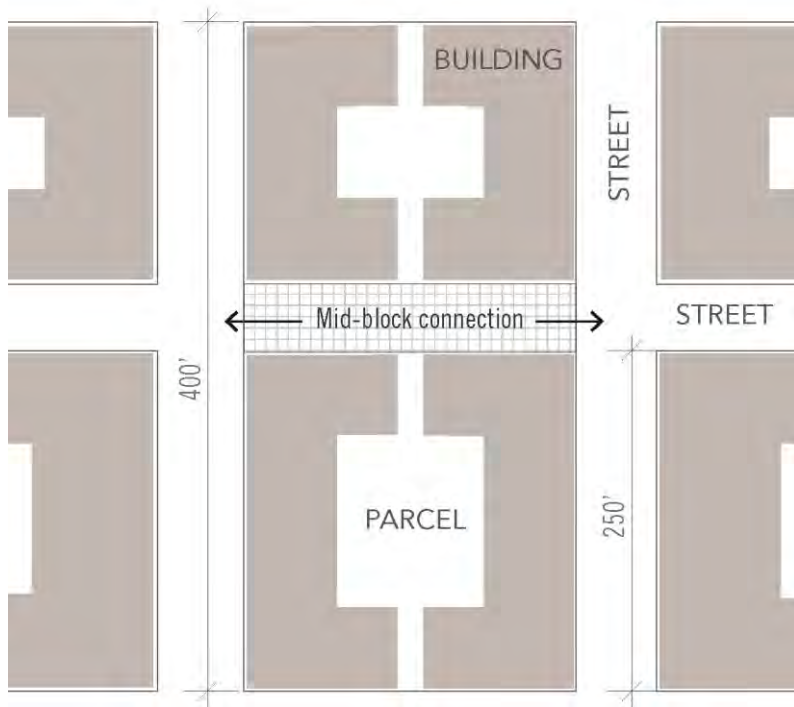
3. Transportation facility standards.

a. Intersection design and spacing

- i. Transportation facilities shall be designed and constructed in conformance to the applicable section of the City Development Code and to the City's Public Works Standards.
- ii. Street intersections shall have curb extensions to reduce pedestrian crossing distances unless there are other standards that apply, such as areas with flush curbs.
- iii. New street intersections, including alleys, are subject to approval by the City Engineer.

- b. Transportation network connectivity
 - i. Minimum required transportation improvements are identified in the Wilsonville Town Center Plan. Alleys are encouraged but not required. Private streets are prohibited.
 - ii. Bicycle and pedestrian connections are required where the addition of a connection would link the end of a permanent turnaround to an adjacent street or provide a midblock connection through a long block. A mid-block connection is required where at least one block face is 400 feet or more in length (see Figure 11). A required connection must go through the interior of the block and connect the block face to its opposite block face. The mid-block crossing shall be demarcated with paving, signage, or design that clearly demarcates the crossing is designated for pedestrian and bicycle crossings.

Figure 11. Mid-Block Pedestrian and Bicycle Connections



- iii. Streets shall be extended to the boundary lines of the proposed development where necessary to give access to or allow for future development of adjoining properties.
 - Any required or proposed new streets through or along the boundary of the proposed development shall be accompanied by a future street plan. The future street plan shall show that it is feasible to extend all required or proposed new streets onto adjoining properties to the satisfaction of the City Engineer.
 - Temporary turnarounds shall be constructed for street stubs in excess of 150 feet in length. Drainage facilities shall be constructed to properly manage stormwater runoff from temporary turnarounds.

- Street stubs to adjoining properties shall not be considered permanent turnarounds, unless required and designed as permanent turnarounds, since they are intended to continue as through streets when adjoining properties develop.
 - Reserve strips may be required in order to ensure the eventual continuation or completion of a street.
- iv. Permanent dead end streets are not allowed except where no opportunity exists for creating a through street connection. Dead end streets shall meet all fire code access requirements and shall only be used where topographical constraints, protected natural resource areas, existing development patterns, or strict adherence to other City requirements precludes a future street connection. The lack of present ownership or control over abutting property shall not be grounds for a dead end street.
 - v. Street design. All streets are subject to the standards illustrated in the Wilsonville Town Center Plan.
 - vi. Street trees shall be required along all street frontages. The minimum number of required street trees shall be determined by dividing the length (in feet) of the proposed development's street frontage by 30 feet. When the result is a fraction, the number of street trees required shall be the nearest whole number.
 - x. Sidewalks shall have a minimum unobstructed width of six feet for pedestrian through travel. Permanent structures or utilities within the required pedestrian through-travel area are restricted unless approved by the City Engineer. Sidewalk area outside of the required through-travel area may be used for landscaping, pedestrian amenities such as permanent street furniture, bicycle parking, trash cans, and drinking fountains.
 - xi. Temporary placement of customer seating, merchandise display, temporary A-frame signs or other uses by businesses adjacent to the street shall be placed within the amenity or building zone in front of the business (see Figure 12). The building zone may be extended into the pedestrian zone in front of the building if a minimum of four feet is provided for the pedestrian through area. Placement of any temporary uses requires a temporary right-of-way use permit and approval by the City Engineer.
 - xii. Temporary signs, such as A-Frames, are permitted within Town Center provided the temporary sign meets the following standards:
 - One temporary sign is allowed per public entrance to buildings.
 - Temporary signs may be up to 12 square feet in area. Only one side of a portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 42 inches.
 - Signs may be placed in front of the building only during business hours.
 - Electrical signs and changing image sign features are prohibited.
 - xi. Off street paths shall meet the city's path standards identified in the Transportation system plan, unless noted otherwise in the Wilsonville Town Center Plan. The location and type of facility shall be consistent the trail and open space, and street cross section illustrated in the Wilsonville Town Center Plan. Trail widths may be

reduced where constrained by existing development, protected natural resource areas, or topography as determined by the city engineer.

Figure 12. Sidewalk Furnishing and Pedestrian Through Zones



DEVELOPMENT CODE MODIFICATIONS

TOWN CENTER PLAN-RELATED DEVELOPMENT CODE AMENDMENTS

Town Center Plan – Related Development Code Amendments

Text proposed to be added is shown in underline, and text proposed for deletion is shown in ~~strikethrough~~. Only affected Sections of the Development Code are included in this document.

Section 4.008. Application Procedures - In General.

- (.01) The general application procedures listed in Sections 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:
- A. Class I and Class II Administrative Reviews, pursuant to Section 4.030;
 - B. Stage I and Stage II Site Development Permits, pursuant to Section 4.035;
 - C. Conditional Use Permits, pursuant to Section 4.184;
 - D. Variances, pursuant to Section 4.196;
 - E. Quasi-judicial zone changes, pursuant to Section 4.197;
 - F. Changes to the text of Chapter 4, pursuant to Section 4.197;
 - G. Quasi-judicial changes to the map or maps of the Comprehensive Plan, pursuant to Section 4.198;
 - H. Changes to the text of the Comprehensive Plan, including adoption of new Plan elements or sub-elements, pursuant to Section 4.198;
 - I. Subdivisions, condominium divisions, and land partitions, pursuant to Section 4.200;
 - J. Expedited land divisions, pursuant to Section 4.232;
 - K. Annexations, pursuant to Section 4.700; and
 - L. Street vacations, pursuant to ORS 271 and Sections 4.031 and 4.032 of this Code.
 - M. Specific Area Plans, preliminary Development Plans and Final Development Plans, pursuant to Section 4.125. (Added by Ord. 557 adopted 9/5/03)
- (.02) Unique features of Wilsonville’s development review processes. The Wilsonville Land Development and Planning Ordinance is structured and implemented differently than the Codes of most other cities. These differences are summarized below:
- A. Most of Wilsonville’s vacant land (without active approved projects) is zoned RA-H, a Residential-Agricultural holding zone with a large minimum lot size. Properties in this holding zone must be rezoned to conform with the Comprehensive Plan as part of the planned development review process.
 - B. If the subject property is over 2 acres in size, it must be zoned in one of the Planned Development categories, (PDR, PDC, TC, PDI, RN etc.), or zoned for public use, before it can be developed. [Definition amended by Ord. 806, 07/17/17]

- C. Some portions of a parcel may have development constraints because of such things as steep slopes, wetlands, wildlife habitat, hazard areas, or trees.
- D. In residential developments, at least 25% of the site area must be preserved as open space, unless otherwise provided for in a legislative master plan. Some of the site is also typically required to be recreational area. See Section 4.113 for more information on requirements for open space and recreational area in residential developments. For all projects, at least 15% of the net site area must be landscaped including vegetative plant materials. [Definitions amended by Ord. 806, 07/17/17]
- E. Unless waived by the Community Development Director for good cause, a traffic study must be completed to determine that the City’s level of service standards can be met, considering the subject development and all previously approved projects.
- F. For a Planned Development there are four (4) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages:
 1. Rezoning;
 2. Stage 1 - Preliminary Plan;
 3. Stage 2 - Final Plan; and
 4. Site Design Review.
- G. Approval of each stage shall remain valid unless it expires as provided in Section 4.023. A Stage I approval will not be revoked or substantially altered during the Stage II review process, unless requested by the applicant. Stage II approval will not be revoked or substantially altered during the Site Design Review process, unless requested by the applicant. Zoning may be changed by action of the City Council, but will not be subject to automatic revocation unless such revocation is specifically made a condition of approval at the time of the original zone change.
- H. In Wilsonville, the practice is to review each new phase in light of previous approvals and conditions. At construction and occupancy, the review includes inspections to verify compliance with conditions of approval. These inspections include detailed site comparison with previous plan approvals (including number and types of plants and design of elevations and setbacks). Developers are often required to post a bond or provide other financial security for the completion of the conditions of approval for the project.
- I. Wilsonville uses a “concurrency” requirement regarding public services and facilities. Basically, the needed services and facilities must be scheduled for completion within two years of occupancy and a positive finding of such concurrency must be made prior to project approval.
- J. Wilsonville expects project progress to be made in a timely fashion. For each step in the Planned Development, the applicant must take action to “exercise” the approval within a given time period or the approval lapses.

K. Special additional features include: mixed use provisions for most zones ability to “waive” many of the typical development standards based on design improvements that will result; density transfers; strong variance provisions; tree protection with mitigation requirements for tree cutting; City Council “Call Up” provisions; heavy landscaping requirements; owner/developer signature to accept and abide by conditions; limited administrative approval power; enforcement powers and practice.

[Section 4.008(.02)(K.) amended by Ord. No. 574, 11/1/04]

L. For Land in the Village zone, there are three (3) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and plan review in phases:

1. Specific Area Plan (SAP);
2. Preliminary Development Plan (PDP), Rezoning, and Final Development Plan (FDP); and
3. Land Division Approval.

Land within the Central SAP or multi-family dwellings outside of the Central SAP may be developed in four phases, with the application and approval of an FDP occurring after PDP approval.

[Added by Ord. 557 adopted 9/5/03]

[Section 4.008(.02)(L) amended by Ord. No. 587, 5/16/05.]

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 SECTIONS 4.100 – 4.141
ZONING**

INDEX

SECTION NO.	TITLE	PAGE NO.
4.100.	ZONING - PURPOSE.....	B - 1
4.101.	ZONING - INTERPRETATION.	B - 1
4.102.	ZONING - OFFICIAL ZONING MAP.	B - 1
4.110.	ZONING - ZONES.	B - 2
4.111.	ZONING - ZONE BOUNDARY LINES.....	B - 2
4.113.	STANDARDS APPLYING TO RESIDENTIAL DEVELOPMENTS IN ANY ZONE.	B - 3
4.115.	STANDARDS APPLYING TO MANUFACTURED HOUSING IN ALL ZONES WHERE MANUFACTURED HOUSING IS PERMITTED.....	B - 13
4.116.	STANDARDS APPLYING TO COMMERCIAL DEVELOPMENTS IN ANY ZONE.	B - 13
4.117.	STANDARDS APPLYING TO INDUSTRIAL DEVELOPMENTS IN ANY ZONE.	B - 16
4.118.	STANDARDS APPLYING TO ALL PLANNED DEVELOPMENT ZONES:	B - 16
4.120.	ZONES. RA-H RESIDENTIAL AGRICULTURAL - HOLDING ZONE.	B - 20
4.122.	RESIDENTIAL ZONE.	B - 23
4.124.	STANDARDS APPLYING TO ALL PLANNED DEVELOPMENT RESIDENTIAL ZONES..	B - 25
4.124.1.	PDR-1:	B - 28
4.124.2.	PDR-2:	B - 29
4.124.3.	PDR-3:	B - 29
4.124.4.	PDR-4:	B - 30
4.124.5.	PDR-5:	B - 30
4.124.6.	PDR-6:	B - 31
4.124.7.	PDR-7:	B - 31
4.125.	V – VILLAGE ZONE	B - 32
4.127.	RN - RESIDENTIAL NEIGHBORHOOD ZONE	B - 70
4.131.	PDC - PLANNED DEVELOPMENT COMMERCIAL ZONE.....	B - 85
4.131.05.	PDC TC (TOWN CENTER COMMERCIAL) ZONE.....	B - 88
<u>4.132</u>	<u>TC - TOWN CENTER ZONE</u>	
4.133.00.	WILSONVILLE ROAD INTERCHANGE AREA MANAGEMENT PLAN (IAMP) OVERLAY ZONE	B - 92

4.133.01.	PURPOSE	B - 92
4.133.02.	WHERE THESE REGULATIONS APPLY	B - 92
4.133.03.	PERMITTED LAND USES.....	B - 93
4.133.04.	ACCESS MANAGEMENT	B - 93
4.133.05.	ADMINISTRATION	B - 95
4.133.06.	COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS.....	B - 97
4.134.	COFFEE CREEK INDUSTRIAL DESIGN OVERLAY DISTRICT	B - 99
4.135.	PDI- PLANNED DEVELOPMENT INDUSTRIAL ZONE.....	B - 123
4.135.5.	PLANNED DEVELOPMENT INDUSTRIAL – REGIONALLY SIGNIFICANT INDUSTRIAL AREA	B - 127
4.136.	PF - PUBLIC FACILITY ZONE.....	B - 127
4.136.5.	PF-C – PUBLIC FACILITY – CORRECTIONS ZONE.....	B - 134
4.137.	SOLAR ACCESS FOR NEW RESIDENTIAL DEVELOPMENT.....	B - 135
4.137.2.	SOLAR BALANCE POINT STANDARDS	B - 140
4.137.3.	SOLAR ACCESS PERMIT STANDARDS.....	B - 147
4.137.5.	SCREENING AND BUFFERING (SB) OVERLAY ZONE.....	B - 157
4.138.	OLD TOWN (O) OVERLAY ZONE.....	B - 160
4.139.00.	SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ) ORDINANCE	B - 168
4.139.01.	SROZ - PURPOSE.....	B - 176
4.139.02.	WHERE THESE REGULATIONS APPLY	B - 176
4.139.03.	ADMINISTRATION	B - 176
4.139.04.	USES AND ACTIVITIES EXEMPT FROM THESE REGULATIONS	B - 181
4.139.05.	SIGNIFICANT RESOURCE OVERLAY ZONE MAP VERIFICATION	B - 183
4.139.06.	SIGNIFICANT RESOURCE IMPACT REPORT (SRIR) AND REVIEW CRITERIA	B - 184
4.139.07.	MITIGATION STANDARDS.....	B - 189
4.139.08.	ACTIVITIES REQUIRING A CLASS I ADMINISTRATIVE REVIEW PROCESS	B - 194
4.139.09.	ACTIVITIES REQUIRING A CLASS II ADMINISTRATIVE REVIEW PROCESS.....	B - 195
4.139.10.	DEVELOPMENT REVIEW BOARD (DRB) PROCESS	B - 196
4.139.11.	SPECIAL PROVISIONS	B - 198
4.140.	PLANNED DEVELOPMENT REGULATIONS.....	B - 199
4.141.	SPECIAL REGULATIONS - CHANGES OF USE.....	B - 199

FIGURE	TITLE	Page No.
1	FENCE STANDARDS FOR RESIDENTIAL DEVELOPMENT.....	B – 7
V-1	EXTERIOR DISPLAYS/OUTDOOR DINING.....	B – 38
	WILSONVILLE ROAD INTERCHANGE AREA MANAGEMENT PLAN (IAMP)	B – 75
I-1	OVERLAY DISTRICT MAP	
D-1	DAY ROAD DESIGN OVERLAY DISTRICT AREA MAP.....	B – 87
2	FRONT LOT LINE.....	B – 114
3	NORTHERN LOT LINE.....	B – 115
4	NORTH-SOUTH DIMENSION OF THE LOT.....	B – 115
5	HEIGHT OF THE SHADE POINT OF THE STRUCTURE.....	B – 116
6	SHADE POINT HEIGHT.....	B – 116
7	SHADE REDUCTION LINE.....	B – 117
8	SOLAR GAIN LINE.....	B – 117
9	SOLAR BALANCE POINT STANDARD.....	B – 118
10	SOLAR LOT OPTION 1: BASIC REQUIREMENTS.....	B – 118
11	SOLAR LOT OPTION 2: PROTECTED SOLAR BUILDING LINE.....	B – 119
12	SOLAR ACCESS HEIGHT LIMIT.....	B – 119
13	SHADOW PATTERN.....	B – 120
14	EXAMPLE OF SCREENING AND BUFFERING.....	B – 122
NR-1	RIPARIAN CORRIDOR TYPE NR-1 (STREAM-RIPARIAN ECOSYSTEM)	B – 131
NR-2	RIPARIAN CORRIDOR TYPE NR-2 (STREAM-RIPARIAN ECOSYSTEM)..	B – 132
NR-3	RIPARIAN CORRIDOR TYPE NR-3 (STREAM-RIPARIAN ECOSYSTEM)..	B – 133
NR-4	RIPARIAN CORRIDOR TYPE NR-4 (STREAM-RIPARIAN ECOSYSTEM)..	B – 133
NR-5	RIPARIAN CORRIDOR TYPE NR-5 (RIVER-FLOODPLAIN ECOSYSTEM)..	B – 134
NR-6	BUILDING LINE EXAMPLES.....	B – 143

Table	Title	Page No.
1:	PDR ZONE BASED ON COMPREHENSIVE PLAN DENSITY.....	B – 27
V-1:	DEVELOPMENT STANDARDS.....	B – 38
V-2:	OFF STREET PARKING REQUIREMENTS.....	B – 44
V-3:	PERMITTED MATERIALS AND CONFIGURATIONS.....	B – 51
V-4:	PERMITTED MATERIALS AND CONFIGURATIONS:.....	B – 52
2:	MAXIMUM PERMITTED SHADE POINT HEIGHT (IN FEET).....	B – 141
3:	MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (FEET)	B – 145
4:	TO DETERMINE SHADE HEIGHT.....	B – 146
NR – 1:	METRO WATER QUALITY RESOURCE AREA SLOPE CALCULATIONS.....	B – 175
NR – 2:	HABITAT-FRIENDLY DEVELOPMENT PRACTICES	B – 179
NR – 3:	TREE REPLACEMENT REQUIREMENTS	B – 190
NR – 4:	NATURAL RESOURCE ENHANCEMENT MITIGATION RATIOS.....	B – 193

Section 4.110. Zoning - Zones.

- (.01) The following Base Zones are established by this Code:
- A. Residential Agricultural H Holding, which shall be designated "RA-H".
 - B. Residential, which shall be designated "R".
 - C. Planned Development Residential, which shall be designated "PDR," and further divided into:
 - PDR-1
 - PDR-2
 - PDR-3
 - PDR-4
 - PDR-5
 - PDR-6
 - PDR-7.
 - D. Planned Development Commercial, which shall be designated "PDC₅" ~~including PDC-TC (Town Center)~~.
 - E. Planned Development Industrial, which shall be designated "PDI."
 - F. Public Facility, which shall be designated "PF."
 - G. Public Facility - Corrections, which shall be designated "PF-C."
 - H. Village, which shall be designated "V". (Added by Ord 557, adopted 9/5/03)
 - I. Residential Neighborhood, which shall be designated "RN". The RN zone is a Planned Development Residential zone. (Added by Ord. 806 adopted 07/17)
 - J. Town Center, which shall be designated "TC". The TC zone is a Planned Development zone.
- (.02) The following Overlay Zones, to be used in combination with the underlying base zones, are established by this Code.
- A. Solar-Friendly (S) overlay zone;
 - B. Screening and Buffering (SB) overlay zone;
 - C. Old Town (O) overlay zone; and
 - D. Coffee Creek Industrial Design Overlay District (CCDOD).
- (.03) The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.
- (.04) The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.

[Amended by Ord. #812, 2/22/18]

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

Any commercial use shall be subject to the applicable provisions of this Code and to the following, unless otherwise provided for by a specific zone, overlay zone or a legislative master plan:

- (.01) Commercial developments shall be planned in the form of centers or complexes as provided in the City's Comprehensive Plan. As noted in the Comprehensive Plan, Wilsonville's focus on centers or complexes is intended to limit strip commercial development.
- (.02) Where the land use map of Wilsonville's Comprehensive Plan calls for "Office Commercial" development, not less than 60% of the total square footage of the ground floors of buildings within the development shall be in office use. Total floor area dedicated to retail use shall not exceed 30%. On-site parking may be limited in order to control traffic generation.
- (.03) Where the land use map of Wilsonville's Comprehensive Plan calls for "Commercial/Industrial mixed use" development, not more than 50% of the total floor area of the development shall consist of retail space.
- (.04) Where the land use map of Wilsonville's Comprehensive Plan calls for "Residential/Commercial mixed use" development, not less than 50% of the total floor area of the development shall consist of residential units.
- (.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for:
 - A. The sale of automotive fuel, lubricants, and fluids at service stations.
 - B. Car washes and car vacuum bays.
 - C. Off-street parking for customers and employees and off-street loading.
 - D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
 - E. Temporary staging of inventory, as shall be authorized through a site development permit, complying with the following additional minimum development and performance standards:
 1. The staging area shall be screened by a fully sight obscuring fence or planting, high wall, high berm or high screen landscape standard as specified in Section 4.176 - Landscaping Screening and Buffering;
 2. All parts of the staged inventory shall be completely concealed on all sides from public view at the right-of-way line; and
 3. The staged inventory shall be relocated into a completely enclosed structure of the primary retail operation within 48 hours of placement.
 - F. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets. [Section 4.116(.05) amended by Ord. No. 580, 4/4/05.]

- G. Exterior sales areas, complying with the following minimum development and performance standards:
1. The sales area shall be accessory to, and shall not exceed 5% of the floor area of the primary retail operation.
 2. The sales area shall be completely covered by a permanent structure of a design, construction and architecture compatible with that of the structure of the primary retail operation.
 3. All required ADA and pedestrian access ways and circulation aisles shall remain clear at all times.
 4. For new development, the Development Review Board may grant a waiver to allow exterior sales area of up to 10% of the floor area of the primary retail operation, provided that findings can be made that:
 - a. The expanded covered area has received approval through a Stage II/Site Design Review process.
 - b. The expanded area does not detract from the overall character of the development or the surrounding neighborhood.
 - c. Partial walls are required for screening large or bulky items.
 5. For Development existing on December 21, 2005, the Planning Director, pursuant to a Class II Administrative Review Process, may grant a waiver to allow exterior sales areas of up to 10% of the floor area of the primary retail operation, provided that findings can be made that:
 - a. The expanded area does not detract from the overall character of the area,
 - b. Partial walls are required for screening large or bulky items.

[Section 4.116(.05) amended by Ord. 601, 11/21/05]

- (.06) In any Commercial Development directly across the street from any Residential District, the loading facilities shall be at least twenty (20) feet from the street, shall be sited whenever practicable at the rear or side, and if facing a residential area, shall be properly screened. Screening shall be provided in a manner that is compatible with the adjacent residential development in terms of quality of materials and design. Such screening shall effectively minimize light glare and noise levels to those of adjacent residential areas.
- (.07) Uses shall be limited to those which will meet the performance standards specified in Section 4.135(.05), with the exception of 4.135(.05)(M.)(3.).
- (.08) Corner lots shall conform to the vision clearance standards set forth in Section 4.177.
- (.09) Trailer, trailer houses, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling or for storage of material unless approved for such purpose as a temporary use.
- (.10) Commercial developments generally.
- A. No structure shall be erected closer than the right-of-way line then existing or the officially planned right-of-way of any public, county, or state road.

- B. Minimum Front Yard Setback: None required except when front yard abuts a more restrictive district. When front yard abuts a more restrictive district, setbacks shall be the same as the abutting district.
 - C. Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.
 - D. Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be one and one-half (1 1/2) times the setback required for the abutting district.
 - E. Maximum Building Height: Thirty-five (35) feet, unless taller buildings are specifically allowed in the zone.
 - F. Minimum Lot Size: No limitation, save and except as may otherwise be affected by other provisions of this Code.
 - G. Maximum Lot Coverage: No limitation, save and except as may otherwise be affected by other provisions of this Code.
 - H. Minimum Street Frontage: No limitation, save and except as may be necessary to provide minimum access requirements.
- (.11) Hotels or Motels.
- A. Minimum Lot Size: One thousand (1,000) square feet for each unit.
 - B. Minimum Street Frontage: One hundred (100) feet.
 - C. Front Yard Setback: Thirty (30) feet, unless located in the Old Town overlay zone, in which case the standards of the overlay zone shall apply. Structures on corner lots shall observe the minimum setback on both streets or tracts with a private drive. [amended by Ord. 682, 9/9/10]
 - D. Minimum Rear Yard Setback: Thirty (30) feet.
 - E. Minimum Side Yard Setback: Twenty-four (24) feet.
- (.12) Off-Street Parking is to be as specified in Section 4.155.
- (.13) Signs are subject to the standards of Sections 4.156.01 through 4.156.11.
[Amended by Ord. No. 704, 6/18/12]
- (.14) Prohibited Uses.
- A. The use of a trailer, trailer house, or mobile coach as a residence is prohibited except where approved within an RV park or approved as a temporary use during construction.
 - B. Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05)(M.)(3.) is prohibited within commercial developments.

Section 4.131.05. PDC-TC (Town Center Commercial) Zone

~~(.01) Purpose: The purpose of this zoning is to permit and encourage a Town Center, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community as well as to meet the general shopping and service needs on an area wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public uses facilities as may be approved as part of the Town Center compatible with the Comprehensive Plan of the City.~~

~~(.02) Examples of uses that are typically permitted:~~

~~A. Retail sales.~~

~~B. Planned development permitted commercial uses, including department stores and shopping centers.~~

~~C. Banking and investment services.~~

~~D. Public facilities complex, Governmental offices, and facilities, hospitals, health centers and office complex for the furnishing of professional services, including but not restricted to medical, legal, architectural and engineering.~~

~~E. Planned multiple dwelling facilities, including motels, apartments and condominiums as may be approved by the Development Review Board.~~

~~F. Such other and further uses as may be approved by the Development Review Board compatible with the Comprehensive Plan.~~

~~(.03) Examples of uses that are typically recommended:~~

~~A. Central Commercial:~~

~~Department Stores~~

~~Florist Shop~~

~~Interior Decorating or design Shops~~

~~Retail Stores~~

~~Banks, Loan Companies, other Financial Institutions~~

~~Bicycle sales and service~~

~~Bird Store, Pet Shop or Taxidermist~~

~~Blueprinting, Photostatting, other Reproduction Process~~

~~Business Machines, retail sales & service~~

~~Car wash (automatic)~~

~~Cleaning and Pressing Establishments~~

~~Coffee shops~~

~~Commercial Schools, such as business colleges, music conservatories, trade schools, preschools~~

~~Custom Tailoring, Dressmaking or Millinery Shop~~

~~Day care for adults or children~~

~~Dentists or medical offices~~

~~Dry cleaning or laundries~~

~~Electronics, retail sales and service~~

~~Employment agencies~~

C. Food and Sundries:

Bakery, retail
Banks, loan companies, other financial institutes
Barber Shop
Beauty Parlor, Nail salon
Bicycle, retail sales & service
Bookstores
Clothes Cleaning Pick-up Agencies
Clothes Pressing Establishment
Coffee shop
Confectionery
Custom Dressmaking
Dance or martial arts studio
Delicatessen
Dentist, medical and eye clinics, including drug testing and labs
DMV (Department of Motor Vehicles office)
Drug Store
Dry Goods Store
Electronics, retail sales & service
Florist Shop
Frame shop
Furniture stores
Gifts, stationery, card, party supplies
Grocers, Fruit or Vegetable Store
Hardware Store
Health club, gym, personal trainer, tanning salon
Insurance agencies
Jewelry store, watch and clock repair shops
Internet, sales & service
Investment, real estate and law offices
Locksmiths, security systems
Mail, shipping and photocopying
Meat Market
Music, sales & service, including lessons
Nail Salon
Notions or Variety Store
Office supplies
Pet shop, bird store
Photography, photo processing and film exchange
Printing, blueprinting, other reproduction processes
Restaurants
Shoe Repair Shop
Tanning Salon
Telecommunication, sales & service
Temporary employment and placement agencies
Title companies
Travel agencies
Video, retail and rental
Other uses in character of neighborhood food and services

[Section 4.131.05(.03)(C.) amended by Ordinance No. 538, 2/21/02.]

~~D. Fast Food Service:~~

~~Free standing fast food take-out type restaurant, with the uses being limited to that type of food service establishment catering to a take-out trade.~~

~~E. Office Professional and General Office:~~

~~Accountants
Architects
Artists
Attorneys
Authors and Writers
Banks and financial institutions
Collection agencies
Computer company, excluding manufacturing
Dentists
Designers
Engineers
Government offices
Insurance agencies
Investment Counselors
Landscape Architects
Management Consultants
Marketing firms
Ministers
Nonprofit organizations, "storefronts"
Physicians & Surgeons
Psychiatrists & Psychologists
Real estate or rental agencies
Secretarial services
Software Design
Temporary employment and placement agencies
Travel agencies
Title companies
Other professional and general office user~~

~~(.04) Accessory uses that are typically permitted:~~

~~A. Any accessory use and structure not otherwise prohibited customarily accessory and incidental to any permitted principal use.~~

~~B. Temporary buildings and uses incidental to the development of principal facilities, such temporary structures to be removed upon completion of the work or abandonment of the project. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.~~

~~(.05) Procedures, Regulations and Restrictions: The procedures, regulations and restrictions applicable to the Town Center District shall conform to those set forth in Section 4.140 of this Code as the Development Review Board may deem necessary to achieve the purposes of the zone.~~

~~(.06) The Town Center District consists of all those certain lands in the East Half (E1/2) of Section 14 and the West Half (W1/2) of Section 13, Township 3 South, Range I West,~~

~~Willamette Meridian, Clackamas County, Oregon. More particularly, those properties within the above-described area that are designated as Commercial on the land use map of the Wilsonville Comprehensive Plan.~~

~~(.07) Block and access standards:~~

~~The PDC-TC shall be subject to the same block and access standards as the remainder of the PDC zone.~~

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT
CHAPTER 4 SECTIONS 4.154 – 4.199
GENERAL DEVELOPMENT REGULATIONS**

INDEX

SECTION NO.	TITLE	PAGE NO.
4.154	ON-SITE PEDESTRIAN ACCESS AND CIRCULATION §.....	C - 1
4.155	GENERAL REGULATIONS – PARKING, LOADING AND BICYCLE PARKING.....	C – 2
SIGN CODE REGULATIONS		
4.156.01	SIGN REGULATIONS PURPOSE AND OBJECTIVES.....	C – 14
4.156.02	SIGN REVIEW PROCESS AND GENERAL REQUIREMENTS.....	C – 15
4.156.03	SIGN MEASUREMENT.....	C – 20
4.156.04	NON-CONFORMING SIGNS.....	C – 23
4.156.05	SIGNS EXEMPT FROM SIGN PERMIT REQUIREMENTS.....	C – 23
4.156.06	PROHIBITED SIGNS.....	C – 26
4.156.07	SIGN REGULATIONS IN RESIDENTIAL ZONES.....	C – 27
4.156.08	SIGN REGULATIONS IN THE PDC, <u>TC</u> , PDI, AND PF ZONES.....	C – 28
4.156.09	TEMPORARY SIGNS IN ALL ZONES.....	C – 35
4.156.10	SIGNS ON CITY AND ODOT RIGHT-OF-WAY	C – 36
4.156.11	SIGN ENFORCEMENT.....	C – 38
4.162	GENERAL REGULATIONS – LIVESTOCK AND FARM ANIMALS.....	C – 40
4.163	GENERAL REGULATIONS – TEMPORARY STRUCTURES AND USES.....	C – 40
4.164	GENERAL REGULATIONS – USES NOT LISTED.....	C – 41
4.166	GENERAL REGULATIONS – UNSAFE BUILDINGS.....	C – 42
4.167	GENERAL REGULATIONS – ACCESS, INGRESS, AND EGRESS.....	C – 42
4.169	GENERAL REGULATIONS – DOUBLE-FRONTAGE LOTS.....	C – 42
4.171	GENERAL REGULATIONS – PROTECTION OF NATURAL FEATURES AND OTHER RESOURCES.....	C – 42
4.172	FLOOD PLAIN REGULATIONS.....	C – 48
4.175	PUBLIC SAFETY AND CRIME PREVENTION.....	C – 58
4.176	LANDSCAPING, SCREENING AND BUFFERING.....	C – 59
4.177	STREET IMPROVEMENT STANDARDS.....	C – 73
4.178	SIDEWALK AND PATHWAY STANDARDS [DELETED BY ORD. # 719, 6/17/13, SEE SECTION 4.177]..	C – 78
4.179	MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS.....	C – 78
4.180	EXCEPTIONS AND MODIFICATIONS – PROJECTIONS INTO REQUIRED YARDS.....	C – 80

4.181	EXCEPTIONS & MODIFICATIONS- HEIGHT LIMITS.....	C – 80
4.182	EXCEPTIONS AND MODIFICATIONS – SETBACK MODIFICATIONS.....	C – 80
4.184	CONDITIONAL USE PERMITS –AUTHORIZATION.....	C – 80
4.189	NON-CONFORMING USES.....	C – 84
4.190	NON-CONFORMING STRUCTURES.....	C – 85
4.191	NON-CONFORMING SITE CONDITIONS.....	C – 86
4.192	NON-CONFORMING LOTS.....	C – 86
4.196	VARIANCES.....	C – 87
4.197	ZONE CHANGES AND AMENDMENTS TO THIS CODE – PROCEDURES.....	C – 88
4.198	COMPREHENSIVE PLAN CHANGES – ADOPTION BY THE CITY COUNCIL.....	C – 92
4.199	OUTDOOR LIGHTING.....	C – 92
4.199.10	OUTDOOR LIGHTING IN GENERAL.....	C – 92
4.199.20	APPLICABILITY.....	C – 93
4.199.30	LIGHTING OVERLAY ZONES.....	C – 94
4.199.40	LIGHTING SYSTEMS STANDARDS FOR APPROVAL.....	C – 95
4.199.50	SUBMITTAL REQUIREMENTS.....	C – 98
4.199.60	MAJOR ADDITIONS OR MODIFICATIONS.....	C – 99

FIGURE	TITLE	PAGE NO.
S-1	MEASUREMENT OF CABINET OR SIMILAR SIGNS.....	C-21
S-2	MEASUREMENT OF INDIVIDUAL ELEMENT SIGNS.....	C-21
S-3	HOW TO MEASURE HEIGHT OF A FREESTANDING OR GROUND MOUNTED SIGN.....	C-22
S-4	INTERSTATE 5 AND CONTIGUOUS PARALLEL STREET FRONTAGES.....	C-30
21	GENERAL LANDSCAPING.....	C – 69
22	LOW SCREEN LANDSCAPING.....	C – 69
23	HIGH SCREEN LANDSCAPING.....	C – 70
24	HIGH WALL LANDSCAPING.....	C – 70
25	HIGH BERM LANDSCAPING.....	C – 70
26	PARTIALLY SIGHT-OBSCURING FENCE.....	C – 71
27	TOTALLY SIGHT-OBSCURING FENCE.....	C – 71
28	TREE CLEARANCES.....	C – 72
29	TREE CLEARANCES.....	C – 72
30	LIGHTING OVERLAY ZONE MAP.....	C – 101

Table	TITLE	PAGE NO.
5	PARKING STANDARDS.....	C – 8
S-1	EXEMPT LAWN AND RIGID SIGN ALLOWANCES.....	C – 39
7	MAXIMUM WATTAGE AND REQUIRED SHIELDING.....	C – 99
8	MAXIMUM LIGHTING MOUNTING HEIGHT IN FEET.....	C – 100
9	PERFORMANCE METHOD.....	C – 100
10	CURFEW.....	C – 100

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

(.01) Purpose:

- A. The design of parking areas is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, vehicle circulation and attractive, safe pedestrian access.
- B. As much as possible, site design of impervious surface parking and loading areas shall address the environmental impacts of air and water pollution, as well as climate change from heat islands.
- C. The view from the public right of way and adjoining properties is critical to meet the aesthetic concerns of the community and to ensure that private property rights are met. Where developments are located in key locations such as near or adjacent to the I-5 interchanges, or involve large expanses of asphalt, they deserve community concern and attention.

(.02) General Provisions:

- A. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
 - 1. The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.
 - 2. Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.
- B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.
- C. In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.
- D. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below. Within the TC Zone, the cumulative number of parking spaces required by this subsection may be reduced by 25 percent.
- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts

securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]

- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. Within the TC Zone, there is no maximum distance to an off-site location provided the off-site parking is located within the TC Zone. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.
- O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a

minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

P. Parklets are permitted within the TC Zone on up to two parking spaces per block and shall be placed in front of the business. Placement of a parklet requires a temporary right-of-way use permit and approval by the City Engineer.

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

- A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
 - 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.
 - 2. To the greatest extent possible, separate vehicle and pedestrian traffic.
- B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:
 - 1. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.
 - 2. Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.
 - a. Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.
 - b. Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity.
 - 3. Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards:
 - a. One (1) trees shall be planted per six (6) parking spaces or fraction thereof. At least twenty-five percent (25%) of the required trees must be planted in the interior of the parking area.
 - b. Required trees may be planted within the parking area or the perimeter, provided that a minimum of forty percent (40%) of the canopy dripline of mature perimeter trees can be expected to shade or overlap the parking area. Shading shall be determined based on shadows cast on the summer solstice.

- c. All parking lots in excess of two hundred (200) parking spaces shall provide an internal pedestrian walkway for every six (6) parking aisles. Minimum walkway clearance shall be at least five (5) feet in width. Walkways shall be designed to provide pedestrian access to parking areas in order to minimize pedestrian travel among vehicles. Walkways shall be designed to channel pedestrians to the front entrance of the building.
- d. Parking lots more than three acres in size shall provide street-like features along principal drive isles, including curbs, sidewalks, street trees or planting strips, and bicycle routes.
- e. All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.
- f. Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bioswales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.
- g. In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.

[Amended by Ord. #719, 6/17/13]

- C. Off Street Parking shall be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.
- D. Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity for any mode of travel of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.
- E. In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and

bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.

- F. On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.
- G. Tables 5 shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. Structured parking and on-street parking are exempted from the parking maximums in Table 5. [Amended by Ordinance No. 538, 2/21/02.]
- H. Electrical Vehicle Charging Stations:
 - 1. Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.
 - 2. Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright.

I. Motorcycle parking:

- 1. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
- 2. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

[Amended by Ord. #719, 6/17/13]

(.04) Bicycle Parking:

A. Required Bicycle Parking - General Provisions.

- 1. The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.
- 2. Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.
- 3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
- 4. Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A.)(9.) and (10.).

B. Standards for Required Bicycle Parking

- 1. Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.

2. An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
3. When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
4. Bicycle lockers or racks, when provided, shall be securely anchored.
5. Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance.
6. With Planning Director approval, on street vehicle parking can also be used for bicycle parking.

C. Long-term Bicycle Parking

1. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for several hours a weather-protected place to park bicycles.
2. For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards:
 - a. All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures.
 - b. All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view).
 - c. Spaces are not subject to the locational criterion of (B.)(5.).

[Section 4.155(.04) Added by Ord. #719, 6/17/13]

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units	1 per D.U.	No Limit	Multiple-family dwelling units – Min. of 2
2. Accessory dwelling unit	Per Subsection 4.113 (.11)	No limit	None required
3. Multiple-family dwelling units of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm) <u>Within the TC Zone, parking minimum is 1 per DU, regardless of the number of bedrooms, if constructed as a residential only building.</u>	No Limit	1 per D.U.
4. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
b. Commercial Residential			

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2
2. Motel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2
3. Clubs, Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.	No Limit	1 per 20 parking spaces Min. of 2
c. Institutions			
1. Welfare or correctional institution	1 space/3 beds for patients or inmates	No Limit	1 per 50 beds Min. of 2
2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/2 beds for patients or residents	No Limit	1 per 6000 sq. ft. Min. of 2
3. Hospital	2 spaces/bed	No Limit	1 per 20 parking spaces Min. of 2

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
d. Places of Public Assembly			
1. Church	1 space/4 seats, or 8 ft of bench length in the main auditorium	.8 per seat	1 per 50 seats Min. of 2
2. Library, reading room, museum, art gallery	2.5 per 1000 sq. ft.	No Limit	1 per 1000 sq. ft. Min. of 6
3. Preschool nursery, kindergarten	.2 per student and staff	.3 per student and staff	1 per 3500 sq. ft. Min. of 2
4. Elementary or Middle School	.2 per student and staff	.3 per student and staff	8 per class (above 2 nd grade) K – 2 nd grade: 1 per 3500 sq. ft.
5. High School	.2 per student and staff	.3 per student and staff	4 per class
6. College, commercial school for adults	.2 per student and staff	.3 per student and staff	1 per class Min. of 4
7. Other auditorium, meeting rooms	.3 per seat	.5 per seat	1 per 50 seats Min. of 4
8. Stadium, arena, theater	.3 per seat	.5 per seat	1 per 40 seats Min. of 4

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
9. Bowling alley	4 spaces/lane	No Limit	1 per 10 lanes Min. of 2
10. Dance hall, skating rink, gym, swim or fitness center	4.3 per 1000 sq. ft.	6.5 per 1000- sq. ft.	1 per 4000 sq. ft. Min. of 2
11. Tennis or racquetball facility	1 per 1000 sq. ft.	1.5 per 1000 sq. ft.	1 per court Min. of 2
e. Commercial			
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1500 sq. ft. gross floor area or less	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
2. Commercial retail, 1501 sq. ft. or more	4.1 per 1000 sq. ft. <u>There is no minimum off-street parking requirement within the TC zone for commercial retail less than 5000 sq. ft. and within a mixed-use building.</u>	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
3. Service or repair shops	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft.

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building	1.67 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 8000 sq. ft. Min. of 2
5. Office or flex space (except medical and dental) Bank with drive-thru	2.7 per 1000 sq. ft. 4.3 per 1000 sq. ft.	4.1 per 1000 sq. ft. 6.5 per 1000 sq. ft.	1 per 5000 sq. ft. Min. of 2
6. Medical and dental office or clinic area	3.9 per 1000 sq. ft.	5.9 per 1000 sq. ft.	1 per 5000 sq. ft. Min. of 2
7. Eating or drinking establishments Fast food (with drive-thru) Other	15.3 per 1000 sq. ft. 9.9 per 1000 sq. ft.	23 per 1000 sq. ft. 14.9 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 4
8. Mortuaries	1 space/4 seats, or 8ft. of bench length in chapels	No Limit	Min. of 2
f. Industrial			
1. Manufacturing establishment	1.6 per 1000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 sq. ft.	.5 per 1000 sq. ft.	1 per 20,000 sq. ft. Min. of 2
g. Park & Ride or Transit Parking	As needed	No Limit	10 per acre, with 50% in lockable enclosures

[Table 5 amended by Ordinance No. 538, 2/21/02]
 [Table 5 amended by Ordinance No. 548, 10/9/02]
 [Table 5 amended by Ordinance No. 719, 6/17/13]
 [Table 5 amended by Ordinance No. 825, 10/15/18]

(.05) Minimum Off-Street Loading Requirements:

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

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

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

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

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

3. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles.
4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
5. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to meet parking needs.

B Exceptions and Adjustments.

1. The Planning Director or Development Review Board may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations:
 - a. Are short in duration (*i.e.*, less than one hour);
 - b. Are infrequent (less than three operations daily);
 - c. Do not obstruct traffic during peak traffic hours;
 - d. Do not interfere with emergency response services or bicycle and pedestrian facilities; and
 - e. Are acceptable to the applicable roadway authority.

(.06) Carpool and Vanpool Parking Requirements:

- A. Carpool and vanpool parking spaces shall be identified for the following uses:
 1. New commercial and industrial developments with seventy-five (75) or more parking spaces,
 2. New institutional or public assembly uses, and
 3. Transit park-and-ride facilities with fifty (50) or more parking spaces.
- B. Of the total spaces available for employee, student, and commuter parking, at least five percent, but not fewer than two, shall be designated for exclusive carpool and vanpool parking.
- C. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other parking spaces with the exception of ADA parking spaces.
- D. Required carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

- (.07) Parking Area Redevelopment. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use when a portion of the existing parking area is modified to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations.

[Section 4.155 Amended by Ordinance. No. 536, 1/7/02]

[Section 4.155 Amended by Ordinance. No. 719, 6/17/13]

Section 4.156.07. Sign Regulations In Residential Zones.

- (.01) Ground Mounted Signs for Residential Developments. One ground mounted sign, not exceeding eighteen (18) square feet in area and six (6) feet in height above ground, shall be permitted for each residential subdivision or for any multi-family development.
- A. Additional ground mounted signs of eighteen (18) square feet or less shall be permitted for additional entrances to the subdivision or development located on a separate street frontage or on the same street frontage located at least two hundred (200) feet apart.

- B. For one entrance on a street frontage, an additional ground mounted sign may be placed on opposite side of the street or private drive at the intersection.
- (.02) Ground Mounted Signs for Outdoor Recreational Areas on Separate Lots. Public or private parks or other similar outdoor recreational areas on separate lots than dwelling units are allowed one (1) ground mounted sign of eighteen (18) square feet or less in area and six (6) feet or less in height above ground.
- (.03) Non-Residential Uses. Uses, other than residential and outdoor recreation, shall be subject to the sign regulations for PDC, TC, PDI, and Public Facility zones.

Section 4.156.08. Sign Regulations in the PDC, TC, PDI, and PF Zones.

- (.01) Freestanding and Ground Mounted Signs:
 - A. One freestanding or ground mounted sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding or ground mounted sign may be added for through and corner lots having at least two-hundred (200) feet of frontage on one street or right-of-way and one-hundred (100) feet on the other street or right-of-way.
 - B. The allowed height above ground of a freestanding or ground mounted sign is twenty (20) feet except as noted in 1-2 below.
 - 1. The maximum allowed height above ground for signs along the frontage of Interstate 5, and parallel contiguous portions of streets, as identified in Figure S-4, associated with multiple tenants or businesses may be increased by three (3) feet for each tenant space of ten thousand (10,000) square feet or more of gross floor area up to a maximum of thirty-five (35) feet.
 - 2. The allowed height above ground for signs in the ~~PDC~~-TC Zone, Old Town Overlay Zone, and PDI Zone is eight (8) feet, except those signs along the frontage of Interstate 5 and parallel contiguous portions of streets identified in Figure S-4.
 - C. The maximum allowed area for each freestanding or ground-mounted sign is determined based on gross floor area and number of tenant spaces:
 - 1. For frontages along streets other than those indicated in 2 below sign area allowed is calculated as follows:
 - a. The sign area allowed for signs pertaining to a single tenant:

Gross Floor Area in a Single Building	Maximum Allowed Sign Area
Less than 11,000 sq. ft.	32 sq. ft.
11,000-25,999 sq. ft.	32 sq. ft. + 2 sq. ft. per 1000 sq. ft. of floor area greater than 10,000 rounded down to the nearest 1,000 sq. ft.
26,000 sq. ft. or more	64 sq. ft.

- i. For PF (Public Facility) zoned properties adjacent to residential zoned land the maximum allowed area is thirty-two (32) square feet.
- b. The maximum allowed sign area for signs pertaining to multiple tenants or businesses is thirty-two (32) square feet plus the following for each tenant space:

Gross Floor Area of Tenant Space	Additional Allowed Sign Area for Tenant Space
Less than 1,000 sq. ft.	3 sq. ft.
1,000-10,999	3 sq. ft. + 3 sq. ft. per 1,000 sq. ft. of floor area rounded down to the nearest 1,000 sq. ft.
11,000 sq. ft. or more	32 sq. ft.

- i. The total sign area shall not exceed two hundred (200) square feet, except in the ~~PDC~~-TC Zone, Old Town Overlay Zone, and PDI Zone the total sign area shall not exceed eighty (80) square feet.
 - ii. Though the maximum allowed sign area is calculated based on number of tenant spaces and their size, the content of the sign and area used for different content is at the discretion of the sign owner, except for required addressing.
2. Signs fronting Interstate 5 and parallel contiguous street sections, as identified in Figure S-4.
- a. For signs on properties or within developments with a single tenant or business the sign area allowed is sixty-four (64) square feet.
 - b. For signs on properties or within developments with multiple tenants or businesses the maximum allowed area is sixty-four (64) square feet plus an additional thirty-two (32) square feet for each tenant space of 10,000 square feet or more of gross floor area up to a maximum total sign area of three hundred (300) square feet.
 - i. Though the sign area allowed is calculated based on number of large tenant spaces, the content of the sign and area used for different content is at the discretion of the sign owner, except for any required addressing.
- D. Pole or sign support placement shall be installed in a full vertical position.
- E. Freestanding and ground mounted signs shall not extend into or above public rights-of-way, parking areas, or vehicle maneuvering areas.
- F. The location of free standing or ground mounted signs located adjacent to or near the Public Right-of-Way shall be in compliance with the City’s Public Works Standards for sight distance clearance. Prior to construction, the location of the sign shall be approved by the City of Wilsonville Engineering Division.
- G. Freestanding and ground mounted signs shall be designed to match or complement the architectural design of buildings on the site.
- H. For freestanding and ground mounted signs greater than eight (8) feet in height, the width of the sign shall not exceed the height.

- I. Along street frontages in the ~~PDC~~-TC Zone and Old Town Overlay Zone monument style signs are required.
- J. Freestanding and ground mounted signs shall be no further than fifteen (15) feet from the property line and no closer than two (2) feet from a sidewalk or other hard surface in the public right-of-way.
- K. Except for those signs fronting Interstate 5, freestanding and ground mounted signs shall include the address number of associated buildings unless otherwise approved in writing by the City and the Fire District.
- L. When a sign is designed based on the number of planned tenant spaces it shall remain a legal, conforming sign regardless of the change in the number of tenants or configuration of tenant spaces.

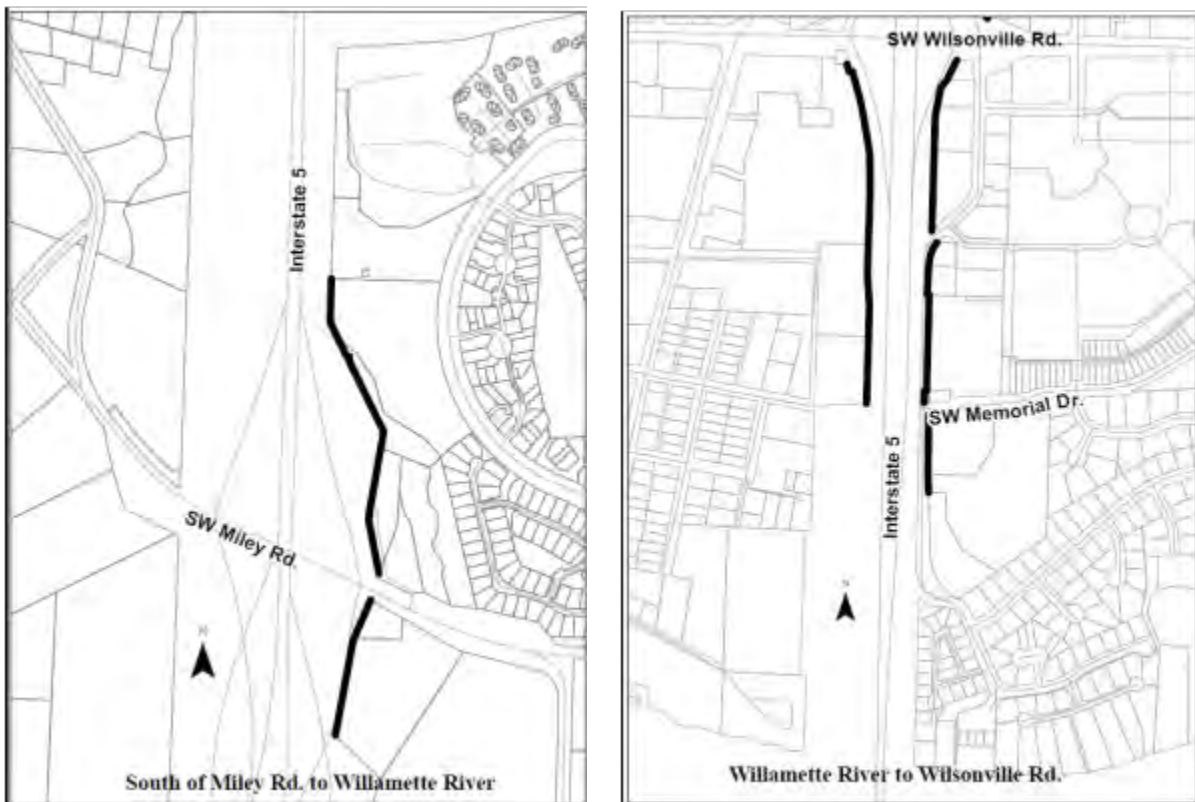


Figure S-4. Interstate 5 and Contiguous Parallel Street Frontages

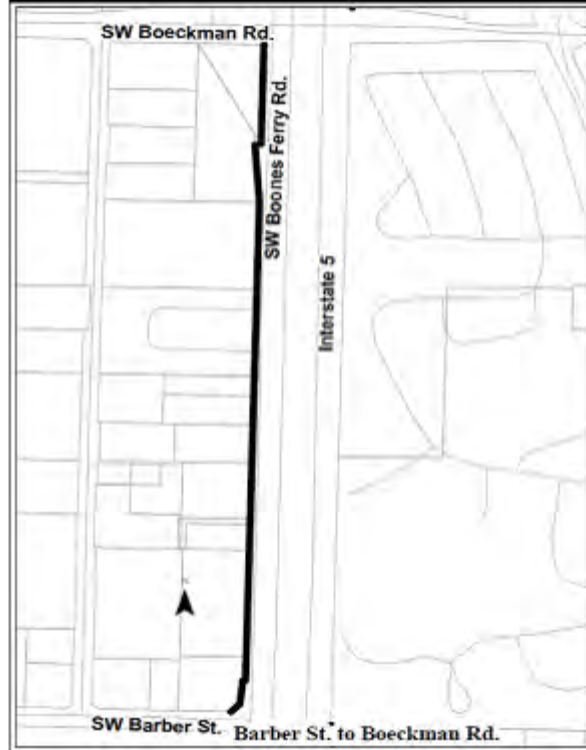
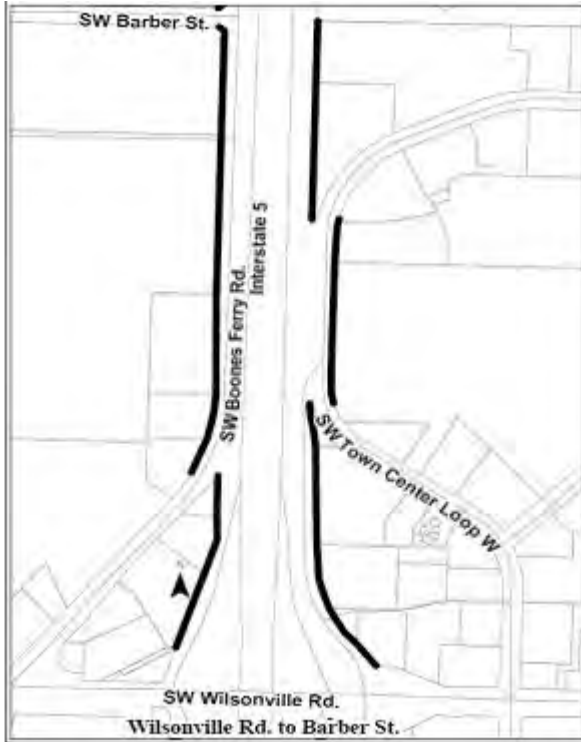


Figure S-4. Interstate 5 and Contiguous Parallel Street Frontages (continued)



Figure S-4. Interstate 5 and Contiguous Parallel Street Frontages (continued)

(.02) Signs on Buildings.

