

**ORDINANCE NO. 544**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM *INDUSTRIAL* TO *COMMERCIAL* AND APPROVING A ZONE MAP AMENDMENT FROM *PLANNED DEVELOPMENT INDUSTRIAL (PDI)* TO *PLANNED DEVELOPMENT COMMERCIAL (PDC)* TOGETHER WITH A *STAGE I PRELIMINARY PLAN*, AND AMENDING ORDINANCE NO. 187 AND RESOLUTION NO. 858, AND *DELETING 13.99-ACRES FROM THE PARKWAY CENTER MASTER PLAN ON TAX LOT 1500 IN SECTION 1, T3S-R1W, WASHINGTON COUNTY, AND TAX LOT 404 IN SECTION 12, T3S-R1W CLACKAMAS COUNTY, WILSONVILLE OREGON, ARGYLE CAPITAL LLC, APPLICANT.***

WHEREAS, Argyle Capital LLC has requested a Comprehensive Plan Map amendment and a Zone Map Amendment of the property described in Exhibit A; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated May 28, 2002, as revised June 24, 2002 wherein they reported that the request is consistent with and meets requirements for approval of a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan and deletion of a portion of the property from the Parkway Center Master Plan; and

WHEREAS, the Development Review Board Panel 'B' held public hearings on this request on May 28, 2002, which was continued to June 24, 2002, and after taking testimony, gave full consideration to the matter and recommended approval of the request on June 24, 2002; and

WHEREAS, the Wilsonville Planning Staff prepared a supplemental staff report to City Council dated July 8, 2002; and

WHEREAS, the Wilsonville City Council on July 15, 2002, held a public hearing regarding the above described matter, took testimony, held the record open for 14 days, and, upon deliberation, has concluded that the proposed Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan and deletion of portions of the subject property from the Parkway Center Master Plan meet the approval criteria.

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

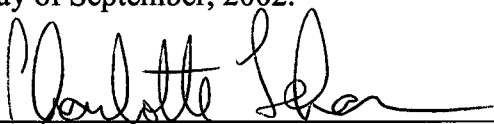
1. The City Council adopts as findings and conclusions those documents labeled Exhibit A and B.
2. The Comprehensive Plan Land Use Map is hereby amended from 'Industrial' to 'Commercial' on Tax Lot 1500 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon.
3. The official City of Wilsonville Zone Map is hereby amended in Zoning Order 02DB09(1), attached hereto, from Planned Development Industrial (PDI) to Planned Development Commercial (PDC) on Tax Lot 1500 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon.
4. Ordinance No. 187 and Resolution No. 858 are hereby amended to delete Tax Lot Tax Lot 1500 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon from the Parkway Center Master Plan.
5. The Stage I Preliminary Plan is approved for Tax Lots 1500, 1504, 1505 and 1506 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon.
6. The forgoing approvals are subject to the following conditions in Resolution 02DB09(1):

**Argyle Square  
Stage I Preliminary Plan  
Modification to the Parkway Center Master Plan  
Zone Map Amendment  
Comprehensive Plan Map Amendment  
Conditions of Approval**

1. This action deletes 13.99 acres (Tax Lots 1500 and 404) from the Parkway Center Master Plan. This action approves the Comprehensive Plan Amendment from Industrial to Commercial and Zone Map Amendment from PDI to PDC for Tax Lots 1500 and 404. Approves a Stage I Preliminary Plan dated May 17, 2002 (Sheet CU-1 of Exhibit E).
2. The applicant is conditionally approved on the modification of the City's 1991 Transportation Master Plan (TMP) to include the following improvements described in the City Engineer's Exhibit 27. Throughout the application process staff and the applicant have determined the need for these improvements, support same, and are in full agreement that both the application and the amendment process go forward essentially at the same time. Applicant is in agreement that the land use approval process may be completed prior to amending the TMP. This process shall not excuse or waive the condition of the improvements as a necessary condition to occupancy. Implementation Measure 3.1.2.b(2) provides a



DATED and signed by the Mayor this 6<sup>th</sup> day of September, 2002.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>

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

In the Matter of the Application of )  
**Argyle Capital LLC** )  
for a rezoning of land and amendment of ) **ZONING ORDER 02DB09(1)**  
the City of Wilsonville Zoning Map )  
incorporated in Section 4.102 of the )  
Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of Argyle Capital LLC, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code,

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 1500 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon and such property has heretofore appeared on the official Zoning Map as *Planned Development Industrial (PDI)*.

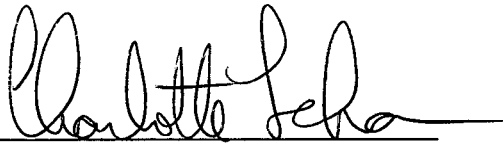
Council has heard and considered all matters relevant to the application.

THE CITY COUNCIL ORDERS as follows:

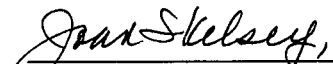
1. Tax Lot 1500 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon are rezoned to Planned Development Commercial (PDC).
2. This action approves a Comprehensive Plan Map Amendment and Zone Map Amendment of the 13.99-acres as described above. The entire site shall be "Commercial" on the Comprehensive Plan Map and "Planned Development Commercial (PDC) on the Zone Map.
3. This action also approves Stage I Preliminary Plan and deletes the subject 13.99 acres from the Parkway Center Master Plan.
4. The Council further finds that the application shall be approved, and such rezoning be Planned Development Commercial (PDC) and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

5. Such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 5th day of September, 2002.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael E. Kohlhoff, City Attorney  
*Assistant*

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, CMC, City Recorder

**ADOPTED FINDINGS OF FACT  
City of Wilsonville, City Council  
02DB09(1)**

**Argyle Square  
Stage I Preliminary Plan  
Modification to the Parkway Center Master Plan  
Zone Map Amendment  
Comprehensive Plan Map Amendment**

**Application: 02DB09(1)**

**Request:**

**Argyle Capital LLC** proposes the development of Argyle Square, a service commercial center proposed adjacent to the Elligsen Road /Interstate 5 interchange, on the site of the former Burns Brothers Truck Stop. The Gross Leasable Areas for all buildings is 376,163 SF. This subject site is 42.36 total acres. The applicant's request involves review and approval of two separate applications. These adopted findings and conditions of approval relate only to application 02DB09(1).

In application 02DB09(2) the applicant has requested the following approvals:

- (A) Stage II Final Plans for all site improvements and buildings within the entire project.
- (B) Site and Design Plans (Landscaping) for the proposed Unit 'A' parking lot, and for private roads and retaining walls.
- (C) Tentative Subdivision Plat.
- (D) Master Sign Plan.
- (E) Type 'C' tree removal plan.
- (F) Grading permit.

The DRB approved requests A through F listed above, but such approval was contingent upon City Council approval of this application 02DB09(1).

The specific requests in this application are:

- (A) Review Comprehensive Plan Map Amendment from "Industrial" to "Commercial" on Tax Lots 1500 and 404.
- (B) Review Zone Map Amendment from Planned Development Industrial (PDI) to Planned Development Commercial (PDC) on Tax Lots 1500 and 404.
- (C) Review proposed Stage I Preliminary Plan for the entire Argyle Square development. (Tax Lots 1500, 1503, 1504, 1505, 1506 and 404). The Planning Commission and the City Council will review an amendment to the Transportation Master Plan to widen SW Elligsen Road from 5 lanes to construct an additional lane and a drop lane. Pursuant to a condition of approval, this Stage I proposal is not effective until adoption of the TMP amendment.

- (D) Delete a portion of the Stage I Parkway Center Master Plan on Tax Lots 1500 and 404. This deletion will modify Ordinance No. 187 and Resolution No. 858. This request will remove the eastern 13.99 acres from the Parkway Center Master Plan and the Argyle Square development plan is proposed in its place for this site.

Location: The subject property comprise Tax Lots 1500, 1503, 1504, 1505 and 1506 in Section 1, T3S R1W, Washington County, and Tax Lot 404 in Section 12, T3S, R1W Clackamas County, Wilsonville, Oregon.

Applicant: Argyle Capital LLC  
Property Owner: Same  
Owner Representative: Group Mackenzie

**Zone Map Designations and Comprehensive Plan Designations:**

The site contains two zoning districts and two Comprehensive Plan designations. The western 28.37 acres of the site are zoned PDC - Planned Development Commercial (Tax Lots 1503, 1504, 1505 and 1506) and are designated Commercial on the Comprehensive Plan Map. The eastern 13.99 acres of the site (Tax Lots 1500 and 404) are zoned PDI - Planned Development Industrial and are designated Industrial on the Comprehensive Plan Map. However, even though the eastern 13.99 acres are zoned PDI, the PDI zoning and the underlying Parkway Central Master Plan allow for a mix use of commercial development on the PDI-zoned portion of the property.

The East Side of the subject property is within the Parkway Center Master Plan (Tax Lots 1500 and 404 @ 13.99 acres) approved by the City on July 20, 1981 (Ordinance No. 187). The balance of the subject property (Tax Lots 1503, 1504, 1505 and 1506) is outside but adjacent to the Parkway Center Master Plan area.

**Vicinity Map: Exhibit #1.**

Because this application includes four separate requests, the findings are separated according to each request. Each request has its own applicable approval criteria; therefore, for each request, the applicable approval criteria are set forth followed by findings demonstrating compliance with the applicable criteria. Where there is overlap between approval criteria from one request to the other, in some instances there are separate findings, and in other instances the findings from a separate request are incorporated by reference. However, it is the intent of the City Council that all of the findings regarding a specific approval criterion be incorporated in each request to which the criterion applies.

**Zoning Review Criteria:**

Section 4.008: Application procedures in general  
Section 4.009: Who May Initiate Applications  
Section 4.012: Public Hearing Notices  
Section 4.013: Hearing Procedures  
Section 4.031: Authority of Development Review Board



Section 4.033: Authority of City Council  
Section 4.116 (as applicable): Standards Applying to Commercial Developments in Any Zone.  
Section 4.118: (as applicable): Standards Applying to All Planned Development Zones  
Subsection 4.140.07: Stage I Preliminary Plan  
Section 4.131: (as applicable): Planned Development Commercial (PDC) Zone  
Section 4.135: (as applicable) Planned Development Industrial (PDI) Zone.  
Section 4.140: Planned Development Regulations. Section 4.140(.07)(A)(1): Owner's Authorization of Affected Property for Development  
Section 4.197: Zone Changes  
Section 4.198: Comprehensive Plan Changes

**Wilsonville Comprehensive Plan:**

**Comprehensive Plan Map Amendment, Criteria 4 (a through e)**

**Area of Special Concern 'A' Page 86.**

**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.*

**Pages 60 and 61: Commercial development.**

**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.*

**Implementation Measure 4.1.2.f:** *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.*

**Implementation Measure 4.1.2.g:** *The location and development of commercial areas within the community should be given very careful consideration.*

**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.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.*

**Implementation Measure 3.1.2.b(2):** Provides a concurrency policy of allowing an applicant to take occupancy if transportation system improvements are planned and funded within two (2) years of occupancy.

## **Other Planning Documents**

Parkway Center Master Plan approved by the City on July 20, 1981 (Ordinance No. 187)  
Resolution No. 858: Modified Parkway Master Plan  
Oregon's Statewide Planning Goals  
Ordinance 423: Bicycle and Pedestrian Master Plan  
Transportation Master Plan, July 12, 1991  
Storm Water Master Plan  
Title 4 Urban Growth Management Functional Plan  
Transportation Planning Rule including Section 660-012-0060 Plan and Land Use  
Regulation Amendment subparagraph (1)(a through d).

**Stage I Preliminary Plan  
Comprehensive Plan Map Amendment  
Zone Map Amendment**

**FINDINGS OF FACT**

1. **Site Analysis Data:**

Total site area:	42.36 acres
The western area is zoned PDC:	28.37 acres
The eastern area is zoned PDI:	13.99 acres

Parkway Master Plan: 186 acres of which 13.99 acres included in this project were designated office/commercial and community parking uses.

2. **Existing Site Conditions:**

The site is approximately 42.36 acres in size and is located southeast of the Elligsen Road/Interstate 5 interchange. Prior development on the site was cleared in 2000 and currently the site is vacant and underdeveloped. The aerial photo and survey provide additional information on the site and surrounding area. (Exhibit E)

**Surrounding Development:**

Surrounding development includes the Super 8 Motel, Union 76 gas station, and the City of Wilsonville Emergency Services and Community Development offices across Elligsen Road to the north, Hollywood Video and Vision Plastics across Parkway Center Drive to the east, and Sysco and farmland across Parkway Center Drive to the south.

**Natural Characteristics:**

Prior development on the site was recently cleared and, as such, the site contains little natural vegetation. Due to the previous development, approximately 24 acres of impervious area currently exists on the site. The site slopes generally from north to south and east to west. Preliminary geotechnical and Level I environmental studies have been completed for the site and are available upon request. An arborist report is included with this application. The site contains no City of Wilsonville inventoried cultural, historic, or natural resources.