A. Sign Eligible Facades: Building signs are allowed on a facade of a tenant space or single tenant building when one or more of the following criteria are met:

1. The facade has one or more entrances open to the general public;
2. The facade faces a lot line with frontage on a street or private drive with a cross section similar to a public street, and no other buildings on the same lot obstruct the view of the building facade from the street or private drive; or
3. The facade is adjacent to the primary parking area for the building or tenant.

B. Sign Area Allowed:

1. The sign area allowed for all building signs on a sign eligible facade is shown in the table below:

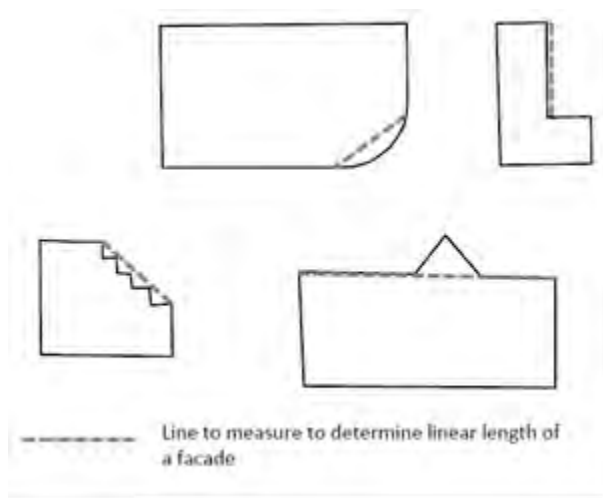
Linear Length of Façade (feet)	Sign Area Allowed*
Less than 16	Area equal to linear length
16 to 24	24 sq. ft.
Greater than 24 to 32	32 sq. ft.
Greater than 32 to 36	Area equal to linear length
Greater than 36 to 72	36 sq. ft.
Greater than 72	36 sq. ft. plus 12 sq. ft. for each 24 linear feet or portion thereof greater than 72 up to a maximum of 200 sq. ft.

*Except as noted in 2. through 5. below

2. The sign area allowed for facades with a primary public entrance or with a frontage along a public street dominated by windows or glazing may be increased by transferring to the façade up to one half (1/2) the sign area allowed for adjacent facades up to fifty (50) square feet. In no case shall the allowed sign area exceed an area equal to the linear length of the façade.
3. The sign area allowed is increased as follows for signs at separate building entrances:
 - a. For building entrances open to the general public located at least fifty (50) feet apart on the same facade, the sign area allowed is increased by fifty (50) percent up to fifty (50) square feet.
 - b. For building entrances located less than fifty (50) feet apart on the same facades, the sign area allowed is increased by twenty (20) percent up to twenty (20) square feet.
4. For businesses occupying multiple buildings in a campus setting, sign area shall be limited to that allowed for the largest building, which may then be distributed throughout the campus.
5. If a façade otherwise not sign eligible faces a lot line with frontage on Interstate 5, the applicant can transfer sign area allowed from one (1) of the locations described in a. and b. below. In no case shall the allowed sign area exceed an area equal to the allowed sign area for a sign eligible façade of the same linear length.
 - a. The freestanding sign along the Interstate 5 frontage. This generally involves placing building signs on the subject façade in lieu of installing a freestanding sign.
 - b. Adjacent façade up to fifty (50) square feet, when a majority of the adjacent façade from which the sign area is being transferred is visible from Interstate 5.
6. Calculating linear length of a façade for the purpose of determining maximum sign area allowed. For facades of a single tenant building the length the facade measured at the building line, except as noted in a. and b. below. For multi-tenant buildings the width of the façade of the tenant space shall be measured from the centerline of the party walls or the outer extent of the exterior wall at

the building line, as applicable, except as noted in a. and b. below. Applicants shall provide the dimensions needed to calculate the length. Each tenant space or single occupant building shall not be considered to have more than five (5) total facades.

- a. If a façade is curvilinear, stepped, or otherwise not a straight line, the façade shall be measured by drawing a straight line between the edges of the façade as shown in the figure below.
- b. For an “L” shaped tenant space or single tenant building the longest leg of the interior of the “L” shall be basis for measuring the length of the L-shaped facade. Sign area allowed based on the longest leg can be distributed between legs.



- C. The length of individual tenant signs shall not exceed seventy-five (75) percent of the length of the facade of the tenant space.
 - D. The height of building signs shall be within a definable sign band, fascia, or architectural feature and allow a definable space between the sign and the top and bottom of the sign band, fascia, or architectural feature.
 - E. Types of signs permitted on buildings include wall flat, fascia, projecting, blade, marquee and awning signs. Roof-top signs are prohibited.
- (.03) Additional signs. Notwithstanding the signs allowed based on the site in (.01) and (.02) above, the following signs may be permitted, subject to standards and conditions in this Code:
- A. Directional Signs: In addition to exempt directional signs allowed under Subsection 4.156.05 (.02) C. freestanding or ground mounted directional signs six (6) square feet or less in area and four (4) feet or less in height:
 1. The signs shall be designed to match or complement the architectural design of buildings on the site;

2. The signs shall only be placed at the intersection of internal circulation drives; and
 3. No more than one (1) sign shall be placed per intersection corner with no more than two (2) signs per intersection.
- B. Planned Development Signs. Up to thirty (32) square feet of the allowed sign area for freestanding signs in a planned development may be used for a separate on-site monument sign or off-site monument sign on an adjacent parcel identifying the Planned Development project.
- C. Blade Signs. To aid in pedestrian wayfinding, one (1) blade sign, not to exceed six (6) square feet, per facade eligible for building signs. Blade signs over pedestrian accessible areas shall provide a minimum of eight (8) feet of clearance from the ground.
- D. Fuel or Service Station Price Signs. In addition to the freestanding or ground mounted signs allowed, changeable copy signs shall be allowed for the purpose of advertising fuel prices, subject to the following standards and conditions:
1. The signs shall have a maximum of eleven (11) square feet in area per face per type of fuel sold and shall be permanently affixed to the building or a freestanding sign.
 2. The signs shall not be considered in calculating the sign area or number of signs allowed.
 3. Signs on fuel pumps shall be permitted, providing that they do not project beyond the outer edge of the pump in any direction.

April 22, 2024

J. Kenneth Katzaroff
Admitted in Oregon and
Washington
D: 206-405-1985
kkataroff@schwabe.com

VIA EMAIL

Keenan Ordon-Bakalian
Admitted in Oregon and
Washington
D: 503-796-2470
kordon-bakalian@schwabe.com

Development Review Board Panel B
City of Wilsonville
c/o Cindy Luxhoj, Associate Planner
29799 Town Center Loop E
Wilsonville, OR 97070

RE: ***Applicant's Final Written Argument for AR23-0031 (DB24-0003)***

Dear Members of the Development Review Board:

This firm represents The Home Depot, Inc. (“**Home Depot**” or the “**Applicant**”) in the above-referenced casefile (the “**Appeal**”). On April 8, 2024, the Development Review Board (the “**DRB**”) held a public hearing on the Appeal. Home Depot testified orally during the hearing. At the conclusion of the hearing, the DRB closed the record to further oral testimony but allowed the written record to remain open until 5:00 PM on April 15th for any party to submit any evidence or testimony. Home Depot is also entitled to at least seven days after the record is closed to all other parties (April 22, 2024) to submit final written argument, pursuant to ORS 197.797(6)(e).

This letter constitutes Home Depot’s final written argument in this matter and is submitted prior to the end of the final written argument period at 5:00 PM on Monday, April 22, 2024. Home Depot respectfully requests that the DRB approve AR23-0031 (the “**subject application**”) and find that Home Depot’s proposed development and operations constitute a continuation of the lawfully established retail nonconforming use at 29400 SW Town Center Loop West (the “**subject property**”).

I. INTRODUCTION AND OVERVIEW

The Applicant proposes to operate a Home Depot within the existing structure on the subject property. To this end, the Applicant sought a Class I director’s determination that the commercial retail use that was established as a result of the 1991 development approval (the “**1991 Decision**”) attached hereto as **Exhibit A**) remained a lawfully established nonconforming use at the subject property, and that the scope of that use was a retail use of up to 159,400 square feet. Upon receipt of the Applicant’s Class I application, the City attempted to bifurcate Applicant’s request to confirm the legality of a nonconforming use at the subject property from Applicant’s request



Development Review Board Panel B
April 22, 2024

for a determination to establish the scope of use at the property. *See* ADMN23-0029, Enclosure. The City required the Applicant to submit two applications – a Class I application to confirm the legality of the nonconforming use, and a Class II application to establish the *actual* nature, extent, and scope of the nonconforming use at the subject property. The Applicant’s Class II application was submitted to the City on December 15, 2023. On March 19, 2024, the Applicant’s Class II request was referred to the DRB for a public hearing rather than a decision being rendered by the Planning Director. *See* AR23-0031; DB24-0003.

Concurrent with the City’s processing of Home Depot’s Class II application, the City also issued a Director’s Determination for Home Depot’s Class I application,¹ finding that “Fry’s Electronics, on the subject property at 29400 SW Town Center Loop West, is a legally established Non-Conforming Use.” *See* ADMN23-0029. Home Depot appealed the Director’s Determination to the DRB,² who affirmed – but also modified – Planning Director Determination ADMN23-0029 and denied the Applicant’s Appeal. *See* DRB Resolution No. 429. On March 27, 2024, Home Depot filed a Notice of Appeal of the DRB’s Decision. On April 15, 2024, the Wilsonville City Council denied Home Depot’s appeal of the DRB Decision. *See* Order on Appeal – DRB Resolution No. 429 (Apr. 15, 2024).

As stated previously, Home Depot has regularly and consistently requested that the City meet to discuss its proposal and how Home Depot might partner with the City to realize the City’s goals in its Town Center Plan. Until recently, the City has denied these requests for a meaningful meeting. On April 8, 2024, Home Depot’s applicant team met with City staff to discuss a collaborative path forward entailing the development of a Wilsonville-specific Home Depot store that would meet the intent and vision of the City’s Town Center Plan. Although discussions with the City remain ongoing, the City has taken the controversial position that the only path forward for Home Depot to operate in Wilsonville is to apply for a waiver to standards or other form of application regulated under the subject property’s current Town Center (“TC”) zoning. The City’s position disregards Home Depot’s lawful right to operate at the subject property under the property’s existing nonconforming use rights. Moreover, in processing and presenting the subject application to the DRB, City staff has repeatedly taken actions inimical to the Applicant – in furtherance of City staff’s apparent goal to abrogate subject property’s lawfully established nonconforming use rights.

¹ The Planning Director issued their Director’s Determination on December 28, 2023. *See* ADMN23-0029.

² APPL24-0001.

II. APPLICANT'S REQUEST

Applicant requests continuation of the commercial retail, or retail use of the subject property. Throughout the staff report and staff presentation to the DRB, City staff has suggested or commented that the Applicant has asked to continue a different commercial retail use than the lawfully established commercial retail use currently occurring at the subject property. That is not correct and the City has pointed to no provision of its code or the law that permits it to limit the type of retail use of the structure. Staff is incorrect that the use of the property may be limited to a "single-user electronic retail store." as was the decision in the Class I, which remains appealable. Resolution No. 429 is not binding on the DRB's decision for this Class II application, as the DRB can, and should, determine that Home Depot's application is a continuation of the property's commercial retail nonconforming use rights.

The evidence and testimony within the record demonstrate that the scope and nature of the commercial retail use that was occurring on June 5, 2019 is consistent with that of Home Depot's operations, even down to the layout of the respective stores. Moreover, the record also demonstrates that Home Depot's operations will be *less intensive* than Fry's, including in terms of parking requirements and traffic impacts. Therefore, the Applicant respectfully requests that the DRB find that Home Depot may continue the commercial retail nonconforming use that has been lawfully established at the subject property.

III. ARGUMENT

A. Standard of review.

The DRB's decision must be supported by substantial evidence in the whole record. ORS 197.835(9)(a)(C). Substantial evidence is evidence a reasonable person would rely upon to reach a conclusion, notwithstanding that different reasonable people could draw different conclusions from the evidence. *Adler v. City of Portland*, 25 Or LUBA 546 (1993) In making its decision, the DRB must also take care not to improperly construe applicable law, which includes Oregon's nonconforming use caselaw. *See* ORS 197.835(9)(a)(D).

B. The nonconforming use at the subject property is the commercial retail use that was approved within the 1991 Decision.

The 1991 Decision is the controlling authority for determining the nature and extent of the nonconforming commercial retail use at the property because the 1991 Decision lawfully established the nonconforming use in the first instance. "The purpose of a local government proceeding to determine the existence of a nonconforming use is to determine what use existed

on the date restrictive regulations were applied." *Nehoda v. Coos Cnty.*, 29 Or LUBA 251, 1995 WL 1773153, at *5 (1995). A non-conforming use is "one that is contrary to a land use ordinance but that nonetheless is allowed to continue because the use lawfully existed prior to the enactment of the ordinance." *Morgan v. Jackson Cnty.*, 290 Or App 111, 114 (2018) (citing *Rogue Advocates v. Board of Comm. Of Jackson Cnty.*, 277 Or App 651, 654 (2016), *rev. dismissed*, 362 Or 269, 407 (2017)); *see* Wilsonville Development Code ("WDC") 4.001.196 (defining a nonconforming use as "a legally established use, which was established prior to the adoption of the zoning use requirements for the site with which it does not conform").

The commercial retail use at the subject property is a lawfully established nonconforming use pursuant to WDC 4.001.196 and *Morgan*. As explained in Home Depot's application materials and throughout this appeal proceeding, the City approved a commercial retail use at the subject property on December 9, 1991 with the adoption of Planning Commission Resolution No. 91PC43 (the 1991 Decision). Exhibit A, at 3.³ Specifically, the 1991 Decision approved a 159,400 retail commercial building and associated commercial retail activities on the 14.75 acre subject property. Exhibit A, at 9. At the time, the subject property's Planned Development Commercial ("PDC") zoning allowed commercial retail uses of the nature and extent that was approved by the 1991 Decision. Exhibit A, at 9.

The commercial retail use approved by the 1991 Decision was rendered nonconforming on June 5, 2019, when the City adopted its Town Center Plan and rezoned the property Town Center. This is because the property's present TC zoning prohibits commercial retail uses that exceed 30,000 square feet, unless the commercial retail use is located on more than one story of a multi-story building, and the 1991 Decision approved a 159,400 retail commercial building. WDC 4.132.03(A)(1); Exhibit A, at 9. Although the City's application of the TC zone to the property rendered the ongoing commercial retail use nonconforming, the commercial retail use approved in the 1991 Decision is essential to determining the use of the subject property as of June 5, 2019 because the 1991 Decision *sets the parameters* for the use that was occurring at the time of nonconformance.

Importantly, the use TC zone adoption does *not limit* the type of retail use, but instead the *size* of that use. Put another way, nothing in the existing and adopted code so limits the character of retail use, the only issue on conformity is the *size* of that retail use. To the extent relevant, the City has already determined in the Class I decision (still appealable) that the relevant size of the

³ The Planning Commission's adopting resolution includes findings of fact and conditions of approval, and incorporates all application materials, staff reports, and associated planning exhibits. Exhibit A, at 3.

retail operation can continue. The fact that the WDC provides *no character of retail use* restriction is dispositive of the Class II decision. The only question before the DRB is whether Home Depot is a commercial retail store, which it clearly is.

The operation of a Home Depot at the subject property represents a continuation of the lawfully established commercial retail nonconforming use at the property. Conversely, the City Council's affirmation of the finding in DRB Resolution No. 429 that the nonconforming use allowed to continue at the subject property is "a 159,400 square-foot electronics-related retail store" is contrary to the express language of the 1991 Decision, which is the controlling substantial evidence for the City's nonconforming use analysis *in this case*. The City will not receive deference for its interpretation of the 1991 Decision on a challenge to LUBA, even if the City's interpretation was accurate. *See Gould v. Deschutes County*, __ Or LUBA __, __ (LUBA No. 2020-095). The 1991 Decision established the parameters of the commercial retail use that was occurring at the time of nonconformance, and therefore, the 1991 Decision is relevant substantial evidence in support of the position that Home Depot is entitled to continue the commercial retail nonconforming use pursuant to WDC 4.001.196 and *Morgan*, 290 Or App 111 (2018).

The DRB and City Council's determination that the nonconforming use at the subject property is a "single-user electronics retail store" violates Oregon's codification requirement, which requires the approval or denial of an application to be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance. *See e.g.*, ORS 227.173; ORS 227.178(3)(a). In this case, the zoning code in effect at the time of the 1991 Decision did not contain limitations on the nature of a commercial retail use. Instead, the 1991 Decision approved a broad commercial retail use at the property, not a single-user electronics retail store.

City staff's position that "uses more closely associated with the Proposed Occupant were not listed in the CC use category" of the zoning ordinance (Ordinance No. 55) that was in place for the subject property's Planned Development Commercial – Central Commercial ("PDC-CC") zoning at the time of the 1991 Decision is misleading and has no determinative bearing on the subject application. *See* Staff Report for AR 23-0031, 22 (Apr. 8, 2024). Although the Applicant disagrees with staff's characterization of the uses associated with Home Depot's application, it is important to note that staff concedes, "electronics store was not a use listed specifically in CC" either. *Id.* Instead, Ordinance No. 55 simply provides a list of "typical recommended uses" allowed within the CC – *including retail stores* – of which Home Depot and Fry's both are. Staff's backhanded attempt to characterize the "recommended uses" category for the PDC-CC zone as an exclusive list of "allowed uses" conflicts with the plain language of Ordinance No. 55, and inserts what has been omitted from the Ordinance in violation of ORS 174.010.

Importantly, the Courts have determined that the codification requirement applies to cities, as well as counties. *Waveseer of Or., LLC v. Deschutes Cnty.*, 308 Or App 494, 501 (2021); *BCT Partnership v. City of Portland*, 130 Or App 271, 276 (1994); ORS 227.173(1). The key is that the standards must be ascertainable from the terms of the local government's *legislation*. *Zirker v. City of Bend*, 233 Or App 601, 610, 227 P3d 1174, *rev. den.*, 348 Or 415, 233 P3d 818 (2010). In other words, ORS 227.173(1) generally does not permit a city to develop land use approval standards and criteria through quasi-adjudicative decision-making; the standards must be reasonably discernible from provisions of the code itself. Here, the City has arbitrarily limited the scope of the subject property's nonconforming use rights through a quasi-judicial process. As detailed above, the 1991 Decision established the parameters of the use that was occurring in 2019 at the time of nonconformance and the 1991 Decision was not limited to the approval of only single-user electronic retail stores, but rather approved the subject property for commercial retail use generally.⁴ The DRB risks violating Oregon's codification requirement if the DRB finds that Home Depot cannot operate as a continuation of the commercial retail nonconforming use that lawfully exists at the subject property.

The findings, recommendations, and conditions of approval within the 1991 Decision established the scope and extent of the commercial retail use that the 1991 Decision approved at the subject property. The 1991 Decision was made in accordance with the City's zoning code that was in place at the time when the 1991 Decision was issued, and the zoning code did not limit commercial retail uses to certain subsets based on the products that the applicant intended to sell. The City's argument that the 1991 Decision is not relevant to Home Depot's Class II application defies reason, as without the 1991 Decision which established the commercial retail use of the subject property, there is no way to determine the *lawfully established* nonconforming use for the property.

The DRB should find that the 1991 Decision is the controlling substantial evidence in the record for determining the scope and extent of the nonconforming use at the subject property.

C. Home Depot may continue the commercial retail use that was existing at the time of nonconformance on June 5, 2019.

Home Depot proposes to continue the same use that Fry's Electronics was employing the subject property for – commercial retail. WDC 4.001.344 defines “use” as “the purpose for which land

⁴ Any commercial retail use operating at the subject property prior to the 2019 adoption of the Town Center Plan may need to comply with the standards and conditions contained within the 1991 Decision.

or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.” The “purpose” of the use at the subject property as approved in the 1991 Decision was commercial retail, including the construction and occupancy of the existing structure at the property. As set forth in the 1991 Decision, the existing structure at the property was approved for office, warehouse, manufacturing, service, and retail use. Exhibit A, at 12. Therefore, the commercial retail purpose of the existing structure and subject property will continue through any change in the characteristic of the owner of the property, i.e., whether it is Home Depot or Fry’s that operates at the property.

This position is consistent with Oregon’s nonconforming use caselaw. In *Vanspeybroeck v. Tillamook County Camden Inns, LLC*, 221 Or App 677 (2008) petitioners challenged a decision of the Tillamook Board of County Commissioners (“Board”) that approved alterations to a second floor residence through a minor nonconforming use review. Petitioners argued that the nonconforming use had been abandoned due to a change in the type of occupancy from an owner-occupied unit to non-owner occupied unit. *Id.* at 684. The court examined the definition of “use” in the Tillamook County Land Use Ordinance, which is defined as the “purpose...for which a unit of land is developed, occupied or maintained” and concluded that “the single-family residential purpose of the second-floor occupancy continued through any change in the characteristic of the occupant as owner or renter, and the nonconforming use was not abandoned or discontinued by that change.” *Id.* at 686.

Similarly, in *Hendgen v. Clackamas County*, 15 Or App 117 (1992), the court considered whether a proposed business warehouse, which would store produce of an off-site business, was a continuation of a nonconforming use that used the same buildings to store supplies and inventory with a business located on the same property. The court concluded that the “common nucleus of both activities is storage.” *Id.* at 120 (emphasis in original). The court went on to state that “LUBA regarded the nature of the businesses that employed the structures to be the decisive inquiry. We think that the more relevant question is whether there is a common use that the various operations share.” *Id.* at 121.

Here, the common nucleus in activities for both Home Depot and Fry’s Electronics is *commercial retail use*. Just like in *Vanspeybroeck* and *Hendgen*, both Fry’s and Home Depot purpose and intent for operating the subject property is the same – commercial retail use. As explained in more detail within Home Depot’s application materials, although Fry’s and Home Depot stores retail different products, the principal purpose and use for both stores is the retail sale of products displayed and stored in a warehouse format. The fact that Fry’s retailed computer and electronics goods and tools and Home Depot retails home improvement and trade

goods and tools is not relevant for determining whether Fry's and Home Depot are commercial retail uses allowed under the 1991 Decision.

As explained during the April 8 DRB hearing, Home Depot and Fry's share a significant amount of similarities in terms of the scope and extent of their commercial retail operations. *See attached*, Home Depot Slide Deck (Apr. 8, 2024) (**Exhibit B**). Home Depot and Fry's (when Fry's was operating) are both organized warehouse style, engage in the retail sale of products to both individuals and professionals, provide technical expertise and service, offer direct-to-door delivery options, and stock a large amount of ancillary and seasonal products that are not directly related to the companies' primary retail offerings. *Id.* Specifically, both Fry's (when operating) and Home Depot retail household-type major appliances, small appliances, tools, component products, accessories, lights, light bulbs, and batteries. *Id.* Fry's and Home Depot organize and stock merchandise in a traditional warehouse commercial retail style, utilizing large aisle and shelving layouts (including pegboard product hangs), warehouse-style shopping carts, front-end checkout and store pickup stations, endcaps, and service kiosks. Fry's and Home Depot also sell many identical ancillary products, including chairs and furniture, apparel, and food. *Id.* In sum, Fry's and Home Depot's operational characteristics, store layouts, offerings, and activities are extremely similar—even indistinguishable.

There is ample evidence within the record demonstrating the scope and nature of Fry's operations at the time of nonconformance, including the photographic evidence detailed within the Applicant's April 8, 2024 PowerPoint, which shows the wide variety of retail goods that Fry's was selling, beyond simply electronics. Moreover, the Lumberjack LP Letter submitted by the owner of the subject property and previous operator of Fry's Electronics details both the similarities between Fry's and Home Depot, as well as the wide variety of retail offerings that were occurring at the time the commercial retail use became nonconforming. Therefore, the DRB should find that Home Depot can operate as a continuation of the commercial retail use – approved in the 1991 Decision – that Fry's was previously operating under.

Critically, Fry's Certificate of Occupancy (“**CofO**”) for the existing structure at the subject property makes clear that the *use of the structure is retail*, not a “single-user electronics retail store” or a “Fry's Electronics.” *See attached*, **Exhibit C**. As such, the existing nonconforming use at the subject property is commercial retail, or simply retail generally. The City's position that the existing nonconforming use at the property is a “single-user electronics retail store” or a “Fry's Electronics” is not supported by any substantial evidence in the record and is unreasonable in light of the CofO—which is a second instance of a City-issued permit that only dictates that the subject property be used for retail use and not a particular character of retail use.

Home Depot's position is further supported by the CofO for the Wilsonville Ace Hardware located at 29029 SW Town Center Loop E. *See attached, Exhibit D.* The CofO for the Wilsonville Ace states that the use of the structure is *retail*, not "hardware retail" or "home improvement retail." The City's own occupancy approval for an existing hardware store currently operating within the City specifies that the *use* is retail, not a limited subset thereof. In conjunction, the CofO's for both Fry's and Ace Hardware demonstrate that the City Staff's interpretation that the nonconforming use at the property is a single-user electronics retail store is nothing more than a thinly veiled attempt to prevent Home Depot from continuing the lawfully established commercial retail use at the property.

In short, City Staff may dislike the idea of a Home Depot at the subject property because Staff believes that a Home Depot is inconsistent with the adopted City's Town Center Plan. However, staff's position is inconsistent with the legal authorization for Home Depot to continue the lawfully established commercial retail nonconforming use at the property. Exhibit A; WDC 4.001.196; *Morgan*, 290 Or App 111 (2018).

Moreover, Staff's position is also inconsistent and incorrect given that the TC Plan specifically permits retail uses, it just limits the size. Equally important is that the existing CC&Rs that burden the subject property and *many if not most* of the other properties within the TC Plan area also control and *expressly preclude* the residential uses that the TC Plan seeks to encourage. Home Depot has stated that it will support an amendment to the CC&Rs, and will accept a condition of approval that requires such reasonable amendment.

The DRB should determine that Home Depot may operate at the subject property under a continuation of the property's lawfully established commercial retail nonconforming use rights.

D. The City's Legal Analysis within the Staff Report is Flawed

City Staff's legal analysis within the Staff Report for the subject application is flawed in many respects. Within the Staff Report the City cites several cases in support of its position that the continuation of nonconforming uses are disfavored, and that "provisions for limiting nonconforming uses are liberally construed to prevent the continuation or expansion of nonconforming uses as much as possible." The City's continued reliance on this proposition evidences the City's fundamental misunderstanding regarding the law applicable to the subject application, as well as the current posture of the application itself.

Foremost, there is no question that the lawfully established nonconforming use at the subject property *can continue*. The Applicant has met its burden to demonstrate compliance with WDC 4.189.01, and the City has not called the application's compliance with this standard into

question. There is also no question that the nonconforming use that the subject property has *not been abandoned*, as the Applicant's Class I application addresses the abandonment standards within WDC 4.189.03, and the City did not challenge the Application's compliance with WDC 4.189.03. *See* DRB Resolution No. 429; Order on Appeal – DRB Resolution No. 429 (Apr. 15, 2024). The City's statement that provisions for limiting nonconforming uses must be liberally construed to limit nonconforming uses is not relevant for this application, because the application of the City's continuance and abandonment standards within WDC 4.189 are not being interpreted by the City and are not at issue.

Rather, the City must weigh the evidence and testimony within the record under the substantial evidence standard, and cannot inject a heightened degree of animosity towards Home Depot's property to continue the lawfully established commercial retail nonconforming use at the subject property. *Adler*, 25 Or LUBA 546 (1993) (detailing the substantial evidence standard). Put simply, there is no requirement under law for the City to disfavor Home Depot's application under the provisions of the WDC, because the City has not applied the provisions of the WDC to the subject application. For this application, the DRB must weigh the evidence in the record with an even hand to determine whether Home Depot's proposed development proposes a commercial retail use of the same (or less intensive) nature and extent as the previous commercial retail nonconforming use that was occurring.

Turning to the City's additional legal analysis, the City's reliance on *Fraley v. Deschutes County*,⁵ is similarly misplaced. First, *Fraley* addressed ORS 215.130, a County statute relating to the application of ordinances and comprehensive plans for the alteration of nonconforming uses. ORS 215.130 is not applicable to the subject application. Additionally, *Fraley*'s facts are inapposite to the facts of the subject application. In *Fraley*, Deschutes County found that a use proposing to repair diesel engines and tractor trailer trucks could not continue under the nonconforming use rights that flowed from a previous business that was engaged in the structural repair of motorhomes, campers, and RVs. LUBA also found that in *Fraley*, the storage yard for the property in question was used by the structural repair business *solely* for lumber storage, whereas the diesel engine and truck repair business intended to use the yard to store large trucks in various stages of repair. *Fraley*, 32 Or LUBA, at 35. LUBA concluded that the nature and scope of use differed between a commercial vehicle repair business replete with engine servicing for eighteen-wheeler trucks, and a business engaged in structural (non-motorized) repair of recreational vehicles and campers.

⁵ 32 Or LUBA (1996).

LUBA based its decision in *Fraleley* in large part on an interpretation of the “common nucleus test” first set forth in *Hendgen*, finding that the two businesses did not share the same essential nature. *Fraleley*, 32 Or LUBA, at 35. Here, both Fry’s and Home Depot share the same essential nature, as the common nucleus of both businesses is commercial retail, notwithstanding the use of the existing structure by different businesses. Unlike the disparate use of the storage yard in *Fraleley* that entailed the storage of lumber versus the storage of eighteen-wheelers, the evidentiary record in this case reflects that Fry’s and Home Depot operate(d) in an extremely similar fashion as warehouse-style commercial retailers. Exhibit B; Lumberjack LP Letter (Apr. 11, 2024); Exhibit C (establishing retail as the essential nature of the use for the existing structure).

Critical to LUBA’s holding in *Fraleley* and the application currently before the DRB, the common nucleus test established in *Hendgen* remains good law, regardless of City staff’s statements to the contrary. As stated above, in the original *Hendgen* Court of Appeals proceeding, the Court set forth the common nucleus test for determining the nature and scope of nonconforming uses. *Hendgen*, 115 Or App, at 120–21 (storage use of property is a common nucleus that prevents loss of nonconforming use status, notwithstanding use by different types of businesses). After establishing the appropriate legal test – the common nucleus test – the Court remanded the decision on appeal to LUBA, who subsequently remanded the decision back to Clackamas County. Property owners petitioned review, and in the second *Hendgen* proceeding, the Court of Appeals simply held that the prior decision setting forth the test to be used in deciding whether proposed use was a continuation of a nonconforming use did not preclude LUBA from remanding to the county for new findings on the issue. *Hendgen v. Clackamas County*, 119 Or App 55 (1993) (herein after “*Hendgen II*”).

Hendgen II did not disturb the original *Hendgen* Court’s establishment of the common nucleus test. In fact, the decision for *Hendgen II* does not even mention the common nucleus test, because the appeal in *Hendgen II* was related to factual issues, not the relevant legal standard. Moreover, LUBA applied the common nucleus test in *Fraleley*, which was decided in 1996, three years after *Hendgen II*. The City’s quixotic theory that *Hendgen II* somehow abolished the *Hendgen* Court’s prior establishment of the common nucleus test is entirely unsupported by the plain language of *Hendgen II* and cannot be followed. The common nucleus test remains good law and must be applied to the subject application.

Development Review Board Panel B
April 22, 2024

IV. CONCLUSION

Home Depot requests that the DRB impose the relief requested by the Appellant in the above argument. Specifically, the Applicant requests that the DRB uphold the 1991 Decision as the controlling authority for determining the nature and extent of the subject property's nonconforming use rights, and find that the lawfully established nonconforming use at the property is a commercial retail use. Furthermore, the Applicant respectfully requests that the DRB determine that Home Depot can operate under the subject property's existing commercial retail nonconforming use rights because the scope and extent of Home Depot's proposed operations are consistent with the scope and extent of use approved in the 1991 Decision, as well as the scope and extent of the use that was occurring on June 5, 2019.

SCHWABE, WILLIAMSON & WYATT, P.C.

Sincerely,



J. Kenneth Katzaroff

JKKA:KOB:jmhi
Enclosures

Unique Serial Number: (assigned by dbase) 4808

Department: Planning

Case No: 91PC43

File Creation Date:

Request: Modified Stage I Master Plan and Stage II Phase II site development plans, reconsideration of Condition of Approval #8 of 90PC15

Action: Approved with conditions

Project Expiration Date:

Property Description: TL 500, 600, 601, 604

Sec. 13

County: C

TL 101, 200, 201, 300, 405

Sec. 14D

County: C

Location: Wilsonville Town Center

Street Address:

Project Name(s): Project Thunder

Applicant: Capital Realty Corporation

Retention Schedule: Permanent

Location of Microfilm: City Hall Vault

Hard Copies of drawings/plans available? Yes

Physical copy of file retained? No

See also Case Files: 89PC50, 90PC15, 90PC15EX, 91DR29, 92DR21

Other name(s) on file:

MAP

SW 10/5/06

Initial/Date

City of
WILSONVILLE
In OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

NOTICE OF DECISION

Project Name: PROJECT THUNDER File No: 91PC43

Applicant / Owner: Capital Realty Corp.

Proposed Action: Modified Stage I Master Plan, Phase II Stage II Site
Development Plans and Amending Condition of Approval 8 of Resolution 90PC5

Property Description:

Map No: 13 & 14D Tax Lot No: 101, 102, 200, 201 Site Size: _____

Address: _____

Location: Wilsonville Town Center - east of Town Center Loop West and northwest
of shopping center

On December 9, 1991, at the meeting of the Planning Commission
the following decision was made on the above-referenced Proposed Development Action:

Approval Approval with Conditions Denied

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 16th day of December, 1991, and is available for public inspection. The date of filing is the date of the decision. Any appeal(s) must be filed with the Planning Department by 5:00 p.m. on December 30, 1991.

Written decision is attached

Written decision is on file and available for inspection
and/or copying.

This action, if approved, will expire on December 9, 1993 unless development commences prior to the expiration date.

For further information, please contact the Wilsonville Planning Department at City Hall, Community Development, or phone 682-4960.

FILED 12-16-91

Exhibit A 22 e

PLANNING COMMISSION
RESOLUTION NO. 91PC43

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL FOR A MODIFIED STAGE I MASTER PLAN, PHASE II STAGE II SITE DEVELOPMENT PLANS AND AMENDING CONDITION OF APPROVAL 8 OF RESOLUTION 90PC5 - CAPITAL REALTY CORP., APPLICANT. THE PROPERTY IS IDENTIFIED AS WILSONVILLE TOWN CENTER AND IS LOCATED ON TAX LOTS 101, 102, 200, 201, 300 AND 500, T3S-R1W, SECTIONS 13 AND 14D, CLACKAMAS COUNTY, OREGON

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Sections 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 December 9, 1991, at which time all exhibits, together with findings and public testimony, were entered into the public record, and


WHEREAS, the Commission has duly considered the subject and the recommendations contained in the staff report, and

WHEREAS, all interested parties have been afforded an opportunity to be heard on the subject.

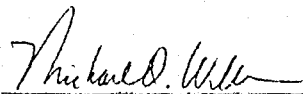
NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the staff report attached hereto as Exhibit A, along with the findings, recommendations and Conditions of Approval contained therein. The Wilsonville Planning Director is hereby authorized to issue a Stage I Master Plan and Stage II Site Development Permit for Phase II and a Revised Condition of Approval 8 -Resolution 90PC5 once the prescribed appeal period has expired.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 9th day of December, 1991, and filed with the Planning Secretary this same day.

Attest:



Judge Emison, Planning Secretary



Chairman, Planning Commission

And to provide an additional finding of fact that says that the traffic signal at the intersection of Town Center Loop West and Wilsonville Road is in process and should be in place by July of 1992, which it appears will alleviate some of the traffic congestion, but the Planning Commission still has significant concerns regarding the traffic at the intersection of Wilsonville Road and Parkway Avenue. (That's a finding of fact and not a Condition of Approval.)

**STAGE I MASTER SITE PLAN AND
PHASE II STAGE II SITE DEVELOPMENT
CONDITIONS OF APPROVAL**

1. This approves the subject Stage I Master Plan and Stage II Site Development of Phase II Project Thunder store. Developers shall submit separate applications for Stage II development review and separate applications for Site Design Review for each pad and development phase proposed in the Master Plan.
2. Automotive service stations/centers and automotive wash centers shall not be permitted within the Wilsonville Town Center Master Plan.
3. The owner shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
4. All survey monuments on the subject site shall be protected. If destroyed by the proposed site construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.
5. The developer shall retain an engineer to provide a detailed drainage analysis of the subject property and prepare a 24" x 36" sheet identifying contributing drainage areas to be included with the final design plans.
6. Storm sewer system shall be designed to pass a 25-year frequency storm. Engineer shall provide detailed drainage computations. Applicant's design engineer shall provide runoff protection to downstream property owners. The design may require a detailed erosion control plan.
7. The developer shall coordinate with the City Engineer in preparing grading plans and in the design and location of all public utilities.
8. The developer shall conform with all requirements of the Tualatin Valley Fire District.

9. The developer shall submit to the Design Review Board a pedestrian sidewalk plan showing connections along the access drives through Phase II to the open space. Construct a five-foot wide concrete sidewalk, off-set five feet from the curb along the entire frontage of Town Center Loop West with Phase II and the adjoining pads. Connect all public sidewalks to the on-site sidewalk system. All sidewalks shall be constructed prior to occupancy of Project Thunder.

10. This approval amends Condition No. 16 of Resolution 89PC50 and Condition No. 8 of Resolution 90PC15 to state as follows:

The applicant shall dedicate 5.1 acres for a public park before issuance of the Certificate of Occupancy for Phase II unless the applicant and the City Council reach an agreement for a later date. The City and the applicant will work toward resolving the access and timing issues of the public park dedication up to including the time of the Certificate of Occupancy.

11. That an association of owners or tenants shall be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such common areas (landscaped areas) that are acceptable to the Planning Director. Said association shall be formed and continued for the purpose for maintenance. Such an association may undertake other functions. It shall be created in such a manner that tenants or owners of property shall automatically be members and shall be subject to assessments levied to maintain said common areas for the purposes intended. The period of existence of such association shall be not less than twenty years and it shall continue thereafter until other arrangements are made subject to City approval. This condition of approval does not apply to the open space proposed to be dedicated to the City.

12. All final plans shall be submitted on a 24" x 36" format. A title page will be required with a space left in the lower right-hand corner for an 8-1/2" x 11" information sheet to be provided by the City and to be affixed to the final as-built plans before acceptance. The applicant shall provide 3 mil mylar as-builts to the City which must be submitted and approved by the City before the final punch list inspection will be performed by the City.

13. Final utility design shall meet the following general format:

- A. Sanitary sewer shall be aligned on the north and west side of all street centerlines.
- B. Storm sewer shall be aligned on the south and east side of all street centerlines.
- C. Water line shall be aligned on the south and east side of all street centerlines.
- D. Minimum centerline finish grade shall be no less than 1% and the maximum centerline finish grade shall be no more than 12% for local streets. Minimum centerline finish grade shall be no more than 8% for any street above local street in classification and shall be constructed of concrete.
- E. The top of the curb shall equal centerline finish grade unless offset crown design or curb return transition.

- F. Composite utility plan shall be part of the final plan set.
 - G. Detailed grading plan shall be part of the final plan set.
 - H. Utilities not in the street area shall provide maintenance access acceptable to the City, and shall be centered in a 15-foot easement to be conveyed to the City of Wilsonville.
 - I. Final design of the public utilities shall be approved at the time of the City's issuance of a Public Works Construction Permit.
 - J. All on-and-off-site utilities shall comply with the State of Oregon and the City of Wilsonville requirements and Codes.
 - K. All cul-de-sacs shall have a minimum 45-foot radius to the face of the curb to allow for adequate turning radius.
 - L. All public streets shall meet design requirements for sight distance - horizontal, vertical and intersectional.
 - M. Final design plans shall identify locations for street lighting, gas service, power lines, telephone lines, cable television, street trees and mailbox clusters.
14. All survey monuments on the subject site shall be protected. If destroyed by the proposed site construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.
 15. All power and telephone utilities shall be installed underground.
 16. Provide the Planning Director crossover reciprocal easements to adjacent properties for ingress and egress of traffic to cross over drives and private roads.
 17. The developer shall designate and construct City of Wilsonville Rapid Area Transport transit stops. Coordinate with Tom Barthel, the City Administrative Analyst, on the number and locations of the transit stops.
 18. The minimum parking space dimensions shall be 9' x 18' with 25-foot travel lanes.
 19. That Phase II be developed in such a manner that traffic generated by the development 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 access drives at Town Center Loop West and at the intersection of Town Center Loop West with Wilsonville Road.
 20. The Phase II Stage II development shall take access at the prescribed access locations approved in Local Improvement District No. 5 along Town Center Loop West, except for the proposed access drive shown to be relocated at the southwest boundary of Phase II and is subject to the approval of the City Attorney and agreement being reached regarding lining up of the access drives on Town Center Loop West and the property across the street. The City Attorney is going to review the agreements to make sure that we end up with a full intersection on Town Center Loop West and the access drive to Project Thunder unless the property owner and the City Council reach another agreement.

21. At the time the Design Review Board specifically reviews the applicant's plans regarding the east wall of the large structure in Phase II, the applicant shall insure its compatibility with the proposed park. DRB shall also look at the pathway and sidewalk circulation plan.
22. That all construction workers park on site and not within public streets.
23. Prior to site grading, the developer shall coordinate with the Oregon Division of State Lands to investigate the existing storm water detention pond for possible wetlands.
24. The applicant shall coordinate with the City Engineer to consider on-site detention in its submittal to the City. The applicant shall coordinate with the Engineering Department all storm drainage plans with some consideration toward whether or not on-site detention is feasible and meets the engineering standards of the City.

Chairman Mike Williams moved to accept the staff report with the following amendments:

Revise Condition of Approval Number 10 to provide that instead of at the time building permits are issued at the Phase II Stage II site development, to provide that at the time the Certificate of Occupancy is issued the applicant/property owner shall dedicate 5.1 acres. And to provide another sentence at the end, that the City and the applicant will work toward resolving the access and timing issues of the public park dedication up to including the time of the Certificate of Occupancy.

Provide an additional condition of approval that at the time that the Design Review Board specifically reviews the applicants plans, regarding the east wall of the large structure on Phase II, to insure its compatibility with the proposed park. And to also have the DRB look at the pathway and sidewalk circulation plan. And an additional condition of approval that the applicant consider on-site detention in its submittal to the city. That the applicant coordinate with the engineering department the storm drainage plans with some consideration toward whether or not an on-site detention is feasible and meets the engineering standards of the city. And to provide an additional finding of fact that says that the traffic signal at the intersection of Town Center Loop West and Wilsonville Road is in process and should be in place by July of 1992, which it appears will alleviate some of the traffic congestion but the Planning Commission still has significant concerns regarding the traffic at the intersection of Wilsonville Road and Parkway Avenue. (That's a finding of fact and not a Condition of Approval.)

An additional Condition of approval is subject to the approval of the City Attorney and agreement being reached regarding lining up of the access drives on Town Center Loop West and the property across the street. The City Attorney is going to review the agreements to make sure that we end up with a full intersection on Town Center Loop West and the access drive to the Project Thunder.

(Mike Kohlhoff - Add the phrase, "unless the project owner and the city council reach other agreement")

Condition 10 will read that dedication of 5.1 acres for a public park will be required before issuance of the Certificate of Occupancy unless the applicant and the City Council reach an agreement for a later date.

Motion was seconded by Lew Hendershott and carried 4-2.

**PLANNING DEPARTMENT
STAFF REPORT**

DATE: December 9, 1991

TO: Planning Commission

PREPARED BY: Blaise Edmonds

REQUEST: 91PC43 Modification to Stage I Site Master Plan, reconsider Condition of Approval 8 of Resolution 90PC15; Stage II Phase II Site Development review for a 159,400 square foot retail commercial building - Project Thunder - Capital Realty Corp., applicant.

SUMMARY

Capital Realty Corporation is representing a retail business with the anonymous name "Project Thunder". The Project Thunder people desire to develop 14.75 acres (Phase II of Wilsonville Town Center) for a 159,400 square foot electronics-related retail store.

The proposed Project Thunder Stage II Site Development Plans has caused Capital Realty Corp. to modify and re-submit the Stage I Wilsonville Town Center Master Plan to reflect an expanded master plan area, reclassify overlay zones associated with Ordinance 55, redesignate the phasing sequence and to establish approximately 5.4 acres for open space.

Capital Realty Corp. is also seeking reconsideration of Condition 8 of Planning Commission Resolution 90PC15 which imposed certain design and development requirements for the development of the 5.4 acre open space.

All Comprehensive Plan and Zoning Code requirements that apply to this Stage I review are satisfied or can be met. Parking issues, building height and setback, final design, utility placement, and other site specific development requirements are further considered in this application for Stage II Phase II site development of Thunder Project, a 159,400 square foot retail commercial building. The applicant has also submitted conceptual plans showing Project Thunder's architecture, landscaping and a signage program. The Design Review Board is the City's review authority of the project's architecture, landscaping and signage program.

The applicant's traffic report demonstrates that the location, design and uses are such that traffic generated by Project Thunder can be accommodated safely and without congestion in excess of level service D defined in the Highway Capacity Manual at the access drives to Town Center Loop West and at the intersection of Town Center Loop with Parkway Avenue and the intersection with Town Center Loop West with Wilsonville Road. It may also be determined that the location and design of the access drives may be refined to reflect conclusionary findings of the traffic analysis report and of the City Engineering Department. The proposed findings do not take into account traffic impact on the intersection of Wilsonville Road with Parkway Avenue and the Wilsonville interchange from the proposed Phase II development. With respect to the previous statement, the Planning Commission did not analyze traffic congestion levels on the aforementioned intersection in the review of Phase I Wilsonville Town Center. Furthermore, Subsection 4.139(4)(b)WC does not ask the applicant to accommodate traffic safely and without congestion in excess of level service "D" at the Wilsonville Interchange.

Project Thunder can be adequately served by existing or immediately planned public facilities and services.

RECOMMENDATION: Approve the modified Stage I Wilsonville Town Center Master Plan and Stage II Phase II Site Development Plans with Conditions of Approval attached herein. This recommendation acknowledges the conceptual configuration of a 5.1 acre open space as proposed by the developer.

FINDINGS: PDC & PDI

The following findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations. "PROJECT THUNDER"

NA = NOT APPLICABLE
DRB = DESIGN REVIEW BOARD

	Code Std.	Proposed	Code Compliance		Additional Findings
			Yes	No	
A. Land Use					
Zoning	<u>PDC</u>	<u>PDC</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>1 to 7</u>
Comprehensive Plan Designation	<u>COMMERCIAL TOWN CENTER</u>		<input checked="" type="radio"/>	<input type="radio"/>	<u>1 to 7</u> <u>32 to 36</u>
B. Land and Building Improvements					
1. Lot Size					
a. Total site area (acreage)	<u>NOT SPECIFIED</u>	<u>652,687 SF</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
b. Lot sizes (subdivision)	<u>NA</u>		<input type="radio"/>	<input type="radio"/>	<u>NA</u>
Acreage lot size	<u>NA</u>		<input type="radio"/>	<input type="radio"/>	<u>NA</u>
2. Lot Coverage					
a. All buildings	<u>NOT SPECIFIED</u>	<u>24% 159,400 SF</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
b. Parking/paved	<u>↓</u>	<u>61% 395,242 SF</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
c. Landscaping					
1. total size area (%)	<u>MINIMUM 15%</u>	<u>15% 98,045 SF</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
2. parking area (%)	<u>10%</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>↓</u>
3. screening/buffering	<u>REQ'D</u>	<u>-</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>42,43</u>
4. irrigation system	<u>↓</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
3. Building Setbacks					
Front / <u>TOWN CENTER LOAD WEST</u>	<u>0'</u>	<u>445'</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
Right side / <u>NORTH</u>	<u>0'</u>	<u>160'</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
Left side / <u>SOUTH</u>	<u>0'</u>	<u>85'</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
Rear side / <u>EAST</u>	<u>0'</u>	<u>70'</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____

	Code Std.	Proposed	Code Compliance		Additional Findings
			Yes	No	
4. Building Use					
a. Office	sq. ft.	9,117 SF	<input checked="" type="radio"/>	<input type="radio"/>	
b. Warehouse	sq. ft.	39,330 SF	<input checked="" type="radio"/>	<input type="radio"/>	
c. Manufacturing/SERVICE	sq. ft.	17,276 SF	<input checked="" type="radio"/>	<input type="radio"/>	
d. Other/DETAIL	sq. ft.	63,914 SF	<input checked="" type="radio"/>	<input type="radio"/>	
5. Building Specifications					
a. Building Height	35'	-	<input checked="" type="radio"/>	<input type="radio"/>	44
b. (Sun Exposure Plane)	NA		<input type="radio"/>	<input type="radio"/>	NA.
c. Gross Floor area of Building	NO LIMIT	150,400 SF	<input checked="" type="radio"/>	<input type="radio"/>	
6. Number of Off-Street Parking					
a. Standard 9' X 18'	472	850	<input checked="" type="radio"/>	<input type="radio"/>	48
b. Compact 8 1/2' X 17' (30% 10 allowed)	OPTIONAL	NOT SHOWN	<input checked="" type="radio"/>	<input type="radio"/>	
c. Handicapped 12' X 18' (1 to 50 required)	11	16	<input checked="" type="radio"/>	<input type="radio"/>	UBC TABLE 31-A
Total	483	872	<input checked="" type="radio"/>	<input type="radio"/>	46 to 48
d. Truck load berths	2	26	<input checked="" type="radio"/>	<input type="radio"/>	
7. Access/Egress					
a. Direct access to street	-	3	<input type="radio"/>	<input checked="" type="radio"/>	17, 18
b. Access provided by easement	NA		<input type="radio"/>	<input type="radio"/>	NA
c. Rail Access	NA		<input type="radio"/>	<input type="radio"/>	NA.
8. Open Space Slope Protection					
a. Existing vegetation protected	NA		<input type="radio"/>	<input type="radio"/>	NA
b. Slopes over 20% to 30% impervious coverage	NA		<input type="radio"/>	<input type="radio"/>	NA
c. River and stream corridors protected	NA		<input type="radio"/>	<input type="radio"/>	NA
d. Adequate erosion control provided			<input checked="" type="radio"/>	<input type="radio"/>	EXHIBIT G4
e. Within greenway	NA		<input type="radio"/>	<input type="radio"/>	NA

	Code Std.	Proposed	Code Compliance		Additional Findings
			Yes	No	
C. <u>Other Planning Considerations</u>					
1. Outside storage area provided/ screening	<u>-</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
2. Adequate screenage of mechanical equipment	<u>-</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
3. Safety/crime prevention					
a. Location of addressing	<u>-</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u> ↓ ↓ ↓
b. Natural surveillance	<u>-</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	
c. Type of exterior lighting	<u>-</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	

D. <u>Bike Paths, Pedestrian Trails, & Equestrian Trails</u>					
1. Pathway Standards					
a. Pathways are provided consistent with pathway master plan and design standards (Section 4.168 W.C.)	<u>REQ'D</u>	<u>HOT SHOW</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>201031</u>

E. <u>Previous Approval actions and applicable conditions or approvals</u>					
1. City Council	<u>Yes</u>	<u>No</u>	File No.	See finding	<u>DRB 55</u>
2. DRB	<u>Yes</u>	<u>No</u>	File No.	See finding	<u>90215 Agre 50</u>
3. P.C.	<u>Yes</u>	<u>No</u>	File No.	See finding	<u>_____</u>
4. Other	<u>Yes</u>	<u>No</u>	File No.	See finding	<u>_____</u>
Inter-agency review comments					
Yes	<u>No</u>		See Exhibit No.		<u>_____</u>
Inter-agency review comments (Written Only)					
City Engineer	<u>Yes</u>	<u>No</u>	See Exhibit No.		<u>D</u>
Parks & Recreat.	<u>Yes</u>	<u>No</u>	See Exhibit No.		<u>_____</u>
Traffic Safety	<u>Yes</u>	<u>No</u>	See Exhibit No.		<u>_____</u>
Building Dept.	<u>Yes</u>	<u>No</u>	See Exhibit No.		<u>E</u>
Tualatin Fire Dept.	<u>Yes</u>	<u>No</u>	See Exhibit No.		<u>_____</u>
Sheriff	<u>Yes</u>	<u>No</u>	See Exhibit No.		<u>_____</u>

**MODIFIED STAGE I MASTER PLAN AND
STAGE II PHASE II SITE DEVELOPMENT PLANS
AND RECONSIDERATION OF
CONDITION OF APPROVAL 8 OF 90PC15
PLANNING COMMISSION FINDINGS**

Property Owner: Capitol Realty Corporation
Project: Project Thunder
Developer: Project Thunder
Architects: Stage I Master Plan revision - JKS Architects
 Stage II Phase II - Design Forum Architects
Traffic Engineer: Kittelson & Associates, Inc.

Property Description:

The subject master plan area comprises 59.79 acres for retail commercial/office development more specifically described as Tax Lots 500, 600, 601 and 604 of Section 13 and Tax Lots 101, 200, 201, 300 and 405 of Section 14D, T3S-R1W, Clackamas County, Wilsonville Oregon. Approximately 114 acres comprise the Town Center Master Plan as recognized in Ordinance No. 55. Wilsonville Town Center, the name of Capital Realty Corporation's commercial retail development, has the same name of a retail district identified in Ordinance No. 55. For clarification, the applicant's Stage I Master Plan will be identified as the Wilsonville Town Center and the City's Master Plan of the district will be identified as Ordinance No. 55.

For years the interior area of Town Center Loop was in agricultural use with farm exemption tax status. It wasn't until the last eight years that the area experienced rapid residential and commercial growth with the development of Park Center Apartments, Town Center Mercantile, Wilsonville Market Place, Phase I Wilsonville Town Center, Clackamas Community College and various office and retail developments. It is apparent that the remaining undeveloped property has become very desirable as reflected by this application for a 159,400 square foot commercial retail store. Capital Realty forecasted commercial growth trends in Town Center and have subsequently purchased additional property to accommodate their plans to develop the Wilsonville Town Center Master Plan. Thus, the overall master plan area will increase from 53.39 acres to 59.79 acres. This adjustment will also create a new development phase in the overall Master Plan. With respect to Project Thunder, the relatively level site is easily accessible to Town Center Loop, Parkway Court and Wilsonville Road. The proposed Project Thunder site is also highly visible to I-5 and Town Center Loop West.

LAND USE

**Project Data
Stage I - 89PC50**

1. Building Area

Phase I	24.08 acres	170,900 square feet
Phase II	6.52 acres	61,000 square feet
Phase III	<u>22.79 acres</u>	179,000 square feet
Total	53.39 acres	

Building Area

Phase I	207,130 square feet
Open Space	5.62 acres

**Project Data
Stage I Modification:**

2. Phase I 22.96 acres (Existing Wilsonville Town Center commercial dev.)
Phase II 14.75 acres (Proposed Project Thunder)
Phase III 22.08 acres (Undeveloped property)
Total 59.79 acres

Building Area

Phase I	207,130 sq.ft.
Phase II	159,400 sq.ft.

3. The Master Plan amendment also seeks to amend the current overlay zones in Ordinance No. 55 to reflect modifications proposed in Stage I Wilsonville Town Center. Essentially, the amendments would replace the Motor Hotel (MH), Office Professional (OP), Service Commercial (SC) and Residential (R) use designations with Central Commercial (CC).

Plan Designation and Zoning

4. The subject site is designated "Commercial" on the Comprehensive Plan map and zoned "Planned Development Commercial" (PDC) on the zoning map. The site is also situated within an area identified as Town Center Master Plan area (Ordinance No. 254). Ordinance No. 254 identifies the property in the following overlay zones; Service Commercial (SC), Office Professional (OP), Central Commercial (CC), Motor Hotel (MH), Residential (R) and within an area designated for a Lake or Open Space.

5. Within the Comprehensive Plan, a number of goal and policy statements address the commercial planning designation and development review which apply to the subject property. The applicable criteria for Stage I Master Plan review is found in Section 4.139(2) of the Wilsonville Code. Recommended uses for development within the Town Center Master Plan are embodied in Chapter 4 of the Wilsonville Code. In brief, the combined review criteria are the following:

The Most Applicable Comprehensive Plan Goals, Policies and Objectives

Goal 1.1	Citizen Involvement Goal
Objective 3.1	Public Facilities Availability
Policy 3.3.1	Street System Master Plan
Policy 3.3.1(b)	Street System Master Plan
Policy 3.3.1(c)	Street System Master Plan
Policy 3.3.2(a)	Arterial and Collector Streets
Policy 3.3.5(b)	Private Owner Responsibility to Build Streets
Policy 3.3.8(a)	Transportation Impact Analysis
Policy 3.3.8(c)	Traffic Trip Reduction
Policy 3.3.8(d)	Consolidation of Vehicle Trips
Policy 3.3.8(e)	Mass Transit
Policy 3.3.14	Major Street Improvements Required
Policy 3.3.3	Street Standard and Dedication
Policy 3.3.11	Bikeways and Pathways
Policy 3.3.12	Pathway Construction
Policy 3.8.3	Open Space
Policy 4.2.3	Site Plan Information Requirements
Policy 4.2.5	Development Coincide with Public Facilities

Applicable Zoning Ordinance Provisions

Section 4.123	This Section provides the requirements of the PDC zone which are governed by Section 4.130 to 4.140.
Section 4.138(4)	Stage I Master Plan compliance
Section 4.139(4)	Criteria for approval of a planned development including subsections a, b and c

Town Center Master Plan

Ordinance Nos. 55 and 254.

Goal 1.1 - Citizen Involvement

6. The Planning Commission will be conducting the Stage I Master Plan as a public hearing and all notification requirements have been met.

CONCLUSIONARY FINDING

7. The proposed uses, both separately and as a whole, are consistent with the Comprehensive Plan and can be made consistent with Ordinance No. 55.

PUBLIC FACILITIES

Objective 3.1

8. The City Engineering Department has provided detailed comments regarding public facilities improvements required to serve the site. These findings and recommendations are listed on Exhibit D.

Sanitary Sewer

9. Three sanitary sewer lines serve the site. An eight-inch line is located on the west side of the site which extends south through Citizens Drive to a trunkline in Wilsonville Road. A 15-inch line is located in the center of the site and a 10-inch line traverses the site originating from the Courtside Estates subdivision. This line was relocated to accommodate Phase I development. Approximately 1,500 linear feet of a sanitary sewer line was constructed along the northerly right-of-way of Wilsonville Road. This finding is also applicable to Stage II site development.

Storm Drainage

10. The subject site is located within two storm drainage basins. Phase I site grading recontoured the site Master Plan to divert storm water to a piped system in the easterly basin that out falls to an existing 48-inch pipe on the southeast corner of Phase I site. This diversion helps relieve the westerly storm basin from the storm drainage system that out falls to constricted culvert under I-5. Phase II development will remove the existing storm detention pond located on the west side of the site and be replaced with storm pipes to connect with the improved Phase I storm system. The City requires detailed storm drainage plans designed to pass a 25-year storm frequency. The detention pond has not been investigated with the Oregon Division of State Lands for wetlands status.

Water

11. Existing 12-inch waterlines located in Wilsonville Road and Town Center Loop East and West have adequate flow to serve full buildout of the site. This finding is also applicable to Stage II site development.

Police

12. Police protection is provided to the City by the Clackamas County Sheriff's Department. This department has a headquarters in Wilsonville City Hall which is near the subject property.

Fire/Emergency

13. The Tualatin Valley Consolidated Fire and Rescue District provides fire protection to this site. The City is served by two fire stations strategically located in the City that can provide adequate fire protection services to the proposed development.

CONCLUSIONARY FINDING

14. That the location, design and uses are such that the retail commercial center will be adequately served by existing or immediately planned facilities and services.

STREETS and TRAFFIC

Policy 3.3.1(a) - Street System Master Plan

15. The Street System Master Plan identifies design standards and conceptual locations for arterials and major collectors. Wilsonville Road and Town Center Loop are classified as major arterial streets. The Master Street System and Functional Classification Map does not identify or classify any internal streets within the Town Center Loop. In the case of the proposed retail development, private drives will be constructed and connected to an internal drive/road system. This finding is also applicable to Phase II Stage II site development.
16. The design standards for Wilsonville Road show an approximate 94-foot right-of-way with a median planter island. The standards for the Town Center Loop show a 72-foot right-of-way with a median planter island. This finding is also applicable to Stage II site development.
17. The proposed development will construct driveway connections within Town Center Loop, but not in the same alignments as shown on the pictorial map representing the Town Center Master Plan. This finding is also applicable to Stage II site development.
18. Though the proposed access drive located near the northwest corner of the site is shown at a location supported by the Town Center Master Plan, this access is situated along a radius of Town Center Loop West that may position it in an unsafe location for egress and ingress.

Policy 3.3.2(a) - Dedication of Arterial and Collector Streets and Control or Consolidation of Access Drives.

19. The dedication of additional right-of-way and half-street improvements along Wilsonville Road and Town Center Loop East were accomplished in Phase I Stage II site development. This finding is also applicable to Stage II site development.
20. The Wilsonville Town Center Master Plan shows ten access drives at arterials. The full access drive shown near the northwest corner of Phase III at Town Center Loop West should be analyzed for safe vision clearance.

21. The proposed access drive to Project Thunder, shown at the southwest corner of the site, does not align with the location of the existing curb cut approved to the site in Local Improvement District No. 5. This access drive would further create a staggered intersection with access drives constructed on the opposite side of Town Center Loop West. This access drive also deviates from the access drive shown on the Town Center Master Plan approved in 89PC50. The Planning Commission cannot change the locations of access drives approved in LID No. 5 without first obtaining approval from the City Council. This finding is also applicable to Stage II site Development.
22. It appears from the re-submitted Stage I Master Plan that access is not proposed at Parkway Court which would have encouraged through traffic from Wilsonville Road and Town Center Loop to the Parkway Court.

Policy 3.3.3

23. Policy 3.3.3 requires the City to establish minimum street standards and dedication of adequate right-of-way prior to actual site development. It further provides that if proposed development exceeds minimum service capacity, then appropriate improvements shall be required prior to occupancy of the completed development. With respect to Project Thunder, the arterials servicing the site, Town Center Loop West and Wilsonville Road are already constructed to the Public Works standards. Phase I of Wilsonville Town Center is required to install a traffic signal to comply with minimum service capacity levels.
24. Section 4.139(4) stipulates that a Planned Development Permit may be granted by the Planning Commission only if it is found that the development conforms to subsections 4.139(4)(a),(b) and (c) and Sections 4.130 to 4.140. Section 4.139(4)(b) states:

"That the location, design, size and uses are such that traffic generated by the development 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."
25. The applicant has provided an updated transportation analysis prepared by Kittelson & Associates, Inc. for Project Thunder. Wayne Kittelson's updated report is labeled Exhibit G-7. The report recommends that a traffic signal be installed at the intersection of Town Center Loop West with Wilsonville Road at the time of occupancy of Phase II. However, Capital Realty was conditioned in Phase I Stage II development (Resolution 90PC15) to install the subject traffic signal as determined by the City Engineering Department. This requires that the State of Oregon Department of Transportation warrant the signal. This finding is also applicable to Stage II site development.
 - All of the intersections within the study area, with the exception of Wilsonville Road/Parkway Avenue, are currently operating within acceptable level of service limits.

- Under projected 1991 total traffic conditions and with the addition of site-generated Phase I traffic, the minor street left-turn movements at the Town Center Loop West/Wilsonville Road intersection are projected to experience an "E" Level of Service. While a traffic signal would improve the level of service for the 45 vehicles making this movement, it would also cause an overall increase in intersection delay and is not considered appropriate in view of the surrounding street system, the traffic circulation patterns and the projected operational characteristics of this intersection.
- By 1995, the projected background traffic volume conditions, without Phases II and III, will warrant the installation of a traffic signal at the intersections of Wilsonville Road/Town Center Loop West and Wilsonville Road/Town Center Loop East. It is therefore recommended that traffic operations at both the Town Center Loop intersections with Wilsonville Road be monitored on a regular basis. Traffic signals should be installed only when one or more MUTCD signal warrants are met and the operational and/or safety characteristics dictate a need for a traffic signal.
- The number of access drives included in the Site Plan will be adequate to serve the proposed retail development. These access drives will disperse the site-generated traffic sufficiently to minimize the overall effect of the retail center on the capacity and quality of service provided by the adjacent arterial street system. At the same time, they are sufficiently separated from each other and from adjacent intersections to avoid significant operational, stacking and safety problems.
- By 1995, the projected background traffic volume will, by itself, exceed the existing capacity of Wilsonville Road in the vicinity of the Wilsonville Road/I-5 interchange. The proposed ODOT improvement project at the interchange would add sufficient capacity to accommodate both the 1995 background traffic, as well as the additional traffic from Phases II and III of the proposed development.

Kittleson and Associates has also provided additional findings and recommendations found in their letter of October 16, 1991, labeled Exhibit G, which are as follows:

- The key unsignalized intersections within the study area are currently operating at an acceptable LOS during weekday evening peak hour conditions.
- Upon completion of the development, the site driveways and key off-site intersections, with the exception of Wilsonville/Town Center Loop West, will operate within acceptable level of service limits during the evening peak-hour time period.

- A traffic signal is warranted to accommodate projected 1992 traffic volumes at the Wilsonville Road/Town Center Loop West intersection. It is therefore recommended that a traffic signal be installed at this location upon completion of the proposed development.

Policies 3.3.8(a)-(e)

26. These policies address traffic impacts and congestion.

As noted in the previous findings responding to Policy 3.3.3, the applicant has provided a detailed traffic analysis that responds to Policies 3.3.8(a)-(e) and Section 4.139(4) of the Wilsonville Code.

CONCLUSIONARY FINDING

27. The applicant's traffic report demonstrates that the location, design and uses are such that traffic generated by Project Thunder can be accommodated safely and without congestion in excess of level service D defined in the Highway Capacity Manual at the access drives to Town Center Loop West, and at the intersection of Town Center Loop with Parkway Avenue and the intersection with Town Center Loop West with Wilsonville Road. It may also be determined that the location and design of the access drives may be refined to reflect conclusionary findings of the traffic analysis report and of the City Engineering Department. These findings do not take into account traffic impact on the intersection of Wilsonville Road with Parkway Avenue and the Wilsonville interchange from the proposed Phase II development. With respect to the previous statement, the Planning Commission did not analyze traffic congestion levels on the aforementioned intersection in the review of Phase I Wilsonville Town Center. Furthermore, Subsection 4.139(4)(b)WC does not ask the applicant to accommodate traffic safely and without congestion in excess of level service "D" at the Wilsonville Interchange.

TRANSIT FEATURES, SIDEWALKS AND BIKEWAYS

28. Specific transit features such as transit stop locations and right-of-way fixtures for transit uses should be provided in the Stage II Site Development Plan. These findings are also applicable to Stage II site development.

Policies 3.3.11, 3.3.12, 3.3.13 and 3.3.13(b)

29. These policies addresses pathways and bikeways. Written comments received by Myers/Kroker (the architectural firm responsible for master planning Town Center) in case file 90PC15, have the following observations concerning pedestrian pathways:

"There will need to be a landscape design study of the public right-of-way system defining the nature of plant materials, berm forms, ground cover, public walk systems and street light systems. Design definition of pedestrian overpasses would be developed within the recommended 'Design Review Parameter Study'."

30. The modified Stage I Master Plan shows a bikeway through Phase I to extend through Phase III and connect with the future park. A shoulder-side bikeway is required on the Comprehensive Plan to occur on the south side of Wilsonville Road.
31. The Phase II Stage II submittal plans do not indicate sidewalks along Town Center Loop West as required by Ordinance No. 55 and by Section 4.168 and Subsection 4.167(1)(b) of the Wilsonville Code. Regarding Project Thunder, a five-foot wide concrete sidewalk is required along Town Center Loop West to be off-set five feet from the curb. In order to provide for safe pedestrian access around and on the Phase II site, pedestrian walkways should be extended from Town Center Loop West via the central access drives up to Project Thunder's storefront. It also appears that the applicant has not considered pedestrian sidewalks to link the site with the future park and adjoining businesses.

OPEN SPACE

Policy 3.8.3

32. This policy addresses open space. The proposal, as presented, will have a major impact on the location, size and configuration of the area designated by Ordinance No. 55 shown as lake or open space. Approximately 8.5 acres of lake or open space is conceptually shown on the Town Center Master Plan. The open space depicted on the modified Town Center Master Plan or Ordinance No. 55 does not have the same configuration as shown for the Primary Open Space area depicted on the Comprehensive Plan Map.
33. The modified Stage I Master Plan shows 5.1 acres in open space to be reconfigured to satisfy Capital Realty's site development program, and hopefully, for the City's benefit to develop the property as a public park. The application does not propose a specific open space plan with uses, nor is the applicant proposing a development schedule. In this regard, the Planning Commission had previously conditioned the applicant in Resolution 90PC15 to perform the following:

Condition No. 8:

"At Phase II Stage II site development, which shall be the next phase presented, applicant shall submit to the Planning Commission and the Design Review Board a detailed open space plan and development schedule for the development of the 5.4 acre open space shown on the Stage I Master Plan."

With respect to the above issues, the applicant is requesting the Planning Commission to reconsider Condition No. 8 as follows:

1. Develop a design for the conceptual Wilsonville Town Center open space that allows for the participation of the appropriate City staff and commissions.
2. To formulate a development plan and time frame consistent with the development of Phases II and III of the balance of the Wilsonville Town Center property, and

3. Determine Capital Realty's financial obligation and any credits related thereto."
34. Ordinance No. 55 depicts an open space or lake with a centralized location in Town Center with surrounding development to be oriented and related with it. One can compare this relationship to be similar with the concept of a public square of a small European city or even with an Early American town square. Those kind of public spaces create a sense of place and encourage a community gathering place within an urban context. It also creates a city center environment that involves the pedestrian in its function and design that is not found in retail strip developments designed around automobiles.
35. The proposal, as presented, shows approximately 5.1 acres in open space. The City will require that the open space be dedicated for development of a City park. At issue is the proposed configuration of the open space. In this regard, the proposed open space has a spacial composition that positively responds to the open space concept in Ordinance No. 55. The proposed Master Plan is an assembly of properties that make up a reasonable configuration for future park development. Conversely, the surrounding development plan represents an augmentation of the more traditional strip retail commercial center showing buildings oriented to major collectors and arterials together with large storefront parking areas. Truck delivery activities are then generally found on the sides or at the rear of the stores which attract outside storage of palettes, boxes etc. The applicant has modified the original submittal drawings designed to lessen the impact of Project Thunder's building mass on the proposed open space. Buffering can be accomplished by reducing the mass of Project Thunder with siting a smaller intervening building between Project Thunder and the open space. The revised plan also re-positioned potential building sites to open up the view of the open space to Town Center Loop West.
36. The proposed 5.1 acre open space, combined with approximately 3 acres in open space created for Town Center Park Apartments and Clackamas Community College, will provide a generous area for a future public park.

Policy 4.2.3 and Section 4.139(2)(a) and (b)

37. This policy and zoning section identify the information which must be included in the Site Plan. The information set forth has been submitted in compliance with the Comprehensive Plan and Zoning Ordinance. Landscape and Architectural Plans will be reviewed by the Design Review Board.

Policy 4.2.5

38. This policy requires that development coincide with the provision of public streets, water, sanitary sewer and storm drainage facilities. Such facilities are currently available at the site. Sewer and water are located within the abutting roads. Storm drainage is provided at the eastern portion of the site. The extension of these services will be coordinated with site construction and facilities and will be designed to meet City public works standards.

Sections 4.130 to 4.140

39. The proposed use is authorized by, and consistent with, the Comprehensive Plan and the official City Zoning Map. The proposed commercial/office uses are permitted in overlay zones as part of the Town Center Master Plan. An approval of this Master Plan, however, will amend overlay zones of Ordinance No. 55.
40. Ordinance No. 55 is a conceptual plan intended to list recommended uses prescribed by commercial overlay zones. The Ordinance further allows the Planning Commission flexibility to change the plan to reflect changes of community needs, shopping habits, transportation and in social economic needs. Such is the case in this application with proposed changes in building orientation, driveway location, reclassified uses and reconfigured open space.
41. Condition No. 2 of the Stage I Master Plan approval requires separate Stage II land development applications for review of each pad. Therefore, the buildings proposed on the pads are not part of this application.

BUFFERING and SCREENING

42. Section 4.163 of the Wilsonville Code requires:
 - A. All outdoor storage and garbage collection areas shall be screened from off-site view with fencing and/or landscaping.
 - B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
43. The Site Plan illustrates an area between the truck loading area and proposed open space. This site arrangement orients the massive and mundane backside of Project Thunder to Parkway Court and the proposed open space. The impact can be lessened, as proposed in Finding No. 35, together with innovative design utilizing landscaping, screenage, murals etc.

BUILDING HEIGHT

44. Definition no. 12 of Chapter 4 of the Wilsonville Code (Building of Structural Height) is defined by the following:

"The term 'height of building' shall be deemed to mean the perpendicular distance from the average elevation of the adjoining ground to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the middle height gable between the eaves and ridge of a pitch or hip roof. If a building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building."

45. In order to distinguish Project Thunder to the public, the applicant proposes to construct a dome and flag pole atop the main entrance of the store. Section 4.172(1) exempts domes and flag poles from the height limits of the PDC zone. However, the flag pole can only fly the United States and the State of Oregon flags. Just for general information, the top of the dome is shown approximately 55 feet above grade level. The top of the flag pole is approximately 81 feet above grade level.

PARKING ANALYSIS

46. Section 4.150WC:

"Commercial:

Commercial retail, 1,501 square feet or more	1 space/200 sq.ft. @ 63,914 sq. ft. of floor area
Service or repair shops	1 space/200 sq.ft. @ 17,276 sq. ft. of floor area
Eating or drinking establishments	1 space/200 sq.ft. @ 6,096 sq. ft. of floor area
Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space/2,000 sq.ft. @ 39,336 sq.ft. of floor area up to 40,000 sq.ft.; 1 space/4,000 sq. ft. thereafter
Office	1 space/250 sq.ft. @ 9,117 sq.ft.

These calculations do not include employee lunch rooms, restrooms, HVAC rooms, cat walks, etc.

Building Area - Phase II

Minimum Parking Required:

Project Thunder approximate floor areas:

Retail Commercial	$63,914 / 200 = 320$ spaces
Service	$17,276 / 200 = 86$ spaces
Office	$9,117 / 250 = 36$ spaces
Restaurant	$6,096 / 200 = 31$ spaces
<u>Storage</u>	<u>$39,336 / 4000 = 10$ spaces</u>

Minimum parking : **483 spaces**

47. Though the proposed off-street parking count shows 16 handicapped and 856 standard parking spaces for a total of 872 parking spaces, the proposed parking is almost twice the minimum requirement of the Code. This figure does not include parking for the future pads. Those parking areas will not be constructed until each pad is developed.

48. The parking plan specifies dimensions for a typical standard parking space at 9' x 18' with 25'-0" drive aisles. The Zoning Code has a minimum 9' x 18' standard parking space dimension. Compact parking spaces are not proposed and are optional by the Zoning Code.

And to provide an additional finding of fact that says that the traffic signal at the intersection of Town Center Loop West and Wilsonville Road is in process and should be in place by July of 1992, which it appears will alleviate some of the traffic congestion, but the Planning Commission still has significant concerns regarding the traffic at the intersection of Wilsonville Road and Parkway Avenue. (That's a finding of fact and not a Condition of Approval.)

**STAGE I MASTER SITE PLAN AND
PHASE II STAGE II SITE DEVELOPMENT
CONDITIONS OF APPROVAL**

1. This approves the subject Stage I Master Plan and Stage II Site Development of Phase II Project Thunder store. Developers shall submit separate applications for Stage II development review and separate applications for Site Design Review for each pad and development phase proposed in the Master Plan.
2. Automotive service stations/centers and automotive wash centers shall not be permitted within the Wilsonville Town Center Master Plan.
3. The owner shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
4. All survey monuments on the subject site shall be protected. If destroyed by the proposed site construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.
5. The developer shall retain an engineer to provide a detailed drainage analysis of the subject property and prepare a 24" x 36" sheet identifying contributing drainage areas to be included with the final design plans.
6. Storm sewer system shall be designed to pass a 25-year frequency storm. Engineer shall provide detailed drainage computations. Applicant's design engineer shall provide runoff protection to downstream property owners. The design may require a detailed erosion control plan.
7. The developer shall coordinate with the City Engineer in preparing grading plans and in the design and location of all public utilities.
8. The developer shall conform with all requirements of the Tualatin Valley Fire District.

9. The developer shall submit to the Design Review Board a pedestrian sidewalk plan showing connections along the access drives through Phase II to the open space. Construct a five-foot wide concrete sidewalk, off-set five feet from the curb along the entire frontage of Town Center Loop West with Phase II and the adjoining pads. Connect all public sidewalks to the on-site sidewalk system. All sidewalks shall be constructed prior to occupancy of Project Thunder.
10. This approval amends Condition No. 16 of Resolution 89PC50 and Condition No. 8 of Resolution 90PC15 to state as follows:

The applicant shall dedicate 5.1 acres for a public park before issuance of the Certificate of Occupancy for Phase II unless the applicant and the City Council reach an agreement for a later date. The City and the applicant will work toward resolving the access and timing issues of the public park dedication up to including the time of the Certificate of Occupancy.
11. That an association of owners or tenants shall be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such common areas (landscaped areas) that are acceptable to the Planning Director. Said association shall be formed and continued for the purpose for maintenance. Such an association may undertake other functions. It shall be created in such a manner that tenants or owners of property shall automatically be members and shall be subject to assessments levied to maintain said common areas for the purposes intended. The period of existence of such association shall be not less than twenty years and it shall continue thereafter until other arrangements are made subject to City approval. This condition of approval does not apply to the open space proposed to be dedicated to the City.
12. All final plans shall be submitted on a 24" x 36" format. A title page will be required with a space left in the lower right-hand corner for an 8-1/2" x 11" information sheet to be provided by the City and to be affixed to the final as-built plans before acceptance. The applicant shall provide 3 mil mylar as-builts to the City which must be submitted and approved by the City before the final punch list inspection will be performed by the City.
13. Final utility design shall meet the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of all street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of all street centerlines.
 - C. Water line shall be aligned on the south and east side of all street centerlines.
 - D. Minimum centerline finish grade shall be no less than 1% and the maximum centerline finish grade shall be no more than 12% for local streets. Minimum centerline finish grade shall be no more than 8% for any street above local street in classification and shall be constructed of concrete.
 - E. The top of the curb shall equal centerline finish grade unless offset crown design or curb return transition.

- F. Composite utility plan shall be part of the final plan set.
 - G. Detailed grading plan shall be part of the final plan set.
 - H. Utilities not in the street area shall provide maintenance access acceptable to the City, and shall be centered in a 15-foot easement to be conveyed to the City of Wilsonville.
 - I. Final design of the public utilities shall be approved at the time of the City's issuance of a Public Works Construction Permit.
 - J. All on-and-off-site utilities shall comply with the State of Oregon and the City of Wilsonville requirements and Codes.
 - K. All cul-de-sacs shall have a minimum 45-foot radius to the face of the curb to allow for adequate turning radius.
 - L. All public streets shall meet design requirements for sight distance - horizontal, vertical and intersectional.
 - M. Final design plans shall identify locations for street lighting, gas service, power lines, telephone lines, cable television, street trees and mailbox clusters.
14. All survey monuments on the subject site shall be protected. If destroyed by the proposed site construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.
 15. All power and telephone utilities shall be installed underground.
 16. Provide the Planning Director crossover reciprocal easements to adjacent properties for ingress and egress of traffic to cross over drives and private roads.
 17. The developer shall designate and construct City of Wilsonville Rapid Area Transport transit stops. Coordinate with Tom Barthel, the City Administrative Analyst, on the number and locations of the transit stops.
 18. The minimum parking space dimensions shall be 9' x 18' with 25-foot travel lanes.
 19. That Phase II be developed in such a manner that traffic generated by the development 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 access drives at Town Center Loop West and at the intersection of Town Center Loop West with Wilsonville Road.
 20. The Phase II Stage II development shall take access at the prescribed access locations approved in Local Improvement District No. 5 along Town Center Loop West, except for the proposed access drive shown to be relocated at the southwest boundary of Phase II and is subject to the approval of the City Attorney and agreement being reached regarding lining up of the access drives on Town Center Loop West and the property across the street. The City Attorney is going to review the agreements to make sure that we end up with a full intersection on Town Center Loop West and the access drive to Project Thunder unless the property owner and the City Council reach another agreement.

21. At the time the Design Review Board specifically reviews the applicant's plans regarding the east wall of the large structure in Phase II, the applicant shall insure its compatibility with the proposed park. DRB shall also look at the pathway and sidewalk circulation plan.
22. That all construction workers park on site and not within public streets.
23. Prior to site grading, the developer shall coordinate with the Oregon Division of State Lands to investigate the existing storm water detention pond for possible wetlands.
24. The applicant shall coordinate with the City Engineer to consider on-site detention in its submittal to the City. The applicant shall coordinate with the Engineering Department all storm drainage plans with some consideration toward whether or not on-site detention is feasible and meets the engineering standards of the City.

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 and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. City Engineering Department Report
- E. City Building Official's Report
- F. Town Center Master Plan
- G. Applicant's submittal documents:
 - 1. Revised Stage I Master Plan and Master Utilities Plan
 - 2. Phase II Site Plan
 - 3. Phase II Exterior Elevations
 - 4. Phase II Grading Plan and Erosion Control Plan
 - 5. Phase II Utilities Plan
 - 6. Phase II Preliminary Landscape Plan
 - 7. Traffic Report by Wayne Kittelson and addendum letter
 - 8. Request for Modification of Condition No. 8 of 90PC15
 - 9. Stage I Master Plan Re-submittal
 - 10. Phase II Stage II narrative
 - 11. Alternative Open Space Concept
- H. Original Stage I Master Plan - 89PC50.
- I. Ordinance no. 55

91PC43

City of

WILSONVILLE
in OREGON



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

August 16, 1999

Gary M. Graumann
Lumberjack, L.P.
PO Box 7458
Menlo Park, California 94026

Re: 29400 SW Town Center Loop

Dear Mr. Graumann:

Mr. Lashbrook, Wilsonville Planning Director, has asked me to answer your request for a zoning compliance letter. You will find the information you requested as follows:

1. Zoning Classification Code:
Planned Development Commercial (PDC) (Town Center)

2. Property Owner's Name and Lender's Name
Lumberjack, L.P. (owner)
PO Box 7458
Menlo Park, CA 94026

GE Capital Business Asset Funding Corp.
10900 NE 4th St., Suite 500
Bellevue WA 98004

3. Address of the Property:
29400 SW Town Center Loop, Wilsonville, Oregon

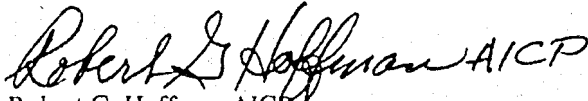
4. Type of Permitted Use:
Commercial (Planned Development)

5. Expiration Dated Copy of Conditions or Restrictions of Use:
Case File 91PC43 approved 12/9/91
Case File 91DR29 approved 1/27/92
Case File 92DR21 motion revising condition



I have researched our records and find that in receiving final occupancy the city found that the development had complied with all plan proposals and conditions of approval. However, the project is now almost seven years old and is beginning to show some wear and deferred maintenance. About a year ago, Mr. Blaise Edmonds wrote you about broken curbs and destroyed landscaping where vehicles have driven over the curb. This is at a major entrance area (Southwest entry drive, between the rug dealer and McDonalds.) This problem area still requires attention.

Sincerely,


Robert G. Hoffman AICP
Manager of Current Planning

Attachment: Decision and Conditions of Approval
98PC43
91DR29

RGH:sh

BOB

LUMBERJACK, L.P.
P.O. BOX 7458
MENLO PARK, CALIFORNIA 94026
(650)813-9100 FAX(650)813-9190

August 5, 1999

Mr. Stephan Lashbrook
Planning Director
CITY OF WILSONVILLE
30000 SW Town Center Loop E
Wilsonville, OR 97070

Dear Mr. Lashbrook:


Thank you very much for returning my call with respect to revisions to the Development Codes. I look forward to reviewing the changes and will provide any comments that I may have.

We also discussed the following outline that my lender has requested that I obtain from the city. I have provided the information for items 2) and 3). If you could have someone on your staff complete the rest of the requirements requested by the lender it would be greatly appreciated.

I would like to receive a compliance letter from your office within the next 10 days. Should you have any questions please feel free to call me at the number listed above.

Once again, thank you for your attention to this matter.

Sincerely,


Gary M. Graumann

ZONING COMPLIANCE LETTER REQUIREMENTS

This item should be obtained from the City Planner's, County Clerk's, or Zoning Department's office and should contain the following information:

1) Zoning Classification Code *Planning Development Commercial (PDC)*
(Town Center)

2) Property Owner's Name and Lender's Name

3) Address of the Property

4) Type of Permitted Use. *Commercial (Planned Development)*

5) Expiration Dated Copy of Conditions or Restrictions of Use.

91PC43 - Appr. 12-9-91
91DR29 - Appr 1-27-92
92DR21 - Appr 6-22-92

2) *Lumberjack, L.P. (owner)*

P.O. Box 7458

MENLO PARK, CA 94026

GE Capital Business Asset Funding Corp.

10900 NE 4th St., Suite 500

Bellevue, wa 98004

3) *29400 SW TOWN CENTER LOOP*

WILSONVILLE, OR.

Incredible Universe 93 91PL43

Aetna's local presence shrinks after loss of key large clients

Continued from page 1

er away from the Portland market.

Despite a strong national presence, Aetna's local client base has eroded as

market is already dominated by strong HMO players that have left little room for carriers like Aetna.

Stone said the downsizing was planned a national restructuring effort, and not nply because of the lost clients in Portland. Many who watch insurance activities nationally agree. The change reflects nular strategies by nationwide carriers. tna wants to consolidate offices, re ce overhead and gain efficiencies in : increasingly competitive health insurance market.

'It is definitely consistent with the nd that we've seen in this industry,' id Post. Improvements in electronic tims handling and standardization ross offices have made such changes ssible and even advantageous, he said, gain efficiencies.

'Insurance in general has become more d more of a commodity market,' said iss Poll, an insurance analyst with the icago Corp., a Chicago-based invest- ent bank that tracks insurance compa- nies. "Insurance companies, especially the big guys, have a big expense burden. They tend to be big and clumsy."

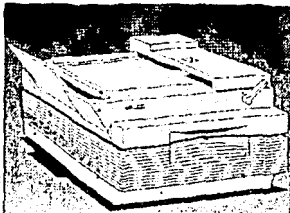
In Aetna's case, said Poll, the national carrier's life and health business has been its strongest asset. Hartford, Conn.-based Aetna is the third-largest U.S.-based property and casualty insurer, according to Value Line's December 1993 investment survey. Aetna, a public company traded on the New York Stock Exchange, also has been subject to large market fluctuations.

Aetna "peaked" on Nov. 1, 1993, with a per-share price of \$60.75, said Poll. The stock closed at \$47.75 per share on Oct. 18.

Aetna Health Plans reported \$4.5 million in insurance premiums in Oregon during 1993, down from \$12.7 million in premiums it wrote in 1991, according to reports filed with the state. It covers an estimated 40,000 enrollees.

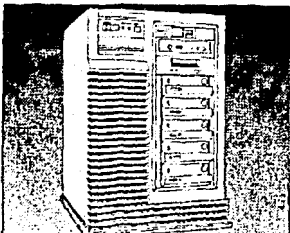
Aetna handles about 4.9 million Medicare claims representing some \$250 million annually out of the Portland office.

comes to working, DI onnected!



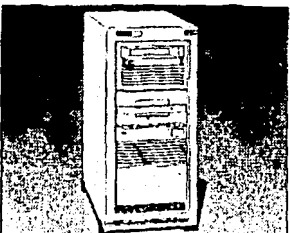
HP ScanJet IIcx 1600 dpi Scanners

The complete solution for color, grayscale and text scanning. Scans at up to 1600 dpi with enhanced resolution. Optional transparency adapter and document feeder.



HP NetServer Series

A complete family of high-performance, upgradeable systems offering optimized price/performance for network server management. High uptime and easier management.



HP Network Mass Storage

Superior capabilities, wide selection of devices, unsurpassed reliability, and ease-of-use in large capacity storage units and redundant disk arrays. Call for details.

Blaise
Pam
Sally

Incredible Universe building sold, leased

Tandy Corp. has sold off its Incredible Universe building in Wilsonville and leased back the facility from the new owner.

Tandy sold the 166,495-square-foot retail property to Pier Set Inc., a Delaware corporation, for \$13.5 million, according to a Clackamas County sale deed.

Pier Set is a subsidiary of London-based NatWest bank, said Bill Bousquette, chief financial officer of Fort Worth, Texas-based Tandy.

Tandy also sold three other Incredible Universe buildings to the bank. The four properties sold for about \$60 million, Bousquette said.

Selling off store facilities to outside investors is common among large retailers. "We have no interest in tying up our capital in real estate," Bousquette said.



Trust JBL&K

File
9.1pc 43

City of Wilsonville
Community Development Department
30000 S.W. Town Center Loop East
Wilsonville, Oregon 97070
(503) 682-4960
Fax 682-7025

FAX COVER SHEET

DATE: 11-29-93
TO: Mark Whitlow FAX: 721-3666
FROM: Mike Kisheloff / Wayne Lorenson
SUBJECT: Project Thunder

NUMBER OF PAGES IN THIS TRANSMITTAL (INCLUDING COVER SHEET) 20

COMMENTS: _____



City of
WILSONVILLE
in OREGON

September 29, 1993

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

Mr. Bryan L. Spain, CSM
Assistant Director State/Local Taxation
Tandy Tax Service
Tandy Corporation
P.O. Box 1643
Fort Worth TX 76101

91PC43

Re: Systems Development Credit - Wilsonville Incredible Universe

Dear Mr. Spain:

The purpose of this letter is to formally close action on an appeal of the discretionary decision concerning the amount of the street systems development charge for the Incredible Universe. Prior to his departure from Tandy Tax Service, Mr. Bryan L. Spain, CSM, had formally appealed the discretionary decision.

On December 7, 1992, I provided an interim response in which we provided a comparison of a number of different calculations of the street systems development charge and in all cases they came very close to the amount that was charged based on the number of employees. Subsequently, on March 2, 1992, I extended the time for submission of any additional data concerning the street systems development charge to April 15, 1993.

Later telephone conversations indicated that you were not going to submit any additional data. Based on the information that has been received, your appeal of the discretionary decision has not been favorably considered. I would like to inform you that we will be using most of the systems development charge for streets that you paid to install an asphalt overlay on Town Center Loop West to increase the structural strength of the road. This should significantly delay deterioration of the street.

I apologize for the delay in providing a formal response; however, other higher priority projects have interfered with a more timely response. Your understanding is appreciated.

Sincerely,

Eldon R. Johansen
Eldon R. Johansen
Community Development Director

pc: Arlene Loble, City Manager
Mike Kohlhoff, City Attorney
Tom Jowaiszas, Finance Director
Wayne Sorensen, Planning Director
Mike Stone, City Engineer
Martin Brown, Building Official



City of
WILSONVILLE
in OREGON

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

Info —
Pam ✓
Blaise ✓
Sally ✓
file ✓ 910643

December 4, 1992

Mr. Wayne Kittelson
Kittelson & Associates, Inc.
610 SW Alder, Suite 700
Portland OR 97205

Re: Incredible Universe Traffic Issues

Dear Mr. Kittelson:

You provided me with a copy of your letter dated October 27, 1992, to Mr. Wayne Sorensen, Planning Director, concerning the above subject. I appreciate receiving a copy of your letter since it provides an excellent background from the consultant and the developer's perspective.

Your letter addresses several transportation topics which are of current interest to staff and council. Your letter included a copy to Councilor Carter and copies have also been provided to the Mayor and other Councilors to ensure that they all have the same background concerning this topic.

Your letter indicated that you are troubled by several comments in the October 22 issue of the Oregonian, entitled "Traffic Count Zooms at Electronic Store". I also am troubled by several of the statements in your letter of October 27, 1992, and would like to explain my concerns with your letter. Prior to explaining my concerns, I will review the overall traffic information that was provided to the Planning Commission prior to its decision. The Transportation Impact Analysis for the Wilsonville Town Center, dated April, 1990, was submitted to the Planning Commission as background for approval of the Master Plans for Phase I, Phase II and Phase III of the Wilsonville Town Center. Subsequently, the letter dated October 16, 1991, subject Traffic Analysis for Wilsonville Town Center - Phase II was submitted to the Planning Commission prior to approval of the plan for Project Thunder, which subsequently was changed in name to the Incredible Universe. When Project Thunder was approved, the Traffic Impact Analysis Report for the Wilsonville Town Center, dated April, 1990, was not provided to the Planning Commission at the time of the hearing.

Specific sections of your letter which are troublesome to me as well as comments on these sections are as follows:

Mr. Wayne Kittelson
Re: Incredible Universe Traffic Issues
December 4, 1992 - Page 2

"Contrary to Mr. Johansen's statements in the article, our engineers did investigate the intersection of I-5 and Wilsonville Road as part of this study. As early as 1990, in fact, they predicted the capacity deficiencies that were just recently experienced. At the time that this original traffic impact analysis report was submitted, (April 1990), our engineers pointed out to city staff that the intersections of I-5 and Wilsonville Road were already operating near capacity under weekday peak-hour conditions, and would continue to operate at or above capacity until planned (but as yet unfunded) interchange improvements are made by ODOT. The following excerpt from the original traffic impact analysis report confirms this observation:

'As shown in Table 9, all of the intersections within the study area, with the exception of the I-5 northbound and southbound intersection, are anticipated to operate at an acceptable level of service [under projected 1995 peak-hour conditions]. The projected demand at both of the I-5 ramp intersections will result in an over-capacity condition.'

The April 1990 Traffic Impact Analysis for Wilsonville Town Center has several tables which give the existing and predicted level of services for the southbound and northbound I-5/Wilsonville Road interchanges. Table 5 on Page 16 gives an existing level of service for both intersections of "B". Table 8 indicates level of service "C" for both intersections for the 1991 total traffic level of service results. These levels of service do not support your statement that the intersections were already operating near peak capacity.

The Project Thunder update, which was included in your October 16, 1991 letter concerning traffic analysis for Wilsonville Town Center Phase II, could be read as you state, "that this update included the I-5 northbound and southbound intersections with Wilsonville Road". If I read it that way, then I concur that the significant findings and recommendations of the October 16, 1991 report state: "Upon completion of the development, the site driveways and key off-site intersections, with the exception of Wilsonville Road/Town Center Loop West will operate within acceptable level of service limits during the evening peak-hour time period." This would be contrary to your dire predictions of intersection failure.

On the other hand, I have looked at the October 16, 1991 letter and have found no specific updates for the traffic analysis for Wilsonville Town Center Phase II concerning the I-5 intersections with Wilsonville Road. It was this lack of any data concerning the I-5 northbound and southbound intersections with Wilsonville Road that led me to conclude that the traffic impact analysis for the Incredible Universe did not include information on the I-5 intersections with Wilsonville Road. If I had read the October 16, 1991 report to accept at face value the statement that "the key off-site intersections, with the exception of Wilsonville Road/Town Center Loop West will operate within acceptable level of service limits during the evening peak-hour time period", then I would have concluded that you covered the interchange; however, I would have also felt that your coverage was inaccurate.

"Initial planning for the Incredible Universe Store began in late 1991 and was completed in 1992. It is important to note that throughout the planning and traffic impact analysis effort, the Incredible Universe store was known as Project Thunder. City staff will recall that, because the Tandy Corporation wanted to keep the details of the development secret, no specific description of Project Thunder was given; our

engineers knew only that it was to be a retail development. By their own choice, city staff elected to allow the Tandy Corporation to keep the details of Project Thunder a secret. Such a decision is entirely at the discretion of city staff and the developer, and without knowing the details of the discussions we cannot question the prudence of this decision. However, at least one effect of this decision should have been obvious even at the time that city staff made this decision; for the purposes of the traffic analysis, our engineers had no additional basis for any more refined assumptions regarding the type of planned retail development other than those used in the original 1990 analysis. In other words, we had no basis on which to forecast the special event nature of Project Thunder, which has to date been the primary cause of the interchange-related congestion."

The April 1990 Traffic Impact Analysis includes three pages to describe the site-generated traffic volume and also a special study by Kittelson & Associates, Inc. to better define the probable breakdown of site-generated vehicle trips among the category of drop-in trips, diverted trips and new trips. There is nothing in the April 1990 report or the October 16, 1991 update to forewarn staff, the Planning Commission or Council that there could be unusual special event nature retail activities which could have a different impact on traffic volumes than is predicted by the transportation impact analysis and the October 16, 1991 update for Wilsonville Town Center Phase II. This lack of information concerning a potential problem area leaves the city staff responsible for prediction of traffic problems which should be left to traffic experts. I also would think that a plan for a commercial building with 160,000 square feet of floor space in a city with less than 10,000 residents would at least cause a question in the mind of the traffic engineer concerning drop-ins of 40%.

"Even if we had known about the actual retail activity likely to be associated with Project Thunder, it is doubtful that much more could have been done at the traffic impact analysis level. This is not to say that very little was done: in fact, we identified a number of major roadway improvement needs, and Capital Realty expended nearly \$650,000 in capital improvements to the city's transportation system in order to mitigate the traffic impacts we identified. Further, the Incredible Universe store contributed \$250,000 in system development charges for transportation-related improvements. The October 22 newspaper article seems to confirm the effectiveness of these investments; it points out that the congestion on Grand Opening Day was caused by the failure of the Wilsonville Road/I-5 interchange. All other intersections and road segments in the area functioned in an acceptable manner, because they were designed and upgraded by Capital Realty to meet the anticipated travel demand needs."

The newspaper article states in reference to the I-5 and Wilsonville Road interchange "It was that intersection that clogged up at the Incredible Universe opening, September 17, 1992, and caused traffic to back up for miles in both directions." The expenditures by Capital Realty did nothing to improve the intersection of Wilsonville Road and Parkway, and the improvements proved inadequate to handle the traffic at the intersection of Wilsonville Road and Town Center Loop West. The city had county sheriff's deputies available and Tandy Corporation had private security guards. These individuals directed traffic at the Town Center Loop West and Wilsonville Road intersection as well as at the intersection of Wilsonville Road and Parkway during much of the Grand Opening weekend so that traffic was able to get through these intersections. By no stretch of anyone's imagination could the expenditures and improvements by Capital Realty be

Mr. Wayne Kittelso...
Re: Incredible Universe Traffic Issues
December 4, 1992 - Page 4

considered to be adequate to allow the traffic to freely flow through these intersections at level of service D or better.

"Had we known of the special event nature of the project during its first few weeks, then it would have been both logical and relatively simple to develop a traffic control plan to minimize vehicle disruption and delay. But it should also be recognized that the Grand Opening effects of a new store, which can extend for three to six months beyond the initial store opening, are only temporary and eventually dissipate. Our traffic impact analyses are based on the long-term equilibrium conditions that develop after the Grand Opening effects have dissipated. This is a reasonable and standard principle of traffic engineering."

Upon reflection, this comment contains a good suggestion in that the city should require a traffic control plan to minimize vehicle disruption and delay during the initial opening of a new store of significant size. We will incorporate this in to our plans review efforts and into our recommended conditions of development for future stores with a major traffic impact.

"In summary, then, the traffic congestion problem that was reported upon in the October 22 newspaper article stemmed from a previously identified capacity deficiency at the I-5/Wilsonville Road interchange. This capacity deficiency has been known to city staff since early 1990 at least."

Your October 16, 1991 letter deleted the concerns for the I-5/Wilsonville Road interchange in the third subparagraph under the significant findings and recommendations which reads as follows:

"Upon completion of the development, the site driveways and key off-site intersections, with the exception of Wilsonville Road/Town Center Loop West will operate within acceptable level of service limits during the evening peak-hour time period."

Based on my reading of a level of service "C" for 1991, and this particular paragraph, I had assumed that we, initially, on the opening of the Incredible Universe would not have any major problems with the I-5 and Wilsonville Road interchange and would not anticipate problems until later. In summary on this particular item, it appears that your April 1990 report did indicate that by 1995 there would be problems; however, the October 16, 1991 report alleviated the concern for these problems.

"Since that time and through all subsequent development reviews, city staff, planning official, and policy makers have had three options available to them:

- a) **Require that the capacity deficiency be mitigated as part of any development proposal in which additional traffic is projected to travel on Wilsonville Road in the vicinity of I-5;**
- b) **Place a moratorium on all new development proposals that add traffic volume to Wilsonville Road in the vicinity of I-5 until after the ODOT interchange improvement project is completed (viz., on or after 1996);**
or

Mr. Wayne Kittelson
Re: Incredible Universe Traffic Issues
December 4, 1992 - Page 5

- c) **Accept the fact that the interchange's operating characteristics will be considered unacceptable very soon, and will continue to get worse through the time that the ODOT improvement project is completed.**

The City of Wilsonville has, in its review and approval of new development projects extending beyond Project Thunder, consciously adopted option c). The effects of the Incredible Universe store during its Grand Opening were the first physical confirmation of this decision."

It may well be a viable option to consider your suggestion of placing a moratorium on all new development proposals that add traffic volume to Wilsonville Road in the vicinity of I-5; however, staff feels that it would be premature to present this option to Council at this time. In addition with the October 16, 1991 letter from your organization, subject: Traffic Analysis for Wilsonville Town Center Phase II, including the following significant finding and recommendation:

"Upon completion of the development, the site driveways and key off-site intersections, with the exception of Wilsonville Road/Town Center Loop West, will operate within acceptable level of service limits during the evening peak-hour time period."

The record does not reflect a conscious adoption of option c). It reflects that intersections will operate within an acceptable level of service limits.

"We value our reputation for honest, objective, and technically valid analysis very highly, and so it is important to us that this matter be resolved to everyone's satisfaction."

In the comments which staff made at the council meeting, and also in subsequent responses to questions from newspaper reporters, we were careful not to be judgmental concerning particular consulting firms and kept from placing blame on any of the consultants which were involved. I have reread the article which you quoted and still feel that we adhered to the above and avoided incorrectly placing blame.

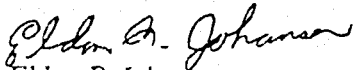
"If you believe it would be appropriate, we would be happy to meet with you personally at a time and location convenient to you in order to further discuss this matter."

Your letter very eloquently describes your position with regard to the impact of the Incredible Universe on traffic. I have come to a somewhat different conclusion from reading the applicable reports. Although I would be very happy to meet with you to discuss this issue, it appears that this may be one subject in which we probably will continue to have different opinions which may never be fully resolved. If you do desire

Mr. Wayne Kittels
Re: Incredible Universe Traffic Issues
December 4, 1992 - Page 6

to meet with myself or other members of the Community Development staff on this subject, please contact the undersigned.

Sincerely,



Eldon R. Johansen
Community Development Director

erj:mld

pc: Kim Beach, Capital Realty
Mayor & City Council
Transportation Advisory Commission
Arlene Loble, City Manager
Mike Kohlhoff, City Attorney
Mike Stone, City Engineer
Wayne Sorensen, Planning Director
Steve Starner, Public Works Director



KITTELSON & ASSOCIATES, INC.
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 S.W. ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

STAFF
Pam ✓
Blaise ✓
Sally ✓

Project file
9/1/92 4/3

OCT 29 1992

October 27, 1992

Project No.: P10.00

Mr. Wayne Sorensen
Planning Director
City of Wilsonville
P.O. Box 220
Wilsonville, Oregon 97070

SUBJECT: Incredible Universe Traffic Issues

Dear Wayne,

I read with some concern an article in the October 22 issue of *The Oregonian* titled, "Traffic Count Zooms at Electronic Store". I am enclosing a copy of the article for your information in case you missed it.

I was troubled by several comments in the article which seemed to suggest that, in the eyes of some high-level City officials, our traffic analysis had misled City officials:

"The traffic analysis prepared by Capital Realty and the Incredible Universe's traffic consultants, Kittelson and Associates, has greatly underestimated the traffic impacts", said Arlene Loble, city manager.

The Incredible Universe study analyzed traffic flows through the adjoining intersection, at Town Center Loop West and Wilsonville Road. But it did not reach to the next intersection to the west, at Wilsonville Road and Interstate 5...If the study were being done today, the city would insist that engineers look at one more intersection down the road, [Eldon Johansen] said.

[Eldon Johansen] said three things went wrong with the Incredible Universe traffic study. First, the predictions were made as if the city's Transportation Plan was already in place, but many roads are yet to be built. Second, the study assumed that 40 percent of the flow into the Incredible Universe would be "drop-in" traffic...Finally, the traffic study did not account for the success of the store's marketing effort.

Mr. Wayne Sorensen
October 27, 1992
Page 2

I would like to take this opportunity to clarify the analytic process we followed and the directions we received. Hopefully, this clarification will allow you, Ms. Loble, Mr. Johansen, and other City staff to more confidently and accurately respond should this issue arise again.

The transportation impact analysis that we performed for Capital Realty was begun in 1990 and completed in 1991. The site development plans called for construction of a shopping center containing 450,000 gross square feet of floor area. Given this information, the trip generation rates that we used were entirely appropriate, as was the estimate that 40 percent of the site-generated trips would be drop-in traffic. This is evidenced by the fact that the first phase of the shopping center development, which has already been completed, operates very close to the estimates that we provided.

Contrary to Mr. Johansen's statements in the article, our engineers did investigate the intersections of I-5 and Wilsonville Road as part of this study. As early as 1990, in fact, they predicted the capacity deficiencies that were just recently experienced. At the time that this original traffic impact analysis report was submitted (April 1990), our engineers pointed out to City staff that the intersections of I-5 and Wilsonville Road were already operating near capacity under weekday peak hour conditions, and would continue to operate at or above capacity until planned (but as yet unfunded) interchange improvements are made by ODOT. The following excerpt from the original traffic impact analysis report confirms this observation:

"As shown in Table 9, all of the intersections within the study area, with the exception of the I-5 northbound and southbound intersections, are anticipated to operate at an acceptable level of service [under projected 1995 peak hour conditions]. The projected demand at both of the I-5 ramp intersections will result in an over-capacity condition."

The current best estimate, by the way, is that these improvements will not be completed before 1996. Further, it should be noted that, even at this early date, City staff did not rely solely upon the findings of Kittelson & Associates, who were retained by the applicant. Instead, the City retained its own independent traffic engineering consultant to review the traffic impact analysis report and to critique the analysis assumptions, methodology, and findings. This independent traffic engineering consultant performed the requested review and confirmed every essential element of the report, including the projected capacity deficiency at the I-5/Wilsonville interchange area.

Mr. Wayne Sorensen
October 27, 1992
Page 3

In personal discussions, City staff were informed of this finding of a future capacity deficiency, and were asked to interpret the City's requirement that a level of service equal to or better than "D" be provided at all intersections. City staff informed our engineers that, because the I-5/Wilsonville Road intersections are actually controlled by ODOT and, further, because ODOT has already established plans to improve the interchange and increase the capacity of these intersections, the finding of a capacity deficiency at the interchange would not be considered a fatal flaw. This conclusion by City staff is confirmed by the fact that the project was ultimately recommended for approval, even with the report's recognition of capacity deficiencies on Wilsonville Road near I-5 as noted above. It should also be pointed out that City staff's position was not unique to this project, but has also been recently applied to projects in the vicinity of the Stafford Road interchange.

On this basis, the transportation impact analysis was completed, all other on-site and off-site traffic-related deficiencies were identified, considerable mitigation projects were undertaken, and the necessary approvals were obtained.

Initial planning for the Incredible Universe store began in late 1991, and was completed in 1992. It is important to note that, throughout the planning and traffic impact analysis effort, the Incredible Universe store was known as Project Thunder. City staff will recall that, because the Tandy Corporation wanted to keep the details of the development secret, no specific description of Project Thunder was given; our engineers knew only that it was to be a retail development. By their own choice, City staff elected to allow the Tandy Corporation to keep the details of Project Thunder a secret. Such a decision is entirely at the discretion of City staff and the developer, and without knowing the details of the discussions we cannot question the prudence of this decision. However, at least one effect of this decision should have been obvious even at the time that City staff made this decision: for the purposes of the traffic analysis, our engineers had no additional basis for any more refined assumptions regarding the type of planned retail development other than those used in the original 1990 analysis. In other words, we had no basis on which to forecast the special event nature of Project Thunder, which has to date been the primary cause of the interchange-related congestion.

Even if we had known about the actual retail activity likely to be associated with Project Thunder, it is doubtful that much more could have been done at the traffic impact analysis level. This is not to say that very little was done: in fact, we identified a number of major roadway improvement needs, and Capital Realty expended nearly \$650,000 in capital improvements to the City's transportation system in order to mitigate the traffic impacts we

Mr. Wayne Sorensen
October 27, 1992
Page 4

identified. Further, the Incredible Universe store contributed \$250,000 in System Development charges for transportation-related improvements. The October 22 newspaper article seems to confirm the effectiveness of these investments: it points out that the congestion on Grand Opening Day was caused by the failure of the Wilsonville Road/I-5 interchange. All other intersections and road segments in the area functioned in an acceptable manner, because they were designed and upgraded by Capital Realty to meet the anticipated travel demand needs.

Had we known of the special event nature of the project during its first few weeks, then it would have been both logical and relatively simple to develop a traffic control plan to minimize vehicle disruption and delay. But it should also be recognized that the Grand Opening effects of a new store, which can extend for three to six months beyond the initial store opening, are only temporary and eventually dissipate. Our traffic impact analyses are based on the long-term equilibrium conditions that develop after the Grand Opening effects have dissipated. This is a reasonable and standard principle of traffic engineering.

In summary, then, the traffic congestion problem that was reported upon in the October 22 newspaper article stemmed from a previously identified capacity deficiency at the I-5/Wilsonville Road interchange. This capacity deficiency has been known to City staff since early 1990 at least. Since that time and through all subsequent development reviews, City staff, planning officials, and policy makers have had three options available to them:

- a) Require that the capacity deficiency be mitigated as part of any development proposal in which additional traffic is projected to travel on Wilsonville Road in the vicinity of I-5;
- b) Place a moratorium on all new development proposals that add traffic volume to Wilsonville Road in the vicinity of I-5 until after the ODOT interchange improvement project is completed (viz., on or after 1996); or
- c) Accept the fact that the interchange's operating characteristics will be considered unacceptable very soon, and will continue to get worse through the time that the ODOT improvement project is completed.

The City of Wilsonville has, in its review and approval of new development projects extending beyond Project Thunder, consciously adopted option c). The effects of the Incredible Universe store during its Grand Opening were the first physical confirmation of this decision. These

Mr. Wayne Sorensen
October 27, 1992
Page 5

effects were temporary in that they will most likely die away after the Christmas season and as the store's novelty begins to fade. Additionally, these effects were exaggerated by the special event nature of the Grand Opening, which did not give patrons a chance to adjust their arrival time or choice of route. Therefore, it is unlikely that the City will again experience extended periods of mile-plus queues caused by the failure of the I-5/Wilsonville Road interchange. Even so, City staff and policy makers should recognize that less visible daily failures of the interchange are already programmed to occur: several already-approved residential and commercial projects have not yet been completed, and the combined future traffic effects of these projects virtually assure periods of peak-hour failure of the interchange during most typical weekdays. Thus, the City no longer has control over *whether* peak hour congestion and failures will occur at the interchange (they will), although future land use decisions can still affect the *duration* of these failures.

We have no quarrel with the prudence of the City's conscious decision to adopt option c) above. We are, however, disappointed that the City would suggest to the public, through articles such as the one published on October 22, that the congestion was not anticipated and that the fault for this lies with the traffic impact analysis process.

If you have any questions, please call me. We value our reputation for honest, objective, and technically valid analyses very highly, and so it is important to us that this matter be resolved to everyone's satisfaction. If you believe it would be appropriate, we would be happy to meet with you personally at a time and location convenient to you in order to further discuss this matter.