**Prior Development:**

The western portion of the project area is the site of the former Burns Brothers Truck Stop. The truck stop was in operation from 1968 through 1998, with demolition of the facility in 2000. Uses on the western portion of the site during this period included the following:

- Truck Stop - 25,000 SF
- Gas Station - 3,480 SF
- Burns West Motel - 68 rooms (24,100 SF)
- Office building - 5,600 SF
- 2 Restaurants - International House of Pancakes (8,700 SF) and Mrs. B's (8,000 SF)
- Movie Theater- Four screens (20,500 SF)

**Easements:**

All existing easements are identified on the survey included with this application and include, but are not limited to, the following:

BPA Easement - A Bonneville Power Administration high-voltage transmission line transverses east to west across the middle of the site. This transmission line is centered within a 100-foot-wide easement. Landscaping and development within this easement is limited to a maximum height of 10 feet.

PGE Easement - Directly north and abutting the BPA easement is a 125-foot wide Portland General Electric easement which contains PGE high-voltage transmission lines and also transverses the site east to west.

General Utility Easement - This 15-foot-wide easement includes all utilities and the sidewalk along the north/west side of Parkway Center Drive.

Sewer Easement - A 15-foot-wide sanitary sewer easement runs east west just south of the BPA/PGE easement. At the west property line, the easement turns south and rejoins the right-of-way.

**Streets:**

The site is bound to the north by Elligsen Road, the east and south by Parkway Center Drive and the west by Interstate 5. Transit service to the site is provided by SMART Routes 201 and IX, all of which travel down Elligsen Road and Parkway Center Drive.

**3. Previous Planning Approvals:**

81PC07 – Zone Change and Parkway Center Master Plan  
 Parkway Center Master Plan approved by the City in July 20, 1981 (Ordinance No. 187)  
 Resolution No. 858: Modified Parkway Center Master Plan

4. The 2.6 acre “Community Parking” use is not well defined in the Parkway Center Master Plan. It may just involve ride-share parking, space for employee parking or the intent may have been for a park and ride. With the applicant's agreement to

provide community parking on the site, the applicant has satisfied Subsections 4.198.01(A through D) for the DRB to recommend approval to the City Council of the Stage I Preliminary Plan and to delete 13.99 acres (Tax Lots 1500 and 404) from the Parkway Center Master Plan.

5. The applicant has complied with Wilsonville Development Code Subsections 4.198.01(A through D) Comprehensive Plan Map changes and Comprehensive Plan, Procedures, Standards for approval of Plan Amendment, Criteria 4 (a through e), to amend the Comprehensive Plan Map on Tax Lots 1500 and 404 from "Industrial" to "Commercial".
6. The applicant has complied with Subsections 4.197.02(A through G) zone changes and amendments of the Wilsonville Development Code to amend the Zone Map on Tax Lots 1500 and 404 from "PDI" to "PDC". The required public notices have been sent and all proper notification procedures have been satisfied.

**REQUEST (A): Review Comprehensive Plan Map Amendment from "Industrial" to "Commercial" on Tax Lots 1500 and 404.**

### **DESCRIPTION OF REQUEST**

**Argyle Capital LLC** proposes the development of Argyle Square, a service commercial center proposed adjacent to the Elligsen Road /Interstate 5 interchange, on the site of the former Burns Brothers Truck Stop. The Gross Leasable Areas for all buildings in the proposed Stage I Preliminary Plan is 376,163 SF. The overall project site is 42.36 acres.

The eastern 13.99 acres (Tax Lots 1500 and 404) are currently designated Industrial and this portion of the site is also currently within the Parkway Center Master Plan area. The request is to change the Comprehensive Plan Map from Industrial to Commercial. As discussed elsewhere in these findings, although the current Comprehensive Plan designation is Industrial, under the current PDI zoning and the Parkway Center Master Plan, the eastern 13.99 acres may be developed for a mix of commercial uses. Therefore, even though the Comprehensive Plan designation will change, many of the same uses will be permitted under the new Commercial designation.

Pages 7 through 10 of the City of Wilsonville Comprehensive Plan amended June 7, 2001 provides the procedure for amending the Comprehensive Plan Map. The following findings and conditions of approval are hereby adopted by the City Council in review of the application to modify the Comprehensive Plan Map designation.

### **SUMMARY OF ISSUES/BACKGROUND**

#### **Issue: Land Use.**

The applicant is seeking to correct the discrepancy between the proposed commercial uses on the Stage I/II drawings and the 'Industrial' use designation on the adopted Comprehensive Plan Map. The largest anchor for this project is a Costco store (Unit B) of 148,663 square feet. The Argyle Square Plan proposes no components that could be defined as industrial. Thus the applicant seeks to reconcile the adopted Parkway Center Master Plan with the Argyle Square Plan with approval of a Comprehensive Plan Map and Zone Map amendment to allow 13.99 acres (Tax Lots 1500 and 404) of a 42.36 acre (six tax lots) for development into a service commercial center. It should be noted that the Parkway Center Master Plan identifies the 13.99 acres for commercial development.

In a separate application (02DB09(2)), the applicant sought approval of Stage II Final Plans for the entire development. That application included requests for approvals of Site and Design Plans for a parking lot (Unit 'A') and streetscape improvements, a tentative subdivision plat, master sign plan and Type 'C' tree plan. The applicant has satisfied Subsections 4.198.01(A through D).

In Request (B) the applicant is seeking a Zone Map modification that would change the same tax lots from Planned Development Industrial (PDI) to Planned Development Commercial (PDC).

The applicant has provided evidence to demonstrate that the proposed service center will not compete with the retail commercial businesses in Town Center, which is consistent with the "Service Commercial" description in the Comprehensive Plan. In addition, the owner of the Wilsonville Town Center has written a letter in support of the application, stating that the proposed development is needed in Wilsonville.

**Issue: Traffic.**

DKS Associates prepared the Transportation Impact Study. The DKS study estimates approximately 1,467 PM peak hour trips would use the I-5/Stafford interchange and approximately 38 PM peak hour trips would use the I-5/Wilsonville Road interchange (Wilsonville Road between SW Boones Ferry Road and Town Center Loop West). Traffic predominantly impacts the Stafford Interchange. Notice was sent to the Oregon Department of Transportation (ODOT). See the City Engineer's report (Exhibit 27) regarding transportation issues.

The 1991 Transportation Master Plan describes SW Elligsen Road as a cross Section F, major arterial with bikeways, which includes 5 lanes with 5' wide bike lanes within a 98' R.O.W. The City Engineer is conditioning the applicant to construct an additional lane and a drop lane. Parkway Center Drive is listed as a Section E, which is a minor arterial with 3-5 lanes and is currently constructed with 3 lanes. Parkway Center Drive needs widening from 3 lanes to 5 lanes just south of SW Elligsen Road and will then narrow to 4 lanes as it extends south from Jack Burns Blvd. to Burns Way. The Bicycle and Pedestrian Master Plan does include Parkway Center Drive as a road, which has bicycle lanes. The Planning Commission and the City Council will review an amendment to the 1991 Transportation Master Plan to widen SW Elligsen Road from 5 lanes to construct an additional lane and a drop lane. As indicated elsewhere, this approval is not effective unless and until the amendment to the Transportation Master Plan is adopted.

This proposal for the Argyle Square shopping center development, and the proposed modification of the Transportation Master Plan will not jeopardize the plans to develop the Dammasch property into a residential/commercial urban village and it would not foreclose or otherwise materially affect the need for the Boeckman Interchange.

**Issue: Transportation Planning Rule.**

This request must meet Section 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1)(a through d) of the Transportation Planning Rule.

**APPLICABLE REVIEW CRITERIA**

**Zoning Review Criteria:**

- Section 4.008: Application procedures in general
- Section 4.009: Who May Initiate Applications
- Section 4.012: Public Hearing Notices
- Section 4.013: Hearing Procedures

Section 4.031: Authority of Development Review Board  
Section 4.033: Authority of City Council  
Section 4.198: Comprehensive Plan Changes

Comprehensive Plan, Criteria (4) (a through e) Standards for Approval of Plan Amendments

Implementation Measure 3.1.2.b(2).

Section 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1)(a through d) of the Transportation Planning Rule. Comprehensive Plan Map  
Statewide Planning Goals

## CONCLUSIONARY FINDINGS

### Who May Initiate Plan Amendments:

A1 Section 4.009 requires that the owner of property or the agent of an owner submit development applications to the city. The subject property owners through their authorized agent (the applicant) have made application to modify the Comprehensive Plan Map designation for Tax Lots 1500 and 404 from "Industrial" to "Commercial".

### Application for Plan Amendment:

A2 The applicant has complied with Sections 4.008, 4.009, and 4.198 of the Wilsonville Code, related to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied in accordance with Section 4.012.

### Consideration of Plan Amendment:

A3 The Planning Division received the application on February 11, 2002 and supplemental material on March 18, 2002. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application.

### Standards for City Council Approval of Plan Amendments Criteria 4 (a through e) of the Comprehensive Plan: Subsections 4.198.01(A through D)WC:

- 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.*
- A4 The specific findings related to subsection (d) above are set forth as supplemental findings at the end of these findings, and respond directly to the issues raised by the opponents of this application.
- A5 Findings A9 through A20 regarding transportation, respond to this criterion.

**Wilsonville Development Code (WC) – Comprehensive Plan Changes**

Subsection 4.198(.01) stipulates, *“Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:”*

*A: That the proposed amendment meets a public need that has been identified;*

- A6 The proposed land use is “Commercial” on Tax Lots 1500 and 404, which is the category utilized in the Comprehensive Plan for identifying service commercial uses near the Stafford Interchange. This is appropriate for the subject area because the Parkway Center Master Plan has identified the area for commercial uses since 1984. The designation of the entire project site as “Commercial” land use would meet the service commercial need identified on the balance of the applicant’s property, which was the former Burn’s Brother’s truck center. The City Council interprets public need and public interest to mean, that which facilitates the articulated desires of the public, whether those articulations take the form of general policy or statements of the lack of something the provision of which would be requisite or useful to the community. The City Council finds that there is a public need for this proposal as evidenced by the numerous letters in the record explaining that people in Wilsonville desire to have this type of commercial development and that such services and retail opportunities do not currently exist in the City. Additionally, because the Parkway Center Master Plan identified this area for commercial development, it is further evidence of the public need and the City's earlier determination that the subject property should be developed for commercial uses. The request therefore, meets Criterion A

because the record demonstrates that there is an identified public need for the proposed development and the corresponding need for the amendment.

B: *"That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;"*

- A7 The current Comprehensive Plan designation for the eastern portion of the subject property is "Industrial." The proposed amendment to "Commercial" land use for the site is the best category to represent the intent of developing it for a service commercial center. The Zoning Map identifies the western portion of the subject properties as Planned Development Commercial. The Planned Development Regulations of the Development Code require that the subdivision of properties such as the subject properties (over two (2) acres) result in a Planned Development community. The old Burn's Brothers Center part of the overall site is designated "Commercial" on the Comprehensive Plan Map. Because there is an identified public need for additional service commercial uses in the City, and because no other commercial designation would be able to meet these needs, the City Council finds that it would be inappropriate to designate these properties as anything other than Commercial. Neither an industrial or residential designation would meet the identified need because neither would allow the type of commercial development proposed through this application. The City Council also finds that the location of the 13.99 acres, being separated from nearby industrial zoning by Parkway Center Drive, is appropriate for commercial development because the commercial designation corresponds with the PDC zoning on the adjacent property comprising the balance of Argyle Square and other nearby properties. The City Council finds that Parkway Center Drive forms a natural separation between the commercial and industrial uses in the area. The request, therefore, meets Criterion B because the proposed change to Commercial meets the identified need for additional commercial development and because no other commercial, industrial or residential designation would meet the identified need.

On Page 57 of the Comprehensive Plan, the Plan states that *"All commercial districts are planned in the form of centers or complexes rather than as a strip commercial along major streets. Five types of commercial centers have been recommended in Wilsonville Comprehensive Plan since 1971. They are:*

*Town Center*  
*Service Center*  
*Office Complexes*  
*Commercial Recreation Centers; and*  
*Neighborhood Commercial Sites."*

- A8 The proposal for a "Service Center" on Sheet CU-1, which is the Stage I Preliminary Plan document of this request, is consistent with the "Service Center" definition on page No. 58 of the Comprehensive Plan. Service Centers are primarily related to the motoring public and located at freeway interchanges, particularly the Stafford Interchange, which is the case here. Such a Service

Center use is the highest and best use of the property. The City Council finds that none of the other commercial designations would meet the identified public need as well as the "Service Center" designation because the "Service Center" designation specifically identifies the subject property and adjacent property as property best suited for the "Service Center" designation.

C: *"That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate."*

Findings related to the Statewide Planning Goals are set forth as part of these findings and are supplemented at the end of these findings. The City Council incorporates those findings and finds that the proposed amendment supports the applicable Statewide Planning Goals.