Sincerely,



Wayne K. Kittelson, P.E.
Principal

cc: Arlene Loble
Eldon Johansen
Greg Carter
Kim Beach

CITY OF WILSONVILLE
 P.O. Box 220
 30000 S.W. Town Center Loop East
 WILSONVILLE, OREGON 97070

LETTER OF TRANSMITTAL

(503) 682-1011

TO _____

DATE 10/3/92	JOB NO.
ATTENTION Arlene Lohle	
RE Trane-Idle University	
Copy of Notice of Decision, and attachment	
File copy of Transportation Impact Analysis prepared by Kittelson & Assoc	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

Attachment 3a, Page 312 of 464 Wayne Cores, Exhibit A

Wilsonville



**City of
WILSONVILLE**
in OREGON

3000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

May 28, 1992

Mr. Rich Hollander
Vice President
Tandy Name Brands
P.O. Box 1643
Fort Worth, TX 76101

Ms. Kim Beach
Capital Realty
101 S.W. Main St. Ste. 905
Portland, OR 97204

Re: Tandy Name Brands dba Project Thunder

Dear Mr. Hollander & Ms. Beach:

The purpose of this letter is to summarize the current status of ongoing actions which must be completed prior to opening the facilities which were previously known as Project Thunder and currently known as the Incredible Universe. An additional purpose is to solicit your continuing assistance in resolving the remaining points of difference so that when the construction is completed, there will be no outstanding actions which would preclude issuance of the Certificate of Occupancy.

Primary items of concern are as follows:

Street Systems Development Charge

On March 2, 1992, Council adopted Resolution No. 902 authorizing deferral of the Systems Development Charges for streets from time of issuance of building permit to time of issuance of occupancy permit for Tandy Name Brand Retail Group. Resolution No. 902 contained an estimate for the Street Systems Development Charges in the amount of approximately \$370,880.00. This was based on a total of 160 employees at the site. On March 6, 1992, Mr. Brian L. Spain, Assistant Tax Manager, for Tandy Tax Service, forwarded a check in the amount of \$124,592.15 for the Street Systems Development charge. I am concerned that use of peak hour employees is irrelevant to peak hour traffic generation and will correspond directly with Mr. Spain to resolve differences.

Mr. Rich Hollander & Ms. Kim Beach
May 28, 1992

Page 2

Traffic Signal - Town Center Loop West and Wilsonville Road

One of the conditions that was placed on this development was that the signal at the intersection of Wilsonville Road and Town Center Loop West must be installed prior to the occupancy of the Project Thunder site. Plans have recently been received at the Community Development Department for a second review.

Kim Beach, Capital Realty, is pushing to insure that the signal is in place prior to occupancy of the Project Thunder site.

Detention Facility

The Project Thunder site was conditioned to be designed for the 25 year storm. Detailed calculations indicate detention could be deferred until development of the property just north of the Project Thunder site. The condition would appear not to allow staff to administratively transfer the detention requirement to another property. Staff is again working with Capitol Realty to insure that this is resolved.

Construction as Included in the Public Works Permit

The City requires that the Punch List for Public Works items be completed prior to issuance of a Temporary Occupancy Permit.

Maintenance Bond

The City will require a 10% Maintenance Bond for twelve months following acceptance of the work included in the Public Works Permit.

Repair of Town Center Loop West Road

The City has contacted S.D. Deacon, General Contractor, concerning the street repairs to Town Center Loop West Road. Mr. Art L. Bush, Project Manager, has informed the City that S.D. Deacon Corporation will not be held responsible for any road repairs or replacement to existing condition of either north or southbound lanes of Town Center Loop West Road at the conclusion of this project. The contractor has removed the curb along the east side of Town Center Loop West and the asphalt has substantially failed wherever the curb has been removed. The City has no intention of accepting the project until such time as damages caused by the contractor are repaired.

Modification of Median - Town Center Loop West

We have received construction plans for modification of the median. We will be submitting those plans to Council for approval. It appears that this work is necessary prior to having adequate access to parking.

Mr. Rich Hollander & Ms. Kim Beach
May 28, 1992

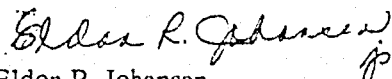
Page 3

Abandonment of Right-of-Way

The City has received documentation requesting abandonment of right-of-way that was part of the former Parkway Avenue. This is being processed to insure abandonment by August 1, 1992.

As you no doubt realize, I did not begin work in Wilsonville until April 6, 1992, after this project was well under way. My concern is that if we do not keep our attentions focused on resolving all outstanding issues, we will reach a point where the building will have been completed and you will have hired employees to open the facility and will be unable to issue a Certificate of Occupancy because of failure to resolve the above items. Your continued assistance and cooperation will be appreciated.

Sincerely,



Eldon R. Johansen
Community Development Director

ej/js

pc: Arlene Loble, City Manager
Michael Kohlhoff, City Attorney
Steve Starner, Public Works Director
Martin Brown, Building Official
Wayne Sorensen, Planning Director

W&H PACIFIC

8405 S.W. Nimbus Ave.
P.O. Box 80040
Portland, OR 97280

(503) 626-0455
Fax (503) 526-0775

- Planning
- Surveying
- Environmental Services
- Engineering
- Landscape Architecture

To: ELDON JOHANSEN
CITY OF WILSONVILLE

Date: 5-7-92

Project Number: 755-0202

Project Name: THUNDER

Regarding: TEMP. DETENTION AREA

PLEASE NOTIFY US IMMEDIATELY AT (503) 626-0455 IF THERE ARE ANY PROBLEMS RECEIVING THIS TRANSMISSION

We Are Sending:

- Attached
- Facsimile
- 3 Number Of Pages Including Cover
- X 682-7025

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review And Comment

Copied To:

KUM BEACH w/o ENCL
FAK 223-0200

Copies	Description
1	ADD'L Storm CACCS.

margo 5/19
Orig to Elson
Thunder file
Copy to Wayne myself
Eden

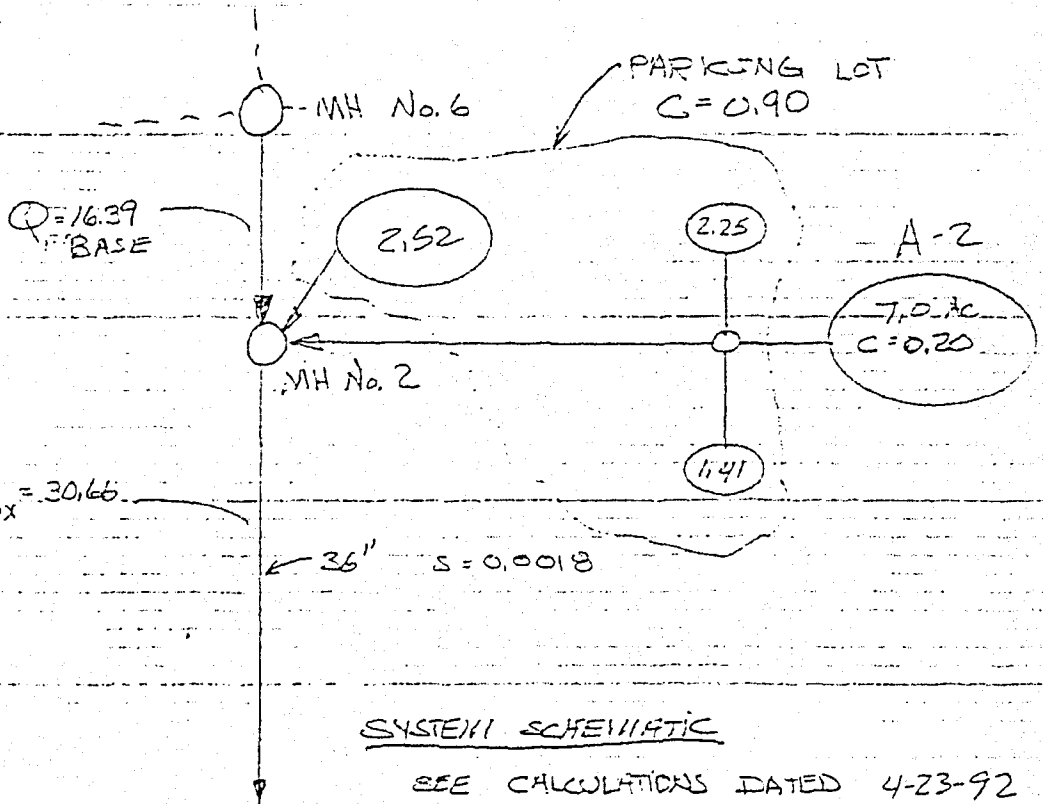
Comments

ELSON,
JIM LEHWART HAS PREPARED ADD'L STORM RUNOFF
CACCS WHICH SHOW THAT A TEMPORARY DETENTION AREA WILL
NOT BE REQUIRED UNTIL PHASE III AREA DEVELOPS. PLEASE
REVIEW & COMMENT - CONTACT JIM DIRECTLY IF YOU
HAVE QUESTIONS.

Signed

Jack Martin

DETENTION REQUIREMENTS FOR A-2 IN MN UNDEVELOPED CONDITION.



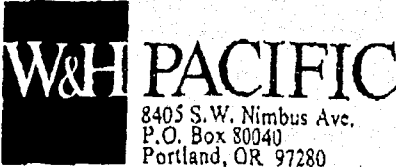
ASSUME WORST CASE SCENARIO

- 1.) FLOW FROM MH. No. 6 TO MH No. 2 IS MAXIMUM DUE TO UPSTREAM STORAGE, $Q_{BASE} = 16.39$ CFS
- 2.) ASSUME GRASSED AREA FOR A-2 WITH $C = 0.20$
- 3.) ASSUME 500 FEET OVERLAND TRAVEL FROM A-2

1st 200 FEET = 20 MINUTES
 REMAINING 300' = 4 MINUTES. (SLOPE = 1%)
 (IN CHANNEL)

$t_c = 24$ MINUTES

Creative Solutions ... Superior Service



(503) 626-0455 Fax (503) 526-0775

- Planning
- Engineering
- Surveying
- Landscape Architecture
- Environmental Services

To: ELDON JOHANSEN
CITY OF WILSONVILLE

Date: 5-7-92

Project Number: 755-0202

Project Name: THUNDER

Regarding: TEMP. DETENTION AREA

PLEASE NOTIFY US IMMEDIATELY AT (503) 626-0455 IF THERE ARE ANY PROBLEMS RECEIVING THIS TRANSMISSION

We Are Sending:

- Attached
- Facsimile
- 3 Number Of Pages Including Cover
- 682-7025

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review And Comment
-

Copied To:

KIM BEACH W/ ENCL
FAX 223-0200

Copies	Description
1	ADD'L Storm Cages.

Comments

ELDON,

Jim LEMKERT HAS PREPARED ADD'L STORM RUNOFF
CAVES WHICH SHOW THAT A TEMPORARY DETENTION AREA WILL
NOT BE REQUIRED UNTIL PHASE III AREA DEVELOPS. PLEASE
REVIEW & COMMENT - CONTACT JIM DIRECTLY IF YOU
HAVE QUESTIONS.
PARKING DETENTION IS POSSIBLE IN PH III OR EITHER PROPERTY NORTH
OF TANDY.

Eric Hansen

$$i_{25} @ 24 \text{ MINUTES} = 1.6 \text{ in/hour.}$$

$$Q_{PEAK} = i \sum CA_i = (0.2)(7.0 \text{ AC})(1.6) = 2.24$$

$$(0.9)(6.18)(1.6) = 11.33$$

$$\underline{\underline{13.57 \text{ CFS.}}}$$

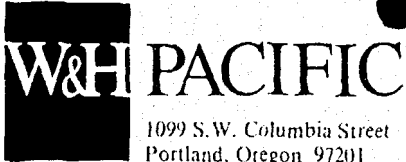
$$Q_{ALLOWABLE \text{ IN PIPE}} = Q_{MAX} - Q_{BASE} = 30.66 - 16.39$$

$$Q_{ALLOWABLE} = \underline{\underline{14.27 \text{ CFS.}}}$$

SINCE $Q_{PEAK} (13.57) < Q_{ALLOWABLE}$

NO DETENTION IS REQUIRED

NOTE! THIS CALCULATION IS FOR UNDEVELOPED
 CONDITIONS ONLY.



1099 S.W. Columbia Street
Portland, Oregon 97201

(503) 227-0455
Fax (503) 274-4607

- Planning
- Surveying
- Environmental Services
- Engineering
- Landscape Architecture

To: William L. Parks
DIVISION OF STATE LANDS
1100 STATE STREET
SALEM, OR 97310

Date: 12-16-91
 Project Number: 4-755-0202
 Project Name: PROJECT THUNDER
 Regarding: _____

PLEASE NOTIFY US IMMEDIATELY
 AT (503) 227-0455 IF THERE ARE ANY
 PROBLEMS RECEIVING THIS
 TRANSMISSION

We Are Sending:

- Attached
- Facsimile
- Number Of Pages Including Cover
-

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review And Comment

Copied To:

Copies	Description
1	VICINITY MAP 8 1/2 x 11
1	SITE MAP 11 x 17

*X NO Jurisdiction 10 YR 3/4
 A/C Hydrology - Ann Detrit
 by Flowing*

Comments

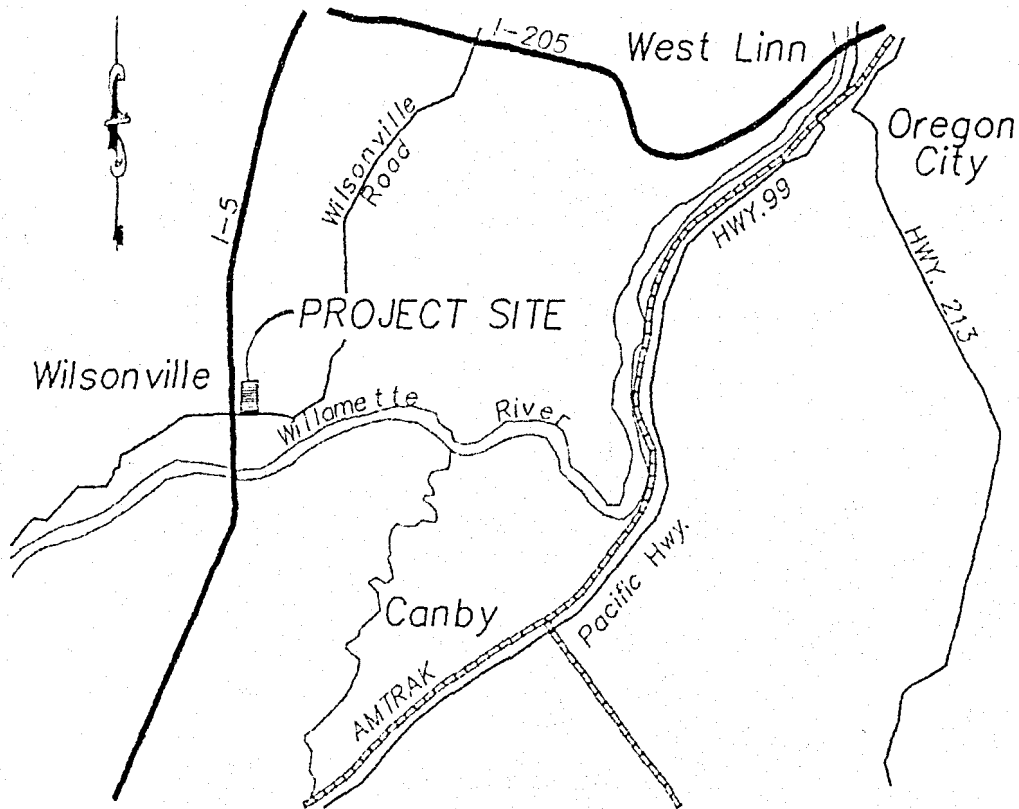
Bill,

*Please make a determination whether or not
 the existing detention pond is a "wetland" as
 defined by DSL.*

*I prefer a response as soon as possible, but no
 later than January 3, 1992. If this presents a
 problem, please call me at your earliest.*

Signed

thanks, Rick Martin



VICINITY MAP

NTS

- EXIT I-5 NORTH @ WILSONVILLE RD
- TURN LEFT @ TOWN CENTER LOOP RD WEST
(PORTLANDIA PIZZA ON CORNER)
- SITE IS ± 1/4 MILE NORTH OR RIGHT.



December 30, 1991

Mr. Mike Kohlhoff
City Attorney
City of Wilsonville
30000 S.W. Town Ctr. Loop E.
Wilsonville, OR 97070

Please submit the following language for approval by the City Council at the January 6, 1992 regularly scheduled meeting, to clarify Condition #10 of Resolution 91PC43:

The 5.1 acre public park dedication will be required the earlier of the issuance of a building permit for Phase III or May 31, 1994. The City and the applicant will work toward resolving the related access issues prior to the land dedication. The applicant will be involved in the Town Center park development planning in an advisory capacity but will not be required to make any financial outlay for the park planning process or its actual development.

For your information I have also enclosed a master site plan, color coded by original ownership. If you have any questions or require additional information please contact me. Thank you in advance for your prompt attention to this matter as we need to resolve this issue by January 7, 1992 to proceed with our contract with Thunder.

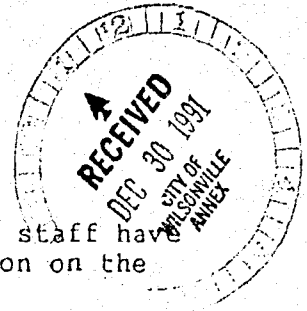
Very truly yours,

A handwritten signature in cursive script that reads "Kim Beach".

Kimberly J. Beach
Vice President

cc. Ms. Arlene Loble (with enclosure)
✓ Mr. Wayne Sorenson (with enclosure)

DIVISION OF STATE LANDS
Environmental Planning and Permits
775 Summer Street, NE
Salem, OR 97310
503/378-3805



WETLAND DETERMINATION REPORT

At the request of the landowner or agent, Division staff has conducted an offsite or onsite wetland determination on the property described below.

COUNTY Clac CITY _____
LOCATION Exit I-5 @ W. Wilsonville TR left @ Centerloop R west 1/4 mile
T 35 R 1W S 23 TAX LOT(S) _____
OWNER/AGENT: Rick Martin W & H Pacific
ADDRESS: 1099 S.W. Columbia St. Portland, OR
DATE OF ONSITE INVESTIGATION: 12-19-91

There are no jurisdictional wetlands or waterways on the property. Therefore, no removal-fill permit is required.
Notes: No Hydrology present - soil 10YR 3/4

There are wetlands and/or waterways on the property. Those areas are subject to the State Removal-Fill Law. A permit is required for 50 cubic yards or more of fill, removal, or alteration of substrate.
Notes: _____

A wetland delineation will be needed to locate and stake the wetland/non-wetland boundary. A list of consultants can be obtained from the Division.
Notes: _____

A removal-fill permit will be required for _____

No removal-fill permit will be required for _____ because/if _____

A permit may be required by the Army Corps of Engineers (326-6995)

Comments: _____

Determination by: William Parks Date: 12-23-91

Response Copy To:
 Owner/Applicant Enclosures: Request of Site Plan Map
 City of Wilsonville Planning Department
 _____, Corps of Engineers
 DSL file copy
 Reading file copy - TO LORNA no Turs.

City of
WILSONVILLE
in OREGON

December 30, 1991

30000 SW Town Center Loop E • ~~PO Box 226~~
Wilsonville, OR 97070
(503) 682-1011

Mr. Jim Faulkner
Design Forum Architects
3484 Far Hills Avenue
Dayton, OH 45429

Dear Jim:

I appreciated you, Rich Hollander and Jared Chaney taking the time to meet with Blaise and me regarding Project Thunder. I hope that we will be able to find an acceptable compromise in the design of the Incredible Universe project.

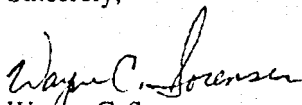
Enclosed is a copy of my notes which generally outline the basic issues we discussed at the December 23rd meeting. I am also enclosing material to provide additional insight into our planning process for the Town Center:

1. A copy of the legal opinion prepared by Michael Kohlhoff, City Attorney, that was furnished to the Wilsonville Design Review Board during the hearings on the Les Schwab Tire Center which will also be located in Town Center;
2. Variance criteria contained in our City Code which must be fully met before the DRB can approve a variance request.

I want to assure you that the City will do everything we can to accommodate your schedule, but I want to be sure you understand the legal limitations to fast tracking the review process.

Once again, it was a pleasure to meet with you. I appreciate your cooperation in finding an acceptable design alternative that will do justice to the Town Center, including the future Town Center Park, and still meet your client's needs. If you have any questions, please feel free to contact either Blaise or me at (503) 682-4960.

Sincerely,


Wayne C. Sorensen
Planning Director

wcs:dp
Enclosure

TO: Honorable Mayor and City Council

FROM: Arlene Loble
City Manager

RE: City Manager's Business

DATE: December 12, 1991

SUBJECT: PROJECT THUNDER DEDICATION OF PARK LAND

Project Thunder, which is Phase II of the Town Center development, was approved by the Planning Commission and now goes before the Design Review Board. I have attached a copy of their proposed design and their request for variances from the sign code. I bring it to your attention because it seems so entirely inconsistent with what has been previously approved in Town Center and the architectural proposal was not before Planning Commission for review. They have not seen the design proposals that dealt solely with the land use issues.

There are a couple conditions of approval that need to be brought to Council's attention. One of the conditions of approval requires the dedication of a 5.4 acre public park. The dedication would be required at the time occupancy permits are issued unless the City Council and the applicant agree to a later date. The value of the property to be dedicated is at least \$1,000,000, and the developers would like to be involved in the planning for park development but because of the value of the land are not willing to pay for any of the associated development costs. It is my understanding that at Phase I approval one of the conditions included not only the land dedication but financial responsibility for development of the park. That condition has now been removed because of the cost of the park land.

Leaving aside for the moment the inappropriateness of the design of the project, you can see from the attached exhibit that shows the location of the open space and the proposed building pads. This \$1,000,000 park is really located in the backyard of the proposed development. Because of the type of business which is some sort of high tech retail, the rear of the building, which faces the park, doesn't even include any windows - just a large expansive blank wall. To help offset that, a smaller building to be developed at a future Phase III has been placed on the property in such a way that it could front into the city park. The development that has already occurred in Phase I, the shopping center, also faces its least attractive areas into the proposed park site. If the open space actually is worth \$1,000,000, it will take at least that, in terms of the City's financial commitment, to improve the park. To put that kind of money into something that is really more of an after thought than a planned part of the development seems to me to be a big mistake. This is a

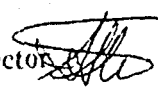
good example of something coming to Council's attention so late in the planning process that you have not had any meaningful input and yet now the City will be asked to make a substantial financial commitment. If the land is to be dedicated the developers justifiably want to know that the property will be developed in the future. What should be a wonderful design feature is really just an after thought. I don't know what, if anything, can be done at this stage, but I wanted to bring it to your attention as we will need to begin negotiations over the actual dedication of the property. Do you want a park in this location under these circumstances?

Another condition of approval that I would like to bring to your attention deals with the handling of storm drainage. Once again, this looks like we could be creating future problems because we have not had an engineer on staff and the project has probably not received the level of review from an engineering perspective that is necessary. So, the Planning Commission has added a requirement that storm sewer plans need to be coordinated with the City Engineer with a possibility of exploring the feasibility of onsite retention. As proposed by the developer, they would be eliminating the existing detention area and paving it over for additional parking. I don't know how this impact as a wetland but the staff report also brings that issue to your attention. Since the detailed engineering won't be done until or unless the plan is approved, we won't know until we get further into it how the developer's engineer plans to handle storm drainage. It is possible that they will actually need to relocate water and sewer lines that have been installed in Phase I in order to accommodate the proposed storm drainage plans for Phase II. Again, this is an area where we truly need the assistance of a City Engineer.

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

MEMORANDUM

TO: Wayne Sorensen, Planning Director
FROM: Steve Starner, Community Development Director 
DATE: December 9, 1991
RE: Project Thunder

In keeping with our usual land use process, the engineers associated with the development team for this project have submitted detailed studies to quantify the impacts of traffic volume and storm sewer capacities. Although their conclusions demonstrate compliance with Wilsonville's development criteria, I am concerned about some of the practical issues raised in the staff report.

A. Traffic - Wilsonville Road/Parkway Avenue intersection

The Wilsonville Code does not require Project Thunder to demonstrate compliance with level of service "D" at the above-referenced intersection. However, for any motorist currently using the intersection during peak hours, it is obvious vehicle congestion is reducing existing traffic management functions to an unacceptable quality. Especially for motorists attempting to enter Wilsonville Road from Parkway Avenue, the City is exploring the following:

1. Increasing the visibility of the "Do Not Block Intersection" signage.
2. Placing a pavement stop bar on Wilsonville Road which corresponds with the intersection signage.
3. Controlling ingress and egress to Parkway Avenue north of Wilsonville Road.
4. Investigate the installation of an intersection traffic signal which would operate in sequence with the interchange traffic controls.
5. Investigate the construction elements involved with a new roadway joining Parkway Avenue and Town Center Loop West.

Ultimately, traffic congestion adjacent to the Wilsonville interchange (from Town Center Loop West to Kinsman Road) will only be relieved when ODOT completes the construction of the expanded interchange design.

B. Storm Sewer - Memorial Park

As I understand it, Project Thunder storm drainage will flow into the I-5 storm sewer system. At peak flows, excess water will be diverted into the Phase I (Thriftway/Payless development) storm sewer which flows past the Library and into Memorial Park. In order to accommodate the anti-cipated flows, the following park storm drainage improvements are underway:

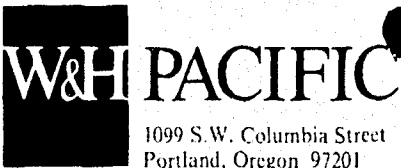
November - December, 1991	Surge basin, stilling basin and water quality swale design
January - February, 1992	Complete design
March	Construction bidding
April	Award construction contract
May	Begin construction
September	Complete construction

The estimated cost of this project is \$124,420 and is scheduled to be funded in conjunction with Memorial Park improvements. Approximately 52 per cent of the total project cost may be recovered from a payback when the Teufel and Boozier properties develop.

Also, the City will soon be undertaking a City-wide storm sewer Master Plan study in order to identify and plan for infrastructure needs. Under the current storm sewer SDC program, Project Thunder will generate approximately \$16,640 to be applied directly against the cost of the new Storm Sewer Master Plan.

I hope this information is helpful.

ss:jme



1099 S.W. Columbia Street
Portland, Oregon 97201

(503) 227-0455
Fax (503) 274-4607

- Planning
- Surveying
- Environmental Services
- Engineering
- Landscape Architecture

To: Blaise Edmonds
City of Wilsonville Annex
30470 SW Parkway
Wilsonville, OR

Date: Dec. 2, 1991
 Project Number: 467-0301
 Project Name: Wilsonville Town Center
 Regarding: Open Space Alternative
Concept Plan

PLEASE NOTIFY US IMMEDIATELY
 AT (503) 227-0455 IF THERE ARE ANY
 PROBLEMS RECEIVING THIS
 TRANSMISSION

We Are Sending:

- Attached
- Facsimile
- Number Of Pages Including Cover

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review And Comment

Copied To:

KIM BEACH
LOGAN CRAVEN

Copies	Description
10	FOLDED FULL SIZE REVERSED MASTER PLAN (SHT. #1)
1	PMT (8 1/2" x 11") OF ABOVE
1	ORIGINAL (8 1/2" x 11"): ALTERNATIVE OPEN SPACE CONCEPT.

Comments

Blaise:
 Please enclose the attached materials w/in your
 staff report.
 s. again for all your help !!!

1 Jones

November 26, 1991

Mr. Blaise Edmonds
Associate Planner
City of Wilsonville
8445 SW Elligsen Road
Wilsonville, Oregon 97070

**RE: PROJECT THUNDER
DESIGN REVIEW SUBMITTAL
JOB NO. 4-755-0102**

Dear Blaise:

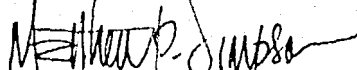
Thank you again for taking time this morning to discuss Project Thunder. As per our discussion, the following items were discussed and agreed upon:

1. Approval of Drawing Scales:
 - A. Design Review Submittal at 50 scale.
 - B. Construction Document Submittal at 30 scale.
2. Approval to omit irrigation design for Design Review Submittal. Notes will be provided.
3. Design Review Submittal will be 50 scale landscape plan showing tree, plant and lawn layout. Plant lists and details will be provided as per City of Wilsonville's Design Review Criteria.
4. W&H Pacific will have 100% complete construction documents by December 27, 1991. We will submit to the City a set of complete drawings for additional information. These drawings will include complete landscape and irrigation plans and can be included for the January 27, 1992 Design Review meeting.

If you have any questions or comments, please give me a call.

Sincerely,

W&H PACIFIC



Matthew P. Simpson, A.S.L.A.
Project Landscape Architect

MPS/kal

STORAGE
 6208
 9600
~~22,892~~
 420
210
39,330

SERVICE
 4700
 900
 1020
 640
 1932
 5016
 2040
1008
17,270

RETAIL
 47,874
 2,240
 5,880
7,920
63,914

RENT
 572
 1024
4500
6096

OFFICE
 1856
 200
 50
 5,294
 280
 912
 240
 149
120
9,117

EXHIBIT "A"



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

ADMINISTRATION DEPARTMENT
MEMORANDUM

DATE: OCTOBER 9, 1990
TO: DESIGN REVIEW BOARD
THROUGH: WAYNE SORENSEN, PLANNING DIRECTOR
FROM: MICHAEL E. KOHLHOFF, CITY ATTORNEY
SUBJECT: REQUESTED OPINION FOR LES SCHWAB TIRE CENTER

INTRODUCTION

At the City of Wilsonville's Design Review Board meeting of September 24, 1990, applicant, Les Schwab Tire Centers (Les Schwab), filed three legal objections to the planning staff's recommendations for revisions to the Les Schwab site plan applications as conditions of approval: violation of U.S. Constitution and Oregon Constitution free speech rights, lack of authority, and arbitrariness. The Design Review Board has requested my review of these objections, which are discussed below. The application was continued for decision only until the next regularly scheduled meeting in October.

The recommended revisions were to proposed material and color to the exterior of the tire center building. The site plan submitted by Les Schwab called for the building to be constructed of concrete block, with a metal roof and metal mansard. The proposed exterior colors of the building were red and white. The revisions recommend the use of red-colored brick instead of the red painted block on the south, east and west elevations, with the north elevation to be painted white. Also, the metal roof trim and mansard were recommended to be repainted with an earth tone color.

BACKGROUND

The City of Wilsonville was incorporated in 1969. Pursuant to state statute it adopted and had acknowledgment by the state its city-wide Comprehensive Land Use Plan and implementing Zoning Ordinance in 1982. As a newly developing city it has placed its emphasis on planning in the form of "planned development" for commercial, industrial and residential uses. In the area of commercial development, the City's Zoning Code provides:

"4.136 (1) (c). Planned Development Commercial shall be planned in the form of centers or complexes as follows:

- a. The Town Center
- b. Service Centers
- c. Office complexes.
- d. Commercial recreation.
- e. Neighborhood commercial."

The Town Center was zoned and master planned. The Wilsonville Town Center Plan drawing was placed into the Zoning Code at 4.136 (1) (c) (12). The Town Center Plan drawing conceptually locates functional use areas of central commercial, service commercial (includes tire sales and service), food and sundries, fast foods service, office professional, offices for general use, and high density apartments. The zoning text provides for permitted and accessory uses within each of the designated functional use areas.

The purpose of this zone is stated under 4.136 (1) (c) (12) (a).

"Purpose: (i) The purpose of this zoning is to permit and encourage a City Center, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community as well as to meet the general shopping and service needs of an area-wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public uses facilities as may be approved as part of the City Center compatible with the Comprehensive Plan of the City."

The location of the Les Schwab property application is in the northwest corner of the Town Center commercial area adjacent to Interstate 5. The Town Center is planned as the City's focal center. The property's location is a major viewing point of the City's focal center and identity. Development has occurred in the area with appropriate uses, high quality materials and design, which has provided the city center with uniform and harmonious developments with an aesthetically pleasing visual environment. This development has been and is overseen by the City's Planning Commission and its Design Review Board, pursuant to the city's zoning code.

The Les Schwab application has duly gone through the Planning Commission Planned Development Approval process and is located appropriately in the service commercial area of Town Center Master Plan. Its use approval adheres to the planned commercial/planned development concepts for Town Center. It comes before the Design Review Board for site development approval.

LEGAL REVIEW

"Comprehensive planning is clearly recognized as a proper exercise of municipal police power, often seen as a safeguarding of property values on a broad public basis. The conservation of property values is a very common consideration in comprehensive zoning, ordinarily required by state zoning acts, incorporated in ordinances and sustained by the courts (footnote omitted). Likewise, regulations as to the height and mode of construction

of buildings have been sustained on the ground of the 'safety, comfort and convenience of the people and for the benefit of property owners generally'" (footnote omitted). McQuillan Mun. Corp., § 24.14 (3rd. Ed.)

As also stated in McQuillan Mun. Corp., § 24.10:

"It is well said that the police power is based chiefly on the Latin maxims, *salus populi suprema est lex* - the welfare of the people is the first law (footnote omitted) and *sic utere tuo ut alienum non laedas* - so use your property as not to injure the rights of another (footnote omitted). As stated by the United States Supreme Court, the police power 'has its foundation in the maxim of all well-ordered society which requires everyone to use his own property so as not to injure the equal enjoyment of others having equal rights of property'. (*Slaughter House Cases, 16 Wall 36, 21 L. Ed. 394).

However, the power of municipal government in this respect is not unlimited. It is limited by federal and state constitutional guarantees.

Applicant raises issues pertaining to federal and state constitutional rights to free speech, arguing that the proposed color revisions invade its rights to advertise as it chooses. Applicant also raises due process issues which prohibit the unreasonable, arbitrary use of such powers claiming the Design Review Board does not have the authority to limit materials and colors (unreasonable) and is without standards and criteria (arbitrary) to do so.

As previously stated, public necessity and protection of the public welfare forms the basis for the exercise of police power; that every person ought to so use his or her property so as to not injure one's neighbors. The unavoidable consequence of the need to exercise the police power in this regard results in the restriction on the use of property. It should also be noted that the police power is of a dynamic nature. McQuillan Mun. Corp., § 24.08 (3rd ed.) states, "Like equity jurisprudence, the police power has a dynamic or progressive capacity to be applied to new subjects or to be exercised by new or revised measures as economic and social changes require."

Wilsonville adopted its zoning code as an exercise of its police power. The presence of its Design Review Board is an example of the progressive capacity which was brought about by the public necessity and modern day quality of life concerns. Wilsonville as part of its general zoning regulations provides in 4.151 General regulations - signs for signage regulation.

The public necessity to regulate signage in terms of time, place and manner so that the signage chosen is not abusive of the rights of others is clearly recognized. See cases cited in McQuillan Mun. Corp., § 24.384 (footnotes 1-10). Within these general regulations, 4.151 (3) applies to commercial use within the Wilsonville Town Center as follows:

"(a) The Wilsonville Town Center, as designated in the Wilsonville Code, Section 4.136 et seq., is well suited for the institution of a coordinated signing program because of its geographic unity, focal location, and the fact that it is in the early stage of development. The purpose of Section 4.151(3) of this chapter is to provide the Town Center with a program of coordinated signing which is both functional and aesthetic, and to provide a method of administration which will insure continuity and enforcement. In this manner, the framework will be provided for a comprehensive balanced system of street graphics which provide a clear and pleasant communication between people and their environment..."

"In regulating the use of street graphics and building signage, the following design criteria shall be applied in conjunction with the provisions of this Code: That street graphics and building signage be:

1. Appropriate to the type of activity to which they pertain.
2. Expressive of the identity of the individual proprietors and the Wilsonville Town Center as a whole.
3. Legible in the circumstances in which they are seen.
4. Functional as they relate to other graphics and signage."

Wilsonville Code 4.001 (70) defines "sign" as "***painting...or other device that is designed, used or intended for advertising purposes, or to inform or to attract the attention of the public, and includes where applicable...display surfaces and all components of the sign***".

Wilsonville Code 4.151 (3) (b) (2) provides the following definition: "Building Graphics. Signs that are not located within the first 15 feet of a property line that abut a public right-of-way. Building graphics are signs that include building-mounted and roof-mounted signs."

Wilsonville Code 4.151 (3) (d) (3) a. provides for Building Graphics Signage: "The total square foot of all signs except the single address sign and the street graphics sign shall not exceed the width of the building occupied by the use advertised. The width of a building is to be measured as the longest dimension of the width or depth of the building."

Wilsonville Code 4.151 (3) (c) (2) a. provides authority of the Design Review Board "...to administer and enforce all the provisions in Section 4.151(3) as they affect the design function and appearance of the sign."

Therefore, assuming that the applicant painted color schemes are as it proposes "an important element of the company's advertising" that "aid instant customer recognition", then the painted color scheme is a sign under Wilsonville Code 4.001 (70) whose display surface is violative of the size limitations for building graphics under 4.151 (3) (d) 3.a.

The specific criteria of size rationally limits a building by virtue of the amount and color it's painted from becoming a massive, garish sign incompatible with its neighbors. This is a reasonable time, place and manner prohibition to prevent an abusive medium, and is context neutral. The thrust of Art. 1, Section 8 of the Oregon Constitution is that free speech is not to be restricted unless it becomes abusive. See Ackerly v. Multnomah County, 72 Or. App. 617, 696 P2d 1140 (1985). The maxims involved in the police power cited above to not injure the property of others are found in the design criteria also cited that building signage not only be appropriate to the type of activity to which they pertain, but also be expressive of the identity of the individual proprietors and the Wilsonville Town Center as a whole. There is an obvious need to protect the aesthetic nature and character of other properties and the identity of the Town Center. There is no less need to preserve the property values of peaceful and harmonious use from loud and offensive noise than from loud and massive signage. Each is equally abusive.

As referenced above, comprehensive planning is widely recognized as a legitimate exercise of police power to preserve property values. Because of geographic unity, focal location and its early stage of development there is a rational basis to provide for a

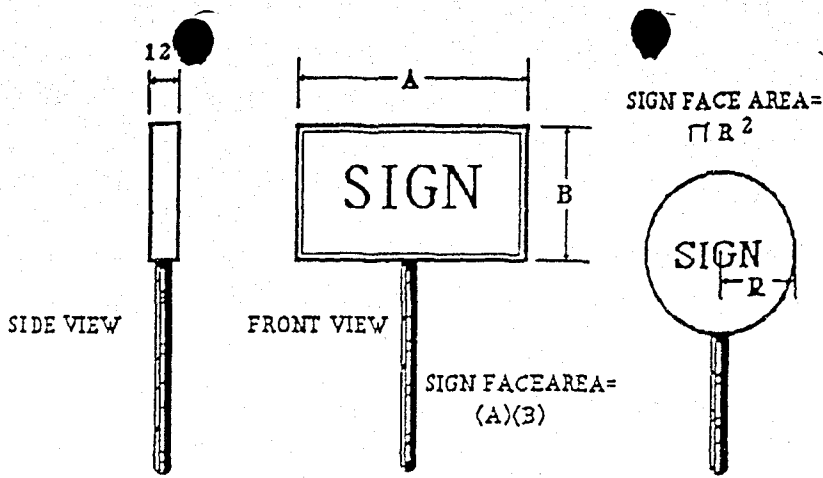
coordinated signage program which is both functional and aesthetic and to provide a method of administration through a Design Review Board for Town Center development. Clearly, this is in keeping with the multiple and often interrelated purposes set forth in 4.440 of the City's Code for Design Review Board. General criteria and standards are set forth to review site development in section 4.421, including color and material and as it relates to advertising medium that they "shall not detract from the design of proposed buildings and structures and the surrounding properties." Aesthetic sensibilities are also recognized as a sole ground and a proper subject for support of zoning regulation. See Oregon Civ v. Hartke, 240 Or 35, 400 Ord. 255.(1965); Naegele Outdoor Advertising v. City of Wavnesville, 833 F.2d 43 (CA4 1987); Don's Porta Signs Inc. v. City of Clearwater, 829 F2d 1051 (CA11 1987).

The dynamic nature of police power is clearly seen in the contemporary, community trends to view aesthetic considerations as valid subjects for the exercise of police power. The very exercise of police power is based upon need. Modern, contemporary society has recognized that advertising in the commercial setting has historically been poorly constructed, grossly disproportionate in size or height, aesthetically disharmonious, located in manners detrimental to traffic safety, and has even obscured the rights of others to be seen, creating a need to establish reasonable time, place and manner restrictions.

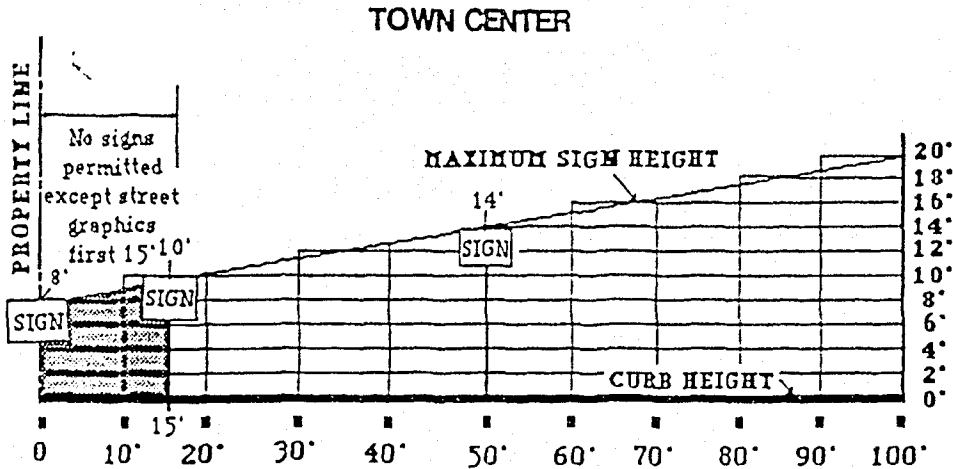
On the other hand, such necessity has not risen to the same level of need to regulate the use of homes as signs. The business entrepreneurs who are willing to advertise their commercial product by virtue of using gross advertising structures in commercial areas have not historically turned their private homes into such uses. In short, the need to protect other homeowners from the detrimental effects of having the color schemes of homes turned into speech of a loud and abusive nature has not presented a public need to regulate. (Often, developers have instituted self regulation through homeowners associations in residential subdivisions). Thus, single family dwelling units are exempt from initial Design Review Board development approval. They are not exempt if and when the use involves signage. There are specific regulations which the Design Review Board has authority to govern addressing normal and typical signage within a residential use area, namely residential name plates, 4.151 (1)(a), bulletin boards, 4.151 (1)(b); real estate signs advertising individual lots, 4.151 (1)(c); subdivision signage, 4.151 (1)(d) and home occupation signage, 4.151 (1)(d). Nor is the applicant's comparison of industrial Planned Developments with the commercial developments a justification for not distinguishing the differences in the nature of uses. What may be appropriate to locate and identify industrial users and be harmonious with other surrounding industrial properties may, in fact, not be compatible with commercial uses. That basic recognition between different uses is what allows for zoning districts in the first instance.

Therefore, I am of the opinion that the recommended revisions submitted by staff are reasonable time, place and manner restrictions, to prevent the use of a building as a grossly, large sign offensive to aesthetic sensibilities, coupled with the use of materials which are not harmonious with existing properties and the focal nature of Town Center to the detriment of the property of others. The regulations provide authority in the Design Review Board to act and neither as set forth or applied, are they arbitrary.

mek:pjm



SIGN FACE MEASUREMENT



The maximum height of a sign is measured from a point 8 feet above the curb at the property line, to a point 20 feet in height or 4 feet above the roof, whichever is less.

MAXIMUM SIGN HEIGHT

EaE1aE1a
 abcdefghijklmnopqrstuvwxyz
 ABCDEFGHIJKLMNOPQRST
 UVWXYZ
 123456780&?!\$(.,.)^^><

FIG. 2

CHAPTER 4, ZONING CODE
 TOWN CENTER SIGNAGE CODE

City of Wilsonville

COMMUNITY DEVELOPMENT DEPARTMENT

Memorandum

November 7, 1991

TO: Blaise Edmonds, Planning
FROM: *MB* Martin Brown, Building Official
SUBJECT: DEVELOPMENT REVIEW TEAM

The following is a list of concerns for the proposed Project Thunder and the proposed Liberty Organization office/warehouse. Actual working drawings may expose additional code concerns.

THUNDER PROJECT

1. Provide a fire hydrant within 250 feet in hose-lay fashion of all exterior walls.

LIBERTY ORGANIZATION OFFICE/WAREHOUSE

1. Provide a fire hydrant within 250 feet in hose-lay fashion of all exterior walls.
2. Proposed building shall comply with the A.D.A.

/s/

EXHIBIT E

DEFECTS IN

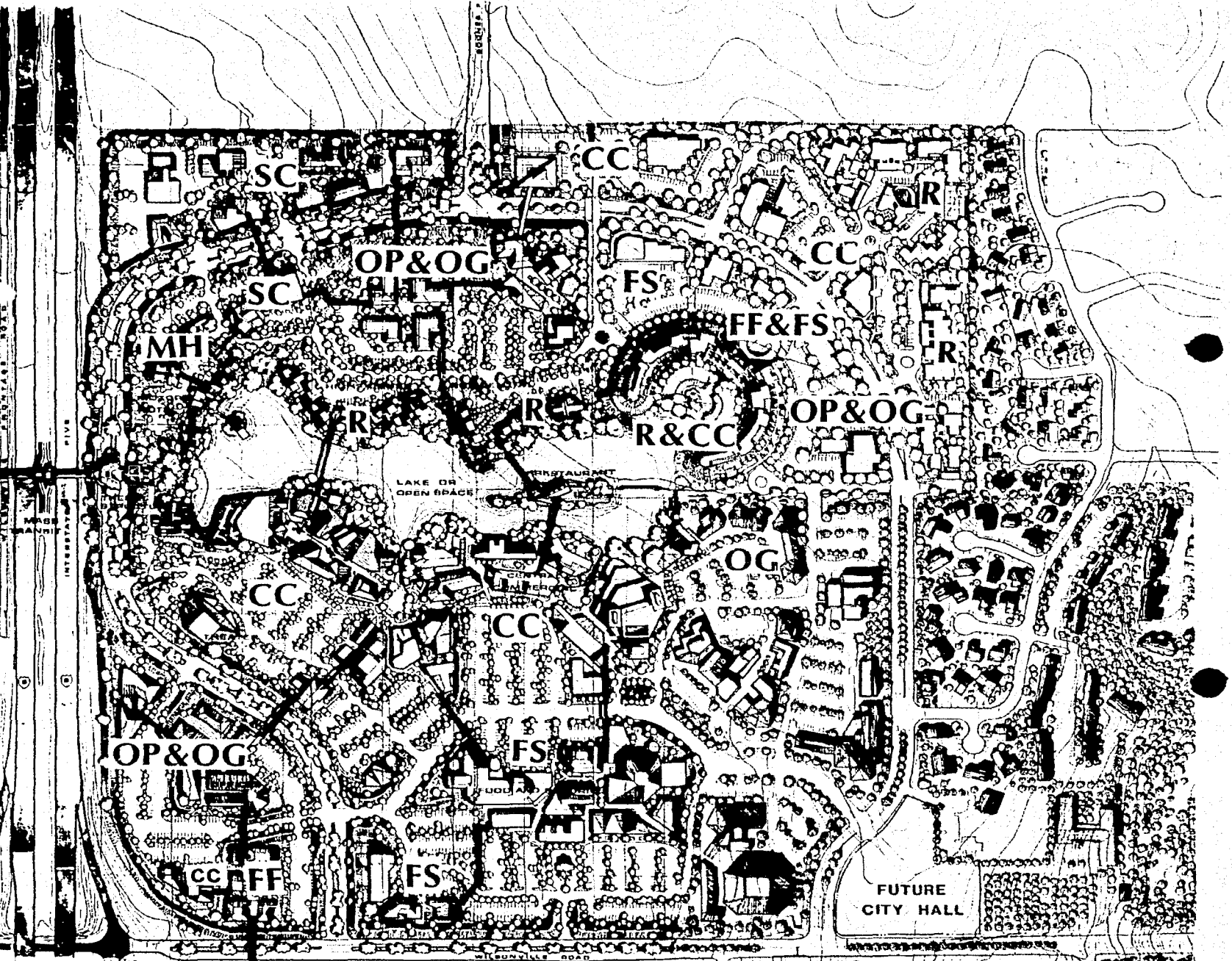
ORIGINAL

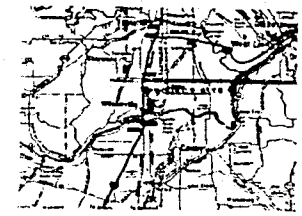
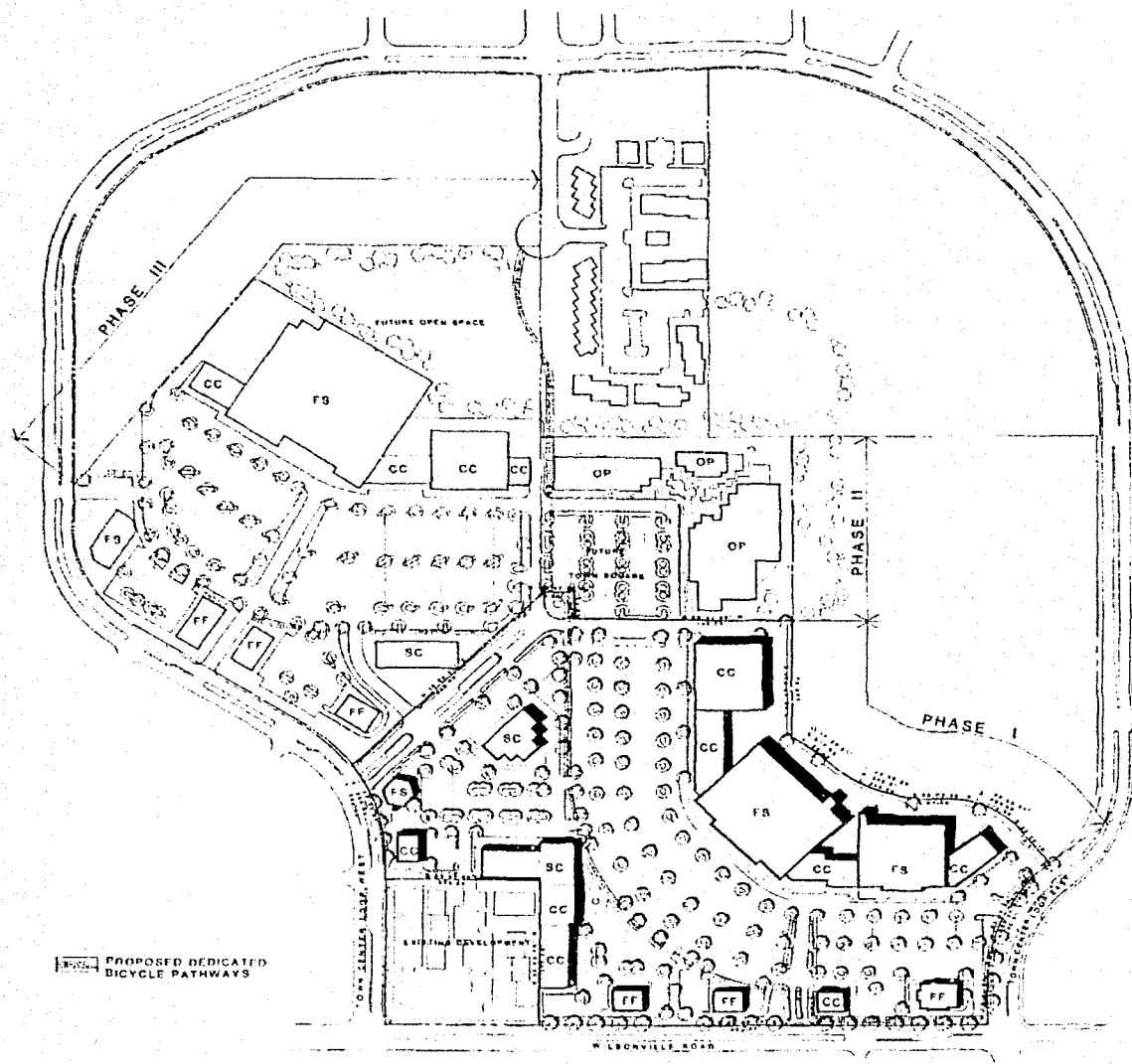
DOCUMENT

LEGEND

- CC** Central Commercial
- SC** Service Commercial
- FS** Food and Sundries
- FF** Fast Food Service
- OP** Office Professional
- OG** Offices for General Use
- R** High Density Residential
- MH** Motor Hotel

EXHIBIT
F





VICINITY MAP

ACREAGE	
PHASE I	22.17 ACRES
PHASE II	5.41 ACRES
PHASE III	22.02 ACRES
TOTAL	49.60 ACRES

PHASE ONE ZONING DESCRIPTION

A parcel of land situated in the southeast corner of Section 13, Township 36 North, Range 12 East, County of Clatsop, State of Oregon, hereinafter referred to as the "Site", is shown on the attached plat as being zoned under Ordinance 10000, as amended, of the City of Wilsonville, Oregon, as "Community Center District" (CCD). The Site is bounded on the north by East Main Street, on the east by East 2nd Street, on the south by East 3rd Street, and on the west by East 4th Street. The Site is approximately 1.5 acres in area and is currently vacant.

The CCD zoning district is intended to provide for a variety of community center uses, including but not limited to, day care centers, libraries, community centers, and other facilities that serve the needs of the community. The CCD zoning district is characterized by the following features:

- Use: Community center uses, as defined in the City of Wilsonville Code.
- Intensity: Moderate intensity of use.
- Scale: Buildings and structures shall be designed to be compatible with the surrounding neighborhood.
- Design: Buildings and structures shall be designed to be aesthetically pleasing and to contribute to the overall appearance of the neighborhood.
- Access: Adequate access to the Site shall be provided from the surrounding streets.
- Open Space: Adequate open space shall be provided on the Site.

MASTER PLAN: PHASE I, II, & III
1" = 100'

EXHIBIT H

JKS
JKS Architects PC
1000 NE Oregon Street, Suite 1000, Portland, Oregon 97232
503.251.1200

WILSONVILLE MARKETPLACE

1



KITTELSON & ASSOCIATES, INC.
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 SW ALDER, SUITE 700 • PORTLAND, OREGON 97205 • (503) 228-5230 • FAX (503) 273-8169

October 16, 1991

Ms. Kim Beach
Capital Realty Corporation
101 SW Main, Suite 1500
Portland, OR 97204

RE: Traffic Analysis for Wilsonville Town Center Phase II

Dear Ms. Beach:

The purpose of this letter is to discuss the results of an update to the April 1990 Traffic Impact Analysis we conducted for the Wilsonville Town Center relative to the current phase II development proposal. Some of the specific issues that this letter addresses include:

- the level of development proposed in the current phase II submittal,
- the level of development analyzed in the April 1990 Traffic Impact Analysis,
- an update of current conditions within the vicinity of the site
- an assessment of projected conditions upon completion of the current development proposal
- an assessment of the need for a traffic signal at the Wilsonville Road/Town Center Loop West intersection upon completion of the proposed development

Based on the results of both the previous and updated analysis, the proposed development can occur while still maintaining acceptable levels of traffic operations and safety at site driveways and nearby key intersections. The significant findings and recommendations are as follows:

- The key unsignalized intersections within the study area are currently operating at an acceptable LOS during weekday evening peak hour conditions.

EXHIBIT
G.7

- Upon completion of the development, the site driveways and key off-site intersections, with the exception of Wilsonville Road/Town Center Loop West, will operate within acceptable level of service limits during the evening peak hour time period.
- A traffic signal is warranted to accommodate projected 1992 traffic volumes at the Wilsonville Road/Town Center Loop West intersection. It is therefore recommended that a traffic signal be installed at this location upon completion of the proposed development.

Current Phase II Development Plans

The current phase II development plans call for the construction of a retail facility consisting of approximately 159,000 gross square feet of floor area. This development level (and substantially more) has already been accounted for in the previous traffic impact analysis. The traffic impact analysis conducted in April 1990 considered a Phase I development level of approximately 211,000 gross square feet of floor area, and a combined Phase II and III development level of approximately 451,000 gross square feet of retail space and 40,000 gross square feet of commercial office space. Therefore, the original traffic impact analysis, which evaluated conditions through the year 1995 is considered to be more than adequate in terms of its assessment of traffic impacts of the proposed development for the four year horizon. Included with this letter are 10 copies of the April 1990 Traffic Impact Analysis.

Update of Existing Conditions

Within the last week, Kittelson & Associates, Inc. obtained weekday p.m. peak hour turning movement counts at the intersections of Wilsonville Road/Town Center Loop West, and Wilsonville Road/Town Center Loop East. The results of those counts revealed that compared to the counts conducted in conjunction with the April 1990 study, traffic volumes have increased by approximately 70 percent on Wilsonville Road, by approximately 80 percent on Town Center Loop East, and have remained essentially the same on Town Center Loop West. The growth in traffic on Wilsonville Road and Town Center Loop East is due primarily to the substantial amount of residential development that has occurred within the vicinity of the site (particularly to the east of Town Center Loop East) within the past year, as well as to the development associated with Phase I of the Wilsonville Town Center.

The reason traffic volumes have remained basically the same on Town Center Loop West is likely due to the fact that the majority site-generated traffic associated with Phase I of the Wilsonville Town Center, as well as some of the site-generated traffic from the retail/office development located in the southwest corner of Town Center Loop are using the Wilsonville Town Center access drives on Wilsonville Road and Town Center Loop East. Another contributing factor may be that traffic volumes within the Wilsonville area have re-distributed somewhat since 1990. Table 1 displays a comparison of the 1990 and the current 1991 volumes.

Intersection	Approach	1990 Volume (Veh/Hr)	1991 Volume (Veh/Hr)
Wilsonville Rd./ Town Center Loop W.	Westbound	165	410
	Eastbound	530	785
	Southbound	295	270
Wilsonville Rd./ Town Center Loop E.	Westbound	155	300
	Eastbound	280	435
	Southbound	80	145

Based on the results of the recent p.m. peak hour traffic counts, Level of Service analyses were conducted at each of the intersections following the analytical techniques described in the *1985 Highway Capacity Manual*. Table 2 displays the results of that analysis. As indicated in the table, both intersections are currently operating at Level of Service "D" or better, which is considered acceptable by standards.

Projected 1992 Conditions

The current site plan indicates that three access driveways on Town Center Loop West will serve the proposed retail development, consisting of a main access drive, a secondary access drive, and a service drive on the north end of the development which will be limited to right-turns only. This access scheme is consistent with what was assumed in the 1990 Traffic Impact Analysis, with the exception of the north service drive. In the previous analysis, the two primary access drives were projected to operate at Level of Service "D" or better through the year 1995. Given that traffic volumes will be substantially lower in 1992 than the projected 1995 levels, all three driveways serving

TABLE 2 PM PEAK HOUR LOS EXISTING TRAFFIC VOLUMES			
Intersection	Time Period	UNSIGNALIZED	
		Reserve Capacity	LOS
Wilsonville Rd/ Town Center Loop W.	PM	113	D
Wilsonville Rd/ Town Center Loop E.	PM	299	C

the development are anticipated to operate at Level of Service "D" or better upon completion development.

Estimates of site-generated traffic for the Phase II development proposal were added to the existing traffic volumes at the intersections of Wilsonville Road/Town Center Loop W. and Wilsonville Road/Town Center Loop E. Based on that assignment, additional analyses were conducted to assess the level of service at these two intersections upon completion of the development. Table 3 displays the results of that analysis. As shown in the table, the intersection of Wilsonville Road/Town Center Loop West is anticipated to experience an "F" Level of Service, which is considered unacceptable by City standards. An examination of signal warrants contained in the *Manual on Uniform Traffic Control Devices* indicates that at least two warrants for a traffic signal will be met under projected 1992 conditions.

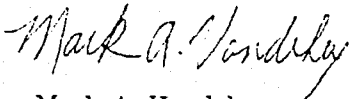
Based on these results, and given that background traffic volumes on Wilsonville Road are likely to continue to increase somewhat, it is recommended that a traffic signal be installed at the Wilsonville Road/Town Center Loop West intersection coinciding with the completion of the current Phase II development proposal. Based on this recommendation officials at Capital Realty Corporation have retained Kittelson & Associates, Inc. to begin the preliminary design of a traffic signal at the Wilsonville Road/Town Center Loop West intersection.

Ms. Kim Beach
October 16, 1991
Page 5

Intersection	Time Period	UNSIGNALIZED	
		Reserve Capacity	LOS
Wilsonville Rd/ Town Center Loop W.	PM	-29	F
Wilsonville Rd/ Town Center Loop E.	PM	113	D

I trust that this letter adequately addresses City staff's traffic related concerns with respect to this development proposal. If in the meantime you have any questions or comments please do not hesitate to contact me.

Sincerely,



Mark A. Vandehey
Associate

October 18, 1991

Wayne Sorenson
Planning Director, Wilsonville
City Hall
P. O. Box 270
Wilsonville, OR 92070

Dear Mr. Sorenson:

Re: Request for Modification of Condition of Approval No. 90PC15

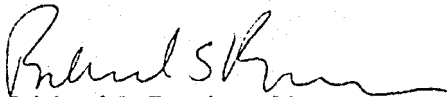
On behalf of the Owner, Capital Realty Corp., we request a reconsideration of Condition No. 8 of Planning Commission Resolution No. 90PC15 to provide the opportunity for Capital Realty to work with the City to accomplish the following:

1. Develop a design for the conceptual Wilsonville Town Center open space that allows for the participation of the appropriate City staff and commissions,
2. To formulate a development plan and time frame consistent with the development of Phase II and III of the balance of the Wilsonville Town Center property, and
3. Determine Capital Realty's financial obligation and any credits related thereto.

Concurrently submitted to you are Stage I Master Plan Re-submittal and Stage II, Phase II of the Center. We feel that they have a bearing on this condition and warrant review.

Thank you for your consideration, if you have any questions, please call.

Very truly yours,



Richard S. Brooks, AIA
Project Manager

bc

C:\BCRSB\WTC-1017.PM

JKS Architects PC
1620 S.W. Taylor Street, Suite 200
Portland, Oregon 97205
503-227-5616 • 800-292-5400 • FAX 503-227-3590

EXHIBIT G-8

Stage I Master Plan Re-submittal
Wilsonville Town Center—Wilsonville, Oregon

1. Nature of Application:

This is a re-submittal for Stage I Master Plan approval for a proposed retail development of 59.79 acres, to be located adjacent to, and north of Wilsonville Road spanning from the southeast portion of Town Center Loop East, the inner portion of Town Center Loop West, north to the intersection of the Loop West and Parkway in that area previously designated as The Wilsonville Town Centre.

The Applicant:

Seeks to develop the site as a community shopping center. The center, at full build out would consist of approximately five larger retail commercial anchor stores, infill retail commercial space and pads located independently from the central retail complex for commercial retail development.

The proposed development includes a total building area of approximately 500,000 square feet constructed in three phases.

Phase I

The existing development of Phase I will include retail commercial space of approximately 207,130 square feet oriented primarily to Wilsonville Road. The Phase I Center consists of three anchor tenants, including major grocery and drugstore tenants, with infill commercial retail shop space and several pads at the periphery for retail uses. Parking for Phase I is 1,063 spaces at a ratio in excess of five spaces per 1,000 square feet of gross leasable area. The third anchor and several of the pads are as yet un-built.

The initial development provides two full-turning accesses along Town Center Loop; one at the eastern end of the development near Wilsonville Road, and the other off Town Center Loop West, which is a heavily landscaped entry boulevard, that in later phases will become the central identified main entry to the fully built-out center. Further, a secondary full turn access is proposed at Town Center Loop West and the Northern boundary of the existing retail center; and finally in Phase I, a right-in-right-out access at mid-site on Wilsonville Road, which is temporarily a full access entry until development to the south of Wilsonville Road completes construction of the final road design.

EXHIBIT 69

1. Nature of Application: (cont'd)

Phase II:

The proposed Phase II development is one retail user of approximately 159,400 square feet located on 14.75 acres primarily fronting Loop Road West. Phase II is to be built and developed by a separate owner other than Capital Realty Corp. Capital Realty, however, maintains its right of review for compliance with the concept and intent of the Town Center retail development. Approximately 872 parking spaces are provided (see Stage II Submittal attached).

Phase III:

The proposed development of Phase III includes retail commercial space of approximately 143,568 square feet completing the connection to Phases I and II. The Phase III development would consist of one large retail anchor tenant, retail pad tenants, and a two-story professional office building oriented at the end of the main entrance boulevard.

The parking development for Phase III, approximately 980 spaces, brings the total parking count to 2,915 spaces, serving the proposed 510,000 square feet of gross building area.

2. Property Description:

The property is located north of Wilsonville Road, east of Interstate 5, and west of City Hall. The property is located on the following parcels:

Parcel 1: 19.73 acres

Tax Lots 600 and 601, Section 13, Township 3 south, Range 1 west, Willamette meridian, situated in the City of Wilsonville, County of Clackamas, State of Oregon.

Parcel 2: 4.37 acres

Tax Lot 500, Section 13, Township 3, south, Range 1 west, Willamette meridian, situated in the City of Wilsonville, County of Clackamas, State of Oregon.

2. Description (cont'd)

Parcel 3: 25.96 acres

Tax Lots 200, 300, and 405, Clackamas County Map 3-1W-14D and ownership interests in a triangle of land approximately 6,381 square feet on the west of Tax Lot 200.

Parcel 4: 9.73 acres

Tax Lots 101, 201, and 102 Clackamas County Map 3-1W-14D

3. Plan Designation and Zoning:

The subject site is designated commercial on the comprehensive plan map and zoned Planned Development Commercial on the zoning map. The site, being situated within the Wilsonville Town Center master Plan map, has underlying use designations indicating CC Central Commercial, FS Food and Sundries, OP Office Professional, FF Fast Food Restaurant, R high density residential, and open space.

The intent of our proposal is to accomplish the mix of other desired and designated uses within the boundaries of our development. We feel our plan as submitted is consistent with the comprehensive plan goals and with the Town Center Master Plan.

October 18, 1991

Wayne Sorenson
Planning Director, Wilsonville
City Hall
P. O. Box 270
Wilsonville, OR 92070

Dear Mr. Sorenson:

**Re: Stage I Re-submittal Master Plan Approval Wilsonville Town Center
Stage II, Phase II Submittal**

On behalf of Capital Realty Corp., and the owners of properties so designated as comprising the development area, we are re-submitting this application for a Stage I Master Plan Approval for a 59.79 acre commercial center and Stage II approval for the Phase II 14.75 acre site.

As you may be well aware, Phase I of this plan has been completed in part. The economics of the region and the country have impacted the nature of the project as originally planned. This re-submittal represents those pressures, and at the same time expands the size of the project while maintaining the original intent of mixed uses as outlined in the Wilsonville City Center Plan.

Capital Realty has the opportunity to bring to the Town Center project a major, innovative retail anchor which will comprise all of Phase II. This parcel will be sold to a separate user for which application for Stage II, Phase II is attached. Their progress and subsequent design submittals will be reviewed and monitored by Capital Realty.

The addition of this anchor, at this time will serve as a catalyst for the completion of Phase I buildings as well as increase the desirability of Phase III tenants. This, in effect, will improve the success of the entire City Center Plan to the benefit of Wilsonville as a whole.

JKS Architects PC
1620 S.W. Taylor Street, Suite 200
Portland, Oregon 97205
503-227-5616 • 800-292-5400 • FAX 503-227-3590

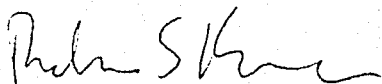
EXHIBIT
6-90

Wilsonville Town Center
Stage I Re-submittal
October 18, 1991

Page 2

We are always available to answer questions to aid you in your analysis of this re-submission and its compliance with the current conditions of approval. This project represents a long-term commitment on the part of Capital Realty in the development of a strong, successful center for Wilsonville which will serve the needs of all its citizens. Thank you for your's and the City Staff's time, energy and cooperation towards the realization of this project.

Sincerely,



Richard S. Brooks, AIA
Project Manager

bc

Alternative Open Space Concept

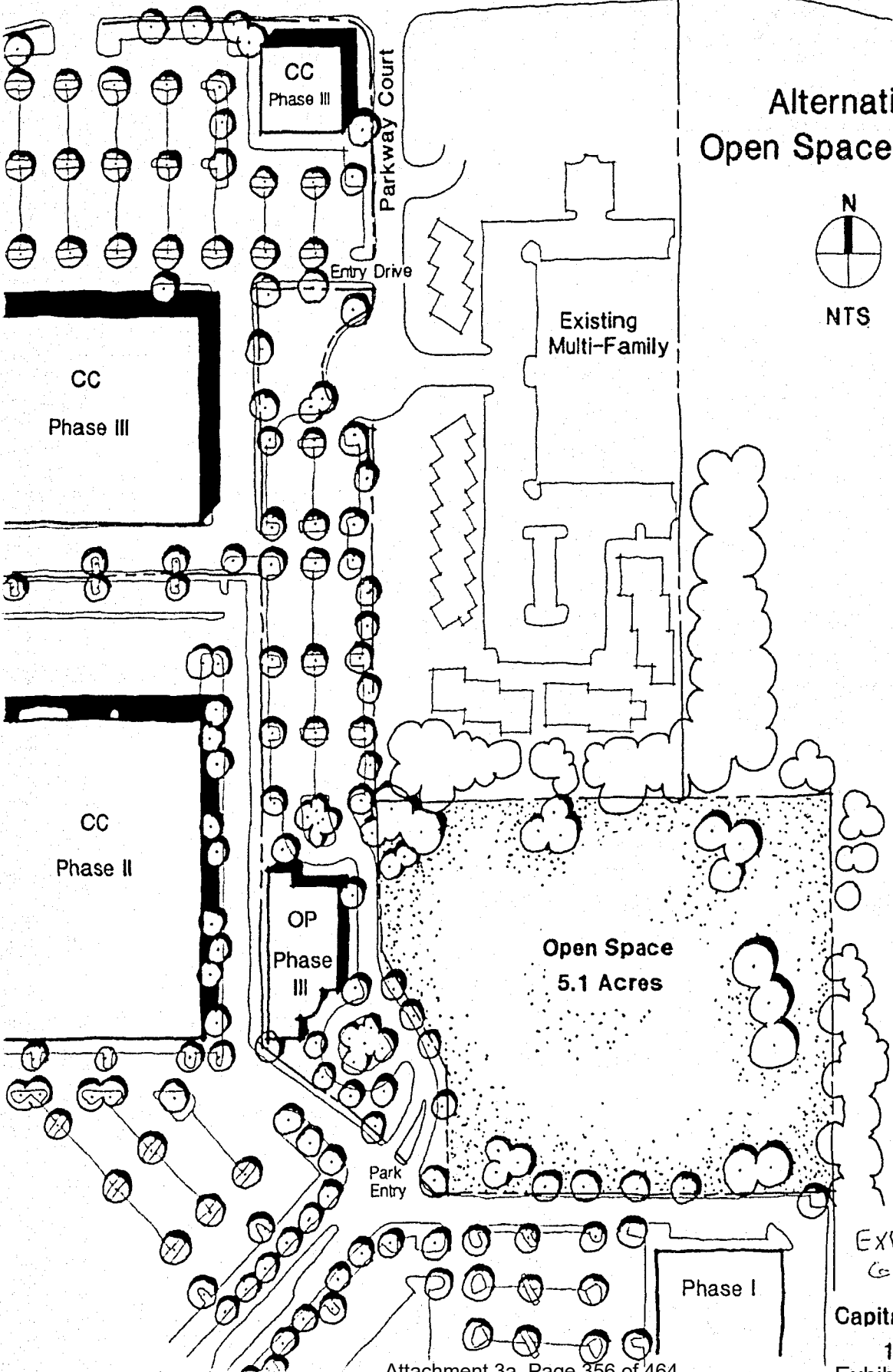
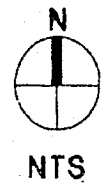


EXHIBIT
G-11

Capital Realty Corp.

11/26/91

Exhibit A

AS REVISED
1/7/92

DesignForum
ARCHITECTS

DesignForum

ARCHITECTS

PROJECT THUNDER
Wilsonville, Oregon
Design Review Board
January 27, 1992 Meeting

1R

REVISED GENERAL COMMENTARY:

Project Thunder is a single story building with mezzanine, 166,495 GSF retail sales building, with accessory storage areas. Project Thunder is a new concept in merchandising with this location selected for the pilot program.

Enclosed is data that we believe supports the design concepts expressed, outlines the project exterior signage program; building architecture, materials and colors. The project exterior lighting program, the project landscaping and site improvements information is shown on the revised drawings included with this additional submittal.

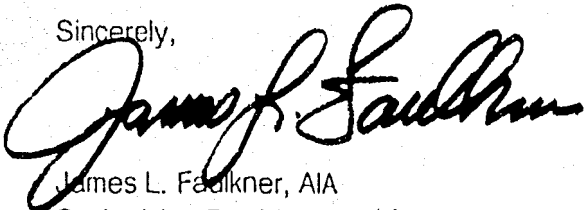
As per phone conversations with Blaise Edmonds, Associate Planner, the materials and colors sample board will be presented at the evening of the actual meeting. It will not be forgotten. We will provide a sample board of wall elements, as requested, as soon as we receive material samples from the manufacturers involved.

Enclosed within this booklet are color photocopies of the revised color scheme, two views, plus the proposed parking lot light standards with the directory signage of aisle indicators. Also enclosed is a new drawing titled "View Corridor Concept." Submitted separately are revised drawings DRBC1, DRBC2, DRB1, DRB2, DRB3, and DRBL1.

We believe we meet all known City of Wilsonville ordinances in regards to architecture, landscaping and site improvements. There are no signage variances required. We do request a deviation from the Phase I signage program as explained following. Since our reconsideration of the signage program has eliminated all variances we request reimbursement of the variance fees previously paid.

We request the Design Review Boards consideration of Project Thunder, as resubmitted.

Sincerely,



James L. Faulkner, AIA
Senior Vice President, Architecture

JLF:dr

DesignForum

ARCHITECTS

PROJECT THUNDER

Wilsonville, Oregon

Design Review Board

January 27, 1992 Meeting

2R

MATERIALS/COLORS DIALOGUE:

The general concept of the project design aesthetic is to create a vibrant and lively shopping environment, having this a "fun place to be". This concept is visualized to the shopper by the dynamic main facade of the building by three means: building form, materials selected and colors used.

The basic building background material is an "Exterior Insulation and Finish System", common name used Dryvit. While proprietary, we will use this term in this discussion. The Dryvit will be in a field color of light beige (neutral) with dark green color Dryvit used as a horizontal accent band on the North and West elevations. Dark green will also be used at the curved wall element of the primary building entry and exit points on the West elevation. The Dryvit will be on all sides of the building, scored in the patterns indicated on the elevations. Use of the dark green color relates this project to the Phase I buildings.

To compliment the Dryvit field, and to help to reduce the scale of this building, a horizontal band of metal siding, in a light bronze color with 50% reflectivity is expressed on the West, North and South elevations. This metal siding is a vertical pattern with vertical "grooves" 6" o.c. On the East elevation, the color and position of the metal siding is simulated by use of Dryvit accent band.

To accent and provide visitor orientation to the entry area, an open "dome" of steel framing, painted red, is mounted on the roof. Coupled with the curved element wall, this designates the building entry area. At grade the curved element concept is carried forward with curved concrete curbs, radial lined concrete walkways and flagpoles/bollards in a circular centerline aligning with the curved wall element at entry. The flagpoles are 25'-0" high, natural aluminum color, and will fly solid color flags or nylon banners. The non-illuminated bollards are 42" high, 10" diameter pipe painted light beige. Bollards around entry points will be internally lighted, and be painted red.

To further designate entry points, clear glass in natural aluminum storefront framing is located adjacent to the curved element entry area, and also occurs at the building service entrance and other secondary entrance points.

The overhead doors will be solid, insulating units without windows, painted light beige. Other secondary doors will be hollow metal painted to match adjacent wall color. Miscellaneous site items such as handrails will be painted black.

DesignForum

ARCHITECTS

PROJECT THUNDER

Wilsonville, Oregon

Design Review Board

January 27, 1992 Meeting

3R

The following are our calculations of area for the Project Thunder Signage Program:

Wall Graphics:

Single face, backlit signs:

Store Name Sign*	1 Each at 224 SF	=	224 SF
Fascia Sign: "Service":	1 Each at 12 SF	=	12 SF
Fascia Sign: "Customer Pickup":	1 Each at 28.5 SF	=	28.5 SF
Fascia Sign: "Car Stereo Installation":	1 Each at 40.5 SF	=	40.5 SF

TOTAL WALL GRAPHICS AREA 305 SF

* This sign of channelume construction with individual letters for the word "UNIVERSE"; the word "INCREDIBLE" is in script neon.

There are miscellaneous directional signs on site, i.e. stop signs, that are under 2' x 2' in size, single face, non-illuminated and pole mounted. These include the Parking Lot Aisle Indicator Signs: 12 each at 8 SF = 96 SF. These are shown on sheet DRBC1, but are not included in signage area calculations.

DesignForum

ARCHITECTS

PROJECT THUNDER
Wilsonville, Oregon
Design Review Board
January 27, 1992 Meeting

4R

We request the consideration of the Design Review Board for a deviation from the Phase I, Wilsonville Town Center Signage program, as follows:

- Deviation #1 from Phase I signage program for sign construction method

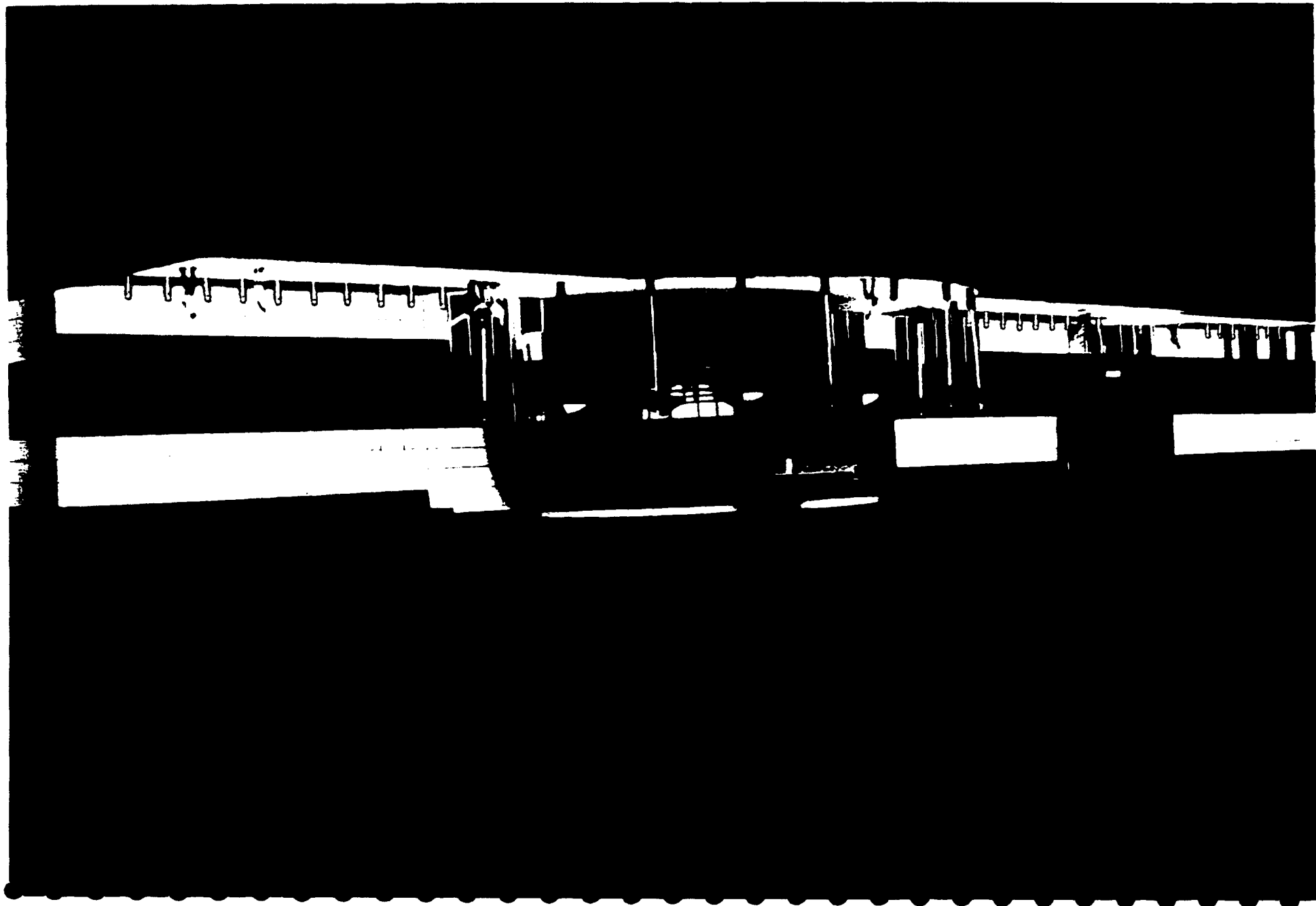
Deviation #1 from Phase I signage program for Wilsonville Town Center

We request this deviation from the approved program for the purpose of changing the method of construction for the 3 fascia signs (aggregate area approximate 81 SF) to be consistent with our design idiom. We feel our approach of a fascia panel type sign, back lit, cutout individual letters, appearing to be in a larger horizontal band to be of more benefit to this architectural design. Individual channel construction is not an appropriate usage in this application.

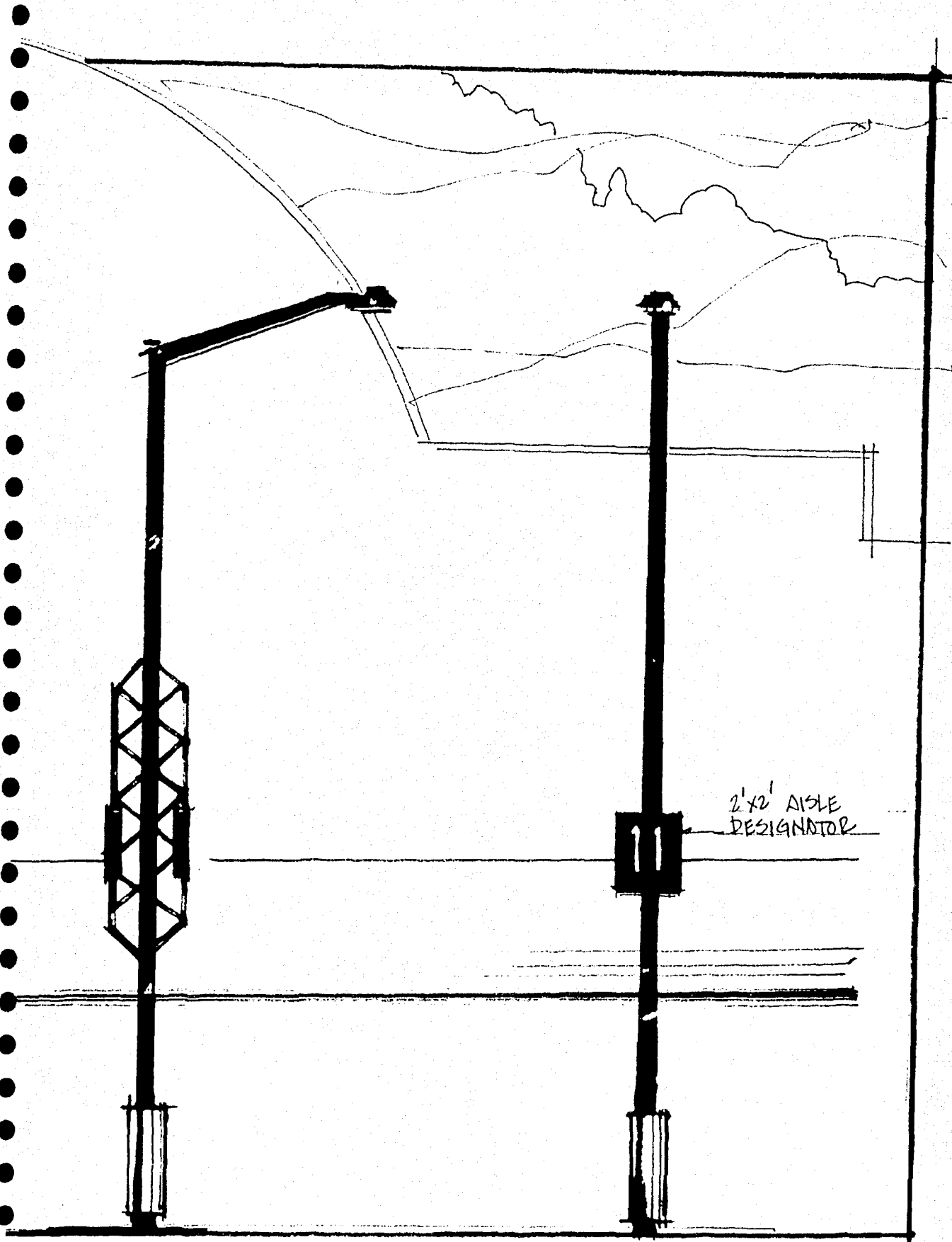
DEFECTS IN

ORIGINAL

DOCUMENT

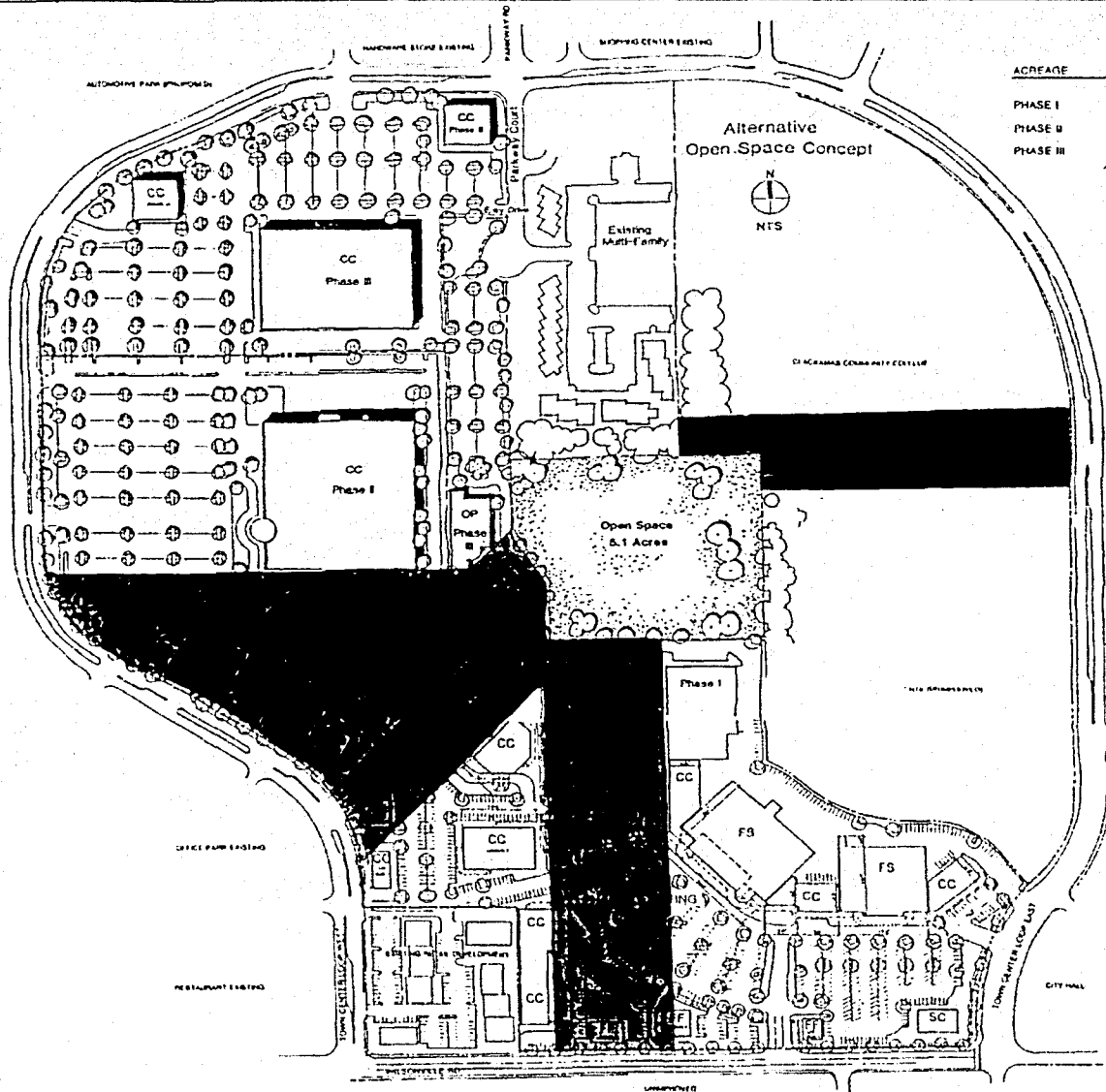




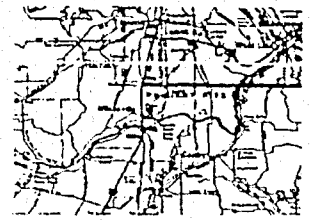


PROJECT THUNDER
Wilsonville, Oregon
Design Review Board
January 27, 1992 Meeting

DesignForum
ARCHITECTS



ACREAGE	
PHASE I	22.96 ACRES
PHASE II	14.75 ACRES
PHASE III	22.08 ACRES
TOTAL	59.79 ACRES



VICINITY MAP

THE CITY OF WILSONVILLE HAS REVIEWED THE SITE MASTER PLAN FOR PHASES I, II, AND III OF THE WILSONVILLE TOWN CENTER PROJECT AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE CITY'S ZONING ORDINANCES AND THE CITY'S GENERAL PLAN. THE CITY HAS APPROVED THE SITE MASTER PLAN FOR PHASES I, II, AND III OF THE WILSONVILLE TOWN CENTER PROJECT.

PHASE I AND III OF THE WILSONVILLE TOWN CENTER PROJECT ARE LOCATED ON THE EAST SIDE OF THE CITY OF WILSONVILLE. THE PROJECT IS A MIXED-USE DEVELOPMENT THAT WILL INCLUDE OFFICE SPACE, RETAIL SPACE, AND RESIDENTIAL SPACE. THE PROJECT IS IN ACCORDANCE WITH THE CITY'S ZONING ORDINANCES AND THE CITY'S GENERAL PLAN. THE CITY HAS APPROVED THE SITE MASTER PLAN FOR PHASES I, II, AND III OF THE WILSONVILLE TOWN CENTER PROJECT.

SITE MASTER PLAN: PHASE I, II, & III
VIEW CORRIDOR CONCEPT

1-6-92

JKS
JKS Architects PC
 625 SW 3rd Street, Suite 202 • Portland, Oregon 97204
 503.277.4444 • FAX 503.277.4444

WILSONVILLE TOWN CENTER
 WILSONVILLE, OREGON

DATE: 1-6-92
 DRAWN BY: JKS
 CHECKED BY: JKS

SCALE: AS SHOWN
 SHEET NO. 1

1

DesignForum.

LETTER OF TRANSMITTAL

From: William F. Bergman, AIA
Design Forum
3484 Far Hills Avenue
Dayton, OH 45429

To: Mr. Blaise Edmonds
Associate Planner
City of Wilsonville
8445 S.W. Elligsen Road
Wilsonville, OR 97070

We are sending you:

- | | | | | |
|---------------------------------|----------------------------------------|-------------------------------------------|-----------------------------------------|-----------------------------------|
| <input type="checkbox"/> Prints | <input type="checkbox"/> Estimates | <input type="checkbox"/> Copy of letter | <input type="checkbox"/> Photography | <input type="checkbox"/> Keylines |
| <input type="checkbox"/> Plans | <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Samples | <input type="checkbox"/> Specifications | <input type="checkbox"/> Layouts |
| | | <input type="checkbox"/> Comps Prototypes | | |

COPIES DATE OR NO.

DESCRIPTION

COPIES	DATE OR NO.	DESCRIPTION
2	10/28/91	Preliminary Prints of First Floor and Mezzanine Floor Plans

- | | | |
|--------------------------------------------------|------------------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved & noted | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For approval | <input type="checkbox"/> Construction approval | <input type="checkbox"/> Submit _____ copies for _____ |
| <input checked="" type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Resubmit _____ copies for _____ |
| <input type="checkbox"/> For review & comment | <input type="checkbox"/> Returned after loaned to us | <input type="checkbox"/> For bids due _____ |
| <input type="checkbox"/> _____ | | |

Remarks: _____

Signed: William F. Bergman
 William F. Bergman, AIA
 Project Architect

Date: 10/28/91

MEMORANDUM

TO: Development Review Team

DATE: October 21, 1991

FROM: Blaise Edmonds, Associate Planner, City of Wilsonville.

Please review the enclosed Site Development Plans for the following projects:

1. Thunder project (retail anchor store).
2. Office and warehouse, Liberty Organization, applicant.
3. Comprehensive plan amendment, Mr. Marvin Wagner, applicant.

Your review should focus on the technical aspects required for development. In addition, please comment on any other issue that may affect approval as proposed.

Please submit written comments or requirements to the Planning staff by Nov 15, 1991, so that my review can be more complete.

MEMORANDUM

TO: Blaze Edmonds, Associate Planner
City of Wilsonville

FROM: Rick Martin, P.E.
W&H Pacific

DATE: October 18, 1991

RE: Phase Two Development - Storm Drainage
Wilsonville Town Center

The Phase Two development will require the existing drainage detention pond be filled due to construction of required parking areas. It should be noted that drainage calculations completed for Phase One development took into account that the detention pond will be eliminated with future development in the proposed Phase Two area.

Final Phase Two development design will provide connections to the existing storm drain system currently terminating at the pond. Refer to the Phase Two Utility Plan submitted with this application.

Blaise -
I understand
W & H says 150 cfs
for Town Center to go into
48" culvert - is there
more from other properties -
if so how does that affect
park drainage - if you
know & if not I'd be probably
need to make sure all
info is available - before
abandoning on site retention -
could be a plus as a water
feature for Town Center
Mike,
cc. Steve Stamer

PLEASE MAIL
TO
LESLIE
DO NOT
WAYNE
SAID THAT
YOU HAVE
HLS
ADVISORY

MEMORANDUM

TO: Development Review Team

DATE:

FROM: Blaise Edmonds, Associate Planner, City

B

Please review the enclosed Site Development Plans for the following projects:

- 1. Thunder project (retail anchor store).
- 2. ~~Office and warehouse, Liberty Organization, applicant.~~
- 3. ~~Comprehensive plan amendment, Mr. Marvin Wagner, applicant.~~

Your review should focus on the technical aspects required for development. In addition, please comment on any other issue that may affect approval as proposed.

Please submit written comments or requirements to the Planning staff by Nov 15, 1991, so that my review can be more complete.

MEMORANDUM

TO: Blaze Edmonds, Associate Planner
City of Wilsonville

FROM: Rick Martin, P.E.
W&H Pacific

DATE: October 18, 1991

RE: Phase Two Development - Storm Drainage
Wilsonville Town Center

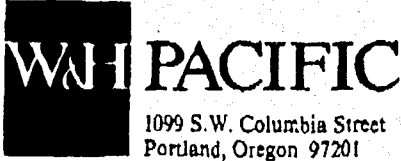


The Phase Two development will require the existing drainage detention pond be filled due to construction of required parking areas. It should be noted that drainage calculations completed for Phase One development took into account that the detention pond will be eliminated with future development in the proposed Phase Two area.

Final Phase Two development design will provide connections to the existing storm drain system currently terminating at the pond. Refer to the Phase Two Utility Plan submitted with this application.



Creative Solutions ... Superior Service



1099 S.W. Columbia Street
Portland, Oregon 97201

(503) 227-0455
Fax (503) 274-4607

• Planning • Surveying
• Engineering • Landscape Architecture

• Environmental Services

To: Blaise Edmunds Date: 10/16/91
Pam Edmunds
City of Wilsonville, Annex Project Number: 407-0301
30000 SW TOWN CENTRAL LOOP EAST Project Name: PROJECT THUNDER
Wilsonville, OR, 97070 Regarding:

PLEASE NOTIFY US IMMEDIATELY
AT (503) 227-0455 IF THERE ARE ANY
PROBLEMS RECEIVING THIS
TRANSMISSION

We Are Sending:

- Attached
- Facsimile 682-7025
- 3 Number Of Pages Including Cover
-

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review And Comment
-

Copied To:

Copies	Description
1 ea	Minutes of 10/14/91 Meeting

Comments

Blaise & Pam

We'll see you tomorrow w/ 13 FOLDED sets of drawings ...

Please call if you have any questions during the review/application acceptance. This submittal date & scheduling of hearings is vitally important ...
Thanks

Signed

Tan Stines

MEMORANDUM

October 15, 1991

TO: Kim Beach, Capital Realty Corp.
Bill Bergman, Design Form Architects
All in Attendance

FROM: Tom Jones

RE: MINUTES OF MEETING WITH THE CITY OF WILSONVILLE
OCTOBER 14, 1991, 4:00 P.M. TO 5:05 P.M.
PROJECT THUNDER
4-467-0301; 4-755-0101

ATTENDEES: Tom Jones, W&H Pacific
Rick Martin, W&H Pacific
Pat Marquis, W&H Pacific
Logan Cravens, JKS Architects
Blaise Edmonds, City Planner
Pam Emmons, Planning Assistant

The following was discussed regarding the project in preparation for the Friday, October 18th submittal.

STAGE ONE SUBMITTAL

1. The site plan prepared by JKS should show:
 - a. Revised project phasing
 - b. Open space area as previously shown as a condition of approval from initial submittal.
 - c. Specific "Town Center" land use designations must be shown for the northerly portion of the site not previously included and for any changed designations from the original submittal for Phases II and III.
2. Submit ten (10) copies of the original Traffic Report and provide an Executive Summary outlining any revisions to the initial projections and provide a summary that addresses the level of service "D" or better at surrounding intersections. Review the Parkway/Loop Road intersection.
3. Show existing adjacent land uses (i.e., vacant or improved) and the names of key surrounding developments for the Planning Commission orientation. Show only existing improvements not proposed.
4. Capital Realty must provide an updated list of addresses and property owners within 250 feet from the project.





October 15, 1991
Page 2

5. Capital Realty must submit the Certification of Assessments and Liens form with the application. This is to determine if the tax lots included owe money to the City. Contact Atta Curser for clarification.
6. All property owners must sign the application.
7. Application fees:
 - a. Stage One Submittal: \$500.00
 - b. Stage Two Submittal: \$250.00 plus \$25 per acre (Project Thunder is 14.98 acres)
 - c. Application fee for Friday: (\$500 + \$250 + \$375 = \$1,125)
 - d. Design Review: \$250 plus a fee for the master signage plan review.

STAGE TWO SUBMITTAL

1. Design of site signs are not required to be submitted until Design Review submittal of December 6th.
2. Landscape design needs to show planting areas, significant trees and plaza areas. Plant list is optional.
3. Grading calculations and storm drainage calculations are not required for Friday's submittal according to Blaise. Grading plan should show existing contours and general grading concept.
4. Utilities design should be kept schematic. Graphically illustrate the utility alignments that will require easement vacations and relocation.
5. Architectural elevations can be conceptual in detail. Planning Commission is only concerned with general massing and quality of appearance. Materials and color board to be submitted at Design Review.
6. If waivers to the City development standards are anticipated, be specific with your request and how it would be consistent with other surrounding project development standards.

GENERAL COMMENT

The two issues that will be of the most interest to the Planning Commission will be traffic and the implementation of the open space. We should develop a clear strategy to present to the Commission prior to the December 9th hearing addressing these two issues.

The meeting notes represent comments that have been paraphrased as accurately as possible. The notes will be held as an accurate and true account as to intent unless notice to the contrary is set forth within 10 days of the date above.





1099 S.W. Columbia Street
Portland, Oregon 97201

Creative Solutions ... Superior Service

(503) 227-0455
Fax (503) 274-4607

- Planning
- Engineering

- Surveying
- Landscape Architecture

- Environmental Services

FAXED
10/17/91

To: Blaise Edmonds Date: 10/16/91
Pam Eumons Project Number: 467-0301
City of Wilsonville, Annex Project Name: PROJECT THUNDER
30000 SW TOWN CENTER LOOP EXT. Regarding:
WILSONVILLE, OR. 97070

PLEASE NOTIFY US IMMEDIATELY
AT (503) 227-0455 IF THERE ARE ANY
PROBLEMS RECEIVING THIS
TRANSMISSION

We Are Sending:

Attached

Facsimile 682-7025

3 Number Of Pages Including Cover

These Are Transmitted:

For Your Info/File

As Requested

For Review And Comment

Copied To: _____

Copies	Description
1es.	Minutes of 10/14/91 Meeting

Comments

Blaise & Pam

We'll see you tomorrow w/ 13 FOLDED sets of drawings ...

Please call if you have any questions during the review/application acceptance. This submittal date & scheduling of hearings is vitally important ... Thanks

Signed

Tan Jones

DesignForum

A R C H I T E C T S

Project Thunder
Wilsonville, Oregon
Project No. 91702.03
Pre-Application Conference
October 8, 1991

In Attendance:

Pam Emmons	City of Wilsonville, Associate Planner	WSV 503-682-4960
Martin Brown	City of Wilsonville, Building Official	WSV 503-682-4960
Steven Starner	City of Wilsonville, Community Development Dir.	WSV 503-682-4960
Jim Long	City of Wilsonville, Design & Survey Technician	WSV 503-682-4960
Doug Seely	Real Estate Investment and Sales	REI 503-655-7631
Jim Parsons	Grubb & Ellis	GEI 503-241-1155
Jim Faulkner	Design Forum Architects	DFA 800-835-4401

Item No.	Action	Item
1.10	CAP/WHP	Storm drainage is an issue. Calculations and 25 year storm design for Phase II master plan must be submitted with application by October 18, 1991 deadline. The connection for metered release to interstate highway from existing retention pond and the retention pond itself will be eliminated. According to Wayne Bauer of Wilsey & Ham Pacific, Civil Engineers for Phase I development of the site, the new storm sewer system was designed to accommodate this. The city would like to see calculations supporting this.
1.2	CAP/KAI	According to the city, a traffic light at Wilsonville Road and Town Center Loop West is now warranted. The north intersection at Town Center Loop East and West at Parkway Avenue needs to be addressed in traffic study.
1.3	DFA	The currently approved master plan calls for "Food and Sundries" (FS) and "Central Commercial" (CC). These zoned uses are compatible with the desired development of Project Thunder. No rezoning is necessary, however, currently approved uses will have to be redistributed on the site.

DesignForum

ARCHITECTS

Project Thunder
Wilsonville, Oregon
Project No. 91702.03
Pre-Application Conference
October 8, 1991

- 1.4 ALL The Stage I and Stage II planning review applications will be made simultaneously on October 8, 1991, and be reviewed simultaneously at the Planning Commission on December 9, 1991.
- 1.5 GEI Hearing notification list for all property owners of record within 250 foot of any point on property (not including street widths) must be presented with October 18, 1991 submittal. Notification does not have to cross interstate highway. The city will send the notices. Jim Parsons will obtain list from assessors office or from a title company.
- 1.6 DFA The signage theme from Phase I should be carried through Phase II. Sign issues are handled by the Design Review Board. Setback issues are handled by the Planning Commission.
- 1.7 DFA/WHP The building is designed utilizing the "unlimited area" provision of the code. A sixty (60) foot minimum distance from all property lines and an approved automatic sprinkler system throughout will be provided to accommodate this provision.
- 1.8 TNB There is a ten (10) day appeal period following design review approval. Normal procedure is such that no work should be commenced during the appeal period. Due to the tight schedule for this project and the need to utilize every available good weather period for site excavation, an option for work during the appeal period was discussed. A "hold harmless" agreement from owner in favor of the City of Wilsonville, enabling work to start immediately after design review approval during the appeal period at the sole risk of the owner has been used in the past to facilitate an early start.

DesignForum

ARCHITECTS

Project Thunder
Wilsonville, Oregon
Project No. 91702.03
Pre-Application Conference
October 8, 1991

- 1.9 WHP For any construction to begin, fire hydrants must be installed to within 250 feet of any point of the exterior wall of the building. Work should begin immediately to obtain Public Works approval and have installation complete by scheduled start of construction, February 1, 1992.
- 1.10 ALL The required completion date of construction necessitates a start date for construction of February 1, 1992. For this to happen, working drawings and specifications would have to be accomplished prior to design review hearing date of January 27, 1992. To minimize risk of changes to completed documents, a partial permit (foundation permit) can be applied for at a cost of \$250.00. This would allow work to begin while balance of documents are being prepared. The review time for foundation and underground utilities permit is approximately three weeks, so documents should be submitted by January 10, 1992 for a February 1, 1992 start of construction.
- 1.11 DFA The zoning height limitation for any point of the building is 35'-0". Design Forum will check with Blaise Edmonds regarding height of dome feature with center pole.
- 1.12 DFA Elevations and material, color and finish boards must be submitted with Design Review Board application by December 6, 1991 deadline for hearing date of January 27, 1992.

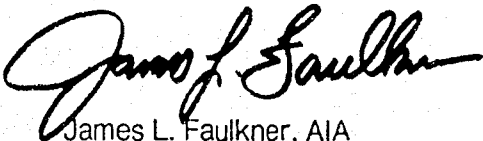
DesignForum

ARCHITECTS

Project Thunder
Wilsonville, Oregon
Project No. 91702.03
Pre-Application Conference
October 8, 1991

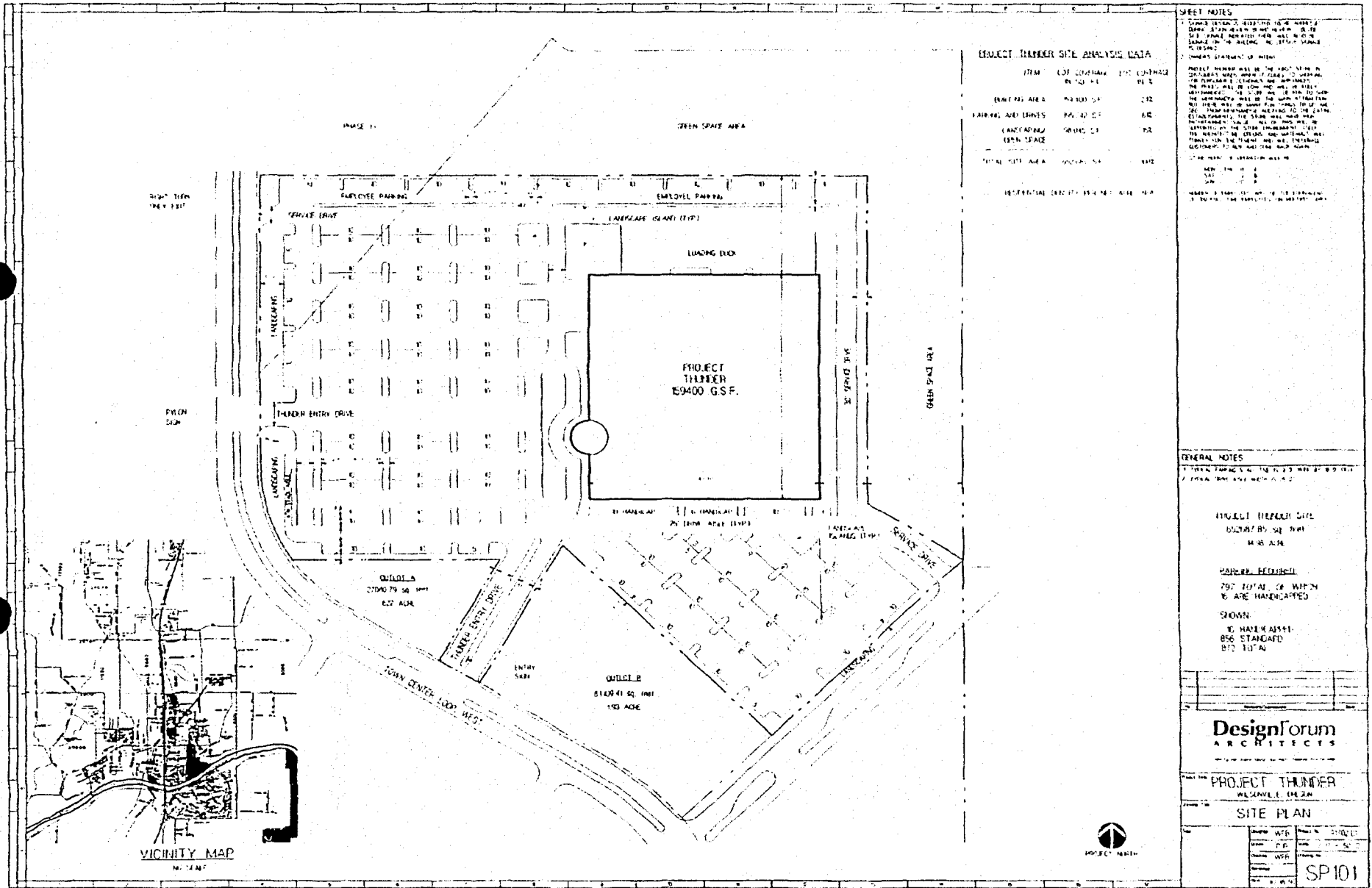
The meeting notes represent comments that have been paraphrased as accurately as possible. The notes will be held as an accurate and true account as to intent unless notice to the contrary is set forth within 10 days of the date above.