**Transportation Planning Rule ("TPR"):** Furthermore, Section 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1), with subparagraphs, states as follows:

*(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:*

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
- (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
- (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided."*

**Response Findings Regarding Goal 12 and the TPR (A9-A18):**

- A9 The change in the Comprehensive Plan does not impact the traffic from the project. The current Comprehensive Plan designates the western 29 acres of the Argyle project as planned development commercial and the eastern 13.99 acres as planned development industrial. Planned development industrial allows for commercial development as a mixed use. The existing 13.99 acres that are being changed from industrial to commercial on the Comprehensive Plan represented the westerly 13.99 acres of a larger parcel described as the Parkway Center Master Plan. This Master Plan included the 13.99 acres in question as the commercial component of a larger planned development industrial parcel. This was permitted under the City land use process for planned development industrial parcels. Thus, because this area was previously identified for commercial development, there is actually no change in land use that would increase the traffic per se. Given that Parkway Center Drive cuts the 13.99 acres from the

industrial uses, it simply makes better planning sense to combine the commercial uses allowed on the 13.99 acres with the westerly acreage in a single planned commercial development rather than two separate zoning categories.

- A10 Nevertheless, the developer and the City were concerned about the long-range street requirements adjacent to the Argyle Square parcel. The City requirements for a Transportation Impact Study typically require an analysis for a project which would include the existing traffic plus the traffic from previously approved Stage II projects and the traffic from the proposed development. This analysis was completed (Exhibits 5(a) and 5(b)) and forwarded to the city in a report, Argyle Square Transportation Impact Study dated November 26, 2001, from DKS Associates. A copy of this report is separately included in the record. This report requires a third westbound through lane on Elligsen Road from Parkway Center Drive to the I-5 northbound ramp. It also requires an additional northbound and an additional southbound lane for part of Parkway Center Drive adjacent to the parcel. These additional lanes are required as a condition of development.
- A11 From both the City's perspective and the developer's perspective, this report did not really answer the specific question as to whether these additional lanes would provide adequate capacity at build out or if additional traffic capacity would be needed. In a separate report titled, "Argyle Square Transportation Analysis Addendum" dated March 25, 2002 (Exhibit 5(a)) DKS provided an additional analysis. This analysis looked at all developed and undeveloped property in the northeast quadrant of the city. It also looked at the traffic impacts from the proposed 2,300-unit Dammasch Urban Village, specifically for the impact on the roads adjacent to the Argyle Square project. The summary of this review begins on page 15 of the addendum traffic report (Exhibit 5(b)). The conclusion is that the lanes that are conditioned to provide service for the existing traffic plus the traffic from previously approved Stage II projects plus the Argyle Square project will be sufficient to provide a street system with a level of service D or better adjacent to the Argyle Square project.
- A12 Although the City Council finds that the proposed amendment in and of itself will not significantly affect a transportation facility, the City Council finds that at full build-out of the area, an additional lane and drop lane will be required on Elligsen Road. Therefore, consistent with the requirement in the TPR requirement to provide adequate transportation facilities, a condition of approval requires that an additional lane and drop lane be constructed on Elligsen Road. In order to accomplish this condition, a second condition requires that the City's 1991 Transportation Master Plan ("TMP") be amended to include the changes to Elligsen Road. This approval is not effective unless and until such an amendment is adopted by the City. Based upon the two traffic studies in the record, the amendment to the Transportation Master Plan and the required improvements are adequate to support the proposed land uses consistent with the requirements of the Transportation Planning Rule. The update of the City's Transportation Master Plan will also be referred to as the Transportation Systems Plan (TSP) in keeping with the Transportation Planning Rule. The Planning Commission and the City

Council will review an amendment to the Transportation Master Plan to widen SW Elligsen Road with an additional lane and a drop lane.

- A13 As stated in the previous finding, the addendum to the Argyle Square Transportation Impact Study was not a Transportation Systems Plan for the entire City. Its specific purpose was to look at the roads adjacent to the Argyle Square project to ensure that adequate right-of-way was obtained so that if any future widening was required by full buildout of currently vacant properties the City would not have to condemn and remove structures that would be constructed as part of Argyle Square.
- A14 The change in the Comprehensive Plan is for planning convenience for consolidating two separate planning parcels into one cohesive plan. The change takes the commercial component of the Parkway Center Master Plan and consolidates that with the remainder of the Argyle Square property.
- A15 The statement from Darci W. A. Rudzinski of the Department of Land Conservation and Development ("DLCD") in Exhibit 11, that *"the traffic analysis for the Argyle Square project appears to conclude that all local and regional traffic including future traffic, such as Dammasch can be satisfactorily accommodated by the planned transportation system without the proposed Boeckman Interchange"* is erroneous. The conclusion of the traffic analysis is much more restrictive than described in Exhibit 11. The addendum traffic analysis conclusion pertains to Elligsen Road and Parkway Center Drive and the fact that they would function with either a Boeckman Interchange or other improvements at the Wilsonville Road interchange. The purpose of the addendum to the Argyle Square Transportation Impact Study was not to duplicate the Transportation Systems Plan, but rather to review of the impacts of the development of the Argyle Square property on the 1991 Transportation Master Plan and on the Draft 2002 Transportation Systems Plan. The DLCD letter (Exhibit 11) also states: *"If the city accepts this traffic analysis it is difficult for the department to understand how a new interchange is necessary at Boeckman Road."* With recommended changes, the northeast quadrant of the City can adequately function without a Boeckman Interchange at build-out, but not that the entire street system would function adequately with the development of the rest of the City plus Dammasch. To extend the analysis that specifically looked at two streets to one covering the entire City is simply a misinterpretation of the study.
- A16 The City has devoted a great deal of time and money to ensure its Transportation Systems Plan realistically supports planned development. The City concurs that it is vital to good land use planning. As stated previously, the Argyle Square Project can be accommodated without construction of the Boeckman Interchange by imposing the transportation conditions outlined above. The transportation work that has been accomplished on the Argyle Square project and the subject conditions for transportation facilities need to be incorporated into the Transportation Systems Plan. Although the City had analyzed approximately 70 different intersections on the Transportation Systems Plan and a lesser number on the 1991 Transportation Master Plan, the City had not analyzed the intersection

which would show that the third westbound lane is needed on Elligsen Road. The City is modifying the Transportation Systems Plan to include this change. The trip generation from the Argyle Square Project had previously been incorporated into the work on the Transportation Systems Plan. It was recognized a couple of years ago that the 13.99 acres in the Argyle Square project that was part of the Parkway Center Master Plan for a planned industrial development was actually to be developed for commercial use. For this reason, the trip generation for Argyle Square has been based on commercial use. Preliminary results of the Wilsonville Freeway Access Study also indicate that traffic from the Argyle Square Development would not be competing with the traffic from the Dammasch development. In summary, the findings and conditions for the Argyle Square development and modifications of the Transportation Systems Plan in this regard do not foreclose or otherwise materially affect the need for the Boeckman Interchange.

- A17 Throughout the application process staff and the applicant have determined the need for transportation systems improvements, support same, and are in full agreement that both the application and the Comprehensive Plan Map, the Zone Map Amendment and the TMP Amendment process go forward essentially at the same time. Applicant is in agreement that the fact that the land use approval process may be completed prior to the amending TMP process shall not excuse or waive the condition of the improvements as a necessary condition to occupancy. Indeed, this approval is contingent upon completion of the amendment of the TMP. Implementation Measure 3.1.2.b(2) provides a concurrency policy of allowing an applicant to take occupancy if transportation system improvements are planned and funded within two (2) years of occupancy. The applicant and staff contemplate the TMP amendment process will take place within that concurrency time frame to meet the planning requirement, and that the applicant and the City, as conditioned herein and as otherwise agreed upon by a development agreement between the applicant and the City, have provided for the necessary funding. The applicant also agrees that development of these improvements are necessary to meet the state's Transportation Planning Rule, which is further justification for the applicant's support in amending the City's TMP to include these improvements and agreement to be conditioned to provide same as set forth herein.
- A18 The findings and conditions for the development, and modification of the TMP do not foreclose or otherwise materially affect the need for the Boeckman Interchange.
- A19 With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals. The request meets Criterion C. The specific findings for each of the Goals are set forth in these findings and as supplemented at the end of these findings.

*D: "That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended."*

- A20 The applicant is requesting an amendment of the Comprehensive Plan Map for Tax Lots 1500 and 404. Designation as "Commercial" would not be in conflict with any portion of the Comprehensive Plan that is not being amended. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan. Additional findings regarding compliance with the Comprehensive Plan are found in findings B5-B16. The City Council incorporates those findings, as well as the supplemental findings at the end of these findings and hereby finds that the request meets criterion D.

#### **SUMMARY FINDINGS FOR REQUEST (A)**

- A21 The applicant has satisfied Criteria 4 (a through e) of Page no. 9 of the Comprehensive Plan and Wilsonville Code Subsections 4.198.01(A through D). The City Council finds that all applicable criteria for Request A have been met for approval of the Comprehensive Plan Map Amendment from "Industrial" to "Commercial".
- A22 The proposal meets Comprehensive Plan Implementation Measure 4.1.2.f. Metro finds that the proposed plan and zone amendments are consistent with all titles of the Functional Plan. See letter Exhibit 9, dated April 12, 2002 from Ray Valone, Senior Regional Planner for Metro.
- A23 The applicant has satisfied the applicable Statewide Planning Goals, particularly Goals 9 and 12, and the City Council finds that the applicant has met all applicable approval criteria for the proposed Comprehensive Plan Map Amendment.
- A24 The City Transportation Master Plan will be amended to provide the transportation facilities needed to allow the development of Argyle Square. A condition of approval requires that the City approve an amendment to the TMP prior to the effectiveness of this approval. The improvements required by the applicable conditions of approval are clearly adequate to support the proposed land uses consistent with the requirements of the Transportation Planning Rule including Section 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1)(a through d). The update of the City's Transportation Master Plan will also be referred to as the Transportation Systems Plan (TSP) in keeping with the Transportation Planning Rule.
- A25 This proposal for the Argyle shopping center development, and the proposed modification of the Transportation Master Plan would not jeopardize the plans to develop the Dammasch property into a residential/commercial urban village and it would not foreclose or otherwise materially affect the need for the Boeckman Interchange.
- A26 The City Council finds that the applicant has satisfied the applicable Statewide Planning Goals.

**REQUEST (B): Review Zone Map Amendment from Planned Development Industrial (PDI) to Planned Development Commercial (PDC) on Tax Lots 1500 and 404.**

**DESCRIPTION OF REQUEST**

The eastern 13.99 acres (Tax Lots 1500 and 404) is currently zoned Planned Development Industrial (PDI) and this portion of the site is also currently within the Parkway Center Master Plan area. Established in 1980, the Parkway Center Master Plan identified anticipated uses on this acreage to be office/commercial and community parking uses and established guidelines and criteria for development within the plan area.

Section 4.197 of the Wilsonville Code amended June 7, 2001 provides procedures for reviewing a Zone Map Amendment. The findings and conditions of approval adopted by the Development Review Board in review of the application to rezone together with a Stage I Preliminary Plan for the property are presented as a recommendation to the City Council.

**SUMMARY OF ISSUES/BACKGROUND**

The applicant is seeking approval of a Comprehensive Plan Map Amendment together with a Zone Map Amendment to develop 42.36 acres (six tax lots) into a service commercial center. In a separate application (02DB09(2)), the applicant sought approval of Stage II Final Plans for the entire service commercial center. Also in (02DB09(2)) the applicant sought approval of Site and Design Plans for the proposed private roads for the proposed Unit A parking lot. It includes a request for a tentative subdivision plat, a master sign plan, and a review of the Type C tree removal plan.

Under the applicant's proposal, the Zone Map Amendment would change Tax Lots 1500 and 404 from Planned Development Industrial (PDI) to Planned Development Commercial (PDC). The applicant has satisfied Subsections 4.197.02(A through G) for the DRB to recommend approval to the City Council for the proposed Zone Map Amendment.

**Issue: Transportation Planning Rule.**

This request must meet Section 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1)(a through d) of the Transportation Planning Rule.

**APPLCABLE REVIEW CRITERIA**

**Zoning Criteria**

Section 4.008: Application procedures in general  
Section 4.009: Who May Initiate Applications  
Section 4.012: Public Hearing Notices



Section 4.013: Hearing Procedures  
Section 4.031: Authority of Development Review Board  
Section 4.033: Authority of City Council  
Section 4.116 (as applicable): Standards Applying to Commercial Developments in Any Zone.  
Section 4.118: (as applicable): Standards Applying to All Planned Development Zones  
Subsection 4.140.07: Stage I Preliminary Plan  
Section 4.131: (as applicable): Planned Development Commercial (PDC) Zone  
Section 4.135: (as applicable) Planned Development Industrial (PDI) Zone.  
Section 4.140: Planned Development Regulations.  
Section 4.140.07(A)(1): Owner's Authorization of Affected Property for Development  
Section 4.197: Zone Changes

### **Wilsonville Comprehensive Plan**

Area of Special Concern 'A' Page 86.  
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.*  
Pages 60 and 61: Commercial development  
Implementation Measure 4.1.2.a:  
Implementation Measure 4.1.2.b.  
Implementation Measure 4.1.2.c.  
Implementation Measure 4.1.2.d.  
Implementation Measure 4.1.2.f.  
Implementation Measure 4.1.2.g.  
Implementation Measure 4.1.2.h.  
Implementation Measure 4.1.2.i.  
Implementation Measure 4.1.2.k.  
Implementation Measure 3.1.2.b(2).