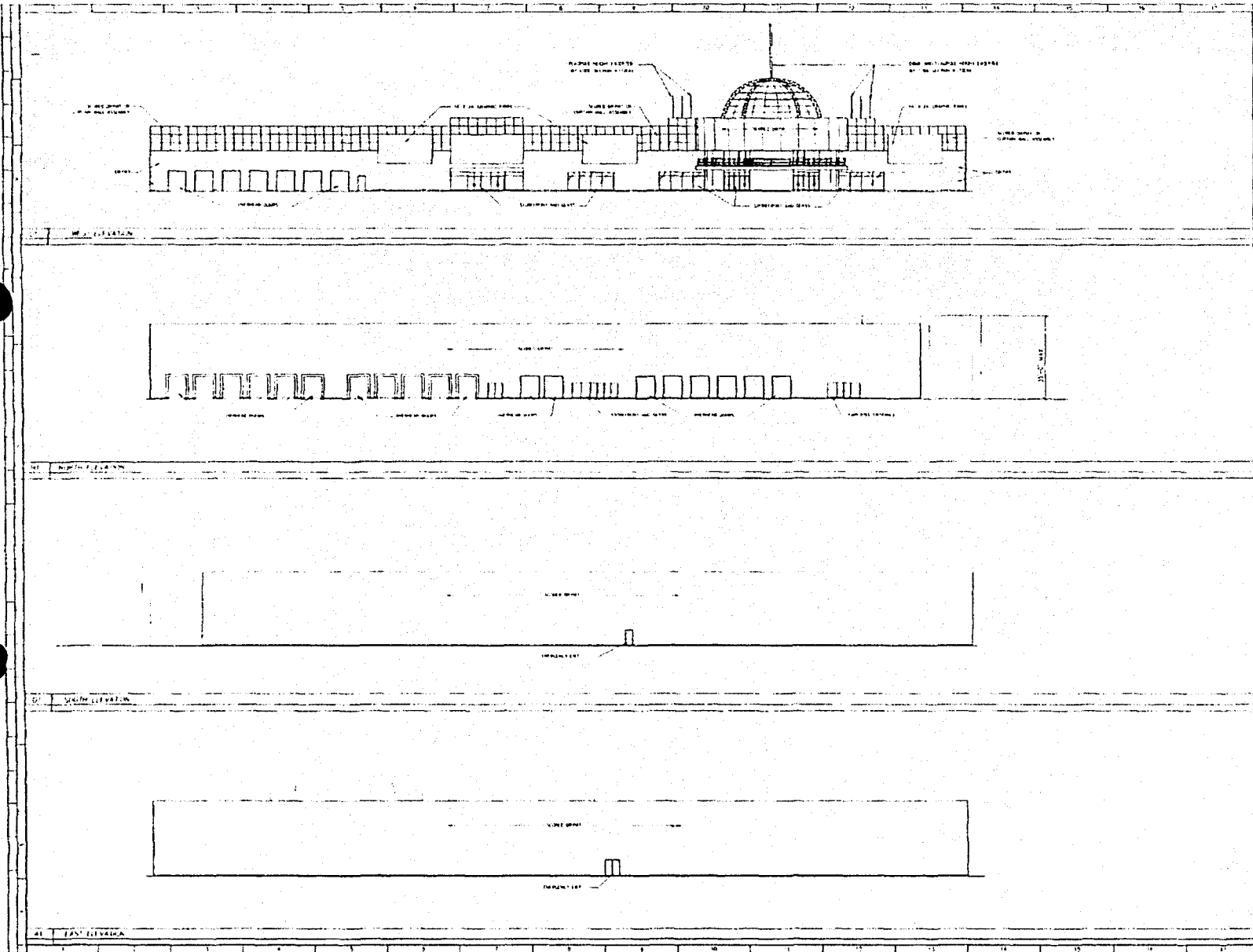
Respectfully submitted,



James L. Faulkner, AIA
Vice President, Architecture

cc: All in Attendance
Rich Hollander, Tandy Name Brand (TNB)
Blaise Edmonds, City of Wilsonville, Associate Planner (WSV)
Kimberly Beach, Capital Realty Corporation (CAP)
Tom Jones, Wilsy & Ham Pacific (WHP)
Wayne Kittelson, Kittelson & Associates, Inc. (KAI)
D. Lee Carpenter, Design Forum
Bruce Dybvad, Design Forum
Marla Halley, Design Forum
Bill Bergman, Design Forum Architects





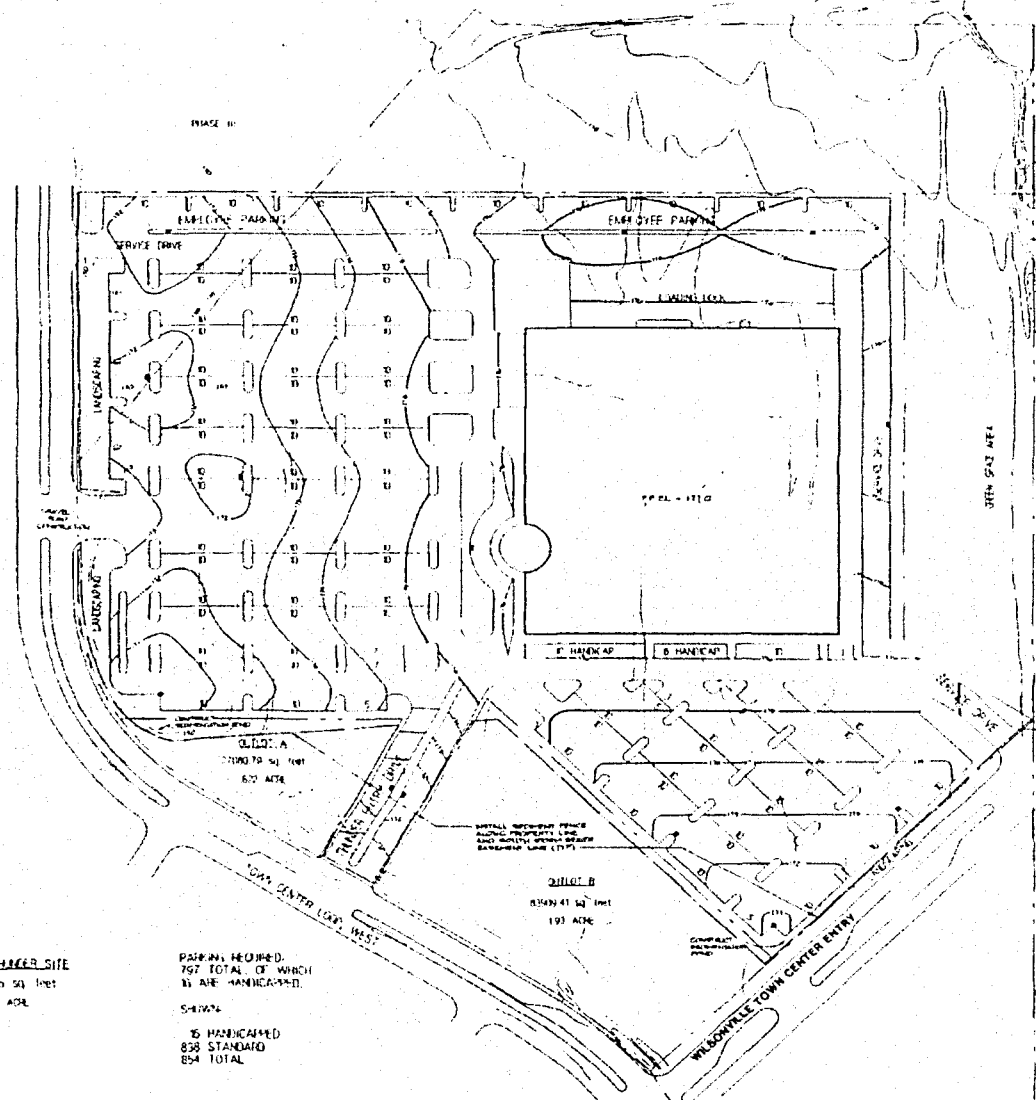
SHEET 1125

EXTERIOR ELEVATIONS

PROJECT THUNDER
WESLEYVILLE, MICHIGAN

DESIGNFORUM ARCHITECTS

Author	WFB	Project No.	97-022-14
Drawn	WFB	Date	1/10/07
Checked	WFB	Scale	
Project	SP102	Sheet No.	



PROJECT THUNDER SITE
 142000 SQ FT
 3.26 ACRES

PARKING REQUIRED:
 767 TOTAL OF WHICH
 15 ARE HANDICAPPED.
 548/218
 15 HANDICAPPED
 838 STANDARD
 854 TOTAL

- NOTES
- 1) RECALCULATION OF ALL SQUARE FOOTAGE, VOLUMES, WEIGHTS, AND PERCENTS TO BE SUBMITTED TO THE CITY ENGINEER'S OFFICE FOR REVIEW AND APPROVAL. ALL CALCULATIONS SHALL BE SUBMITTED TO THE CITY ENGINEER'S OFFICE FOR REVIEW AND APPROVAL.
 - 2) ALL WORK SHALL BE ACCORDING TO THE CITY ENGINEER'S OFFICE AND SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S OFFICE AND SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S OFFICE.

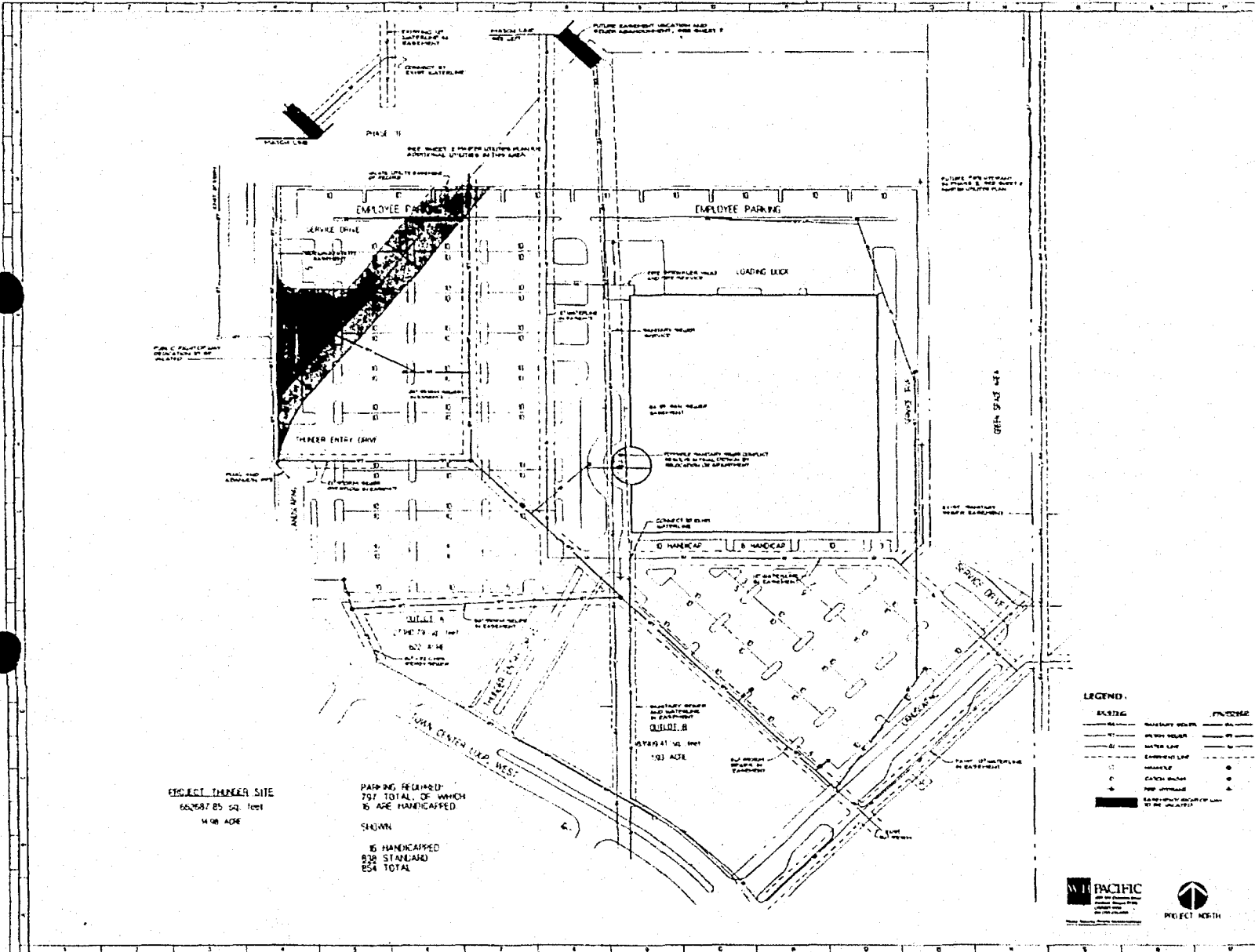
- LEGEND
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED CURB CUT
 - PROPOSED PAVEMENT
 - PROPOSED FENCE

DesignForum
 ARCHITECTS

PROJECT THUNDER
 WILSONVILLE, OREGON
 PHASE II GRADING/EROSION
 CONTROL PLAN



DATE	NOV 14 2014
SCALE	1" = 50'-0"
PROJECT	PROJECT THUNDER
SHEET NO.	C 103



PROJECT THUNDER SITE
 66,267.85 sq. feet
 140' AOE

PARKING REQUIRED:
 757 TOTAL, OF WHICH
 16 ARE HANDICAPPED
 SHOWN
 16 HANDICAPPED
 830 STANDARD
 854 TOTAL

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	MASS GRADE
(Symbol)	EXISTING UTILITY
(Symbol)	PROPOSED UTILITY
(Symbol)	PROPERTY LINE
(Symbol)	ENCLOSURE LINE
(Symbol)	HANDICAP
(Symbol)	EXISTING BUILDING
(Symbol)	PROPOSED BUILDING
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY

SHEET NOTES

GENERAL NOTES

Key Plan

DesignForum ARCHITECTS

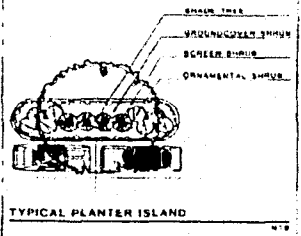
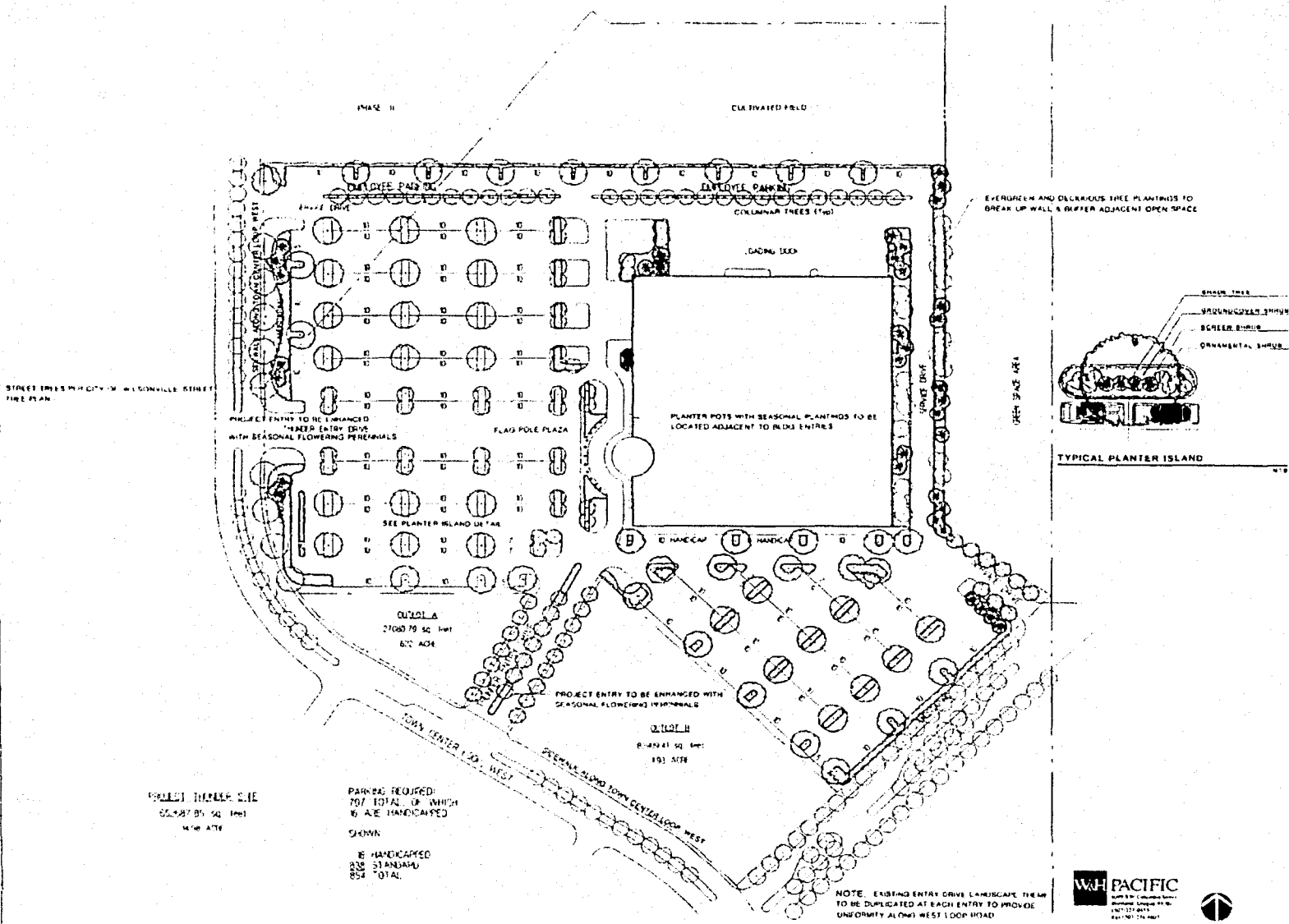
PROJECT THUNDER
 WILSONVILLE, OREGON

PHASE II UTILITIES PLAN

DATE	DESCRIPTION

C 104

- LEGEND**
- SHADE TREES
 - FLOWERING TREES
 - EVERGREEN CONIFER TREES
 - ORNAMENTAL LANDSCAPE SHRUBS & GROUNDCOVER
 - LAWN
 - EXISTING STREET TREES



GENERAL NOTES
 1. AUTOMATIC IRRIGATION SYSTEM WILL BE PROVIDED

PROJECT NUMBER: 05-287 05 54 1001
 1/16/05

PARKING REQUIRED:
 707 TOTAL OF WHICH
 76 ARE HANDICAPPED
 SHOWN
 56 HANDICAPPED
 230 STANDARD
 854 TOTAL

NOTE: EXISTING ENTRY DRIVE LANDSCAPE THEM TO BE DUPLICATED AT EACH ENTRY TO PROVIDE UNIFORMITY ALONG WEST LOOP ROAD



DesignForum ARCHITECTS

PROJECT: THUNDER
 WASHINGTON, DC 200

PHASE II LANDSCAPE PLAN

DATE	1/16/05
BY	W&H
CHECKED	W&H
SCALE	AS SHOWN
PROJECT NO.	05-287 05 54 1001
SHEET NO.	L 105


ASSIGNMENT

FOR VALUABLE CONSIDERATION, receipt and sufficiency of which are hereby acknowledged, SFS INVESTMENT CORP., an Oregon corporation (Assignor), hereby assigns, transfers and conveys to CAPITAL REALTY CORP., an Oregon corporation (Assignee), all of Assignor's right, title and interest in each option agreement, offer and other document described in Exhibit A attached hereto, the real property described in any such option agreement or offer, and all rights which Assignor now has or may hereafter acquire with respect thereto.

February 1, 1990,

SFS INVESTMENT CORP.

By

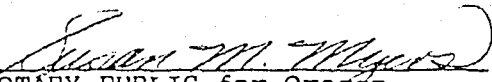


President

STATE OF OREGON)
) ss.
County of Multnomah)

On this 1st day of February, 1990, before me personally appeared Steven F. Stiles who, being duly sworn, did say that he is the president of SFS INVESTMENT CORP., an Oregon corporation, and acknowledged that the foregoing instrument was executed on behalf of the corporation by authority of its board of directors as its voluntary act and deed.

Before me:



NOTARY PUBLIC for Oregon
My Commission Expires 10/31/92

AGREEMENT AND OPTION

Parcel III

THIS AGREEMENT AND OPTION is between E. JEAN YOUNG, SHERILYNN J. YOUNG, DAVID S. YOUNG, MARLENE A. YOUNG, also known as Marlene A. Young Rifai, the Estate of Harold J. Laswell, Deceased, and FRED A. ANDERSON, hereinafter collectively referred to as Grantors, and SFS INVESTMENT CORP., an Oregon corporation, hereinafter referred to as Grantee.

RECITALS

A. The owners of Parcel I, i.e. tax lot 600 & 601, MAP 3-1W-13D, are E. Jean Young, Sherilyn J. Young, David S. Young, Marlene A. Young, also known as Marlene A. Young Rifai, and Jack L. Lozo.

B. The owner of Parcel II, i.e. tax lot 500, MAP 3-1W-13D is Jack L. Lozo.

C. Grantee has options to purchase Parcel I and II by documents respectively dated August 17, 1989 and August 23, 1989; said options are valid through December 21, 1989.

D. Grantor's offer to option Parcel III is contingent upon Grantee's obtaining extensions of the options to purchase Parcel I and II.

E. Grantors own Parcel III, i.e. Tax Lot 200, 300 & 400, Clackamas County MAP 3-1W-14D and ownership interests in a triangle of land approximately 6391 square feet on the west of Tax Lot 200, described in Exhibit A. Parcel III shall refer to the

be made in full upon closing and a statutory warrenty deed provided at that time.

3.4 Notice of Intent to Close must be given at least 15 days before closing. In any event notice of intent to close must be received by October 2, 1990 or the terms of this Option shall be Null and Void.

With notice of intent to close, Grantee shall specify which Phases are to be purchased in closing and changes, if any, in the boundaries of the Phases referencing the survey, to be completed as specified below, the written legal descriptions and acreage/footage specifications.

~~tion.~~ The Option to purchase Phase 2 in its entire square foot shall terminate on July 16, 1990 or at closing of sale of any portion of Parcel III unless Grantees pay to Grantors \$50,000 for an extension of the Option for one year. Payment for such extension is nonrefundable and not applicable to the purchase price.

If the above extension of Option is purchased, Grantee may purchase further extension of the Option providing that any sale must close on or before November 2, 1992, at the purchase price of _____ plus an additional \$50,000, nonrefundable and not applicable

In event of such extensions, notice of intent to close shall be provided not less than 15 days before closing, and closing shall occur not more than 30 days thereafter. A Statutory

property. Grantee may, at its expense, make such grading plans, architectural and land planning studies and services, traffic engineering studies, economic and commercial benefit studies, and other surveys, services and studies which it deems reasonably necessary for its development of the Option Property.

9. Land Use Applications. Grantors agree to cooperate fully with Grantee in making all applications which Grantee deems necessary for Grantee's use and development of the Option Property, including but not limited to site plan approval, partition and other land use determinations which relate to Grantee's use and development of the property.

Grantors authorize Grantee to execute any such application in Grantor's name and as Grantors' representative. Grantee shall pay all expenses relating to any such application. Grantors shall bear no expense associated herewith.

10. Land use changes such as but not limited to size and location of Open Space and roads shall be presented to Grantors prior to formal application to the City of Wilsonville. Grantors shall retain the right of review during the planning process with the City,

Grantee may not agree to any request to increase the Open Space requirements on any Phase of any Parcel.

11. Real Property Taxes. The Option Property has been specifically assessed as Farm Use Land. Therefore, portions of the annual taxes are deferred until the Option Property becomes disqualified for that purpose. If Grantee exercises the Option as

preliminary agreements. This Option may not be changed except in writing, executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Option this 31 day of October, 1989.

E. Jean Young
E. JEAN YOUNG

SFS INVESTMENT CORP.

11-8-89

Sherilyn J. Young
SHERILYNN J. YOUNG

By [Signature]
SFS President
Steven F. Styles

David S. Young
DAVID S. YOUNG
Marlene A. Young
by [Signature], attorney in fact
MARLENE A. YOUNG

SFS INVESTMENT CORP.
By [Signature]
SFS OFFICER

ESTATE OF HAROLD J. LASWELL
DECEASED

GRANTEES

By Emma D. Laswell
Emma D. Laswell
Personal Representative

By [Signature]
Eugene L. Doffler
Personal Representative

Fred A. Anderson
FRED A. ANDERSON

GRANTORS

ST IES PROPERTIES LTD.
by [Signature]

EXHIBIT A

I

Wilsonville Property

Option dated November 16, 1989 granted by Jack L. Lozo for property generally known as Tax Lot 500, Map 3-1W-13, Clackamas County, Oregon.

Agreement and Option dated October 31, 1989 from E. Jean Young, Sherilynn J. Young, David S. Young, Marlene A. Young, Estate of Harold J. Laswell, Deceased, and Fred A. Anderson for property generally known as Tax Lots 200, 300 and 405, Map 3-1W-14D, Clackamas County, Oregon, together with a triangular parcel containing approximately 6,381 square feet on the westerly side of Tax Lot 200.

Option dated November 15, 1989 from E. Jean Young, Sherilynn J. Young, David S. Young, Marlene A. Young, Jack L. Lozo, and Anne S. Lozo, Trustee for Claude F. Smith Trust, for property generally known as Tax Lots 600 and 601, Map 3-1W-13, Clackamas County, Oregon.

Attached hereto is a plot map showing the general location of the three parcels.

II

Gresham Property

Earnest Money Agreement dated August 1, 1989, amended by Memorandum of Agreement dated September 20, 1989, with Leonard P. Holfman and Kenneth G. Holfman, Trustees of the Olive H. Holfman 1979 Trust dated May 7, 1979, for the purchase of a tract of land in the Robert P. Wilmot DLC and being Sections 19 and 30, Township 1 North, Range 3 East of the Willamette Meridian, Multnomah County, Oregon (Tax Lot #32), containing approximately 21.3 acres on the north side of N. E. Sandy Boulevard west of Northeast 181st Avenue.

III

Salem Property

Offer dated November 1, 1989, accepted by Anita Hager Conley, Trustee, on November 29, 1989, for a parcel containing approximately 9.38 acres in the southwest quarter of Section 31, Township 7 South, Range 2 West, known as Tax Lot 200, Salem, Marion County, Oregon.

AGREEMENT AND OPTION

PARCEL II

THIS AGREEMENT AND OPTION is between JACK L. LOZO, hereinafter referred to as Grantors, and SFS INVESTMENT CORP., an Oregon corporation, hereinafter referred to as Grantee.

RECITALS

A. The owners of Parcel I, i.e. tax lot 600 & 601, MAP 3-1W-13, are E. JEAN YOUNG, SHERILYN J. YOUNG, DAVID S. YOUNG, MARLENE A. YOUNG, also known as MARLENE A. YOUNG RIFAI, JACK L. LOZO, and the CLAUDE F. SMITH TRUST, ANN S. LOZO Trustee.

B. The owner of Parcel III, i.e. tax lot 200, 300 & 405, Clackamas County MAP 3-1W-14B and a triangle of land approximately 6,391 square feet on the west of tax lot 200 are E. JEAN YOUNG, SHERILYNN J. YOUNG, DAVID S. YOUNG, MARLENE A. YOUNG, also known as MARLENE A. YOUNG RIFAI, the estate of HAROLD J. LASWELL, Deceased, and FRED A. ANDERSON.

C. Grantors own Parcel II, i.e. Tax Lot 500, MAP 3-1W-13. Parcel II shall also be referred to as the Option property.

D. Grantee has options to purchase Parcel I & II by documents dated August 17, 1969 and August 23, 1969, said options are valid through December 31, 1979.

E. Grantors' offer to option Parcel II is contingent upon Grantee's obtaining an extension of the option to purchase Parcel

3.4 Notice of Intent to Close must be given at least 15 days before closing. In any event notice of intent to close must be received by October 2, 1990 or the terms of this Option shall be Null and Void.

With notice of intent to close, Grantee shall specify which Phases are to be purchased in closing and changes, if any, in the boundaries of the Phases referencing the survey, to be completed as specified below, the written legal descriptions and acreage/footage specifications.

4. Extension. The Option to purchase Phase 1b and 2 in its ent per square foot shall terminate on July 16, 1990 or at closing of sale of any portion of Parcel II unless Grantee pays to Grantors \$5,000 for an extension of the Option to purchase Phase 1b property, and ~~pays to Grantor an additional \$5,000 for an extension of the Option to purchase Phase 2 property if owned by Grantors.~~ Payment for such extension shall be for one year, is nonrefundable and not applicable to the purchase price.

If the above extension of Option is purchased, Grantee may purchase further extension of the Option providing that any sale must close on or before November 2, 1990 at the purchase price of payment on an additional \$5,000, s, nonrefundable and not applicable

In event of such extensions, notice of intent to close shall be provided not less than 15 days before closing, and closing shall occur not more than 30 days thereafter. A Statutory

authority to grant the Option and to sell their interest in the Option Property in accordance herewith.

7. Reciprocal Easements: Grantors and Grantee agree that each will enter into reciprocal easements with the owners of Parcels I and III as agreed upon by the parties.

8. Right of Entry. Grantee may, at its risk and expense during the term of the Option, enter upon the Option Property at any time to make engineering tests, soil tests and for any other lawful purpose in pursuit of the purchase and development of said property. Grantee may, at its expense, make such grading plans, architectural and land planning studies and services, traffic engineering studies, economic and commercial benefit studies, and other surveys, services and studies which it deems reasonably necessary for its development of the Option Property.

9. Land Use Applications. Grantors agree to cooperate fully with Grantee in making all applications which Grantee deems necessary for Grantee's use and development of the Option Property, including but not limited to site plan approval, partition and other land use determinations which relate to Grantee's use and development of the property.

~~Grantors authorize Grantee to execute any such application in Grantors' name and as Grantors' representative.~~ Grantee shall pay all expenses relating to any such application. Grantors shall bear no expense associated herewith.

10. Land use changes such as but not limited to size and location of Open Space and roads shall be presented to Grantors

the entire agreement among the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions and preliminary agreements. This Agreement and Option may not be changed except in writing, executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Option this 14 day of November, 1989.

Jack L. Lozo
JACK L. LOZO

SFS INVESTMENT CORP.

ANN S. LOZO, Trustee for
CLAUDE F. SMITH TRUST *Q.T.T.*
SF

By

Steven F. Stiles
SFS President
Steven F. Stiles

GRANTORS

SFS INVESTMENT CORP.

By

[Signature]
SFS Officer

GRANTEES

PROJECT THUNDER LEGAL DESCRIPTION

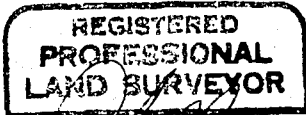
A parcel of land situated in the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southeast corner of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; thence North $00^{\circ}03'01''$ East along the section line between Sections 13 and 14 a distance of 1,077.07 feet to the most westerly northwest corner of Parcel 1 of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records and the **TRUE POINT OF BEGINNING**; thence leaving said section line and tracing the following courses and distances: South $45^{\circ}03'00''$ West 400.00 feet; thence North $44^{\circ}57'00''$ West 435.01 feet to a point of non-tangent curvature; thence tracing the arc of a 2,000.00 foot radius curve to the right (the radial center of which bears North $65^{\circ}07'50''$ West) through a central angle of $07^{\circ}23'12''$ an arc distance of 257.84 feet (the long chord bears South $28^{\circ}33'46''$ West 257.66 feet) to the northeasterly right-of-way line of Town Center Loop Road West (a 72.00 foot-wide public road right-of-way); thence tracing said northeasterly road right-of-way line North $57^{\circ}44'38''$ West 72.00 feet to a point of radial intersection with a 1,928.00 foot radius curve; thence leaving said northeasterly right-of-way line and tracing the arc of a 1,928.00 foot radius curve to the left through a central angle of $05^{\circ}32'12''$ an arc distance of 186.31 feet (the long chord bears North $29^{\circ}29'16''$ East 186.23 feet); thence South $89^{\circ}52'55''$ West 304.91 feet to a point of non-tangent curvature on the said northeasterly right-of-way line of Town Center Loop Road West; thence tracing said right-of-way line along a 268.16 foot radius curve to the right (the radial center bears North $56^{\circ}01'43''$ East) through a central angle of $33^{\circ}55'55''$ an arc distance of 158.81 feet (the long chord bears North $17^{\circ}00'19''$ West 156.50 feet) to a point of tangency; thence continuing along said right-of-way line North $00^{\circ}02'22''$ West 151.37 feet to the southeasterly line of that certain tract as deeded to the City of Wilsonville, Oregon in deed recorded November 12, 1986 in recorder's fee 86-44957; thence tracing said southeasterly line and continuing on the southeasterly line of that certain tract deeded to the City of Wilsonville in deed recorded November 12, 1986 in recorder's fee 86-44959 North $38^{\circ}37'19''$ East 215.39 feet to the northerly line of said tract per fee 86-44959; thence tracing said northerly line South $89^{\circ}58'19''$ West 104.56 feet to a point of curvature; thence tracing a 30.00 foot radius curve to the right through a central angle of $89^{\circ}59'19''$ an arc distance of 47.12 feet (the long chord bears North $45^{\circ}02'02''$ West 42.42 feet) to a point of tangency on the easterly right-of-way line of said Town Center Loop Road West; thence leaving said northerly property line and tracing said right-of-way line North $00^{\circ}02'22''$ West 121.76 feet; thence leaving said right-of-way line and tracing the following

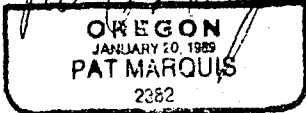
courses and distances: North 89°52'55" East 894.39 feet to a line being parallel with and 140.00 feet westerly of the said section line common to sections 13 and 14; thence tracing said parallel line South 00°03'01" West 528.73 feet; thence South 56°23'33" East 168.00 feet to the **TRUE POINT OF BEGINNING**. Said parcel contains 642,427 square feet or 14.75 acres more or less.

755-0101

10/16/91



Pat Marquis



Jim Parsons
Jim Faulkner
Doug Seely

~~Phase~~
Stage I, II, III → Cap. Realty will submit

Phase II →

Cap. Realty Δ master plan modification
Site plan I, II

Lindy - Transfer 170⁺ ^{thou} footprint
Electronics +

Driveway / TC (E) + (W)

Driveway → Open Space

Submit Stage I + II Simultaneously

Blaise
What else?

* Gave Stage I + II + application x 2
250' radius map owners

Topo - 1' intervals - (map has readings)

~~Blaise 52' top down~~

Phase

CITY

100-120 DWELING UNITS.

- DOUG SEELY TALKED TO BOB DANT -
- ABOUT DENSITY TRANSFER TO BRIDGE CREEK,
- P.O.S.

- CONTOUR SURVEY - 720' 0

[TREE SURVEY
 > 6" CALIBER]

MAJOR DRAINAGEWAY.

STAKE THE PROPERTY - SITE VISIT TO VERIFY
 P.O.S. LINE - AMBIGUITY - GO TO P.C. TO C.C.
 FOR INTERPRETATION.

CALC. VALUE ~~120~~

**CITY of WILSONVILLE
PLANNING COMMISSION
SITE MASTER PLAN (STAGE I)
GENERAL SUBMISSION REQUIREMENTS**

1. Completed application form, with appropriate fee, signed by property owner.
2. Set forth the professional coordinator and professional design team.
3. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
4. The application shall include conceptual and quantitatively accurate representation of the entire development sufficient to judge the scope, size and impact of the development on the community; and, in addition, shall be accommodated by the following information:

13 FOLDED copies of Site Master Plan dimensioned at a scale of 1" = 20 ft. (or as determined by the Planning Director) showing the following:

- a. Vicinity map.
 - b. The entire lot as described by the legal description.
 - c. Location and size if all public facilities, utilities and easements.
 - d. Location and dimension of site improvements such as roads, buildings, driveways, parking, loading and landscaping.
 - e. All adjacent rights-of-way and improvements.
 - f. Any surrounding development, i.e., existing buildings, property lines, driveways, etc.
 - g. Development phasing. A stage development schedule demonstrating that the developer intends to commence construction within (1) One year after the approval of the development plan, and will proceed diligently to completion.
 - h. Topographic information at one-foot intervals up to 5% slope; two-foot intervals, 6% - 12%; five-foot intervals, 12% - 20%; ten-foot intervals, 20% and above.
5. One copy of Site Plan reduced to 8-1/2" x 11". This must be a legible photo-mechanical transfer (PMT).
 6. Site Analysis Data.

<u>Item</u>	<u>Lot Coverage in sq. ft.</u>	<u>Lot Coverage in %</u>
Building area	458,771 sq. ft.	.18 %
Parking and Drives	1,394,390 sq. ft.	.53 %
Landscaping/Open Space	751,291.4 sq. ft.	.29 %
Residential density per net acreage.		
TOTAL SITE AREA	2,604,452.4 sq. ft. 59.79 ACRES	100 %

Planning Department 682-4960

INCOMPLETE SUBMITTALS WILL NOT BE SCHEDULED FOR A PUBLIC MEETING !

Traffic count zooms at electronic store

■ Wilsonville's projections for vehicle flow at the Incredible Universe fall woefully short

By JOHN M. GRUND

Correspondent, The Oregonian

WILSONVILLE — When it comes to predicting how much traffic a new development will bring, Wilsonville officials always have gone by the book.

But going by the book has not worked for some recently opened projects — in particular the Incredible Universe electronics store. In some cases, traffic is already at levels predicted for 2010.

Now city officials are looking at ways to refine the city's traffic projections.

Eldon Johansen, community development director, told the City Council early this month that traffic on Town Center Loop West near the new electronics store is averaging 1,227 vehicles an hour northbound at 2 p.m. That's 550 more vehicles per hour than anticipated in projections for 1995, he said.

"As far as the traffic counts go, we've had a real eye-opener on our traffic projections. We're already up past (the year) 2010 on some of our traffic projections," Johansen said.

"The traffic analysis prepared by Capital Realty and the Incredible Universe's traffic consultants, Kittelson and Associates, has greatly underestimated the traffic impacts," said Arlene Loble, city manager.

The city has changed its procedure for getting traffic analysis done on proposed developments. This fall, it switched from having a developer hire a traffic engineering firm to requiring applicants to pay for a study by D.K.S. Associates, the firm chosen by the city to handle all of its traffic analysis.

Planning Director Wayne Sorensen said the move should not be interpreted as a criticism of the firms that have done studies in the past. All of them, in fact, bid on the city contract, he said.

"I think we feel better now (that) the traffic engineer is working for the city," he said. "When the applicant hires the engineer, they're working for the client, and the city's not the client."

Johansen said the city also would expand the scope of some studies.

The Incredible Universe study analyzed traffic flows through the adjoining intersection, at Town Center Loop West and Wilsonville Road. But it did not reach to the next intersection to the west, at Wilsonville Road and Interstate 5.

It was that intersection that clogged up at the Incredible Universe opening Sept. 17 and caused traffic to back up for miles in both directions.

If the study were being done today, the city would insist that engineers look at one more intersection down the road, Johansen said.

City Councilor Greg Carter asked if the traffic effects of some recent developments meant that the city should consider a moratorium on some new construction.

"I'm not willing to say that yet," Johansen said.

He said three things went wrong with the Incredible Universe traffic study. First, the predictions were made as if the city's Transportation Plan was already in place, but many roads are yet to be built.

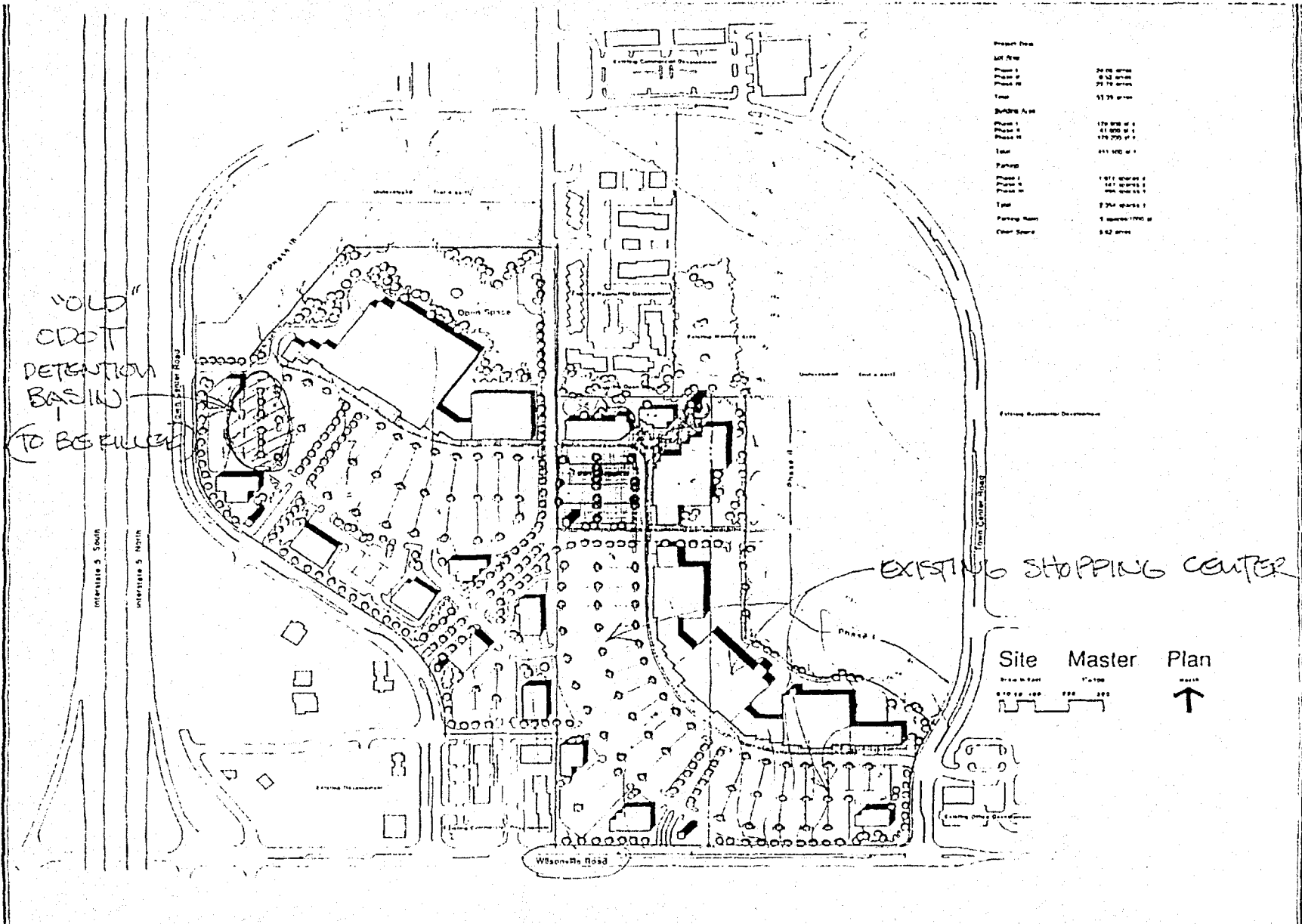
Second, the study assumed that 40 percent of the flow into the Incredible Universe would be "drop-in" traffic — that is, traffic already on the streets for other reasons. But the store has become a regional draw, and "drop-in" traffic is a tiny percentage of traffic it attracts. Finally, the traffic study did not account for the success of the store's marketing effort.

"At a minimum, we need to be broadening the assumptions on which decisions are made," Loble said. "We've recognized that the traffic situation is beyond anything anticipated in the rational decision-making model."

Sorensen, however, later said there are no plans to tinker with the engineering manual — he called it "the bible" — that predicts how many new trips will be generated by a particular use.

Sorensen would not hazard a guess about whether any of the changes will mean that developments will have a tougher time getting planning approval in Wilsonville. But he said that at least one major development was turned down as long as two years ago because it would have brought too much traffic to an overburdened street.

cc: Bill, JAVLS



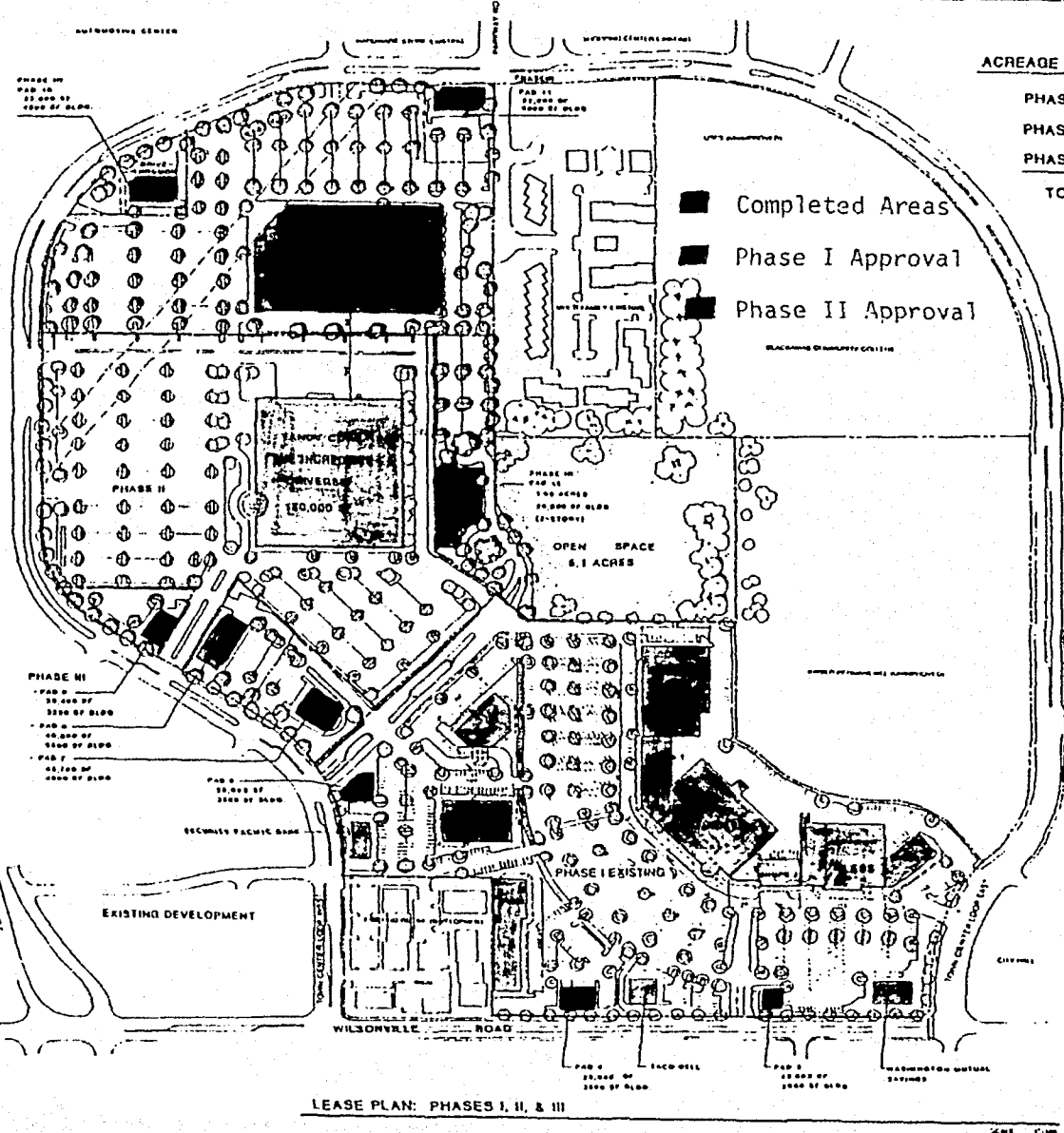
Phase I	2,000,000 sq ft
Phase II	2,000,000 sq ft
Total	4,000,000 sq ft
Building Area	1,500,000 sq ft
Parking Area	1,000,000 sq ft
Landscaping Area	1,500,000 sq ft
Other	0 sq ft
Total	4,000,000 sq ft
Phase I	2,000,000 sq ft
Phase II	2,000,000 sq ft
Total	4,000,000 sq ft
Building Area	1,500,000 sq ft
Parking Area	1,000,000 sq ft
Landscaping Area	1,500,000 sq ft
Other	0 sq ft
Total	4,000,000 sq ft

JKS Architects PC
www.jksarchitects.com

Wilsonville Town Centre

P1

TO PORTLAND
 1-5 FREEWAY NORTH
 1-5 FREEWAY SOUTH
 (TO SALEM)



ACREAGE	
PHASE I	22.98 ACRES
PHASE II	14.75 ACRES
PHASE III	22.05 ACRES
TOTAL	59.79 ACRES

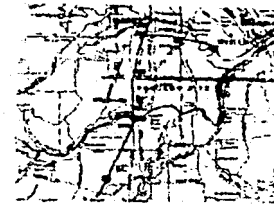
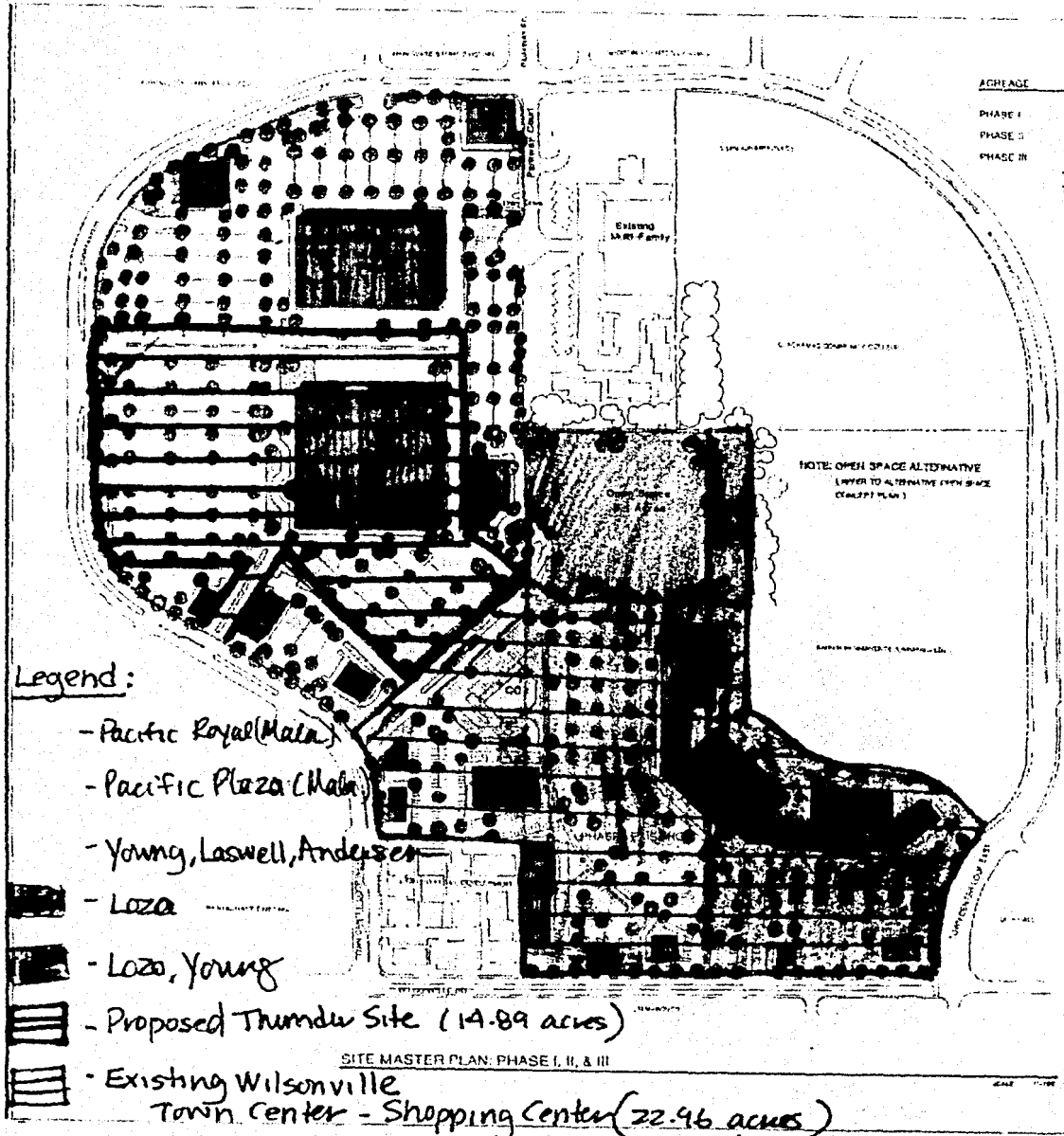
- Completed Areas
- Phase I Approval
- Phase II Approval

LEASE PLAN: PHASES I, II, & III

JKS Architects PC
 433 W. Taylor Street, Suite 200 • Portland, Oregon 97204
 503.255.1111 • Fax: 503.255.1112

WILSONVILLE TOWN CENTER
 WILSONVILLE, OREGON

1" = 100'	1" = 200'	1" = 300'	1" = 400'	1" = 500'
1" = 100'	1" = 200'	1" = 300'	1" = 400'	1" = 500'



VICINITY MAP

PROJECT DESCRIPTION

The project consists of three phases of development. Phase I includes the proposed Thunder Site and the existing Wilsonville Town Center Shopping Center. Phase II and Phase III include additional retail and office space. The total project area is 59.79 acres.

PHASE I

Phase I includes the proposed Thunder Site (14.89 acres) and the existing Wilsonville Town Center Shopping Center (22.96 acres). The total area for Phase I is 37.85 acres.

PHASE II

Phase II includes additional retail and office space. The total area for Phase II is 14.75 acres.

PHASE III

Phase III includes additional retail and office space. The total area for Phase III is 22.58 acres.

TOTAL

The total project area is 59.79 acres.

JKS Architects PC
 22 SW 3RD AVE, SUITE 200, WILSONVILLE, OREGON 97158
 503.535.1111

WILSONVILLE TOWN CENTER
 WILSONVILLE, OREGON

DEFECTS IN

ORIGINAL

DOCUMENT

EXHIBIT F

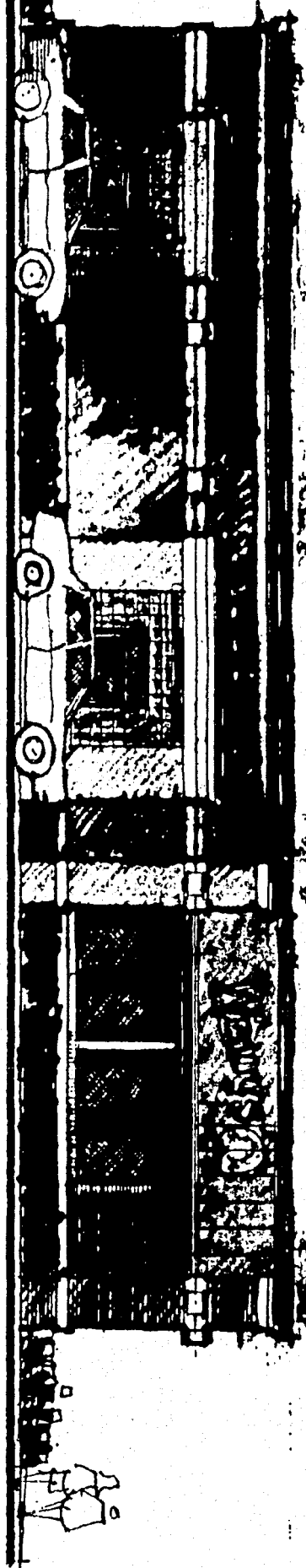
1/8" = 1'-0"

NORTH ELEVATION



1/8" = 1'-0"

SOUTH ELEVATION

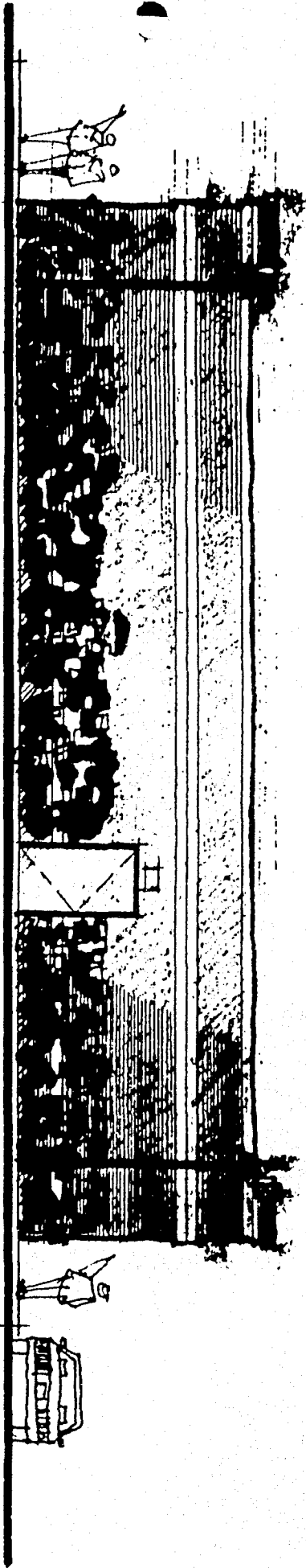


1 DRAWING NO:	PROJECT NAME: Wendy's Restaurant	DATE: 2/5/93
	DRAWING TITLE: Elevations	REVISION:



1/8" = 1'-0"

WEST ELEVATION



1/8" = 1'-0"

EAST ELEVATION



2	DRAWING NO:	PROJECT NAME:	DATE:
		Wendy's Restaurant	2/5/93
		DRAWING TITLE:	REVISION:
		Elevations	



CITY OF WILSONVILLE

PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND PERMIT

3445 S.W. Elsworth Road
P.O. Box 220 Wilsonville, OR 97150-0220
503-662-3445

File No. 91 PC 43 1/4 Sec.
Final action on application or other change is required within 120 days in accordance with provisions of ORS 227.175
A pre-application conference normally is required prior to submission of an application. Please contact the Planning Department at (503) 662-3445 for an appointment.

Ple-App. No. Day Yr

APPLICANT - COMPLETE

Owner's Name CAPITAL REALTY CORP Contact Person Kim Beach
Address 101 S.W. MAIN SUITE 1500 Address _____
Portland OR 97204
Phone 223-1200 Phone SAME
Owner's Signature Kimberly Beach, Vice President Capital Realty Corp
Plaza Royal Office Center, Representative 500 SW 13
Property Description: 1 3 Map 13 & 14-D Tax. c. 115 200,201, 101
102, 300
Request: STAGE I MASTER PLAN REVISION
STAGE II PHASE II WILSONVILLE Town Center
SITE PLAN - MOBILE CONDITION #8 OF 90PC15

Please attach a plat plan (scale: 1"=40') and any other documents to this application. Please review the Planning Department submittal requirements to ensure that your application is complete.