### **CONCLUSIONARY FINDINGS**

In addition to the findings below, the City Council incorporates the findings set forth above and those supplemental findings at the end of these findings into the findings for request (B).

#### **Who May Initiate Plan Amendments:**

- B1 The subject property owners through their authorized agent (the applicant) have made application to modify the Zone Map Amendment for Tax Lots 1500 and 404 from "PDI" to "PDC".

#### **Application for Zone Map Amendment:**

- B2 The applicant has complied with Section 4.008, 4.009, and 4.197 of the Wilsonville Code, to review procedures and submittal requirements. The required

public notices have been sent and all proper notification procedures have been satisfied in accordance with Section 4.012.

**Consideration of Zone Map Amendment:**

- B3 The Planning Division received the application on February 11, 2002 and supplemental material on March 18, 2002. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application.

**Subsections 4.197.02(A through G) Zone Changes:**

The applicant has provided evidence in Exhibit 1 to demonstrate that Subsections 4.197.02(A-G) are satisfied.

**Criterion 'A'**

*"That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140."*

- B4 The applicant has also complied with Sections 4.008 and 4.009 regarding review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied in accordance with Section 4.012. The request meets Criterion A.

**Criterion 'B'**

*"That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text."*

- B5 The land area of the proposed Zone Map Amendment is 13.99 acres. The applicant has provided findings in Exhibit 1 in response to criterion B. Staff is recommending approval of the proposed Zone Map Amendment with the accompanying Stage I Preliminary Plan with conditions of approval contained in this staff report. Approval of the rezoning is contingent upon approval of the Comprehensive Plan Map by the Development Review Board and the City Council. The request meets Criterion B. Findings B6-B15 relate to the applicable goals, policies and objectives of the Comprehensive Plan. Additionally, the findings regarding the Comprehensive Plan as set forth in "Findings of Fact Responding to Opponent Testimony" are also incorporated into these findings.

**Land Use and Development pages 62 and 63 of the Comprehensive Plan:**

*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.*

- B6 The rezoning will encourage service commercial growth that will serve local needs as well as adjacent agricultural lands but the primary function of the proposed service commercial center is to draw customers from the freeway and from the sub-regional area. As the letters in support of this application demonstrate, the proposed development will address the needs of local residents and surrounding areas. Therefore, this Policy is met.

**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.*

- B7 The project site is not adjacent to residential neighborhoods; however, Measure 4.1.2a implies that new commercial development throughout the City is compatible with the residential nature of the community. Summit and Canyon Creek apartments are in the vicinity and include approximately 700 units. The rezoning would allow development of a service commercial center, which will provide a basic mix of needed goods and services for residential areas and would be supportive of industrial development in the City consistent with Implementation Measure 4.1.2 a and b. Additionally, the proposed development will also serve the nearby industrial uses by providing commercial, retail and service opportunities for employees of such businesses.

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

Again, the proposed service commercial center will provide opportunities for a basic mix of needed goods and services in the City consistent with Implementation Measure 4.1.2.b. The applicant has provided evidence to demonstrate that the proposed service commercial center will not compete with commercial businesses in Town Center as demonstrated in Exhibit 1. Additionally, the types and mix of commercial uses proposed for the development are not currently found in the city. The development, therefore, will improve the basic mix of 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.*

- B8 The rezoning will allow a service commercial center that would encourage a rate of commercial development consistent with serving the needs of residents of the City and adjacent rural and agricultural lands consistent with Implementation Measure 4.1.2.c, by providing goods and services to area residents which are currently unavailable in the city.

**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.*

- B9 The subject property is the southeast quadrant of the Stafford freeway interchange and the proposed project will encourage service or freeway-oriented commerce (restaurants, gas stations and super stores), consistent with Implementation Measure 4.1.2.d.

**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 here the City has already designated Land Use and Development land for commercial development within Metro's employment areas, the City has been exempted from Metro development standards.*

- B10 The subject property is next to a major I-5 freeway interchange, which is consistent with Metro's 2040 Plan, where commercial development is encouraged. The proposal meets Implementation Measure 4.1.2.f. Metro finds that the proposed Comprehensive Plan Map and Zone Map amendments are consistent with all titles of the Functional Plan. See letter Exhibit 9, dated April 12, 2002 from Ray Valone, Senior Regional Planner for Metro.

- B11 Based on Section 3.07.420B of Title 4, transportation facilities including the proposed street improvements to SW Elligsen Road and Parkway Center Drive are adequate to meet the need for the other planned uses in the Employment Area. Transportation facilities are adequate to serve the service commercial center will be in place at time of building(s) occupancy.

**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.*

- B12 The request meets Implementation Measure 4.1.2.g because the subject property is designated in Special Area of Concern 'A', which is a "Service Commercial" designated use. The Development Review Board has reviewed the proposed service commercial center relative to its compatibility with surrounding development. This review and approval involved the proposed Site and Design Plan (landscaping, architecture, and signage) and the Stage II Final Plans.

Additionally, under the Parkway Master Plan, the easternmost portion of the subject site has been identified for future commercial development.

**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.*

B13 Only commercial uses are proposed.

**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.*

B14 Wilsonville is like many other communities within the region that are calling for a greater sense of community. Suburban retail centers such as the one being proposed represents economic vitality, and is easily accessible by the automobile. If the project is not designed with high standards of compatibility it is one form of development that can lack a distinct sense of place or community. In application 02DB09(2) the proposed service commercial center has been reviewed and approved for compatibility with surrounding development, landscaping, architecture, and signage. The review of Stage II Final Plans and Site and Design Plans require separate a public hearing.

**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.*

B15(a) The proposed Comprehensive Plan Map Amendment seeks to change the "Industrial" designation and replace it with a "Commercial" designation. Metro's designates the subject property site as an "employment area." Metro has specified (in the Urban Growth Management Functional Plan) that there are special standards applying to retail uses over 60,000 square feet in area, when located in employment areas. Metro created an exception applying to areas that have already been zoned commercially. This exception applies to Tax Lots 1500 and 404 the (Parkway Center Master Plan part of the project site) because rezoning to PDC is proposed. As stated in Finding B10, the proposal meets Implementation Measure 4.1.2.f. Metro finds that the proposed Plan and Zone Map amendments are consistent with all titles of the Functional Plan. See letter Exhibit 9, dated April 12, 2002 from Ray Valone, Senior Regional Planner for Metro.

B15(b) No other goals, policies or objectives apply to this proposal.

### Criterion 'C'

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

- B16 The subject property is designated "Commercial" and "Industrial" on the City Comprehensive Plan Map. The Comprehensive Plan does not require the applicant to provide specific findings to address substantial compliance with Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville Comprehensive Plan text as it does not involve residential zoned property. The proposal meets Criterion C.

### Criterion 'D' – Public Facilities

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

- B17 The City Engineer's Public Facilities (PF) conditions attached to these findings (staff report (Exhibit 27)) require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project. Contingent upon the implementation of such conditions, the proposed rezoning meets Criterion D.
- B18 The concurrency requirements of this section of the Wilsonville Code are meant to ensure orderly and efficient development within the City. The proposed site plan shows primary public facilities in relationship to the subject property.

### Water:

- B19 8" and 10" waterlines serve the property from Parkway Center Loop. The applicant has signed a certificate of compliance with the City as a Category 2 water user under Ordinance No. 514. The site also contains a domestic ground well, established in the 1960's, which the applicant claims to generate approximately 300 gallons per minute. The applicant may utilize this well for irrigation purposes. Otherwise, the applicant must defer planting except for erosion control purposes and not plant landscaping except for erosion control purposes until after the water treatment plant is fully operating, which began in April, 2002.

**Sanitary Sewer:**

- B20 8" and 10" sanitary sewer lines extend east and west through the center of the subject property, which are adequate.

**Storm Drainage:**

- B21 Storm water runoff from this proposed project must be designed to pass a 25-year storm frequency, which is reviewed in the Public Works permit process. Proposed is storm detention at the southwest corner of proposed Unit A and detention under parking lots. The City Engineer is requiring on-site storm detention and bio-filtration.

**Transportation Planning Rule:** OAR 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1) with subparagraphs states as follows:

*"(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:*

- (e) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
- (f) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
- (g) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
- (h) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided."*

**Response Findings:**

These findings specifically incorporate the findings related to the TPR set forth under request (A) above.

- B22 The change in the Comprehensive Plan would not impact the traffic from the project. The current Comprehensive Plan designates the western 29 acres of the Argyle project as planned development commercial and the eastern 13.99 acres as planned development industrial. Planned development industrial allows for commercial development as a mixed use. The existing 13.99 acres that are being changed from industrial to commercial on the Comprehensive Plan represented the westerly 13.99 acres of a larger parcel described as the Parkway Center Master Plan. This Master Plan included the 13.99 acres in question as the commercial component of a larger planned development industrial parcel. This was permitted under the City land use process for planned development industrial parcels. Thus, there is actually no change in land use, that would increase the

traffic per se. Given that Parkway Center Drive cuts the 13.99 acres from the industrial uses, it simply makes better planning sense to combine the commercial uses allowed on the 13.99 acres with the westerly acreage in a single planned commercial development rather than two separate ones.

- B23 Nevertheless, the developer and the City were concerned about the long-range street requirements adjacent to the Argyle Square parcel. The City requirements for a Transportation Impact Study typically require an analysis for a project which would include the existing traffic plus the traffic from previously approved Stage II projects and the traffic from the proposed development. This analysis was completed (Exhibits 5(a) and 5(b)) and forwarded to the City in a report, Argyle Square Transportation Impact Study dated November 26, 2001, from DKS Associates. A copy of this report is separately included in the record. This report requires a third westbound through lane on Elligsen Road from Parkway Center Drive to the I-5 northbound ramp. It also requires an additional northbound and an additional southbound lane for part of Parkway Center Drive adjacent to the parcel. These additional lanes are required as a condition of development.
- B24 From both the City's perspective and the developer's perspective, this report did not really answer the specific question as to whether these additional lanes would provide adequate capacity at build out or if additional traffic capacity would be needed. In a separate report titled, "Argyle Square Transportation Analysis Addendum" dated March 25, 2002 (Exhibit 5 (a)) DKS provided an additional analysis. This analysis looked at all developed and undeveloped property in the northeast quadrant of the city. It also looked at the traffic impacts from the proposed 2,300 unit Dammasch Urban Village, specifically for the impact on the roads adjacent to the Argyle Square project. The summary of this review begins on page 15 of the addendum traffic report (Exhibit 5(b)). The conclusion is that the lanes that are conditioned to provide service for the existing traffic plus the traffic from previously approved Stage II projects plus the Argyle Square project will be sufficient to provide a street system with a level of service D or better adjacent to the Argyle Square project.
- B25 The net result is that the Transportation Master Plan will be amended to provide these transportation facilities. They are clearly adequate to support the proposed land uses consistent with the requirements of the Transportation Planning Rule. The update of the City's Transportation Master Plan will also be referred to as the Transportation Systems Plan (TSP) in keeping with the Transportation Planning Rule.
- B26 As stated in the previous finding the addendum to the Argyle Square Transportation Impact Study was not a Transportation Systems Plan for the entire City. Its specific purpose was to look at the roads adjacent to the Argyle Square project to ensure that adequate right-of-way was obtained so that if any future widening was required by full build-out of currently vacant properties the City would not have to condemn and remove structures that would be constructed as part of Argyle Square.



- B27 The change in the Comprehensive Plan Map and zone change is for planning convenience for consolidating two separate planning parcels into one cohesive plan. The change takes the commercial component of the Parkway Center Master Plan and consolidates that with the remainder of the Argyle Square property.
- B28 The statement from Darci W. A. Rudzinski of the Department of Land Conservation and Development ("DLCD") in Exhibit 11, that *"the traffic analysis for the Argyle Square project appears to conclude that all local and regional traffic including future traffic, such as Dammasch can be satisfactorily accommodated by the planned transportation system without the proposed Boeckman Interchange"* is erroneous. The conclusion of the traffic analysis is much, much more restrictive than described in Exhibit 11. The addendum traffic analysis conclusion pertains to Elligsen Road and Parkway Center Drive and the fact that they would function with either a Boeckman Interchange or other improvements at the Wilsonville Road interchange. The purpose of the addendum to the Argyle Square Transportation Impact Study was not to duplicate the Transportation Systems Plan, but rather to review the impacts of the development of the Argyle Square property on the 1991 Transportation Master Plan and on the Draft 2002 Transportation Systems Plan. The DLCD letter (Exhibit 11) also states: *"If the city accepts this traffic analysis it is difficult for the department to understand how a new interchange is necessary at Boeckman Road."* With recommended changes, the northeast quadrant of the City can adequately function without a Boeckman Interchange at build-out, but not that the entire street system would function adequately with the development of the rest of the City plus Dammasch. To extend the analysis that specifically looked at two streets to one covering the entire City is simply a misinterpretation of the study.
- B29 The City has devoted a great deal of time and money to ensure its Transportation Systems Plan realistically supports planned development. The City concurs that it is vital to good land use planning. As stated previously, the Argyle Square Project can be accommodated without construction of the Boeckman Interchange by imposing the transportation conditions outlined above. The transportation work that has been accomplished on the Argyle Square project and the subject conditions for transportation facilities need to be incorporated into the Transportation Systems Plan. Although the City had analyzed approximately 70 different intersections on the Transportation Systems Plan and a lesser number on the 1991 Transportation Master Plan, the City had not analyzed the intersection which would show that the third westbound lane is needed on Elligsen Road. The City is modifying the Transportation Systems Plan to include this change. The trip generation from the Argyle Square Project had previously been incorporated into the work on the Transportation Systems Plan. It was recognized a couple of years ago that the 13.99 acres in the Argyle Square project that was part of the Parkway Center Master Plan for a planned industrial development was actually to be developed for commercial use. For this reason, the trip generation for Argyle Square has been based on commercial use. Preliminary results of the Wilsonville Freeway Access Study also indicate that traffic from the Argyle Square Development would not be competing with the traffic from the Dammasch development. In summary, the findings and conditions for the Argyle Square

development and modifications of the Transportation Systems Plan in this regard do not foreclose or otherwise materially affect the need for the Boeckman Interchange.

- B30 Throughout the application process staff and the applicant have determined the need for transportation systems improvements, support same, and are in full agreement that both the application and the Comprehensive Plan Map, the Zone Map Amendment and the TMP Amendment process go forward essentially at the same time. Applicant is in agreement that the fact that the land use approval process may be completed prior to the amending TMP process shall not excuse or waive the condition of the improvements as a necessary condition to occupancy. Implementation Measure 3.1.2.b(2) provides a concurrency policy of allowing an applicant to take occupancy if transportation system improvements are planned and funded within two (2) years of occupancy. Indeed, this approval is contingent upon completion of the amendment of the TMP. The applicant and staff contemplate the TMP amendment process will take place within that concurrency time frame to meet the planning requirement, and that the applicant and the City, as conditioned herein and as otherwise agreed upon by a development agreement between the applicant and the City, have provided for the necessary funding. The applicant also agrees that development of these improvements are necessary to meet the state's Transportation Planning Rule, which is further justification for the applicant's support in amending the City's TMP to include these improvements and agreement to be conditioned to provide same as set forth herein.
- B31 The findings and conditions for the development, and modification of the TMP do not foreclose or otherwise materially affect the need for the Boeckman Interchange.

**Criterion 'E' – Significant Resource Overlay Zone**

*“That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”*

- B32 There are no significant resources on the subject property, therefore the proposed development will not have a significant adverse effect upon Significant Resource Overlay Zone areas, upon identified natural hazard areas, or an identified geologic hazard. There is also no evidence in the record which would indicate that the proposed development would have any impact on Significant Natural Resources located on property other than the subject property. The proposal meets Criterion E.

**Criterion 'F'**

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

- B33 The applicant's submittal document indicates intent to develop a service commercial center after Stage II Final Plan approvals are obtained from the City. A one-phase development plan is proposed; however, depending on market factors, the applicant may proceed with the development in two phases. The proposal meets Criterion F.

**Criterion 'G'**

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

**Subsection 4.197.03** provides that *"If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied."*

- B34 Regarding Criterion G and Subsection 4.197.03, the City Council finds that as conditioned, and pursuant to later reviews (including design review), the project will be developed in compliance with all applicable development standards.

**Subsection 4.197(.04)** stipulates that the *"City Council action approving a change in zoning shall be in the form of a Zoning Order."*

- B35 These findings are an attachment to the zoning order approving the zone change, therefore, this criterion is met.

**Subsection 4.197(.05)** provides *"In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed."*

- B36 A condition of approval requires the applicant to accept the conditions of approval and comply with such conditions.

**SUMMARY FINDINGS FOR REQUEST (B):**

- B37 The City Council finds that the applicant has satisfied the applicable Statewide Planning Goals and all criteria for the Comprehensive Plan Map Amendment.

- B38 The City Council finds that the applicant has satisfied Wilsonville Code Subsection 4.197.02(A through G) for approval of the Zone Map Amendment from PDI to PDC.
- B39 The City Council finds that the applicant has satisfied the applicable Statewide Planning Goals for approval of the proposed Zone Map Amendment.
- B40 The proposal meets Comprehensive Plan Implementation Measure 4.1.2.f. Metro finds that the proposed Plan and Zone Map amendments are consistent with all titles of its Functional Plan. See letter Exhibit 9, dated April 12, 2002 from Ray Valone, Senior Regional Planner for Metro.
- B41 The City Transportation Master Plan will be amended to provide the transportation facilities needed to allow the development of Argyle Square. The transportation improvements are clearly adequate to support the proposed land uses consistent with the requirements of the Transportation Planning Rule including Section 660-012-0060 Plan and Land Use Regulation Amendment, subparagraph (1)(a through d). The update of the City's Transportation Master Plan will also be referred to as the Transportation Systems Plan (TSP) in keeping with the Transportation Planning Rule.
- B42 This proposal for the Argyle shopping center development, and the proposed modification of the Transportation Master Plan would not jeopardize the plans to develop the Dammasch property into residential/commercial urban village and it would not foreclose or otherwise materially affect the need for the Boeckman Interchange.

**REQUESTS (C) and (D): Review Stage I Preliminary Plan for the entire property. Delete 13.99 acres from the Stage I Parkway Center Master Plan (Tax Lots 1500 and 404). This deletion will amend Ordinance No. 187 and Resolution No. 858. This request would approve the proposed Argyle Square Stage I Preliminary Plan for the entire site.**

## APPLCABLE REVIEW CRITERIA

### Zoning Review Criteria

- Section 4.008: Application procedures in general
- Section 4.009: Who May Initiate Applications
- Section 4.012: Public Hearing Notices
- Section 4.013: Hearing Procedures
- Section 4.031: Authority of Development Review Board
- Section 4.033: Authority of City Council
- Section 4.116 (as applicable): Standards Applying to Commercial Developments in Any Zone.
- Section 4.118: (as applicable): Standards Applying to All Planned Development Zones
- Subsection 4.140.07: Stage I Preliminary Plan

Section 4.131: (as applicable): Planned Development Commercial (PDC) Zone  
Section 4.135: (as applicable) Planned Development Industrial (PDI) Zone.  
Section 4.140: Planned Development Regulations.  
Section 4.140(.07)(A)(1): Owner's Authorization of Affected Property for Development

### **Other Planning Documents**

Parkway Center Master Plan approved by the City in July 20, 1981 (Ordinance No. 187)  
Resolution 858: Modified Parkway Master Plan  
Oregon's Statewide Planning Goals  
Ordinance 423: Bicycle and Pedestrian Master Plan  
Transportation Master Plan, July 12, 1991  
Storm Water Master Plan

## **SUMMARY OF ISSUES/BACKGROUND**

### **Issue: Parkway Master Plan.**

This request proposes to delete the Office/Commercial and Central Parking uses from the Parkway Master Plan, which is the easterly 13.99 acres of the property (Tax Lots 1500 and 404). According to the Parkway Master Plan it was planned to create a cohesive, visually unified business park with a sense of identity, and a place of distinction and quality, aspects which the proposed revised Stage I Preliminary Plan will accomplish.

Ordinance No. 187 includes a map dated July 20, 1981, which is the master plan of the East Side of the project site (Tax Lots 1500 and 404) for "Office/Commercial" development. BPA and PGE power line easements extend east and west over the property and between the "Office/Commercial" recommended use area are labeled "Community Parking". The balance of the project site was the former Burn's Bothers service commercial center, which was cleared in 2000 and is currently vacant. The Parkway Center Master Plan remains in effect and in force as several industrial building were developed within the master planned area. Though that portion of the project site that is within the Parkway Center Master Plan is zoned Planned Development Industrial (PDI), the Parkway Master Plan permits either "office" and/or "service commercial" uses. Planning file records indicate that a mix of offices and at least one restaurant were considered to be appropriate for that area at different times in the past.

### **Issue: Transit.**

The City Transit Director was provided a copy of this submittal for comment. The applicant/owner has contacted SMART regarding additional site transit needs. Transit service to the site is provided by SMART Routes 201 and 1X, all of which travel down SW Elligsen Road and Parkway Center Drive. Though on-site transit service is not expected, SMART is recommending a Park and Ride use of approximately 50-spaces. This would help meet the "Community Parking"

demand as shown in the Parkway Center Master Plan. The concerns and comments raised by SMART are found in Exhibit 10.

**Issue: Public Utilities.**

This application includes conceptual and quantitatively accurate representation of the entire development sufficient to judge the scope, size and of the proposed master plan.

The conceptual storm drainage plan would be reviewed in the Stage II Final Plan request at a separate public hearing.

**Issue: Transportation.**

Review the Transportation Master Plan to widen SW Elligsen Road from 5 lanes to construct an additional lane.

The proposed internal pedestrian ways are reviewed in Stage II and Site and Design application(s). They should have broad landscaped zones between rights-of-way and adjacent structures, storage or parking areas.

### CONCLUSIONARY FINDINGS

**Subsection 4.140.07(B)(1 through 7) Stage I Preliminary Plan.**

- CD1 **Subsection 4.140.07(B):** *The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information in Subsections 4.140.07(B).*

**Findings relative to Subsections 4.140.07(B)(1 to 7) Planned Development Regulations**

- CD2 The applicant is requesting to delete 13.99 acres from the Parkway Center Master Plan (Ordinance #187) that is master planned for Office/Commercial and create Service Commercial. The proposed Stage I Preliminary Plan (Master Plan) represents the entire development and is sufficient to judge the scope and size of the development. The applicant has submitted a deed describing property boundaries.
- CD3 Topographic information provided by the applicant is shown at one-foot intervals. The applicant will need to submit an application to the City of Wilsonville Building Division for grading permit prior to construction. All the required information under Section 4.140.07(B) have been submitted.
- CD4 The applicant has submitted with this application a tabulation of the proposed land use on the property involved in the proposed master plan. A more detailed

analysis of the proposed Argyle Center commercial center will occur at Stage II and Site and Design review.

CD5 See Findings A9 through A20.

CD6 Tax lots 1503, 1504, 1505 and 1506 are identified as a "Service Center" in the Comprehensive Plan, which allows for restaurants, automobile service centers, and other large site users that are dependent on easy access for freeway travelers, which is the case in this request.

**Subsection 4.135.05(A):**

*Retail operations exceeding 60,000 SF of gross leasable area are prohibited within the PDI zone.*

CD7 The Zone Map Amendment request will rezone Tax Lots 1500 and 404 from PDI to PDC, which will bring the proposed service commercial development into conformance with Subsection 4.135.05(A).

**Areas of Special Concern.** Page 86 of the Comprehensive Plan:

*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

*Assure that congestion at the 1-5/Stafford interchange, including conflicts between the freeway on-off ramps and Parkway Avenue, does not exceed the City's adopted level-of-service standards.*

CD8 The DKS study estimates approximately 1,467 PM peak hour trips would use I-5/Stafford interchange and approximately 38 PM peak hour trips would use the I-5/Wilsonville Road interchange (Wilsonville Road between SW Boones Ferry Road and Town Center Loop West). Traffic predominantly impacts the Stafford Interchange. Notice was sent to the Oregon Department of Transportation (ODOT). ODOT may seek to preserve traffic capacity on the freeway system. See the City Engineer's report (Exhibit 27) regarding transportation issues. With proposed off-site street improvements, the project is designed to assure that congestion at the 1-5/Stafford interchange, including conflicts between the freeway on-off ramps and Parkway Avenue, will not exceed the City's adopted level-of-service standards.

CD9 **Table No. 1 of the DKS Associates Transportation Impact Summary provides the following traffic information:**

a. Total new P.M. peak hour trips	1,859
b. Prior development P.M. peak hour trips	550
c. Net new P.M. peak hour trips	1,309
d. Total new P.M. peak hour trips at Boones Ferry/I5	38
e. Prior development P.M. peak hour trips at Boones Ferry/I5	11
f. Net new P.M. peak hour trips at Boones Ferry I/5	27

Vehicle access points      One proposed full access on Elligsen Road opposite Parkway Avenue.  
One proposed limited access on Elligsen Road opposite the fire station driveway.  
Two proposed full accesses to Parkway Center Drive.