- OFFICE USE ONLY -

Complete Application Accepted: Date 10/18/91 Public Hearing Date 12/19/91

Staff Signature Brian Edwards

Class I Class II Class III

PLAN AMENDMENT MAJOR PARTITION DESIGN REVIEW
 ZONE CHANGE MINOR PARTITION TEXT AMENDMENT
 PRELIMINARY PLAT CONDITIONAL USE SIGN REVIEW
 FINAL PLAT VARIANCE TEMPORARY USE
 PLANNED DEVELOPMENT OTHER RECONSIDERED CONDITION #8 OF 90PC15

SITE FINDINGS

1. Zoning: PC 1 Town Centers, Building Area _____
2. Area of Lot: SEE FILE 6. Access to Property _____
3. Building or Sign Height: TOWN CENTERS LOOP WEST
(Max) _____ 7. Other: _____
4. Zoning Code Minimum Set-backs: _____
Front _____
Side _____
Rear _____

Approved Denied Approved with Conditions (See attached)

Conditions of Development:

Approval of this Development Permit is submitted as based on information submitted by the applicant or called into view. Any change of plans or incorrect information submitted may result in revocation of permit. This decision may be appealed in accordance with the provisions of the Wilsonville Code and ORS 227.180.

Fee Amount Paid \$1315.00 Check No. SEE # Cash 1205 Fee \$500.00 Fee I
1206 Fee \$825.00
1207 Fee \$250.00 Date: _____

Permit Approval: Planner's Signature _____

City Council or Planning Commission Approval Yes No

Order: Resolution _____

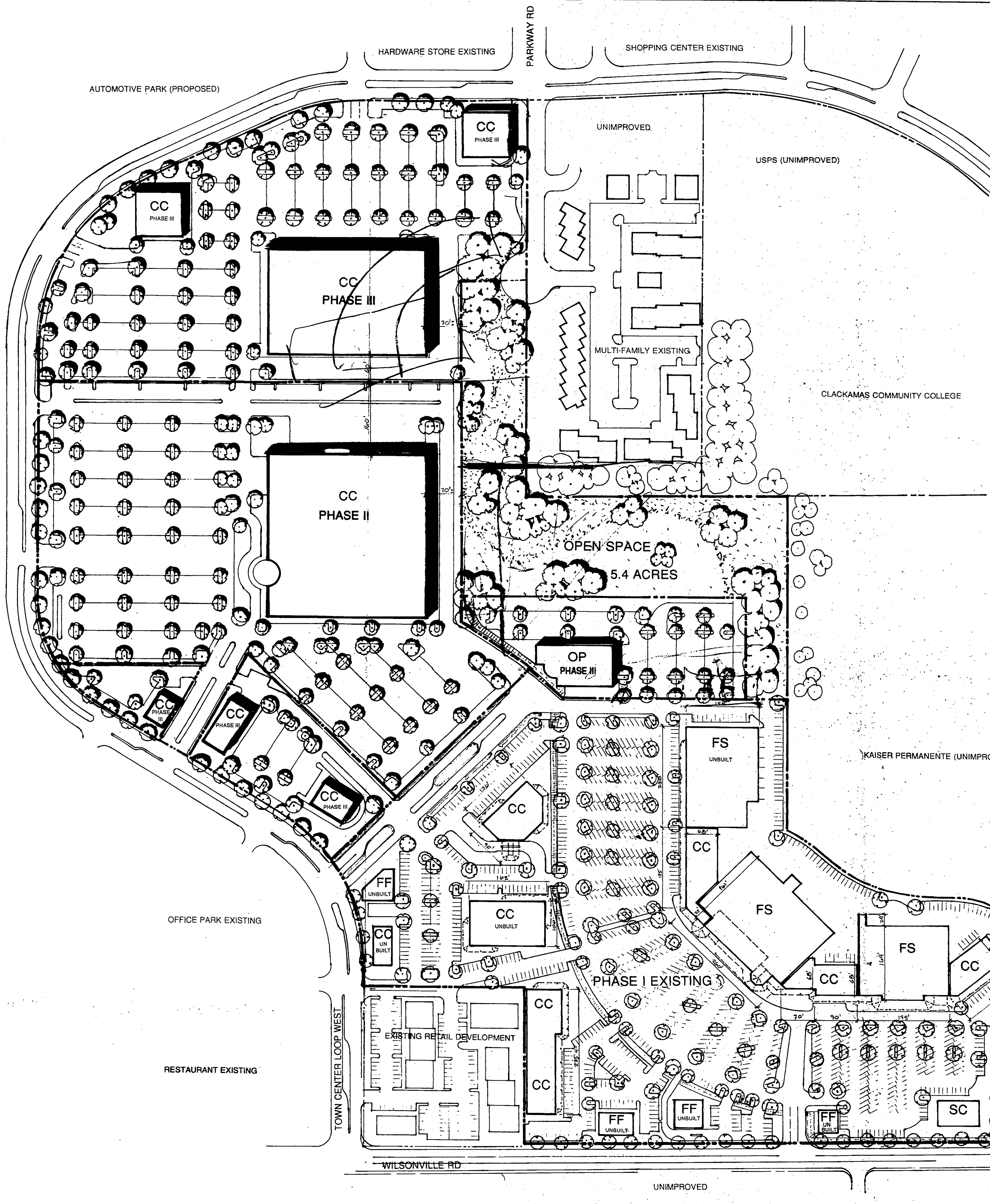
Attachment 3a, Page 410 of 464 **Exhibit A**

Write - Applicant's Name

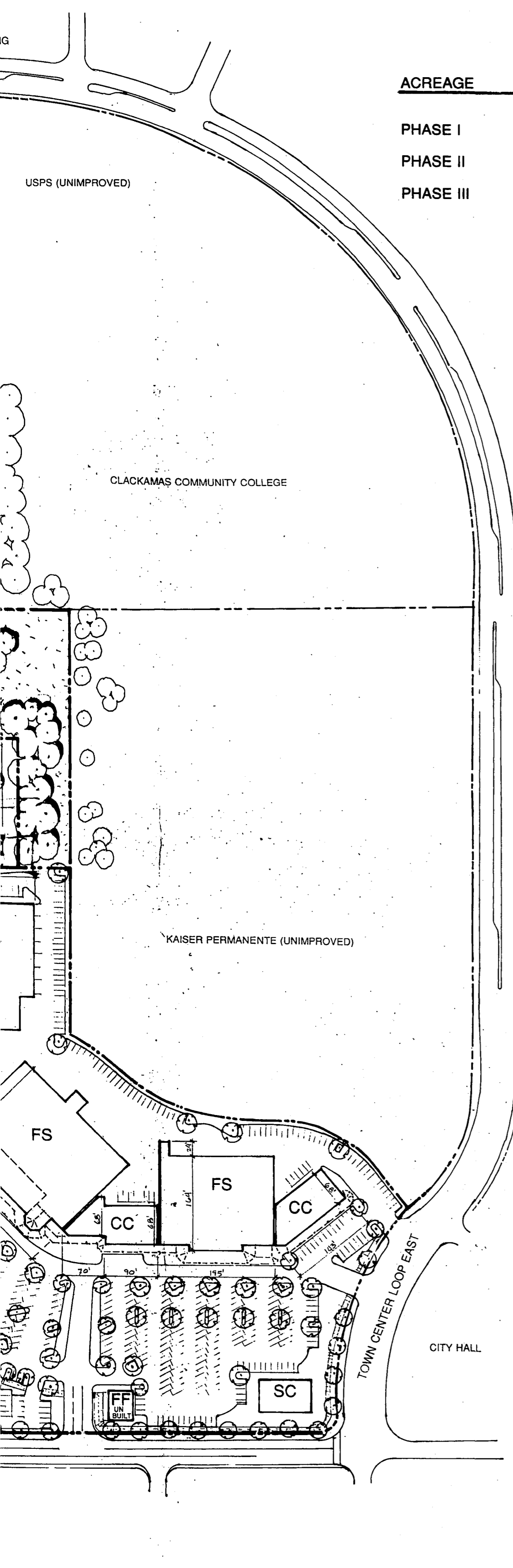
County - Title

Block - Features

City Council - Applicant's Name of

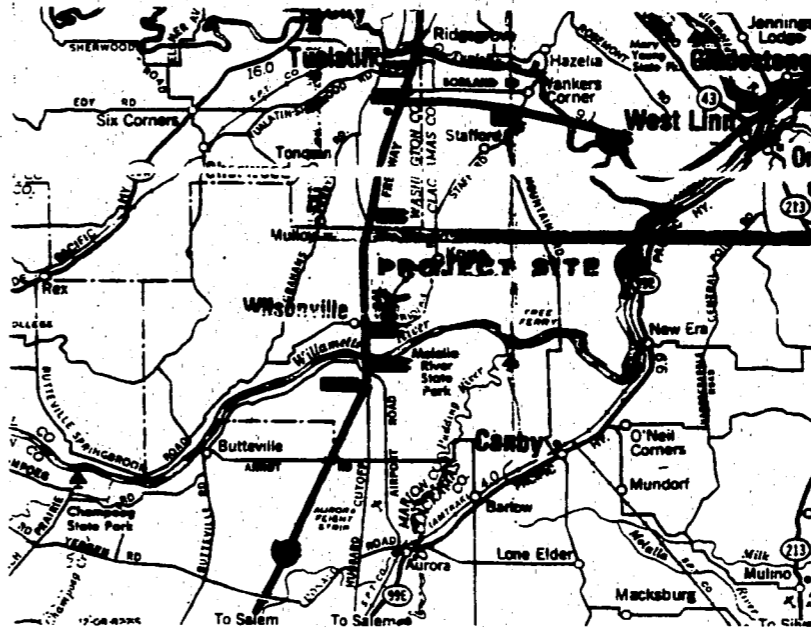


SITE MASTER PLAN: PHASE I, II, & III



ACREAGE

PHASE I	22.96 ACRES
PHASE II	14.75 ACRES
PHASE III	22.08 ACRES
TOTAL	59.79 ACRES



VICINITY MAP

467-0102
5/6/91

PHASE ONE LEGAL DESCRIPTION

A parcel of land situated in the southwest quarter of Section 13 and the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southwest corner of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; thence North 00°03'21" East along the section line between Sections 13 and 14 a distance of 44.00 feet to the **POINT OF BEGINNING**; thence continuing North 02°03'00" East along said section line a distance of 339.50 feet; thence South 89°55'30" West a distance of 338.63 feet to the easterly right-of-way line of Town Center Loop Road West; thence North 00°00'22" East along said easterly right-of-way line a distance of 46.55 feet to a point of curvature; thence 247.91 feet along the arc of a 250.34 foot radius curve to the left through a central angle of 37°15'11" and whose chord bears North 15°39'27" West a distance of 243.55 feet to a point on a curve; thence North 45°03'00" East a distance of 554.21 feet; thence South 89°57'00" East a distance of 66.14 feet; thence South 00°03'00" West a distance of 63.00 feet; thence South 89°57'00" East a distance of 479.78 feet; thence South 00°03'01" West a distance of 285.58 feet to the intersection with a non-tangent curve; thence 33.82 feet along the arc of a 317.35 foot radius curve to the right through a central angle of 16°59'21" and whose chord bears South 55°30'50" East a distance of 93.45 feet to a point of reverse curvature; thence 348.26 feet along the arc of a 338.67 foot radius curve to the left through a central angle of 42°03'30" and whose chord bears South 89°02'49" East a distance of 242.74 feet to a point of tangency; thence South 89°02'49" East a distance of 51.65 feet to a point of curvature; thence 14.68 feet along the arc of a 200.00 foot radius curve to the right through a central angle of 5°27'30" and whose chord bears South 89°01'32" East a distance of 159.15 feet to a point of tangency; thence South 29°00'15" East a distance of 87.50 feet to a point on a non-tangent curve; thence 325.41 feet along the arc of a 200.00 foot radius curve to the left through a central angle of 19°14'18" and whose chord bears South 29°40'08" West a distance of 331.74 feet to a point of tangency; thence South 00°03'01" West a distance of 88.17 feet to a point of curvature; thence 48.14 feet along the arc of a 30.00 foot radius curve to the right through a central angle of 89°16'20" and whose chord bears South 89°16'20" West a distance of 48.17 feet to a point of tangency; thence South 22°22'25" West a distance of 375.14 feet to the **POINT OF BEGINNING**. Said parcel of land contains 22.96 acres, more or less.

PHASE II AND III LEGAL DESCRIPTION

A parcel of land situated in the southwest quarter of Section 13 and the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southwest corner of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; thence North 00°03'01" East along the section line between Sections 13 and 14 a distance of 1,077.07 feet to the most westerly northwest corner of Parcel of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records and the **TRUE POINT OF BEGINNING**; thence leaving said section line South 45°03'00" West 589.42 feet to point of non-tangent curvature on the northeasterly right-of-way line of Center Loop Road West (a 72.00 foot-wide public road right-of-way); thence tracing said northeasterly road right-of-way line along the following courses and distances: tracing the arc of a 350.84 foot radius curve to the left the radial center of which bears South 52°40'44" West) through a central angle of 20°25'22" an arc distance of 135.64 feet (the long chord bears North 47°11'56" West 134.32 feet) to a point of tangency; thence North 57°44'38" West 463.50 feet to a point of curvature; thence tracing the arc of a 258.16 foot radius curve to the right through a central angle of 57°27'16" an arc distance of 270.07 feet (the long chord bears North 28°53'30" West 258.80 feet) to a point of tangency; thence North 00°02'22" West 151.37 feet to the southeasterly line of that certain tract as deeded to the City of Wilsonville, Oregon in deed recorded November 12, 1986 in recorder's fee 86-44957; thence tracing said southeasterly line and continuing on the southeasterly line of that certain tract as deeded to the City of Wilsonville in deed recorded November 12, 1986 in recorder's fee 86-44959 North 38°37'13" East 215.39 feet to the northerly line of said tract per fee 84-4353; thence tracing said northerly line South 89°58'19" West 104.56 feet to a point of curvature; thence tracing a 30.00 foot radius curve to the right through a central angle of 89°58'19" an arc distance of 47.12 feet (the long chord bears North 45°02'02" West 42.42 feet) to a point of tangency on the easterly right-of-way line of said Town Center Loop Road West; thence leaving said northerly property line and tracing the easterly arc curvilinearly along the following courses and distances: North 02°02'21" West 230.31 feet to a point of curvature; thence tracing the arc of a 250.00 foot radius curve to the right through a central angle of 84°13'44" an arc distance of 458.91 feet (the long chord bears North 32°24'30" East 444.25 feet) to a point of tangency; thence North 68°37'20" East 285.04 feet to a point of curvature; thence tracing the arc of a 414.00 foot radius curve to the right through a central angle of 24°58'03" an arc distance of 150.41 feet (the long chord bears North 70°22'24" East 178.36 feet) to a point of tangency; thence North 69°43'25" East 300.93 feet to a point of curvature for a right-of-way return to Parkway Avenue; thence leaving said southerly right-of-way line of Town Center Loop Road West and tracing the arc of a 20.00 foot radius curve to the right through a central angle of 90°13'35" an arc distance of 31.49 feet (the long chord bears South 45°03'47" East 28.34 feet) to the westerly right-of-way line of said Parkway Avenue (31.00 feet from center line); thence tracing said right-of-way line through the following courses and distances: South 00°03'01" West 311.17 feet to a point of curvature for the return to the cul-de-sac for said Parkway Avenue; thence tracing the arc of a 20.00 foot radius curve to the right through a central angle of 47°09'23" an arc distance of 15.46 feet (the long chord bears South 23°27'42" West 15.90 feet); to a point of reverse curvature; thence tracing the arc of a 55.00 foot radius curve to the left through a central angle of 87°59'01" an arc distance of 84.46 feet (the long chord bears South 03°12'53" West 76.40 feet); thence leaving said Parkway Avenue right-of-way line North 89°52'55" East 41.62 feet to the east line of section 14, Township 3 South, Range 1 West, of the Willamette Meridian in the State of Oregon; thence tracing said east line of section 14 South 00°03'01" West 446.55 feet to the northerly line of Parcel 1 of said Partition Plat No. 1991-164; thence tracing the easterly line of said Parcel 1 North 89°26'52" East 549.20 feet to the northeast corner of said Parcel 2; thence tracing the southerly line of said Parcel 2 South 00°03'01" West 440.61 feet to the southeast corner of said Parcel 2; thence tracing the southerly line of said Parcel 2 and continuing along the southerly line of said Parcel 3 North 89°57'00" West 479.78 feet to an angle point in said southerly line; thence tracing the westerly portion of said southerly line of Parcel 3 to the following courses and distances: North 00°03'01" East 63.00 feet; thence North 89°57'00" West 66.14 feet; thence South 45°03'00" West 4.59 feet to the **TRUE POINT OF BEGINNING**.

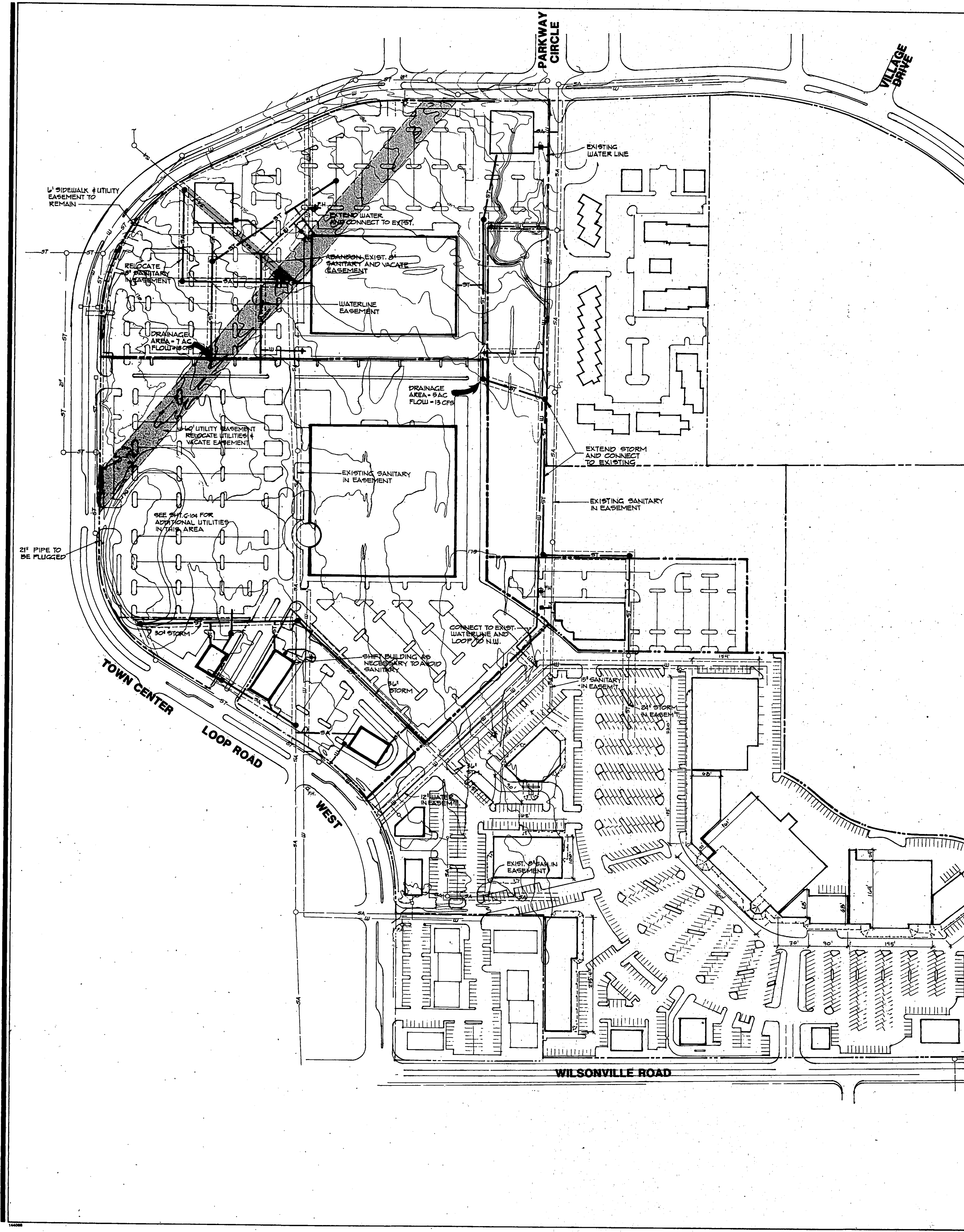
Containing 1,604,349 square feet or 36.83 acres more or less.

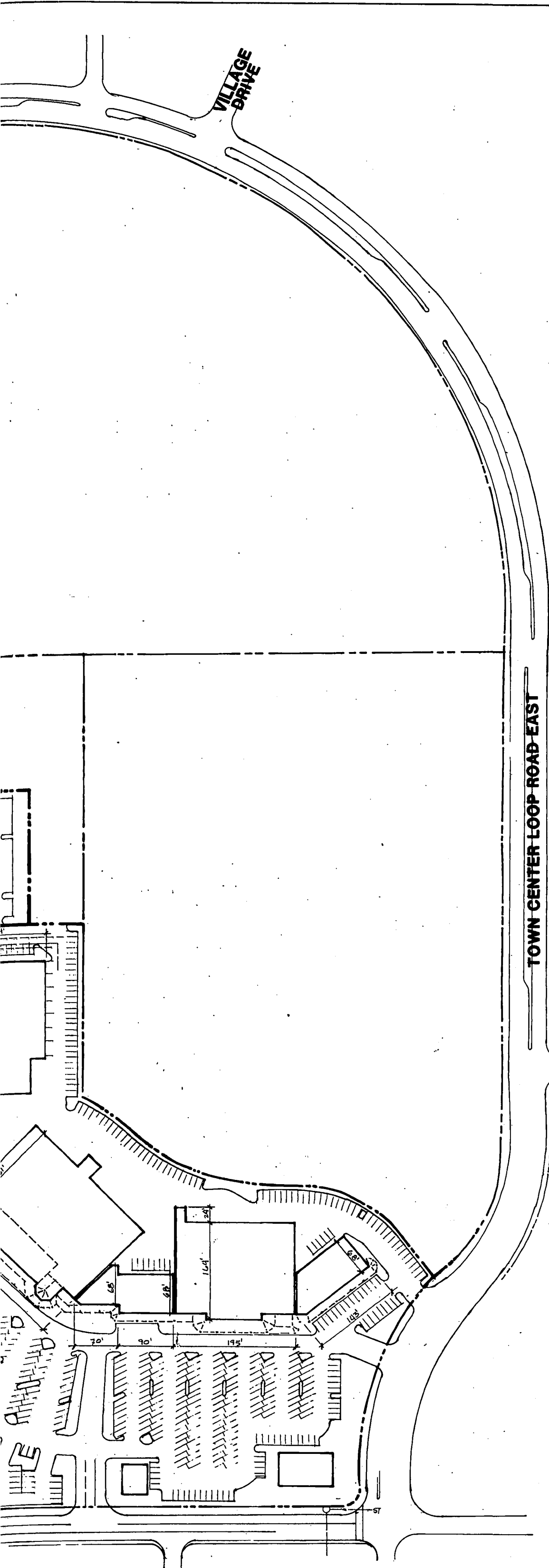
467-0301
10/16/91

JKS Architects PC
1620 S.W. Taylor Street • Suite 200 • Portland, Oregon 97205
503-227-5616 • FAX 503-227-3590

WILSONVILLE TOWN CENTER
WILSONVILLE, OREGON

Revisions	
KJD	RSB
Drawn By	Checked By
8963	10/18/91
Job No.	Date
SITE MASTER PLAN	
Sheet Title	
Sheet No.	
1	
of	





TOWN CENTER LOOP ROAD EAST

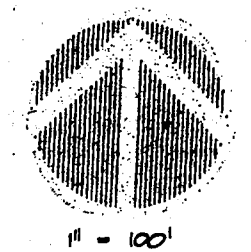
VILLAGE DRIVE

COURTSIDE DRIVE

NOTE
 PROPOSED UTILITIES WILL CONNECT TO UTILITY STUBS CONSTRUCTED WITH PHASE I PROJECT.

LEGEND

EXISTING		PROPOSED
— SA —	SANITARY SEWER	— SA —
— ST —	STORM SEWER	— ST —
— W —	WATER LINE	— W —
- - - -	EASEMENT LINE	- - - -
○	MANHOLE	●
□	CATCH BASIN	●
⊕	FIRE HYDRANT	⊕
▨	EASEMENT TO BE VACATED	



JKS Architects PC
 1620 S.W. Taylor Street • Suite 200 • Portland, Oregon 97205
 503-227-5616 • FAX 503-227-3590

WILL PACIFIC
 1099 S.W. Columbia Street
 Portland, Oregon 97201
 Fax (503) 224-4407
 Planning • Lighting • Surveying • Landscape Architecture

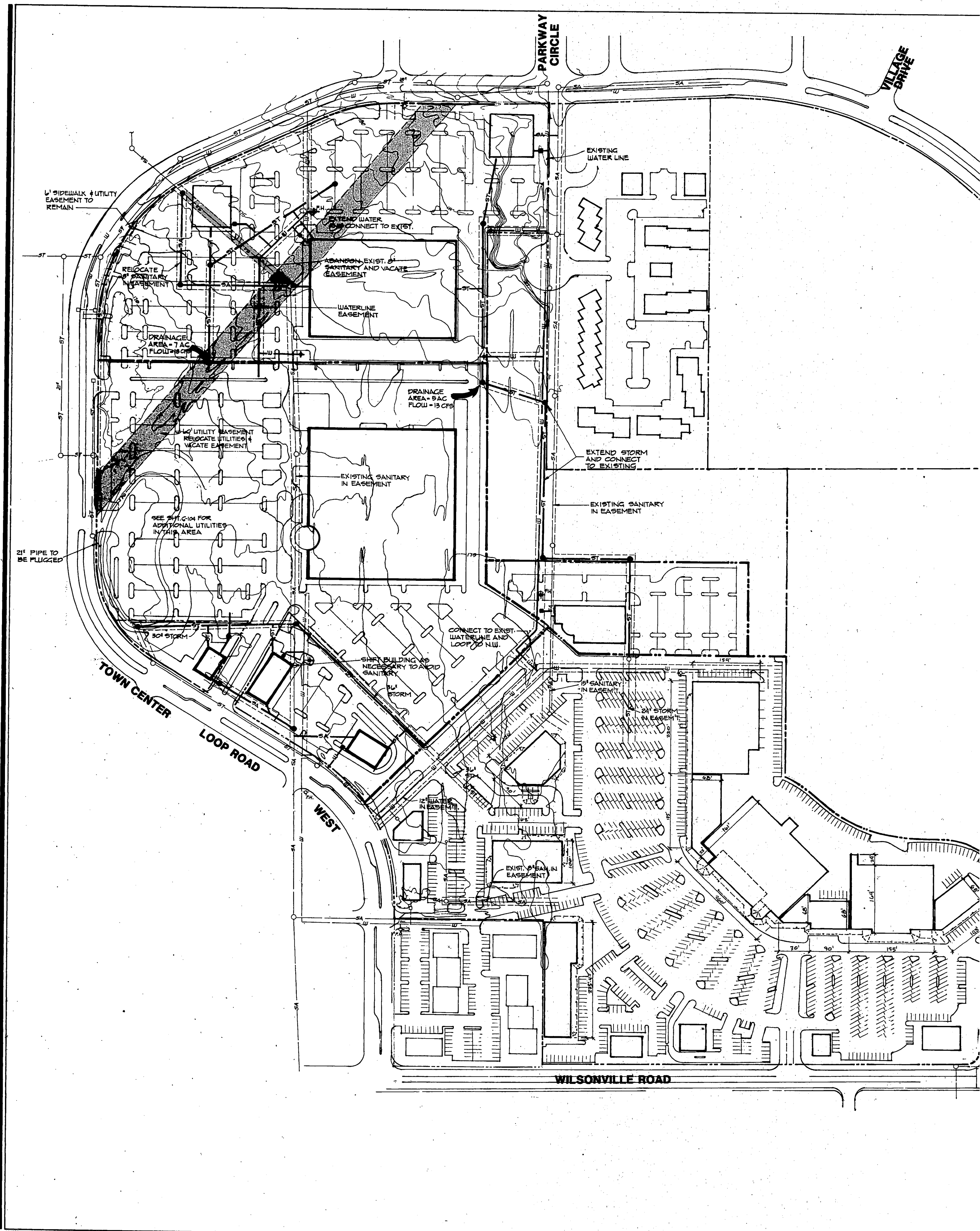
WILSONVILLE TOWN CENTER
 Wilsonville, Oregon

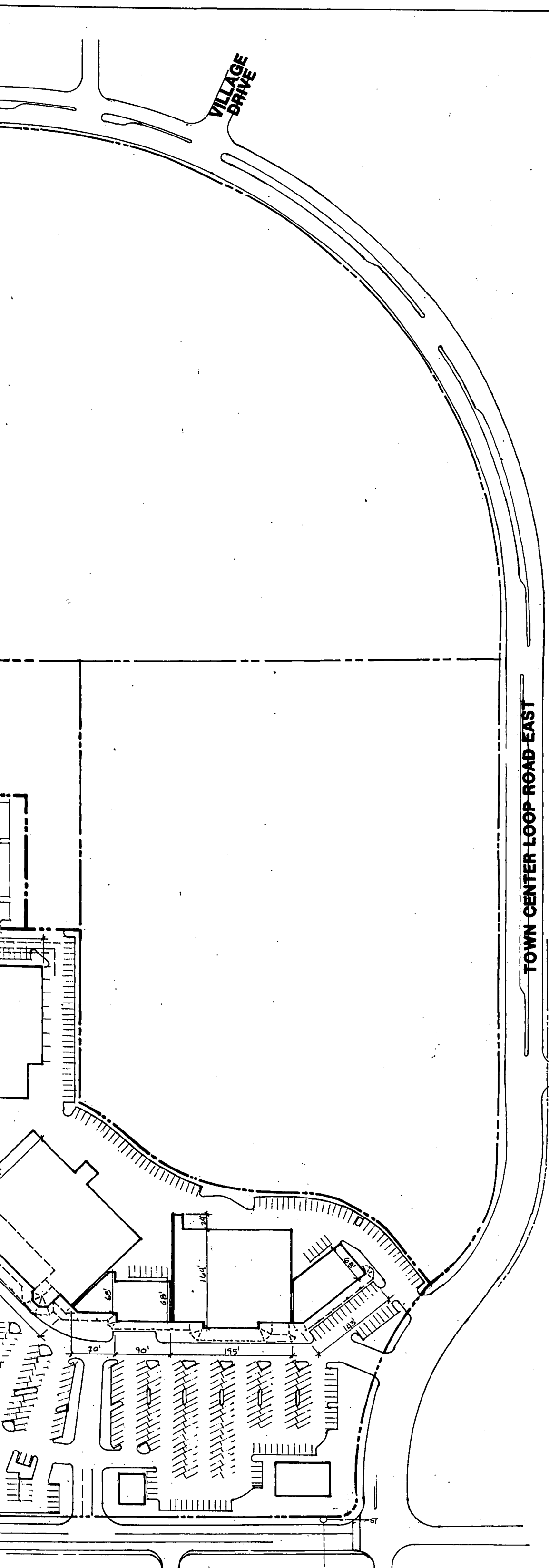
Revisions

--	--

Drawn By _____ Checked By _____
 Job No. 4-467-0301 Date 10-18-11
MASTER UTILITIES PLAN
 Sheet Title

Sheet No.
2
 of





COURTSIDE DRIVE

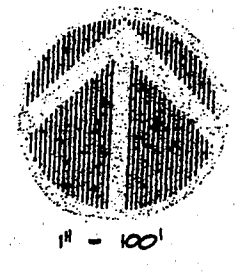
TOWN CENTER LOOP ROAD EAST

VILLAGE DRIVE

NOTE
 PROPOSED UTILITIES WILL CONNECT TO UTILITY STUBS CONSTRUCTED WITH PHASE I PROJECT.

LEGEND

EXISTING		PROPOSED
— SA —	SANITARY SEWER	— SA —
— ST —	STORM SEWER	— ST —
— W —	WATER LINE	— W —
---	EASEMENT LINE	---
○	MANHOLE	●
□	CATCH BASIN	■
+	FIRE HYDRANT	+
▨	EASEMENT TO BE VACATED	



1" = 100'

APPROVED *[Signature]*
[Signature]

JKS Architects PC
 1620 S.W. Taylor Street • Suite 200 • Portland, Oregon 97205
 503-227-5616 • FAX 503-227-3590

WILL PACIFIC
 1620 S.W. Taylor Street
 Portland, Oregon 97205
 (503) 227-0435
 Fax (503) 274-4607
 Planning • Engineering • Surveying • Landscape Architecture

WILSONVILLE TOWN CENTER
 Wilsonville, Oregon

Revisions

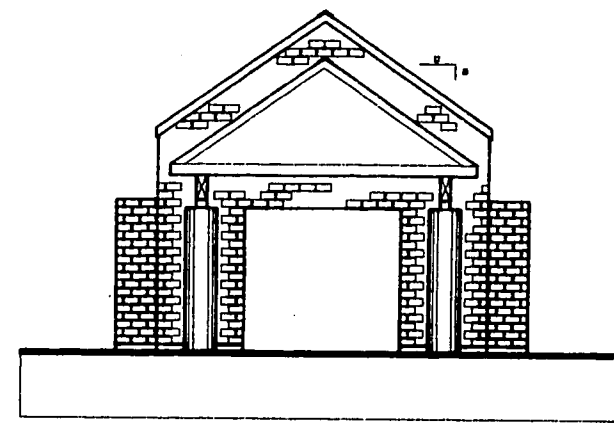
Drawn By	Checked By
----------	------------

Job No. 4-467-0301 Date 10-18-91
MASTER UTILITIES PLAN
 Sheet Title

Sheet No.
2

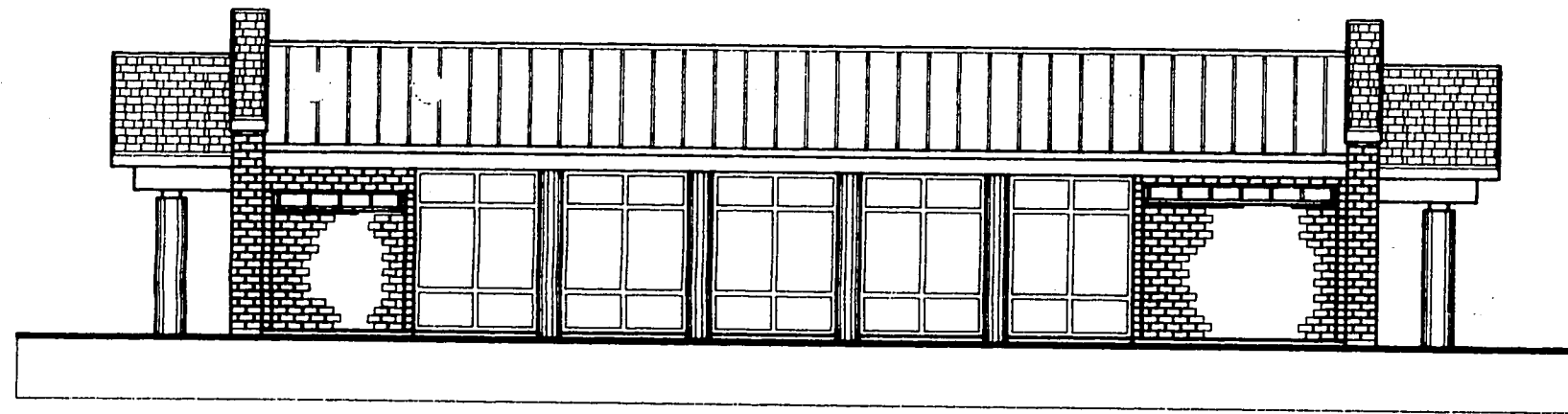
**WILSONVILLE TOWN CENTER
PROPOSED CAR WASH**

WILSONVILLE, OREGON



END ELEVATION

1/8" = 1'-0"

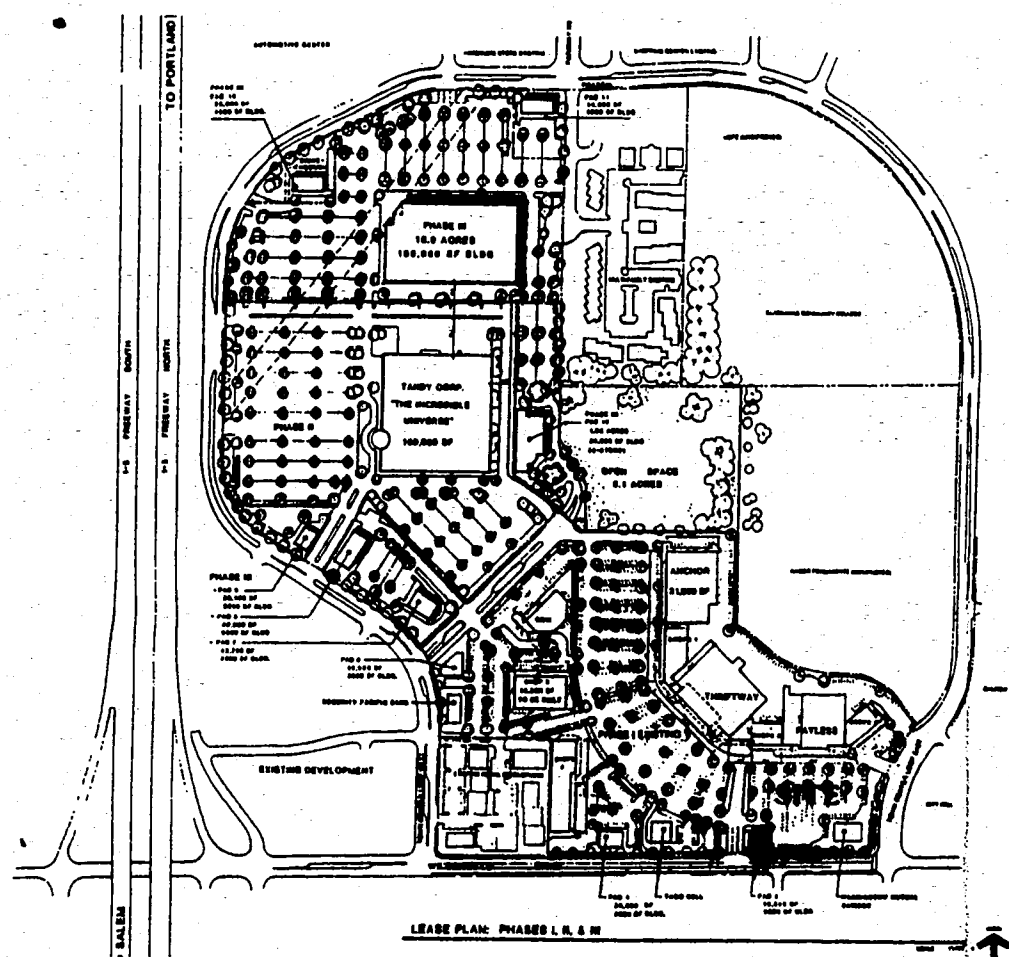


FRONT ELEVATION

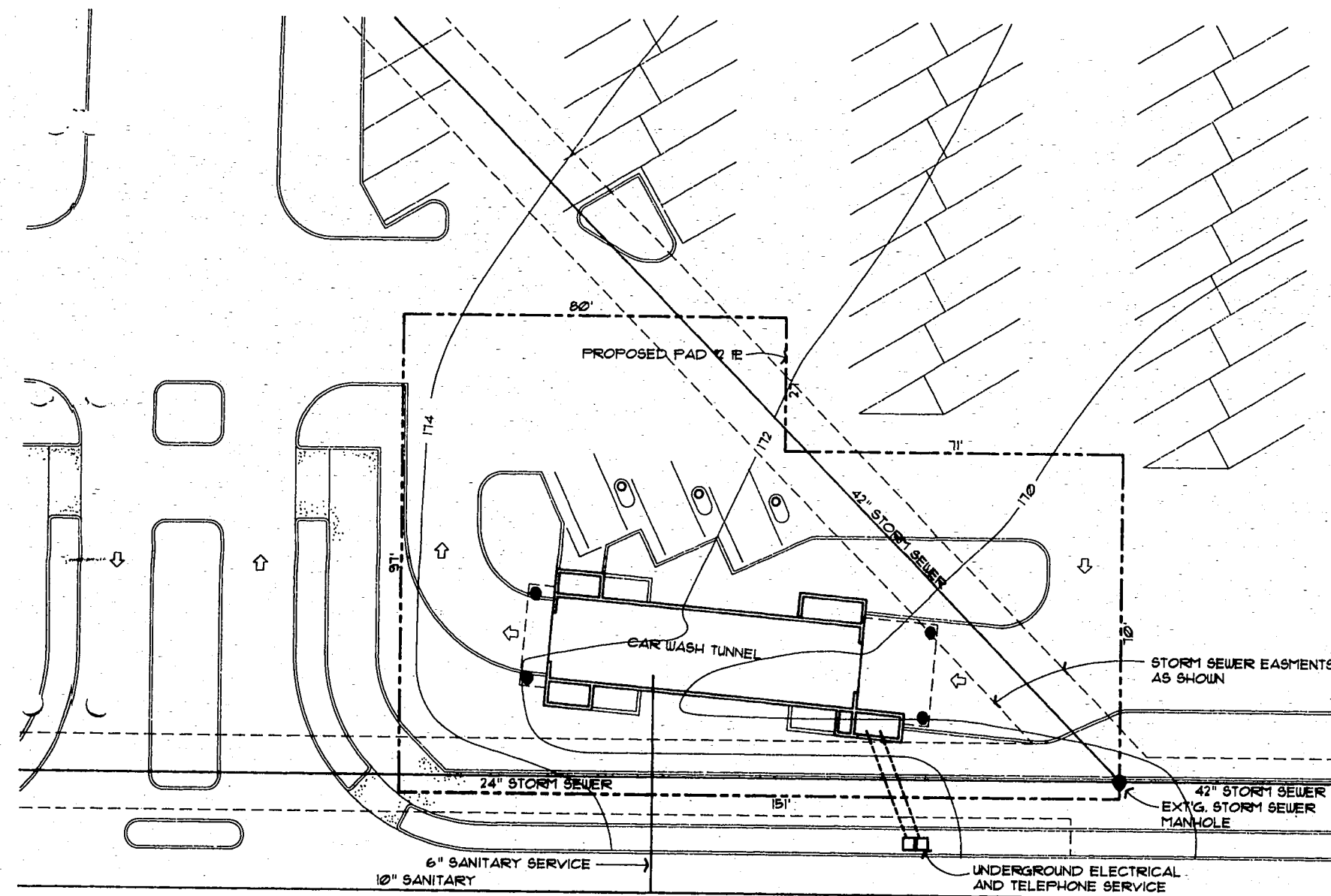
1/8" = 1'-0"

SITE DATA

	LOT COVERAGE IN SQ. FT.	LOT COVERAGE IN %
BUILDING AREA	15,000	12%
PARKING & DRIVES	8,293	65%
LANDSCAPING/OPEN SPACE	2,937	23%
TOTAL SITE AREA	12,730	100%



VICINITY MAP



WILSONVILLE RD.



PRELIMINARY SITE PLAN

1" = 20'

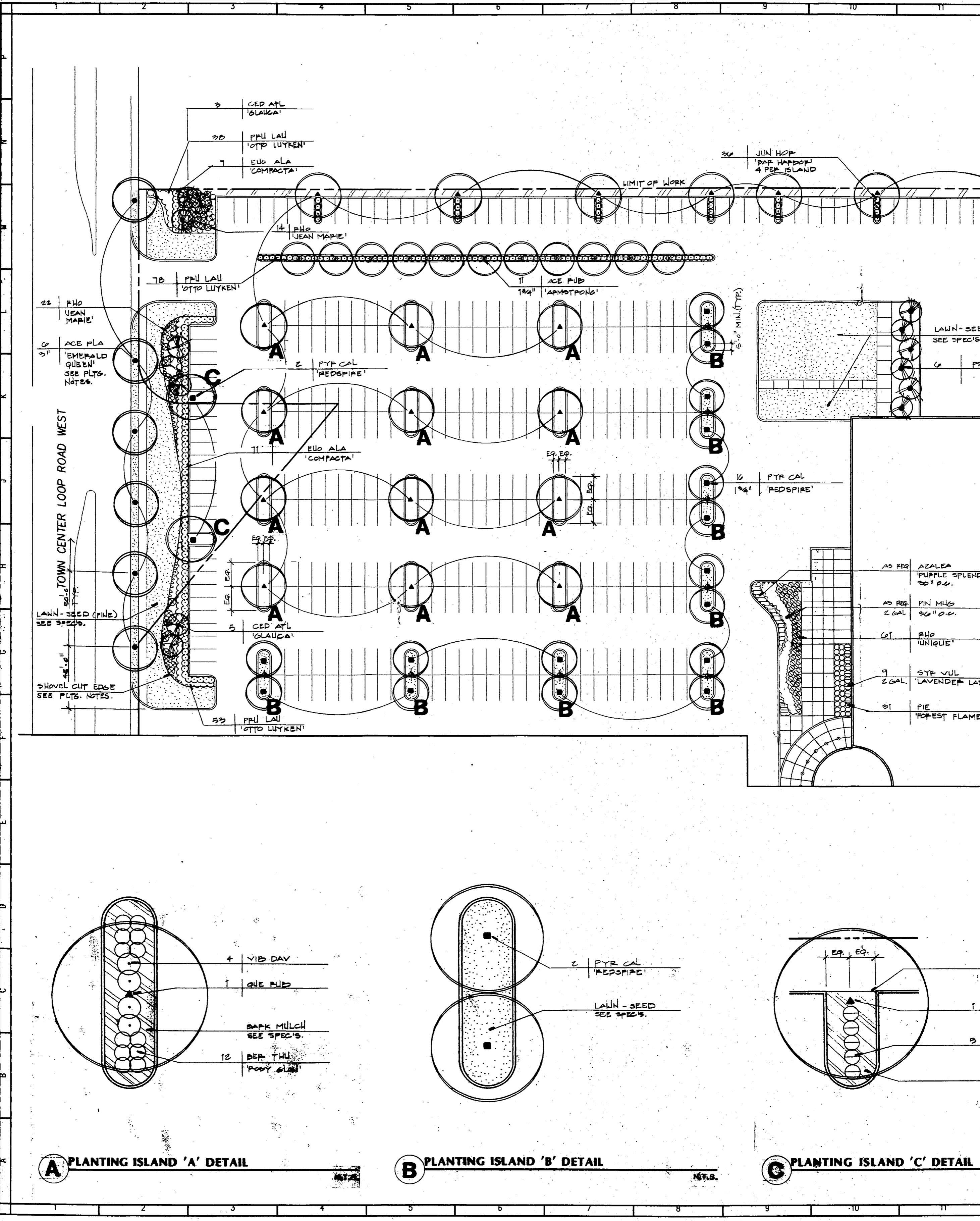
CLIENT:
DENNIS THOMPSON

REVISIONS:

Date: 11-20-92
Scale: AS SHOWN
Drawn by: SET
Checked by: JDA
Job No.: 2023
Drawing No.: 2023TITL

PER WS. 1, 2, 3, 4, 13, 18, 88, 88, 88

PROJECT NO. 4-755-032
CADD FILE: 07/25/01.DWG



SHEET NOTES

PLANTING GENERAL NOTES:

CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UTILITIES IN PLANTING AREAS PRIOR TO PLANTING. CONTRACTOR SHALL CONTACT THE FOLLOWING AGENCIES 48 HOURS PRIOR TO BEGINNING EXCAVATION WORK FOR UTILITY LOCATION INFORMATION:

- TELEPHONE: 503 246 6699
- GAS: 503 246 6699
- ELECTRIC: 503 246 6699
- SEWER: 503 682 4960 ATTN: MARTIN BROWN
- WATER: 503 682 4960 ATTN: MARTIN BROWN

LIGHT STANDARDS ARE SHOWN FOR REFERENCE ONLY. REFER TO DRAWING NUMBER DRBC2 FOR ADDITIONAL LIGHTING INFORMATION.

PLANTING IN PARKING LOT ISLANDS AS SHOWN IN ENLARGEMENTS ON SHEET L-1.0.

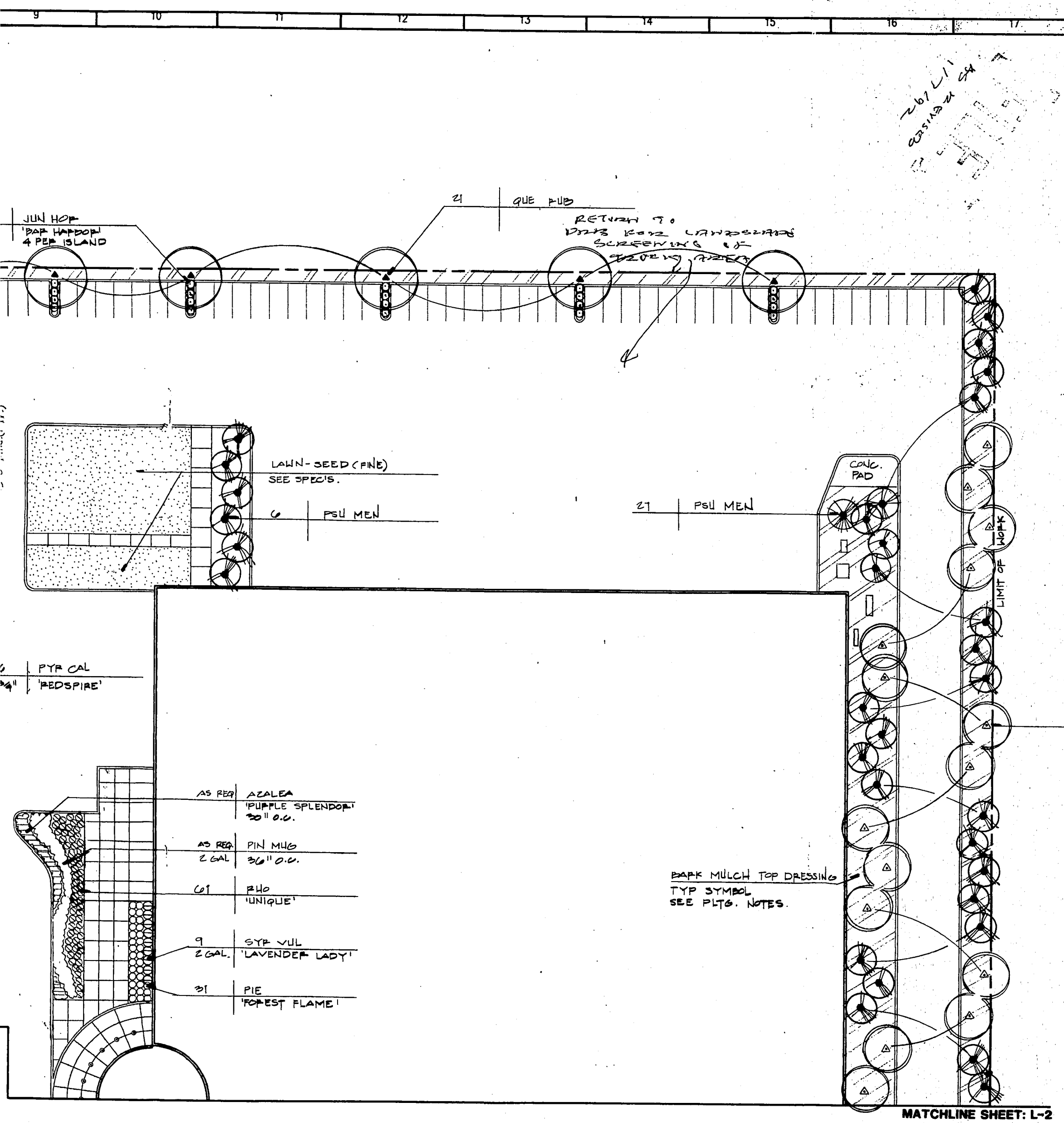
ALL SHRUB AND GROUNDCOVER PLANTING AREAS TO RECEIVE MINIMUM 2" DEPTH OF BARK MULCH. SEE SPECIFICATIONS 02950.

REFER TO CIVIL'S FOR FINISH GRADES IN PLANTING AREAS.

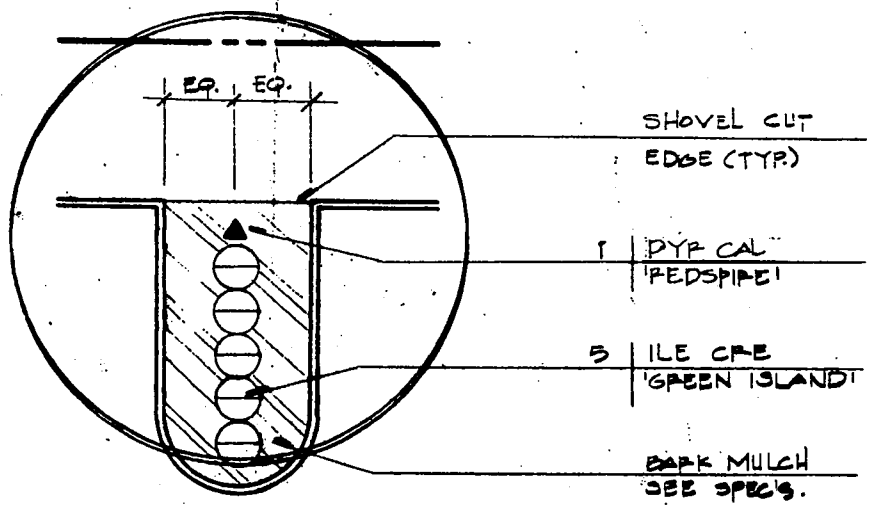
STREET TREES ON TOWN CENTER LOOP ROAD WEST SHALL BE PLANTED PER CITY OF WILSONVILLE STANDARD PLAN. IF NONE EXISTS, INSTALL PER DETAIL 1, L-2.0.

ALL LAWN EDGES AT SHRUB PLANTING AREAS SHALL BE SHOVEL CUT. CONTRACTOR SHALL MAINTAIN ALL SHOVEL CUT EDGES IN A SMOOTH AND EVEN CONDITION UNTIL FINAL ACCEPTANCE.

CONTRACTOR SHALL SUPPLY AND INSTALL ANNUAL COLOR, 4" POT SIZE AT 10" O.C. COLOR MATERIALS TO BE SELECTED BY CONTRACTOR AND APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO PLANTING. ANNUAL COLOR MATERIAL SHALL BE IN SEASON (FULL BLOOM) AT TIME OF INSTALLATION.