Pedestrian facilities      Sidewalks to be constructed along project frontage with pedestrian linkages to project buildings.

CD10 Furthermore, based on Metro Title 4, transportation facilities including the proposed street improvements to SW Elligsen Road and Parkway Center Drive are adequate to meet the need for the other planned uses in the Employment Area. Transportation facilities adequate to serve the retail use will be in place at the time the project begins operation. Additionally, with the approval of the amendment to the TMP and the construction of the improvements to SW Elligsen Road as required under the conditions of approval, the transportation facilities will be adequate to meet the need for the other planned uses in the area.



- CD11 The 1991 Transportation Master Plan describes SW Elligsen Road as a Section F, which are 5 lanes with 5' wide bike lanes. The City Engineer is conditioning the applicant to construct an additional lane and a drop lane. Parkway Center Drive is listed as a Section E, which is a minor arterial with 3-5 lanes and is currently, constructed with 3 lanes. Parkway Center Drive needs widening from 3 lanes to 5 lanes just south of SW Elligsen Road and then narrow to 4 lanes as it extends south from Jack Burns Blvd. to Burns Way. The Bicycle and Pedestrian Master Plan does include Parkway Center Drive as a road, which has bicycle lanes.
- CD12 The proposed development comprising two super stores and 8-commercial pads has special circumstances requiring wider streets. In this unique case, an additional lane needed along SW Elligsen Road is required to meet LOS D consistent with the Transportation Master Plan objective to meet LOS D.

**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.*

- CD13 The subject property is fairly open with moderate grades. With exception of a small number of Douglas firs and Oregon White Oaks, most trees were planted with the original Burn's Brother's service commercial facility. Residential development is not proposed.

*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. Future development shall be designed and located so as to soften the intense appearance of large buildings or expanses of asphalt.*

- CD14 At this time it cannot be determined how the proposed parking would intensify the appearance of the high-voltage power line towers and easements. This criterion is usually reviewed in Site and Design Review. BPA restrict vegetation and trees to not exceed ten (10) feet in height. PGE is less restrictive.

**Subsection 4.140.06(B) states:** *The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.*

- CD15 The proposed commercial uses contemplated with this request are consistent with the proposed Comprehensive Plan Map change to Commercial.

**REQUEST (D): Parkway Master Plan.**

- CD16 Ordinance No. 187 includes a map dated July 20, 1981 which identifies the east side of the project site (Tax Lots 1500 and 404 @ 13.99 acres) which is currently master planned for "Office/Commercial" development. This request would delete 13.99 acres from the 186.5 acre, Parkway Center Master Plan that are proposed for Office/Commercial. The balance of the Parkway Master Plan is valid. The BPA and PGE power line easements extend east and west over the property between the "Office/Commercial" recommended use area is labeled "Community Parking". The balance of the project site was the former Burn's Bothers service commercial center, which was cleared in 2000 and currently the site is vacant.
- CD17 The entire 42.36-acre development site is located at the southeast corner of the Stafford Interchange and I-5. The West Side of the subject property faces the northbound ramp from Interstate-5. SW Elligsen Road abuts the northerly side of the property. Parkway Center Loop is on the east and south sides of the subject property. At present, the southeast corner of this intersection has approximately 150 acres in various stages of industrial development including but not limited to the Hollywood Entertainment distribution facility, Sysco Continental Foods distribution, Vision Plastics, Whites GMC/Volvo service center and the Canyon Creek Business Park. The proposed Costco store is shown adjacent to Parkway Center Loop. The Costco site is presently vacant. The PGE and BPA power line easements (approximately 225' wide) traverse east to west through the center of the subject property. That portion of the subject site is proposed for parking and internal circulation. To the north is Stafford Business Park. The close proximity to I-5, and I-205 to the north suggests that substantial portion of the market volume can be derived from residents outside the City.
- CD18 Ordinance No. 187 includes a map dated July 20, 1981, that labels the subject property (Tax Lots 1500 and 404) as "Office/Commercial" on both the north and south sides, with the center BPA easement labeled "Community Parking" The subject property is recommended for received Stage I approval for limited commercial development (Tax Lots 1500 and 404), in spite of being zoned PDI. The Parkway Master Plan description does not provide information about specific future commercial uses on Tax Lots 1500 and 404. Planning files indicate that a mix of office buildings and at least one restaurant were considered to be appropriate for the site. It did not envision a large super store such as Costco. It is typical that some part of a large industrial development is designated for commercial use, and that was clearly the case with the subject property.
- CD19 The Parkway Center Master Plan is still valid given that most of the planned development has occurred. The Parkway Master Plan constitutes a "vesting", which will remain in effect unless specifically altered or rescinded by the City.
- CD20 The Comprehensive Plan contains the following language in describing Service Centers:

*"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 site for motels, restaurants, automobile, and truck service centers and other large-site users dependent on easy 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. "*

- CD21 The proposal for restaurants, gas stations, retail commercial stores and super stores constitutes a more accurate definition of a "service commercial center" than what is described in the Parkway Master Plan.
- CD22 In order to understand the original land use concept for the Parkway Master Plan, which lead up to the adoption of Ordinance No. 187 on Page 9 of The Parkway Center Development Study dated February 12, 1981, stated: *"The concept for Parkway Center proposes a central focus for the project area while distributing specific visual and access "gateways" at its perimeter. Thus, in spite of its strong identification with I-5, Elligsen Road, and their interchange, Parkway Center will gradually establish an independent image as a self sufficient Wilsonville neighborhood rather than a freeway-oriented satellite."*

Furthermore, on June 1982, site development guidelines were created for Parkway Center. In 1.1 GOALS AND OBJECTIVES of the guidelines it stated:

*"The Parkway Center Master Plan was developed to create a cohesive, visually unified business park with a sense of identity; a place of distinction and quality. The Master Plan is composed of three interrelated documents, the MASTER LANDSCAPE PLAN, the DESIGN GUIDELINES, and the COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R's)."*

*"The intent of this DESIGN GUIDELINES package is to provide further definitions and illustrations with which to bring the master plan concept into reality. The package also contains illustrative interpretations of the CC&R's declarations regarding architectural site development, landscaping, and walkway improvements."*

*"It is intended that a basic harmony of architecture be created and that no building or structure severely detract from the overall environment of Parkway Center. (CC&R's; Building Material and Construction, Article III, Section D & E)"*

- CD23 Ordinance No. 187 and Resolution No. 858 include a document titled "Parkway Center Site Development Guidelines, Covenants, Conditions and Restrictions." The CC and R's were not identified in the City Council conditions of approval and are not valid to this request. However, the applicants have indicated to planning staff that they wish to incorporate in the site planning, building setbacks,

parking lot landscaping, screening standards, landscaping, signing and exterior lighting elements of those C&C & R's. Those elements would be reviewed in the Stage II Final Plan and Site and Design Plan review.

CD24 Again, the applicant proposes to delete 13.99 acres from the 186.5 acre Parkway Center Master Plan. Condition No. 8 of Ordinance No. 187: *"That the applicant's Stage I submittal documents including Land Use Master Plan, design objectives and standards as set forth in the report entitled "The Parkway Center Development Study" dated February 12, 1981. Prepared by Zimmer, Gunsul, Frasca Partnership, et al., for Burns Bothers, et al., and the slide presentation be adopted as Conditions of Approval"* The Parkway Master Plan was developed to create a cohesive, visually unified business park with a sense of identity; and a place of distinction and quality, which the proposed Stage II Final Plan and Site and Design Plan requests for the project would be measured in a separate public hearing.

CD 25 Page #12 of The Parkway Center Development Study states as a design standard that *"In general, visual continuity will be provided by the development of Parkway Avenue and its southeastern extension as a landscaped boulevard. Buildings locating along Parkway Avenue will be oriented toward the boulevard (Parkway Avenue) and to observe a maximum setback of 60 feet."* Because of the grade differential proposed buildings will not face Parkway Avenue. This will be more clearly demonstrated in the Site and Design Review application.

CD 26 Page #12: *"Secondary roads, bikeways and major pedestrian ways will require broad landscaped zones between rights-of-way and adjacent structures, storage or parking areas."* Internal pedestrian ways would be reviewed at the Stage II Final Plan. They should have broad landscaped zones between rights-of-way and adjacent structures, storage or parking areas.

*Page #13: Parking: Parkway Center, as proposed, is optimistic regarding its ability to encourage a general reduction in trip making by private auto. Therefore, maximum parking ratios are recommended for all industrial and commercial uses. They are:*

<i>Use</i>	<i>Parking Ratios</i>
<i>Industrial</i>	<i>1 space: 800 SF</i>
<i>Office Commercial</i>	<i>1 space: 500 SF</i>
<i>Service Commercial</i>	<i>1 space: 500 SF</i>

*However, these ratios are contingent upon transit service by Tri-Met (now Smart), the provision of a central community parking facility (for park and ride, rideshare and interim overflow parking), and the institution of a community-wide or rideshare information program.*

- CD27 The final parking requirements for the planned development are reviewed in the Stage II Final Plan and Site and Design Plan requests. However, proposed parking would most likely exceed the minimum code.
- CD28 The applicant is seeking to eliminate "Community Parking" from the Parkway Master Plan on the project site. The City Transit Director was provided a copy of this submittal for comment. Transit service to the site is provided by SMART Routes 201 and 1X, all of which travel down SW Elligsen Road and Parkway Center Drive. Though on-site transit service is not expected, SMART is requesting a Park and Ride lot of approximately 50-spaces. The concerns and comments raised by SMART are found in Exhibit 10.
- CD29 The applicant has agreed to provide community parking as a condition of approval.
- CD30 Condition #12: *"The applicant submit a detailed Storm Drainage Plan and Concept Master Path Plan with the first phase of Stage II."* Furthermore, Subsection 4.035.04(5): Subsection 4.421.01(D)WC further requires: *"Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public drainage system."* Subsection 4.210.01(B)(25) for tentative subdivision plat review further requires locations of storm drainage. This application includes conceptual and quantitatively accurate representation of the entire development sufficient to judge the scope, size and of the proposed master plan. The primary storm drainage proposed is storm detention at the southwest corner of Unit A and storm detention proposed under parking lots. The conceptual storm drainage plan would also be reviewed at the Stage II Final Plan review.
- CD31 The applicant will provide a discussion of the merits of each of the waivers requested. The request for waivers would occur at the Stage II Final Plan review.

### SUMMARY FINDINGS FOR REQUESTS (C) and (D)

- CD32 The applicant is persuasive in the request to delete 13.99 acres from the Parkway Center Master Plan, which was incorporated into Ordinance No. 187 and Resolution No. 858, for development of a service commercial center. The proposed Argyle Square Master Plan incorporates certain elements of transportation, commercial center, landscaping, parking and utilities objectives of the Parkway Center Master Plan. The large scale of the proposed service commercial center is more in pace with service type commercial development with easy freeway access, which generally includes large super stores. Though the proposed project shows much larger buildings than what was depicted in the Parkway Master Plan, the applicant is prepared to demonstrate in Site and Design Plan Review that proposed buildings and landscaping will incorporate good design found in the Parkway Center Master Plan. That design can be made compatible with the surrounding uses and can be visually attractive. Thus, the

proposed Stage I Master Plan for the entire property meets the criteria in Subsection 4.140.07 (Stage I Preliminary Plan) and is a more suitable development for the property.

- CD33 The 2.6 acre "Community Parking" use is not well defined in the Parkway Master Plan. It may just involve ride-share parking, space for employee parking or the intent may have been for a park and ride. In either event, by agreeing to provide community parking as a condition of approval, the applicant has satisfied Subsections 4.198.01(A through D) for approval of the Stage I Preliminary Plan and to delete 13.99 acres (Tax Lots 1500 and 404) from the Parkway Master Plan.
- CD34 The proposed development comprising two large super stores and service commercial pads has special circumstances requiring wider streets. In this unique case, an additional lane needed along SW Elligsen Road is consistent with the Transportation Master Plan to meet LOS D.
- CD35 The applicant has satisfied the applicable Statewide Planning Goals for the DRB to recommend approval to the City Council for the proposed Stage I Preliminary Plan.

### **Oregon's Statewide Planning Goal Requests A through D**

- 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.*

The review and decision to be rendered on this application has complied with all public notice requirements of ORS 197 and WC 4.013 and has allowed public comment on the application through the entire public hearing 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.*

This application is being reviewed using the City of Wilsonville's Comprehensive Plan and Development Code which implements the City's land use-planning process.

- 3) **Agricultural Lands:** *To preserve and maintain agricultural lands.*

The Comprehensive Map and Zone Map Amendments will not impact agricultural land.

- 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.*

The Comprehensive Map and Zone Map Amendments will not disrupt any forest land base.

**5) Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To conserve open space and protect natural and scenic resources.*

The subject property does not have natural resources, scenic and historic areas, and open space.

**6) Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water, and land resources of the state.*

The Comprehensive Map and Zone Map Amendments will not degrade the air, water, or land resources of the state. However, storm water detention and a bio-filtration swale must be provided. The City Council finds that by complying with the other requirements of the development code which implement Goal 6, the application is in compliance with Goal 6.

**7) Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*

There are no areas on the subject property subject to natural disasters and hazards. The Comprehensive Map and Zone Map Amendments will not pose a threat of a natural disaster or hazard.

**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.*

The subject property did not contain any lands devoted to recreational needs, nor does the City Council find that the proposal will have any impact on recreational opportunities. The Comprehensive Map and Zone Map Amendments will not detract from the recreational needs of the citizens of the state and visitors.

**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.*

Refer to Findings A1 through A26 and B1 through B43 for the Comprehensive Plan and Zone Map Amendment requests. Also, the supplemental findings at the end of this report include findings related to Goal 9. The creation of a freeway orientated service shopping center will provide the citizens of the City of

Wilsonville and the State of Oregon new employment and access to commercial services that will benefit their health, welfare and prosperity.

**10) Housing:** *To provide for the housing needs of the citizens of the state.*

The Comprehensive Map and Zone Map Amendments are not proposing residential housing. The 13.99 acre parcel was not slated for residential development, therefore, the proposal has no impact to 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.*

The applicant will be required to pay the applicable system development charges for the utilities that will be used as part of this project. Additionally, conditions of approval require the applicant to develop sufficient public facilities to address the impacts of the proposal, consistent with the City's regulations which implement Goal 11.

**12) Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

Refer to Findings A9 through A20 for the Comprehensive Plan and Zone Map Amendment requests. The conditions of approval and subsequent amendment of the City's Transportation Master Plan assure that the proposal is consistent with Goal 12. A traffic study was performed for this project and will be entered into the record for the Stage II Final Plan review. The traffic report found that the transportation system of the immediate Stafford I-5 interchange area was adequate to accommodate this project.

**13) Energy Conservation:** *To conserve energy.*

The applicant will indicate in the Stage II Final Plan Review how they will conserve energy with the type of development being proposed. Additionally, all development will be required to comply with applicable regulations which implement Goal 13. There is nothing in particular about this proposal which would indicate that there are any impacts to this Goal.

**14) Urbanization:** *To provide for the orderly and efficient transition from rural to urban land use.*

The proposed service commercial center will replace the old site that was the Burn's Brothers truck and service center. Rural lands are not involved in this request, nor are there any elements of the proposal which would impact the



orderly transition from rural to urban land uses, therefore this Goal does not apply.

- 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.*

The property is outside of the Willamette River Greenway and will not diminish the natural, scenic, historical, agricultural, economic or recreational qualities of lands along the Willamette River.

## FINDINGS OF FACT RESPONDING TO OPPONENT TESTIMONY

On July 22, 2002, Citizens for Responsible Area Planning submitted comments and objections to the record. The following findings respond to such comments and objections.

### **Motion to Recuse**

The opponents requested that the Wilsonville City Council recuse itself from hearing this matter and further requested that the City Council appoint a special hearings officer to decide the case. The opponents generally alleged that City Council is biased and has prejudged the application. The City Council denied the opponents request and makes the following specific findings. As a preliminary matter, the City Council did not formally approve the application during the July 15, 2002 hearing. Rather, the City Council tentatively approved the application based on the evidence before the City Council at that time. The City Council's action did not constitute final action on the application. To the contrary, by leaving the record open and continuing the matter until August 5, the City Council intended to postpone final action until such time as the record was closed and the City Council had an opportunity to review the opponents' arguments. As reflected in the minutes of the City Council meeting of August 5, 2002, the Council, by unanimous vote, denied the opponent's Motion to Recuse for the stated reason that the Council had not prejudged the matter and maintained an open mind in the consideration of additional evidence submitted during the open record period.

### **Specific Objections and Findings**

1. Comprehensive Plan Criteria. The Comprehensive Plan requires that prior to amending the Comprehensive Plan, findings be made regarding the factors set forth on page 8 of the Comprehensive Plan. Among other things, the standards require the City Council to find, after considering a number of factors, that the amendment is in the public interest. The opponents claim there is "no such discussion in the record." Objections at 2. Contrary to the opponents claims, the record includes a complete discussion of the applicable standards. Pages 7-8 and 22-23 of the revised application, dated March 26, 2002, discuss the elements referenced by the opponents. In short, the record includes evidence supporting the conclusion that the amendment is in the public interest.

The opponents also state that the Comprehensive Plan requires the city to explain why other areas would not be suitable for the proposed development. No such analysis is required under the Comprehensive Plan. What is required is that the City determine that the subject property is suitable for the use based on a number of factors. Again, pages 22-23 of the applicant's March submittal includes a full discussion of why the subject property is suitable for the development. In addition the City Council makes the following additional findings regarding compliance with the Comprehensive Plan:

*a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.*

Findings B5 through B15 set forth the applicable elements of the Comprehensive Plan and explain how the proposed amendment is in conformance with such elements of the Comprehensive Plan.

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

The City Council finds that the granting of the amendment is in the public interest for the following reasons. First, the subject property has been designated for commercial development since the adoption of the Parkway Master Plan. That plan designated the 13.99 acre portion of the subject property for commercial development and community parking. Thus, development of this area for commercial uses has been a long-term objective of the City. Second, the record includes numerous letters from citizens of the area indicating that there is a need for the type of services and retail uses to be provided by the proposed development. Therefore, there is an established need for the development. The proposed development addresses this need and, the City Council finds, that by addressing such a need, the proposal is in the public interest. Third, in connection with the development, the applicant is required to develop significant public services and infrastructure. The City Council finds that such improvements will also be in the public interest.

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

The City Council finds that the established need, being in the public interest, is served by approval of the proposed amendment. The public interest is also best served by granting the amendment at the present time because the need currently exists in the City. Citizens and area residents must travel outside the City of Wilsonville to obtain the goods and services. The City Council finds that to best meet the identified demand, that the public interest is best served by providing the services and retail uses at this time. Second, because the amendment applies only to the 13.99 acre portion of the property, the remainder of the property would be difficult to develop with split zoning on the property. Therefore, the City Council finds that it is in the public interest to develop the entire property as a cohesive whole and that, in order to meet the present demand, that such development should occur 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.*

As indicated in the Staff Report dated June 24, 2002, and in these findings, the findings in A9-A20 address these factors. In addition, the City Council makes these additional findings. As a starting point, the City Council finds that the factors set forth above are incorporated into the City's development code, and in particular, the approval criteria for comprehensive plan changes and zone map changes. Each of the factors is incorporated into the elements of the Comprehensive Plan. Accordingly, when the City Council reviewed the elements of the Comprehensive Plan and whether the amendment conflicted with such elements, the City Council necessarily reviewed the factors set forth above.

The opponents have also suggested that a suitability analysis must be performed which would explain why other areas of the City would not be suitable for the proposed development. The City Council hereby finds that the factors set forth above do not require that the City Council or the applicant demonstrate that other sites are not suitable. Proving a negative is not required.

What is required under this standard is that the City Council take into consideration the factors set forth above when approving an amendment to the Comprehensive Plan. In most instances, these factors are incorporated into the review and approval criteria and the City Council's review of the Comprehensive Plan. However, to the extent that additional findings are required due to the opponents' testimony, the City Council makes the following additional supplemental findings.

The subject property is particularly suited for the proposed development, and therefore, the amendment to the Comprehensive Plan is appropriate. The 13.99 acre portion is suited for the proposed use (and therefore the amendment to the Comprehensive Plan) for a number of reasons, including the fact that the balance of the property is already zoned PDC. The City Council finds that it is appropriate to treat the entire subject property as a cohesive whole and have it developed at one time, subject to one approval process. Given its location near Interstate 5, its relatively level topography, the surrounding industrial and nearby residential uses, and the planned commercial development, the City Council finds that the property is suitable for the particular commercial development. The overall density of the project is consistent with the PDC standards and will serve the local and regional commercial needs of the area.

As stated elsewhere in the City's findings, commercial development of the entire property is the highest and best use for the property. Clearly there is demand for the use given the commitments from two large-scale retailers. The need for the development is discussed elsewhere in these findings, but the amendment will also serve the retail and commercial needs of the residents of the area as well as the traveling public, via Interstate 5. With the improvements to be constructed by the applicant, there will be sufficient and convenient access to the subject property. There are no significant natural resources located on the property, therefore, the project will not impact natural resources. To the extent that people will have to drive fewer vehicle miles, the development may be seen as a benefit by reducing fuel consumption and emissions. The amendment will result in a healthful, safe and aesthetic surrounding because the development meets the applicable approval standards and design review. The applicable code provisions address health, safety and aesthetics.

*e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.*

Exhibit 9 is a letter from Ray Valone, Senior Regional Planner for Metro, dated April 12, 2002. In that letter Mr. Valone states that the amendment to the Comprehensive Plan complies with all elements of the Metro Functional Plan. The City Council concurs with Mr. Valone's letter. Additionally, elsewhere in these findings, the City Council has reviewed the proposal against Metro requirements and found that the proposal does not conflict with applicable Metro standards. Therefore, the City Council finds that the amendment to the Comprehensive Plan does not result in any conflict with applicable Metro requirements.

2. WC 4.198(.01)A. This standard requires the applicant to demonstrate that the amendment meets an identified need. The opponents have argued that "there is no substantial analysis of the public need for a service center in the record." *Objections* at 2. The applicant's March submittal, at pages 7-8, discusses the need for the amendment and the proposed development. Additionally, Exhibits 38, 36, 37, 33, 29A, 29B, 29C, 29D, 29E and 29F are letters from citizens of the community. Each letter explains that the proposed facility is needed

in Wilsonville. The City Council therefore, finds that the letters in the record demonstrate that there is an identified need for the proposed development and the amendment to the Comprehensive Plan and that the proposed development meets the public need that has been identified. The City Council also finds that the elements of the Parkway Master Plan which identified the 13.99 acre area for commercial use further demonstrates the need for additional commercial development in the area.

3. WC 4.198(.01)B. This standard generally requires that the proposed amendment meet the public need as well as any other amendment or change that could be reasonably made. The opponents seem to argue that the City Council must find that there is a specific need for 42 acres of commercial development rather than the 28 acres currently zoned PDC. The City Council finds that this standard does not require that type of comparison or level of analysis. Rather, this standard requires that the City Council compare the proposed amendment to other types of amendments which could be made to meet the identified need. Here the identified need is for additional commercial development, to include large-scale retail uses such as Costco and Target. The City Council finds that such large-scale retail uses could not be accommodated by any other amendment to the Comprehensive Plan. Certainly such uses could not be located on residential lands, therefore amending the Comprehensive Plan to designate the property residential would not meet that need. Similarly, an industrial designation would not accomplish the goal of providing additional retail opportunities. Finally, no other commercial designation would allow the types of uses permitted under the Service Commercial designation. Therefore, the City Council finds that in order to meet the identified need for large-scale commercial development as proposed by the applicant, the amendment to a Service Commercial designation is the only amendment which could meet that need.

4. WC 4.198(.01)C. This standard requires that the amendment meet all applicable Statewide Planning Goals. The opponents claim that the record does not include evidence or discussion sufficient to support a finding of compliance with Goal 9. The City Council has adopted findings relating to all applicable Statewide Planning Goals. In addition, the City Council adopts the following findings regarding Goal 9.

Under OAR 660-009-0010(4), when a jurisdiction changes zoning from industrial to commercial it must address all applicable planning requirements and demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address Goal 9 requirements. The City Council finds that this provision requires local jurisdictions to demonstrate that the proposed amendment is consistent with the Goal 9 elements of the City's acknowledged Comprehensive Plan. The City Council finds that it does not require the City to perform a new Economic Opportunities Analysis every time property is rezoned from industrial to commercial. This conclusion is based on the City Council's understanding of the applicable rule, as well as the evidence in the record indicating that DLCDC concurs that a comprehensive economic analysis in every instance is not needed. Goal 9 does, however, require the City to ensure that any such amendment is consistent with the Goal 9 elements of the City's Comprehensive Plan. Additionally, even though the City is currently completing Goal 9-related periodic review tasks, OAR 660-009-0010(4) requires consistency with the acknowledged plan and does not require consistency with non-acknowledged elements contained in periodic review tasks.

13.99 acres of the subject property is zoned PDI. The Goal 9 analysis, therefore, only relates to the PDI-zoned portion of the property. Although the 13.99 acres at issue are zoned PDI, the City has targeted this area for commercial development since the early 1980s. Under the Parkway Master Plan, a large majority of the PDI portion of the subject property was specifically set aside for commercial development. Consequently, although preliminarily zoned for industrial uses for the last 20 years, the subject property has always been projected to be developed for commercial uses.