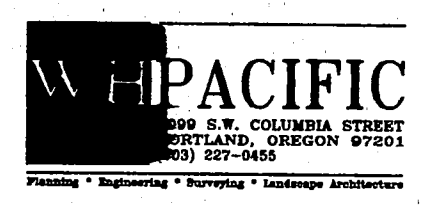
- 15 PYR CAL 'RED SPIRE'
- AS REQ AZALEA 'PURPLE SPLENDOR' 20" O.C.
- AS REQ PIN MUG 2 GAL 30" O.C.
- 01 RHO 'UNIQUE'
- 9 SYR VUL 2 GAL 'LAVENDER LADY'
- 01 PIE 'FOREST FLAME'



PLANTING ISLAND 'C' DETAIL

NOT FOR CONSTRUCTION

PRINTED
JAN 06 1992
W & H PACIFIC



No.	Revisions/Submissions	Date

DesignForum ARCHITECTS

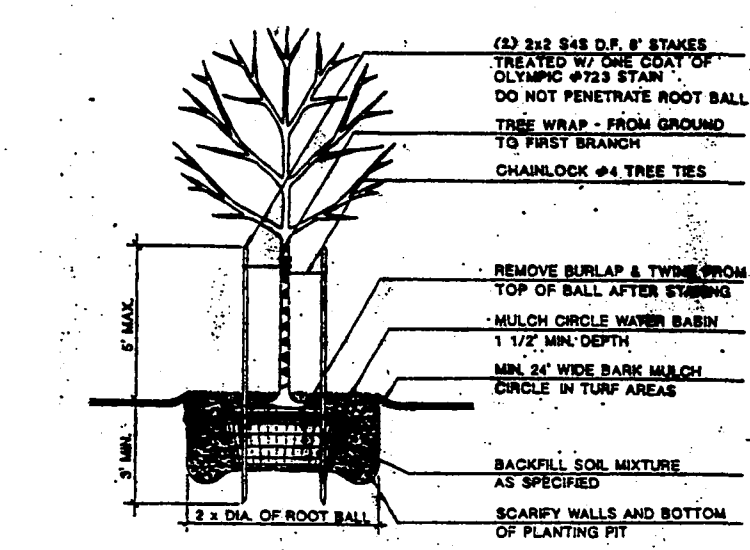
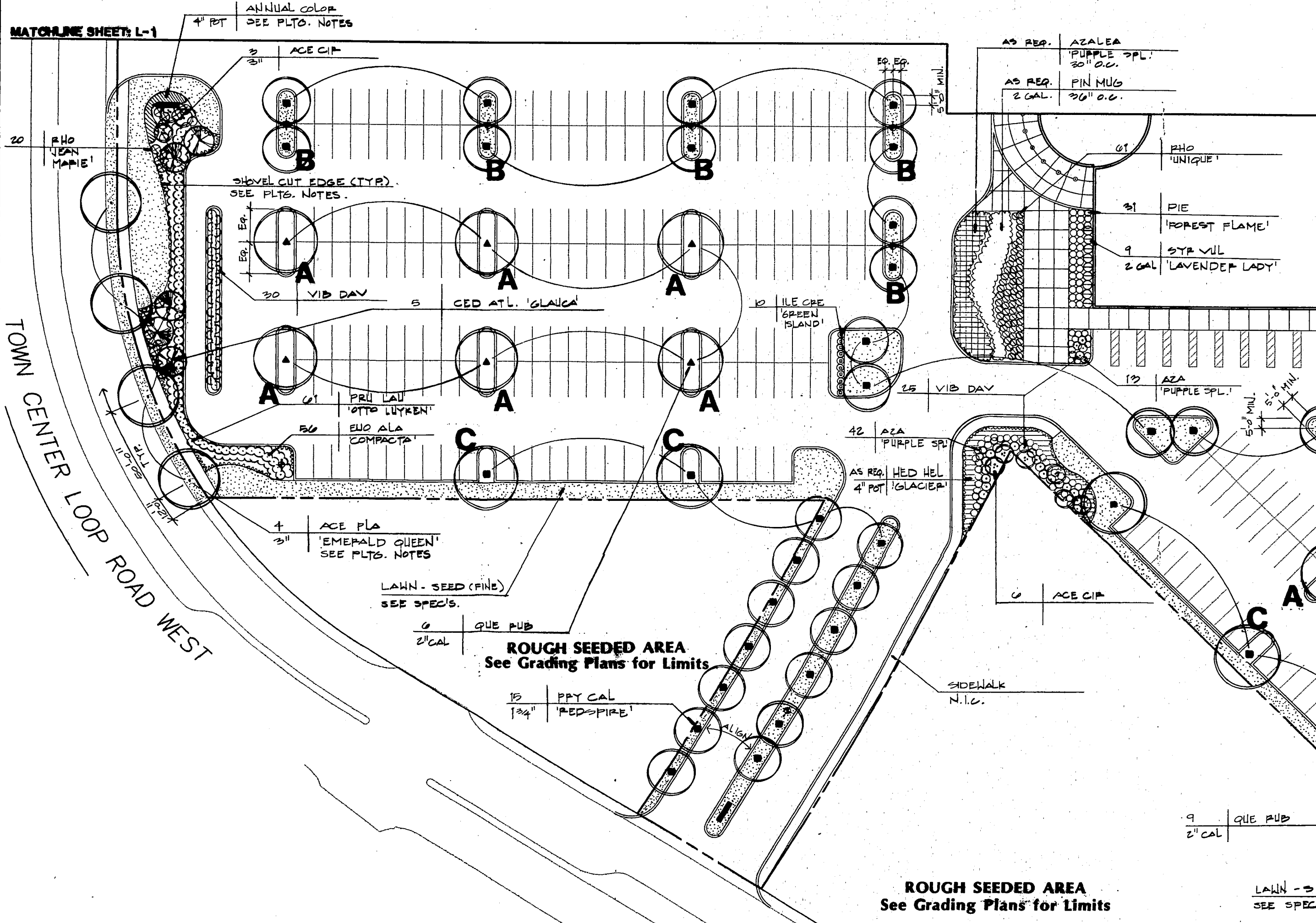
3484 For Hills Avenue, Dayton, Ohio 45428 Telephone: (513) 288-4400

Project Title: **PROJECT THUNDER**
WILSONVILLE, OREGON

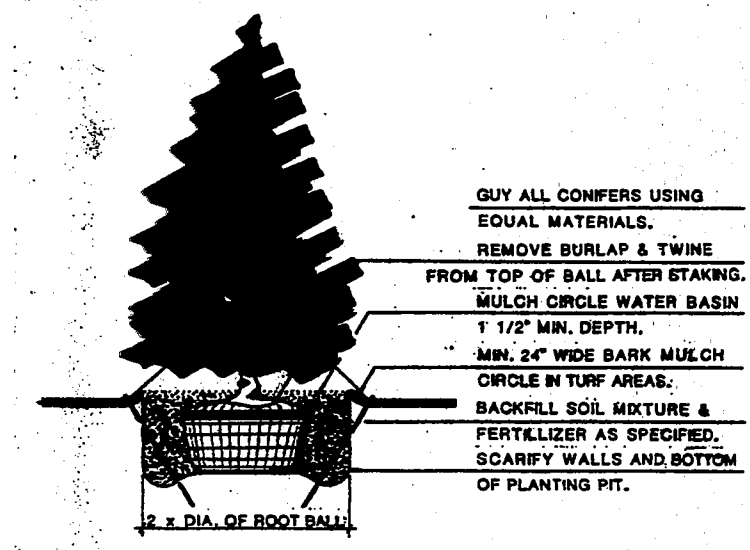
Drawing Title: **LANDSCAPE PLAN**

Seal REGISTERED 2011 Matthew P. Simpson MATTHEW P. SIMPSON OREGON LANDSCAPE ARCHITECT	Designed MDS MPS	Project No. 4-755-0202
	Drawn MDS	Scale 1" = 30'-0"
	Checked MPS	Drawing No. L1.0
	Reviewed MH	Date 12-27-91

PROJECT NO. 4-755-0202
 CAD FILE 07PES02.DWG



1 TREE PLANTING DETAIL N.T.S.



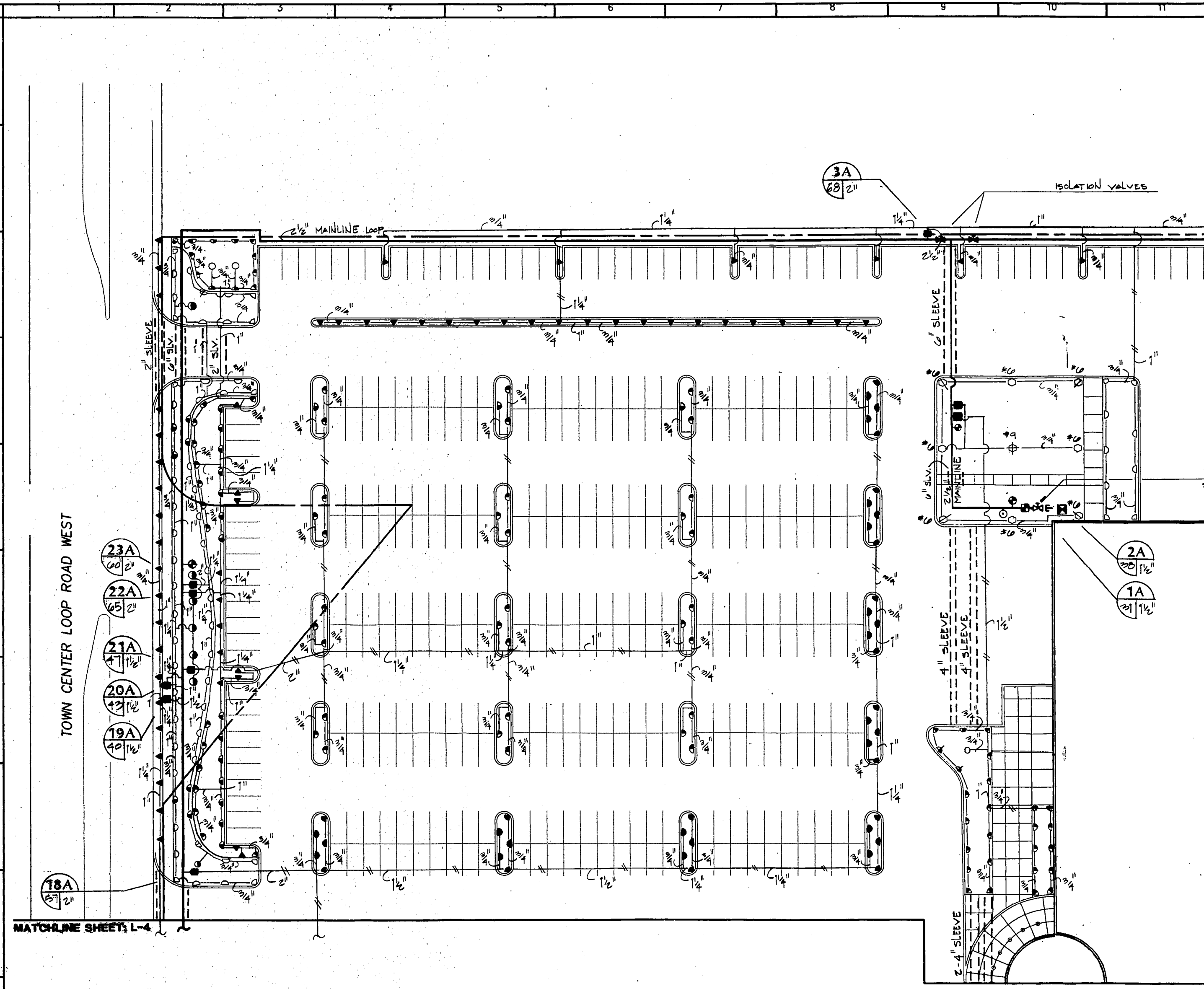
2 CONIFER PLANTING DETAIL N.T.S.

PLANT LEGEND

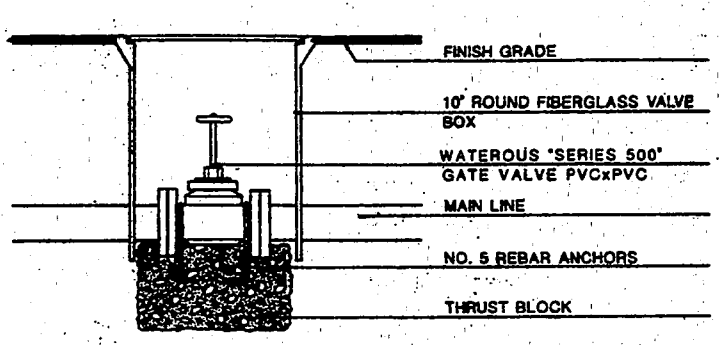
QTY	CODE	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
9	Ace Cir	Acer circinatum	Vine Maple	7'-8'
10	Ace pla	Acer platanoides 'Emerald Queen'	Emerald Queen Maple	3" Cal.
11	Ace rub	Acer rubrum 'Armstrong'	Armstrong Columnar Maple	1-3/4" Cal.
12	Ced atl	Cedrus atlantica 'Glaucia'	Blue Atlas Cedar	8'-10'
13	Pyr cal	Pyrus calleryana 'Chanticleer'	Chanticleer Pear	1-3/4" Cal.
14	Pse men	Pseudotsuga menziesii	Douglas Fir	8'-10'
15	Que rub	Quercus rubra	Red Oak	2" Cal.
16	Pyr cal	Pyrus calleryana 'Redspire'	Redspire Pear	1-3/4" Cal.
SHRUBS				
210	Aza	Azalea 'Purple Splendor'	Purple Splendor Azalea	12-15"
12	Ber thu	Berberis thunbergii 'Rosy Glow'	Rosy Glow Japanese Barberry	2 Gal.
184	Euo ala	Euonymus alata 'Compacta'	Compact Winged Euonymus	12-15"
35	I le cre	Ilex crenata 'Green Island'	Japanese Holly	2 Gal.
63	Pie	Pieris 'Forest Flame'	Forest Flame Pieris	12-15"
133	Pin mug	Pinus mugo	Dwarf Mugo Pine	2 Gal.
140	Pru lau	Prunus laurocerasus 'Otto Luyken'	Otto Luyken Laurel	12-15"
36	Rho	Rhododendron 'Jesse Marie'	Rhododendron	12-15"
112	Rho	Rhododendron 'Unique'	Rhododendron	12-15"
18	Syr vil	Syringa vulgaris 'Lavender Lady'	Lavender Lilac	2 Gal.
33	Vib dav	Viburnum davidii	David Viburnum	12-15"
GROUND COVER				
2,230	Hed hel	Hedera helix 'Glacier'	Glacier Ivy	4" Pots
66	Jun hor	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper	1 Gal.
216	Annual Color		Annual Color	4" Pots

PER WIS. 1233413188888888

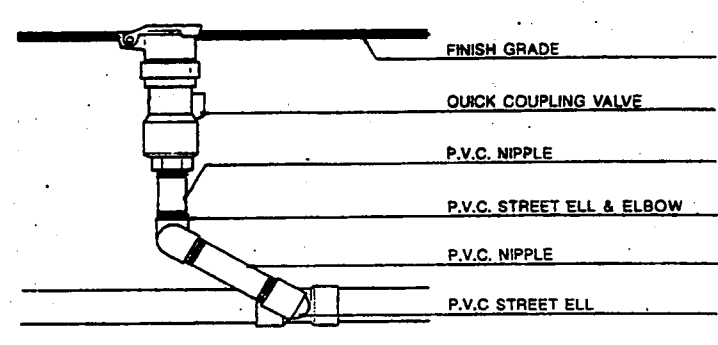
PROJECT NO. 7-15E-002
CADD FILE: 075802.DWG



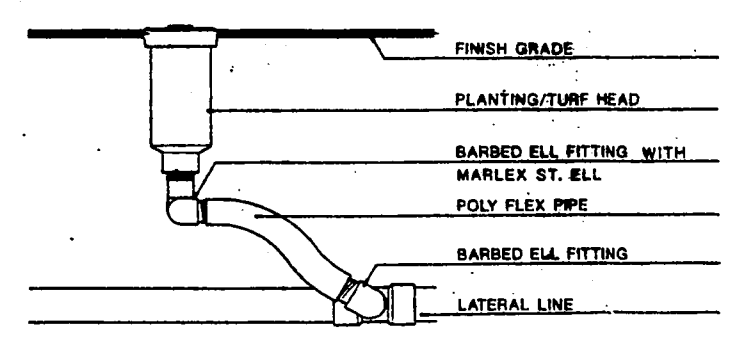
MATCHLINE SHEET: L-4



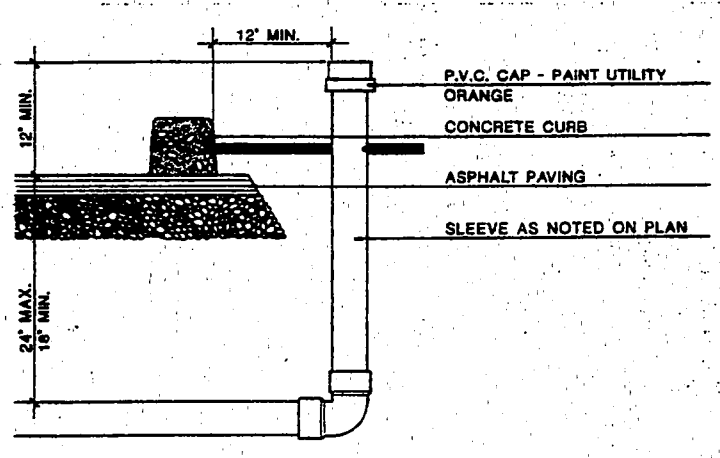
MAINLINE GATE VALVE



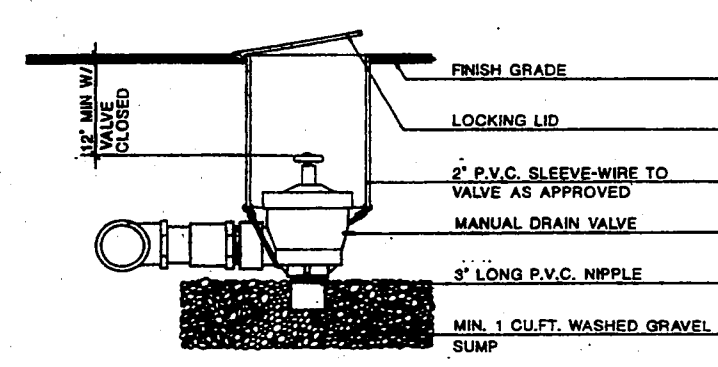
QUICK COUPLING VALVE DETAIL



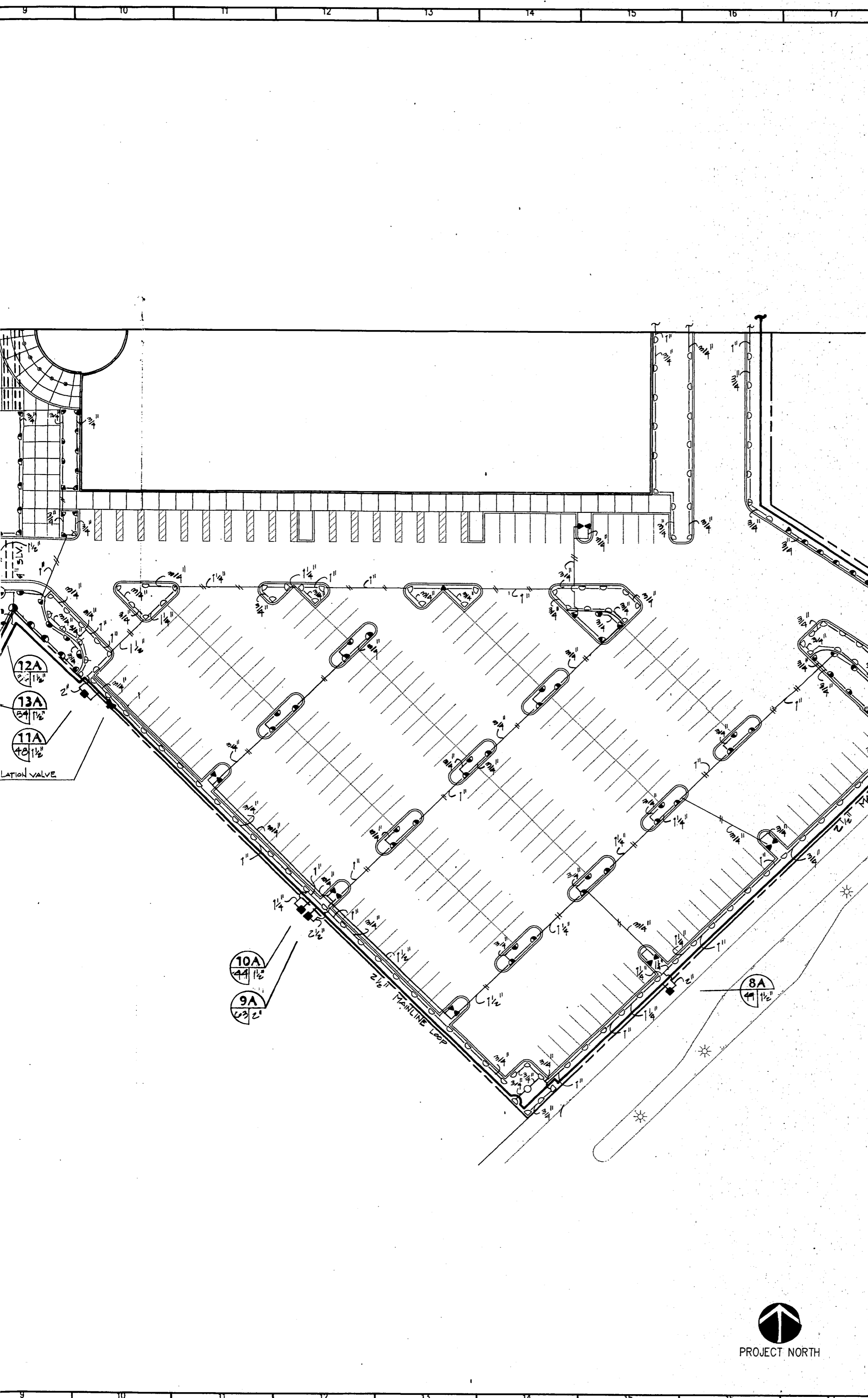
POLY FLEX RISER DETAIL



SLEEVING DETAIL



MANUAL DRAIN VALVE DETAIL



SHEET NOTES

WH PACIFIC
 699 S.W. COLUMBIA STREET
 PORTLAND, OREGON 97201
 (503) 237-0405
 Planning • Engineering • Surveying • Landscape Architecture

No.	Revisions/Submissions	Date

DesignForum
 ARCHITECTS

3484 For Hills Avenue, Dayton, Ohio 45429 Telephone: (513) 298-4400

Project Title **PROJECT THUNDER**
 WILSONVILLE, OREGON

Drawing Title **IRRIGATION PLAN**

Seal REGISTERED MATTHEW P. SIMPSON OREGON LANDSCAPE ARCHITECT	Designed MDS MPS	Project No. 4-755-0202
	Drawn MDS	Scale 1" = 30'-0"
	Checked MPS	Drawing No. L4.0
	Reviewed MH	Date 12-27-91 c 1991 DESIGN FORUM ARCHITECTS

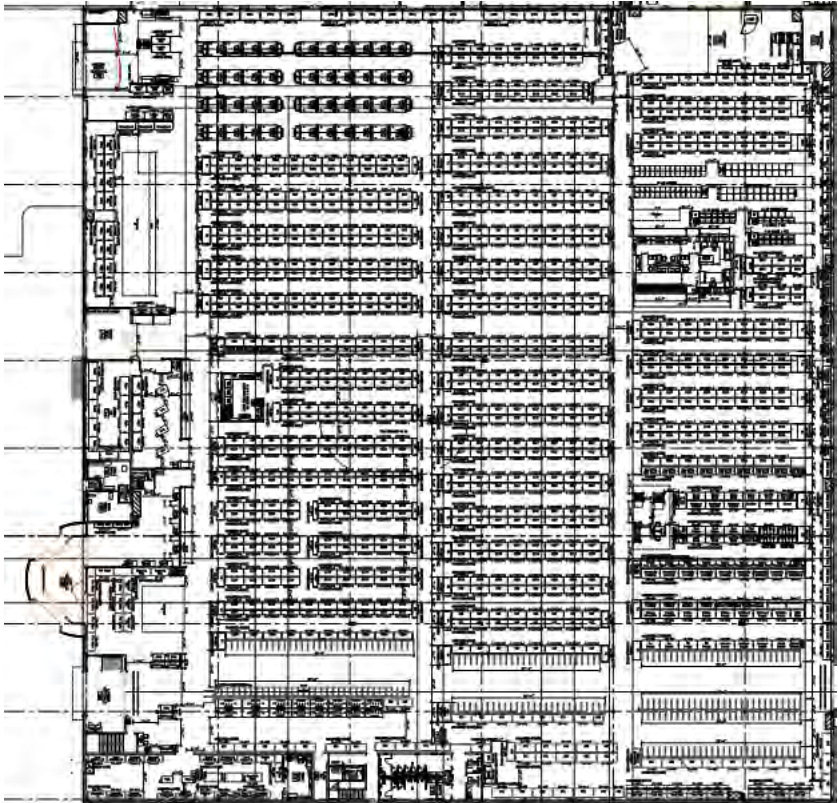
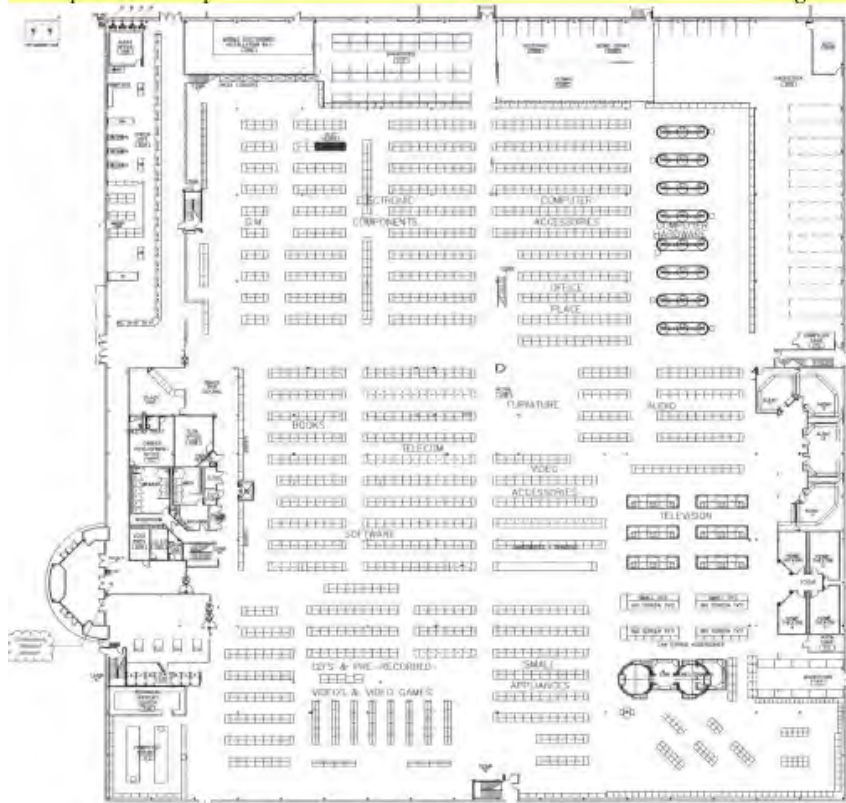




Resolution No. 432-Continuation of Non-Conforming Use



Continuation of Use - Commercial Retail



Left: Previous Commercial Retail As-Built, 2014. Source: City of Wilsonville Building Division
Right: Proposed Future Commercial Retail Interior Fixture Plan, 2024. Non-prototype Attachment No. 3 of Page 26 of 46.





Continuation of Use – Commercial Retail



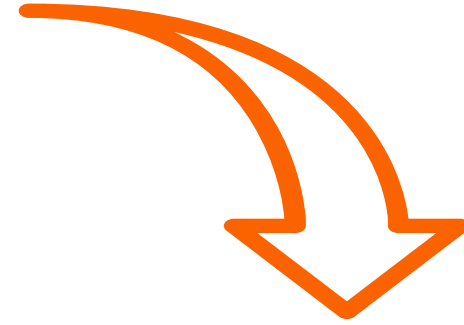
Less Traffic Impacts

- Existing Commercial Retail generated 4,101 trips daily
- Future Commercial Retail Use will generate 2,302 trips daily
- **Future Commercial Retail will have a reduction of 1,799 daily trips**



Less Parking Impacts

- Existing Commercial Retail Use provided 839 stalls
- Future Commercial Retail Use requires 400 stalls



Opportunity to redevelop 5+ acres

- The future Commercial Retail Use's reduced parking demand will result in approximately 5 acres of area to redevelop.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (9/23/2017), https://www.yelp.com/biz_photos/frys-electronics-wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (11/21/2019), https://www.yelp.com/biz_photos/frys-electronics-Wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Foursquare – Fry's Electronics, Photos (6/12/2017), <https://foursquare.com/v/frys-electronics> (visited 4/6/2024)

Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Foursquare – Fry's Electronics, Photos (3/9/2013), <https://foursquare.com/v/frys-electronics> (visited 4/6/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (6/9/2019), https://www.yelp.com/biz_photos/frys-electronics-Wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (10/28/2018), https://www.yelp.com/biz_photos/frys-electronics-Wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (6/9/2019), https://www.yelp.com/biz_photos/frys-electronics-Wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (11/21/2019), https://www.yelp.com/biz_photos/frys-electronics-Wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (11/21/2019), https://www.yelp.com/biz_photos/frys-electronics-Wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Yelp – Fry's Electronics, Photos (11/21/2019), https://www.yelp.com/biz_photos/frys-electronics-wilsonville, (visited 4/3/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Foursquare – Fry's Electronics, Photos (12/24/2016), <https://foursquare.com/v/frys-electronics> (visited 4/6/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Foursquare – Fry's Electronics, Photos (11/10/2017), <https://foursquare.com/v/frys-electronics> (visited 4/6/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Foursquare – Fry's Electronics, Photos (11/10/2017), <https://foursquare.com/v/frys-electronics> (visited 4/6/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use - Commercial Retail



Left: Previous Occupant in Commercial Retail Space. Source: Foursquare – Fry's Electronics, Photos (11/23/2012), <https://foursquare.com/v/frys-electronics> (visited 4/6/2024)
Right: Proposed Occupant in Commercial Retail Space. Typical Store.



Continuation of Use – Commercial Retail

Consumer Products Offered

Previous Retail Use

Proposed Retail Use

- Appliances
- Tools
- Measurement Equipment
- Technical Expertise
- Service
- Delivery Options
- Ancillary Sales (Snacks, etc.)
- Marketed to Professionals





Continuation of Use – Commercial Retail

- Planned as a non-prototypical Home Depot store

- Home Depot plans to occupy existing structure
 - Sustainable reuse of the existing building
 - Exterior modifications primarily maintenance-related
 - No exterior garden center
 - Lumber pad is an operational area for safe receiving / unloading for heavier merchandise, **NOT** for exterior storage

- Home Depot has **NOT** applied for:
 - Sidewalk sales
 - Outdoor seasonal sales
 - Exterior shed displays
 - Exterior rental equipment staging

- Home Depot direct-to-customer delivery capability reduces pro volume through stores



Town Center Plan



**TOWN CENTER FUTURE SCENARIO
PHASE 1 (INFILL)**

FIGURE 3.6



Proposed Development



The Home Depot - Wilsonville Town Center
29400 Town Center Loop W
Wilsonville, Oregon



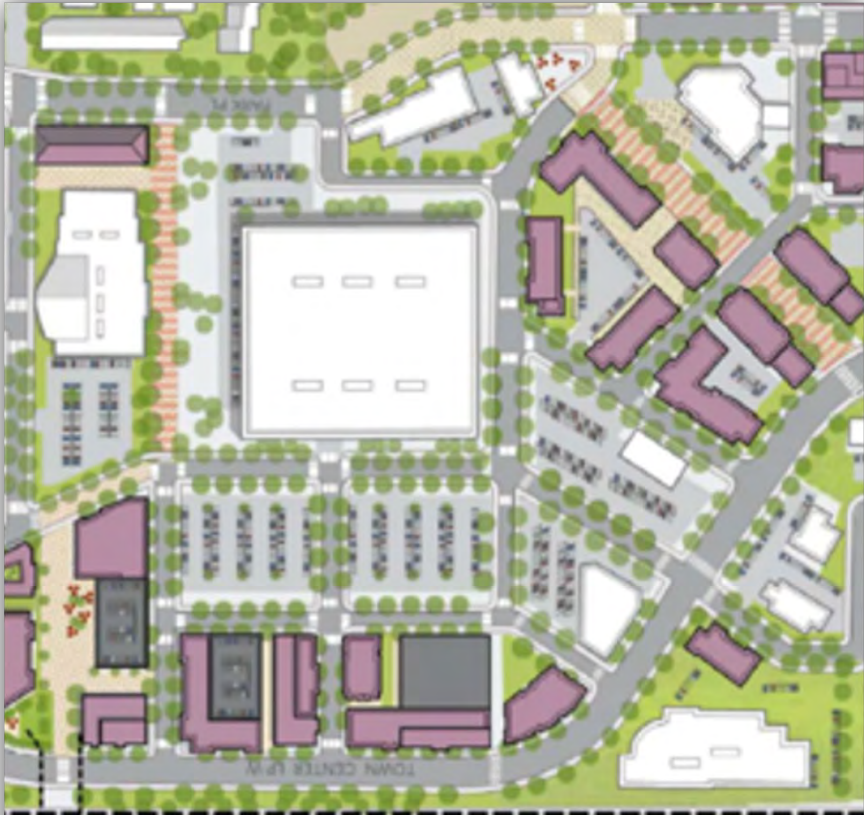
Proposed Development



The Home Depot - Wilsonville Town Center
29400 Town Center Loop W
Wilsonville, Oregon



Alignment With Plan



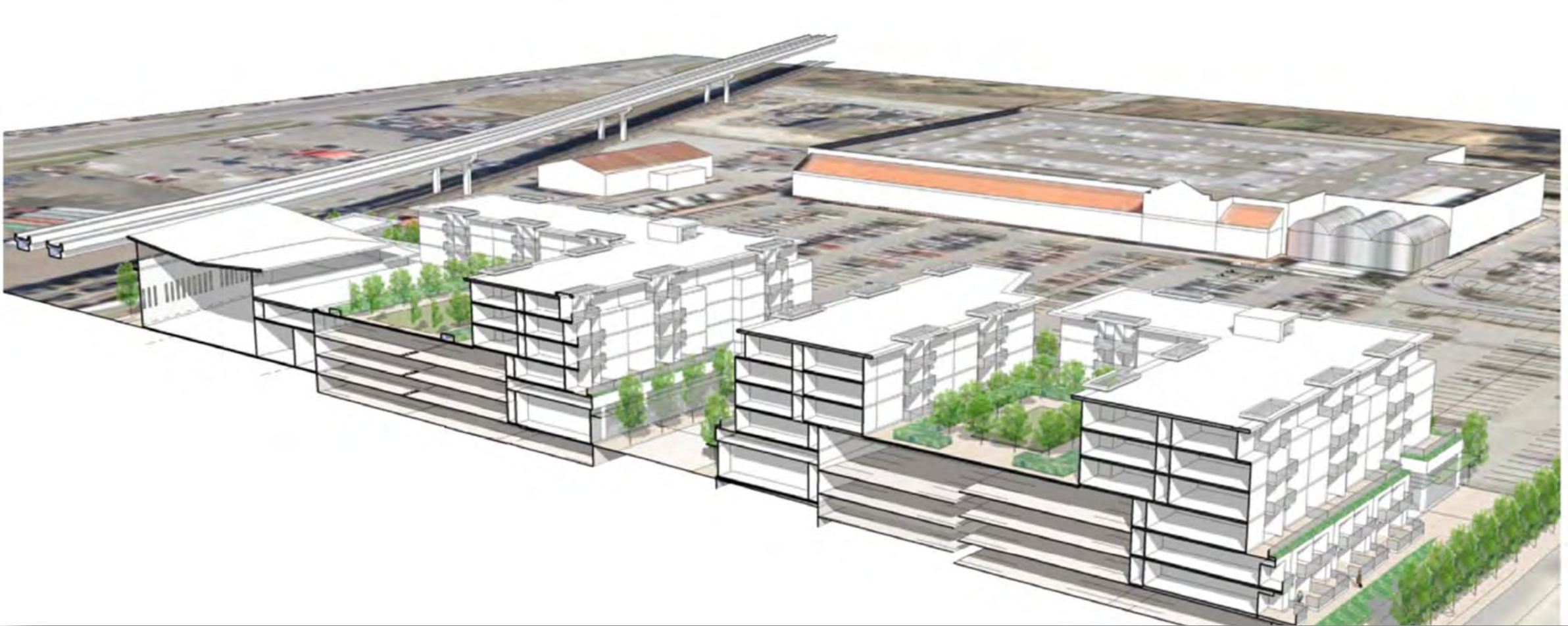
Left: Inset from Figure 3.6, Town Center Future Scenario Phase 1 (Infill), City of Wilsonville Town Center Plan
Right: Proposed Occupant rendering of existing structure with multi-family housing units



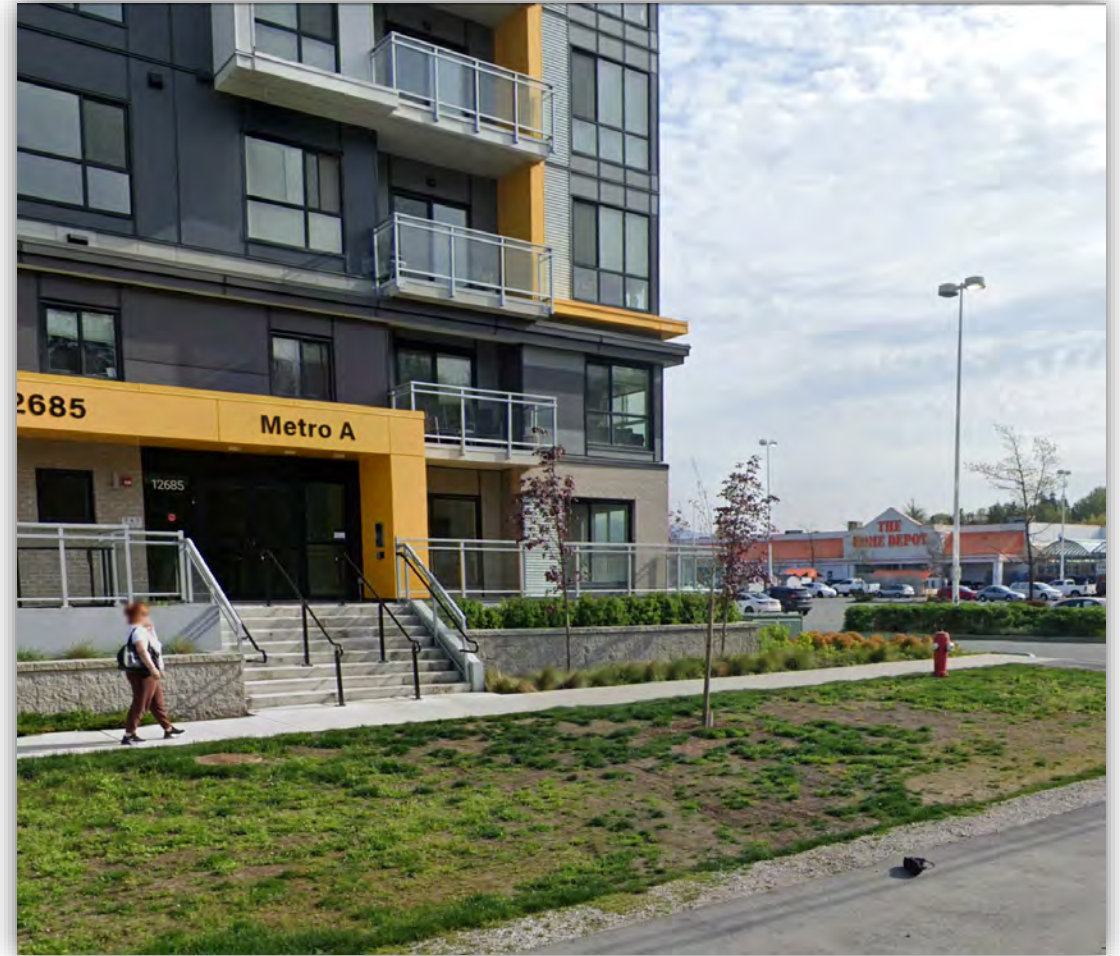
Lynnwood, Washington



N. Surrey, Canada



N. Surrey, Canada



ESG Highlights

2023 The Home Depot ESG Report
www.ecoactions.homedepot.com

The Home Depot

Focus On Our People



More than **90%** of our U.S. store leaders started as hourly associates

Achieved our goal to invest **>1 million hours per year** over five years in training and development to help our front-line associates grow their careers



Approximately **36%** of our U.S. new hires were women and **58%** were ethnically/racially diverse

Named to Forbes' 2022 List of **Best American Companies for Veterans**

Operate Sustainably

We reduced our Scope 1 and 2 carbon emissions by approximately **92,000 metric tons**, equivalent to taking more than **20,000 cars** off the road for a year

We decreased electricity consumption **>52%** in our U.S. stores since 2010



We set science-based targets to **reduce our emissions** across Scopes 1, 2 & 3 (category 11) by the end of 2030

We redesigned **350+ private-brand packages** to reduce size and materials. This helped us eliminate **>81M square feet** of PVC film – enough to cover Central Park twice

We set a goal that **85%** of our U.S. & Canadian sales in push mowers and handheld outdoor lawn equipment will be **battery powered** by the end of 2028

Strengthen Our Communities



The Home Depot Foundation granted **\$82 million** in total during 2022

As of the end of 2022, The Home Depot Foundation had contributed more than **\$450 million** towards veteran causes since 2011

In 2022, we drove **~\$3.4 billion** of spend with diverse suppliers

Since 2009, our **Retool Your School** grant program has helped fund over **180+ projects** benefiting 70% of HBCUs

Since 2011, Team Depot has volunteered **1.4+ million service hours** to veteran causes



Sustainability

2023 The Home Depot ESG Report
www.ecoactions.homedepot.com

- Responsible Sourcing
- Sustainable Packaging
- Responsible Waste Management
- Water / Energy Saving Products
- Responsible Chemistry (from cleaning to gardening)

2022 BY THE NUMBERS

>7.3 million cubic feet
of EPS foam was removed from our private-label packaging — equal to >4,700 Boeing 737s

>81 million square feet
of PVC film was eliminated — enough to cover Central Park twice

~940 thousand
pounds
of damaged product avoided landfills due to private-branded packaging projects aimed at creating packaging to better protect products

>40 million
packaging units
were rightsized from projects covering 350+ private-brand SKUs.

 <p>Identifies products that use safer chemical ingredients without sacrificing performance</p>	 <p>Identifies products that meet emissions standards for helping reduce indoor air pollution and risk of chemical exposure</p>	 <p>Leaping Bunny label certifies no animal testing in manufacturing</p>
 <p>Certifies manufacturer's commitment to improving what products are made of and how they're made</p>	 <p>Assures a USDA-verified amount of renewable biological ingredients</p>	 <p>Suite of eco-labels that certifies environmental stewardship, social responsibility and quality</p>



© DID YOU KNOW

The Home Depot U.S. was recognized as the 2022 ENERGY STAR Retail Partner of the Year for Sustained Excellence for the second year in a row.



Economic Impact

Oregon

OUR ECONOMIC IMPACT: OREGON
Our Core Values guide everything we do at The Home Depot, like working to grow the state's economy.

\$3.2B TOTAL IMPACT
Our **entrepreneurial spirit** drives the economy via:

- Job creation in stores, distribution centers and offices
- Vendor purchases and partner offerings
- **\$348.8M** direct contribution to GDP
- **\$285M** in total tax impact

35.6K JOBS SUPPORTED
Taking care of our people means:

- Investing in the safety, well-being and development of our **5.7K** associates
- Promoting **65K** associates, nationwide
- Each THD job supports 4+ additional jobs across the US

\$2.3B ENABLED IMPACT
...created by THD Home Services and the Pros that rely on our best-in-class interconnected retail offerings and **excellent customer service**

- **33.2K** projects provided to local Pros via THD Home Services

3.5M+ SQUARE FEET
...across **30+** brick-and-mortar stores, warehouses and/or offices help us **build strong relationships** within the community

- **27** stores

90+ LOCAL SUPPLIERS
We foster shared success and **create shareholder value** for both THD and our vendor partners – we do so by cultivating a supplier base that includes small and diverse businesses like local manufacturers and plant nurseries

28K VOLUNTEER HOURS
We **give back** to our communities and those who served our country through Team Depot service projects and THD Foundation initiatives

- Supported **210+** non-profits
- Contributed **\$1.7M** to veterans' causes

All numbers are rounded approximations and reflect FY2022 data unless otherwise indicated. Calculated impact figures were determined using PwC's IMPLAN modeling system. HD Supply included in all calculations except Pro project count and Supplier count. Pro project count is cumulative from 2011 through FY2022.

CITY OF



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

BUILDING DEPARTMENT

CERTIFICATE OF OCCUPANCY

Address: 29400 S.W. Town Center Loop West
 Name: Incredible Universe
 Owner: Tandy Name Brand
 Address: 1400 Two Tandy Center Fort Worth, Texas 76102
 Contractor: S.D. Deacon
 Address: P.O. Box 25392
 Use of Structure Retail
 Permit No. B92081 Zone: PDC
 Certificate is hereby given this 29th day of September, 19 93

that said building may be occupied and that it complies with all requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code, as approved by the Wilsonville City Council.

Building Official

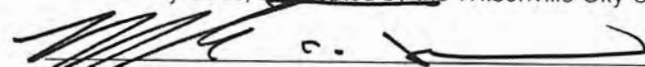


CERTIFICATE OF OCCUPANCY

Address: 29029 S.W. Town Center Loop East
Name: Ace Hardware
Owner: Chris Dunn
Address: 16200 SW Pacific Hwy #276 Tigard, OR 97224
Use of Structure: Retail Group M & S.1
Permit Number: B0093

Certificate is hereby given this 16th day of August, 2000

that said building may be occupied and that it complies with all requirements of the State of Oregon Structural Specialty Codes and Fire/Life Safety Code, as adopted by the Wilsonville City Council.



Building Official

Handwritten notes:
Amended
4/28

City of
WILSONVILLE

799 SW Town Center Loop East
Wilsonville, Oregon 97070
503-682-4960
BUILDING DEPARTMENT

CERTIFICATE OF OCCUPANCY

Use:	Mercantile	Bldg. Permit No.:	BB11-0079
Business Name:	ACE HARDWARE	Group:	M/S-1
Building Address:	29029 SW TOWN CENTER LOOP E WILSONVILLE OR 97070-9409	Type of Construction:	Type VB
Owner:	DARYL SOLI	Fire Sprinkler:	No
Owner Address:	29029 SW TOWN CENTER LOOP E WILSONVILLE OR 97070-9409	Occupant Load:	333
		Code Edition:	1998
		Date of Issuance:	03/07/2011

That said building may be occupied and that it complies with all requirements of the State of Oregon Structural Specialty Codes and Fire/Life Safety Code, as adopted by the Wilsonville City Council.


Building Official
Exhibit D

DETOXIFICATION FACILITIES. Facilities that serve patients who are provided treatment for substance abuse on a 24-hour basis and who are incapable of self-preservation or who are harmful to themselves or others.

HOSPITALS AND MENTAL HOSPITALS. Buildings or portions thereof used on a 24-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation.

NURSING HOMES. Nursing homes are long-term care facilities on a 24-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five persons and any of the persons are incapable of self-preservation.

308.4 Group 1-3. This occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. An 1-3 facility is occupied by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

- Correctional centers
- Detention centers
- Jails
- Prerelease centers
- Prisons
- Reformatories

Buildings of Group 1-3 shall be classified as one of the occupancy conditions indicated in Sections 308.4.1 through 308.4.5 (see Section 408.1).

308.4.1 Condition 1. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

308.4.2 Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied smoke compartment to one or more other smoke compartments. Egress to the exterior is impeded by locked *exits*.

308.4.3 Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual *sleeping units* and group activity spaces, where egress is impeded by remote-controlled release of *means of egress* from such a smoke compartment to another smoke compartment.

308.4.4 Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.4.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.5 Group 1-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

308.5.1 Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and *personal care services* shall be classified as Group 1-4.

Exception: A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group R-3.

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group 1-4.

Exception: A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

SECTION 309 MERCANTILE GROUP M

309.1 Mercantile Group M. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

309.2 Quantity of hazardous materials. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials stored or displayed in a single *control area* of a Group M occupancy shall not exceed the quantities in Table 414.2.5(1).

SECTION 310 RESIDENTIAL GROUP R

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

- Boarding houses* (transient)
- Hotels (transient)
- Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-2 Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses* (nontransient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*.
- Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.
- Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.
- Congregate living facilities* with 16 or fewer persons.

Adult care and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the *International Residential Code* provided the building is protected by an *automatic sprinkler system* installed in accordance with Section 903.2.7.

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides *personal care services*. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

TRANSIENT. Occupancy of a *dwelling unit* or *sleeping unit* for not more than 30 days.

SECTION 311 STORAGE GROUP S

311.1 Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.2 Moderate-hazard storage, Group S-I. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture

Furs
 Glues, mucilage, pastes and size
 Grains
 Horns and combs, other than celluloid
 Leather
 Linoleum
 Lumber
 Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1 (1) (see Section 406.6)
 Photo engravings
 Resilient flooring
 Silks
 Soaps
 Sugar
 Tires, bulk storage of
 Tobacco, cigars, cigarettes and snuff
 Upholstery and mattresses
 Wax candles

311.3 Low-hazard storage, Group S-2. Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic *trim*, such as knobs, handles or film wrapping. Group S-2 storage uses shall include, but not be limited to, storage of the following:

- Asbestos
- Beverages up to and including 16-percent alcohol in metal, glass or ceramic containers
- Cement in bags
- Chalk and crayons
- Dairy products in nonwaxed coated paper containers
- Dry cell batteries
- Electrical coils
- Electrical motors
- Empty cans
- Food products
- Foods in noncombustible containers
- Fresh fruits and vegetables in nonplastic trays or containers
- Frozen foods
- Glass
- Glass bottles, empty or filled with noncombustible liquids
- Gypsum board
- Inert pigments
- Ivory
- Meats
- Metal cabinets
- Metal desks with plastic tops and *trim*
- Metal parts
- Metals
- Mirrors
- Oil-filled and other types of distribution transformers
- Parking garages, open or enclosed
- Porcelain and pottery
- Stoves
- Talc and soapstones
- Washers and dryers

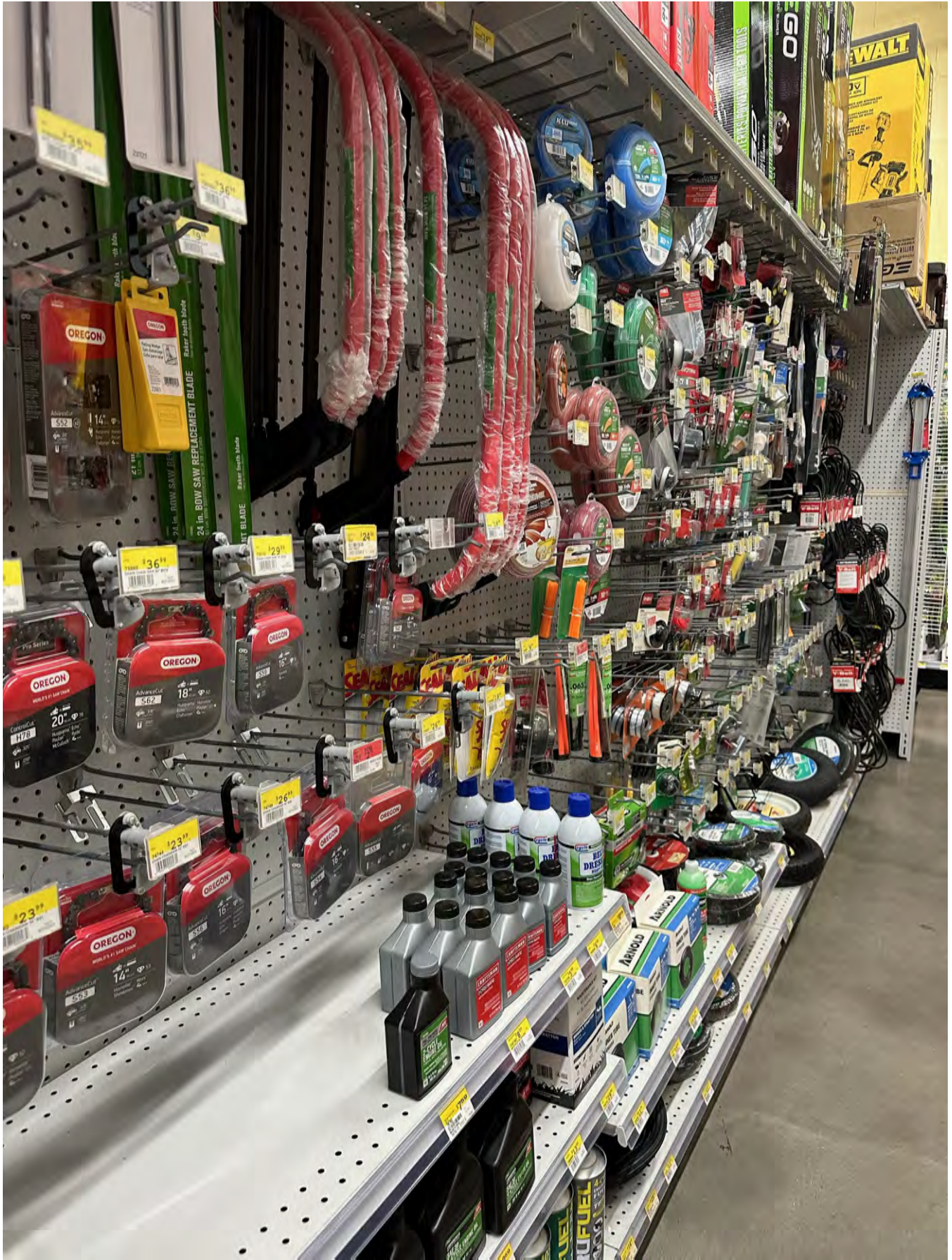
SECTION 312

UTILITY AND MISCELLANEOUS GROUP U

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns
- Carports
- Fences more than 6 feet (1829 mm) high
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers







Lumberjack, L.P.

600 E. Brokaw Rd.
San Jose, CA 95112

April 11, 2024



Development Review Board Panel B
City of Wilsonville
c/o Cindy Luxhoj, Associate Planner
luxhoj@ci.wilsonville.or.us
29799 Town Center Loop E
Wilsonville, OR 97070

RE: Lumberjack LP Comment in Support of AR23-0031 Submitted for DB24-0003/Resolution No. 432

Dear Members of the Development Review Board:

Lumberjack LP is the property owner for 29400 SW Town Center Loop West and has signed the Class II application that is currently being reviewed by the Development Review Board (DRB). Lumberjack LP *strongly supports* the approval of AR23-0031 and the development of a Home Depot at the property. This letter addresses questions and comments raised by City of Wilsonville planning staff and DRB members related to the nature and extent of Fry's Electronics' use of the property. Lumberjack LP is qualified to describe the nature and extent of Fry's activities at the property because the Lumberjack LP Partners were also Officers with Fry's Electronics.

Lumberjack LP would like to make absolutely clear to the DRB that Fry's Electronics operated as a commercial retail use at the property before ceasing operations in February 2021. Since Fry's cessation of operations at the property, Lumberjack LP has retained the lawful status of the property's commercial retail use because Lumberjack LP has actively marketed the property for rent, lease, or sale, and has continued to pay City utilities. Lumberjack LP views The Home Depot's proposed operations as a continuation of Fry's commercial retail use that currently exists at the property. Like Fry's, Home Depots are organized warehouse style, engage in the retail sale of products to both individuals and professionals, provide technical expertise and service, offer direct-to-door delivery options, and stock a large amount of ancillary and seasonal products that are not directly related to the companies' primary retail offerings. In short, it is Lumberjack LP's position that nature and extent of Fry's and Home Depot's activities and commercial retail use of the property is the same, even if the products that the two entities retail may differ in some respects.

Specifically, both Fry's (when operating) and Home Depot retail household-type major appliances, small appliances, tools, component products, accessories, lights, light bulbs, and batteries. Fry's and Home Depot organize and stock merchandise in a traditional warehouse commercial retail style, utilizing large aisle and shelving layouts (including pegboard product hangs), warehouse-style shopping carts, front-end checkout and store pickup stations, endcaps,




and service kiosks. Fry's and Home Depot also sell many identical ancillary products, including chairs and furniture, apparel, and food. For example, the Wilsonville Fry's included a food court replete with restaurant seating and product kiosks. It is my understanding that Home Depot also provides food offerings at many locations.

Like Fry's, Home Depot utilizes sales associates to facilitate retail sales and provide technical expertise and service to customers. Both stores also engage in seasonal sales of products that are unrelated to their primary market offerings, including Christmas trees, holiday decorations, and much more. Importantly, the Wilsonville Fry's regularly stocked a wide range of cosmetic products, toys, go-carts, and other retail offerings unrelated to electronics. Therefore, it is my view that Fry's operated as a commercial retail use at the property. Additionally, it is clear that Fry's and Home Depot's operational characteristics, store layouts, offerings, and activities are extremely similar. Both Fry's and Home Depot fit within the definition of a commercial retail use.

Fry's commercial retail use of the property was also consistent with the land use approval for the property that was issued in 1991, as well as the property's historic zoning. Lumberjack LP does not agree with the City staff's misrepresentation of the nature and extent of Fry's activities at the property, nor the City's attempt to limit the allowable uses for the property. Home Depot's proposed commercial retail use of the property is consistent with the nature and extent of Fry's use of the property, and Lumberjack LP respectfully requests that the DRB approve Home Depot's application to continue the commercial retail use of the property for the benefit of all members of the Wilsonville community.

Thank you for your consideration of this letter.

Sincerely,

 (12, 2024 07:00 PDT)

David A. Fry
General Partner

cc: Barry Simmons, The Home Depot
Dan Zoldak, Lars Andersen & Associates, Inc.