Regarding the supply of industrial lands, the net reduction in the industrial lands inventory is roughly 1.3%. By itself this reduction is insignificant. Moreover, given that the City has targeted the subject property for commercial development rather than industrial development, the 1.3% reduction becomes even more insignificant. The same analysis applies when the City considers vacant industrial lands. The PDI portion represents roughly 3.5% of the vacant industrial lands. The City Council finds that because this land has been expected to be developed for commercial uses removal of 3.5% of the vacant industrial land from the inventory will leave a sufficient supply of adequate industrial lands.

Additionally, in the PDI zone, all uses allowed in the PDC zone are allowed in the PDI zone, provided they are compatible with industrial uses. Service Commercial uses, such as those proposed through this application, are permitted in the PDI zone, with certain exceptions, including the 60,000 square foot limitation and an acreage limitation. The result is that the PDI zone and the PDC zone permit many of the same uses. Therefore, the change from PDI to PDC has even less of an impact on both the vacant and total industrial lands inventory since many of the same uses are permitted in both zones. This, coupled with the fact that the City has anticipated that the subject 13.99 acres would be developed for service commercial uses, demonstrates that the change from PDI to PDC is inconsequential. The City Council finds that a 1.3% reduction in industrial lands which have been targeted for commercial development for 20 years will comply with Goal 9 and will not result in any significant impact to the City's industrial lands inventory and that the City will continue to have a sufficient supply of industrial land.

Additionally, the opponents have not identified any conflict between the proposal and any Goal 9 element of the Comprehensive Plan, the opponents have simply alleged that Goal 9 and the elements of OAR 660-009-0010(4) have not been addressed. OAR 660-009-0010(4) requires the City to examine all applicable planning requirements. The City has done this by reviewing the request against all applicable approval criteria. As demonstrated by its approval and these findings, the City Council has complied with all applicable planning requirements. Furthermore, the proposed amendment is consistent with the Industrial element of the City's Comprehensive Plan in that it does not remove a significant portion of the industrial land from the City's inventory. A 1.3% reduction in industrial land previously designated for commercial development does not adversely affect the City's inventory. The City Council also finds that no other industrial Policy or Implementation Measures in the Comprehensive Plan apply to the proposed amendment. Regarding the commercial elements of the Comprehensive Plan, these findings already address the compatibility of the proposed amendment with the commercial elements of the Comprehensive Plan. Because the proposed amendment is consistent with the Goal 9 elements of the City's Comprehensive Plan, there is no need to further amend the Comprehensive Plan under OAR 660-009-0010(4)(b).

5. WC 4.198(.01)D. This provision requires that the proposed amendment not result in conflicts with other elements of the Comprehensive Plan which are not being amended. The opponents have argued that the amendment will affect the "industrial lands inventory" but fail to explain specifically which Goal, Policy or Implementation Measure the proposed amendment will conflict with. Page 7 of the applicant's March submittal shows that the 13.99 acres of industrial land represents approximately 1.3% of the total industrial lands inventory. As discussed in greater detail above, removal of 1.3% of industrial-zoned property does not result in a significant impact to the City's inventory. Similarly, the 13.99 acres represents approximately 3.5% of the vacant industrial lands. Again, removal of less than 4% of the available vacant land does not significantly affect the industrial lands inventory. As stated above and as acknowledged by the opponents, the PDI portion of the property has been targeted for commercial development.

The opponents also argue that the proposed amendment conflicts with Implementation Measure 4.1.1.d, which discusses the economics of administering the Comprehensive Plan and the City's efforts to "simplify and streamline the planning and zoning review process[.]" The opponents state that because they believe the proposed Costco fuel center will negatively impact other fuel dealers in the area, the proposed amendment conflicts with this implementation measure. The City Council finds that the proposed fuel center is not the subject of the amendment of the Comprehensive Plan, nor is the fuel center even proposed for the industrial-zoned portion of the property. More importantly, however, the City Council finds that the implementation measure at issue relates to the City's planning and review process and its efforts to make that process less costly and burdensome. The City Council finds that Implementation Measure 4.1.1.d does not require the City to examine whether the approval of an amendment to the Comprehensive Plan which will allow fuel centers as an outright permitted use may increase competition among fuel dealers. This implementation measure is not designed to protect established businesses from competition from new economic enterprises.

6. WC 4.197(.02)B. This standard generally requires that the proposed zone change be consistent with the applicable goals, policies and objectives as outlined in the Comprehensive Plan. The opponents argue that the proposal is not consistent with Policy 4.1.2 and Implementation Measures 4.1.2.b,c and d. Policy 4.1.2 and the referenced implementation measures relate to the requirement to provide commercial growth to serve the needs of the citizens of the City as well as citizens in surrounding agricultural areas. In general, the opponents claim that the City must prepare some type of "quantifiable need analysis" and that without such analysis, the City cannot make findings regarding Policy 4.1.2 and the referenced implementation measures.

The City Council finds that nothing in Policy 4.1.2 requires the needs analysis suggested by the opponents. Policy 4.1.2 requires the City to encourage commercial growth to suit the needs of the citizens of Wilsonville. As the letters in the record demonstrate, there is a quantifiable need for the type and mix of development proposed by this application. Implementation Measure 4.1.2.b requires that the city provide a basic mix of needed goods and services. As the letters in the record indicate, city residents must travel over 8 miles to obtain the goods and services provided by the proposed development. The proposed development includes a mix of goods and services and will complement other retail developments in the area such as the Wilsonville Town Center. Indeed, the owner of the Wilsonville Town Center is on record in support of the proposed development because it will provide goods and services unavailable elsewhere in the City. The City Council, therefore, finds that the amendment is consistent with Implementation

Measure 4.1.2.b because the amendment will provide opportunities for a mix of goods and services desired by residents of the community.

Implementation Measure 4.1.2.c requires that the City provide commercial services at a rate designed to meet the current and estimated future needs of the city. The record shows that there is an immediate and future need for the goods and services to be provided by this development. The City Council finds that the proposed development and the amendment to the Comprehensive Plan will meet both of those needs, therefore, the amendment is consistent with this Implementation Measure.

Implementation Measure 4.1.2.d requires the city to cluster commercial development near the Stafford Road interchange. Because the development is adjacent to the interchange, this Implementation Measure is satisfied. The opponents also suggest that the applicant must demonstrate why a Costco alone or four restaurants rather than 5 are needed. The City Council rejects this argument, and finds that this Implementation Measure requires the City to cluster development around freeway interchanges, specifically the Stafford Interchange. Because the proposed development will result in additional commercial development adjacent to the Stafford Interchange, the City Council finds that the proposed amendment is consistent with the Implementation Measure.

The opponents also argue that Implementation Measure 4.1.2.k prevents retail uses in excess of 60,000 square feet in industrial zoned lands. The City Council finds that with approval of the proposed amendment, the subject property will no longer be zoned for industrial use and, therefore, the prohibition set forth under Implementation Measure 4.1.2.k does not apply to this application.

7. WC 4.140(.06)B. The opponents claim that the proposed use is not a "Service Center" as defined by the code. The Comprehensive Plan describes "Service Centers" as:

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 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.

In general, the opponents argue that Target and Costco will be larger than 60,000 square feet. As indicated elsewhere in the Comprehensive Plan, retail uses in excess of 60,000 square feet cannot be located on *industrial* property. The opponents argue that because (1) Service Centers can be incorporated into industrial developments, (2) industrial properties cannot have retail developments greater than 60,000 square feet and (3) this development has such retail development, this development cannot be a Service Center. Simply because the proposed development might not be able to be located on industrial property does not mean that the development is not a Service Center. The City Council finds that nothing in the Comprehensive



Plan requires that every Service Center be capable of being located on industrial property. This provision of the Comprehensive Plan simply allows otherwise qualifying Service Centers to be located on industrial property. It does not require that every Service Center be capable of being located on industrial property. The City Council further finds that the proposed development is a "Service Center" as defined by the Comprehensive Plan. The proposed development is primarily related to the motoring public, hence its location adjacent to the Stafford Interchange. The proposed Costco and Target are within the meaning of "other large site users" that are dependent upon ease of access for freeway travelers.

8. WC 4.197(.03). The opponents also suggest that the proposal cannot be approved based on the findings in the June 24, 2002, staff report regarding community parking. Community parking was identified as an allowed use on a portion of the PDI-zoned property on the Parkway Master Plan. The City Council finds, however, that community parking was never *required* to be located on the property, nor is there any requirement in either the development code or the Comprehensive Plan that such parking be provided by the applicant. Nonetheless, Condition 61 requires the applicant to make available 40 SMART commuter parking spaces. Thus, to the extent that the community parking provisions of the Parkway Master Plan are even applicable, they are met by condition 61. Finally, the PDI-zoned property is being deleted from the Parkway Master Plan. Therefore, to the extent that community parking was ever required, the City Council finds that with the deletion, such a requirement no longer applies to the site.

9. TSP Amendment. Finally, the opponents claim that the proposal is not consistent with the acknowledged TSP. Given the conditions of approval requiring specific transportation improvements and the obligation to modify and amend the City's 1991 Transportation Master Plan, it is unclear why the opponents believe the proposal is inconsistent. Specifically, Condition 2 provides that the approval is conditioned on the modification of the Transportation Master Plan. In other words, approval of this request is specifically conditioned upon amendment of the Transportation Master Plan and the construction of the improvements set forth in the City Engineer's Exhibit 27. Consequently, the Transportation Master Plan will be amended to reflect the proposal and all required improvements.

10. In further support of these findings related to commercial and industrial development, insofar as the Comprehensive Plan requires clarification or interpretation, such clarification and interpretation is set forth in Exhibit B of Ordinance No. 544.

**02DB09(1) & 02DB09(2)**  
**ARGYLE SQUARE EXHIBITS**

The following exhibits are hereby part of the public record before the City Council as confirmation of its consideration of the application as submitted:

**Exhibit #**

- #1 Applicant's Submittal Document 02DB09(1) Booklet: Comprehensive Plan Map Amendment; Zone Map Amendment; Parkway Center Master Plan Amendment, and Stage I Preliminary Plan  
Applicant's Submittal Document 02DB09(2) Booklet: Stage II Final Plan; Unit A
- #2 Parking & Streetscape Site & Design Review; Tentative Subdivision; Master Sign Plan; Type C Tree Removal
- #3 Plans: SP1, L1, SG1, SG2, PC1.0, SD1.0, SD2.1, SD2.2, SD2.3, SD2.4, SD3.1, SD3.2, SD3.3, SD3.4, SD4.0, SD4.1, SD4.2, SD4.3, SD4.4, SD5.1, SD5.2, SD5.3, SD5.4, C1.0, C2.0, C3.0, C4.0, C5.0, and C5.1. (Large Drawings - Available in Planning Division File)
- #4 Arborist Report dated 8/21/01, including topographical survey
- #5.a DKS Traffic Report Addendum – March 25, 2002
- #5.b DKS Traffic Report – November 2001
- #6 Letter dated March 25, 2002 from DSL to Robert Burns regarding wetland delineation
- #7 Letter dated March 26, 2002 Sonya Kazen of ODOT to the City of Wilsonville regarding Pacific Hwy (1-5) and Elligsen Rd.
- #8 Letter dated March 18, 2002 from Rick Silverman of DEQ to Grant Marsh of Burns Brothers regarding DEQ review
- #9 Letter dated April 12, 2002 from Ray Valone of Metro to Blaise Edmonds of the Wilsonville Planning Division
- #10 Comments from SMART dated April 18, 2002
- #11 Fax dated April 23, 2002 from Darci Rudzinski of DLCD submitting comments
- #12 Fax dated April 26, 2002 from Group MacKenzie regarding pond construction versus existing sanitary pipe

- #13 Memorandum dated April 30, 2002 from Arborist R. Mazamy regarding improvements to SW Parkway Center Dr./SW Elligsen Rd.
- #14 Letter dated May 7, 2002 from Sonya Kazen of ODOT regarding supplemental ODOT recommendations
- #15 Arborist Report Dated April 26, 2002
- #16 Memo dated May 8, 2002 from Floyd Peoples of the Wilsonville Public Works Dept. regarding transplanting of Sycamore and Ash trees
- #17 Letter dated May 6, 2002 from Group MacKenzie regarding confirmation of proposed uses for Argyle Square
- #18 Memo dated March 25, 2002 from Kerry Rappold, Wilsonville Natural Resources Program Manager
- #19 Memo dated March 5, 2002 from Don Walters, Wilsonville Plans Examiner
- #20 Resolution #858 dated July 15, 1991, "Adopting Alignment of Canyon Creek Rd. North and Modification of Stage I Master Plan for Parkway Center."
- #21 February 8, 1982 Parkway Center Modified Plan/Drawing
- #22 Ordinance 187 dated July 20, 1981, Amend Zoning Map Property Known as Parkway Center to PDR and PDI
- #23 Parkway Center Development Study February 12, 1981
- #24 Parkway Center Site Development Guidelines and CC&R's dated June 1981
- #25 Letter dated May 2, 2002 from Group MacKenzie regarding updated drawings and information to respond to City Notice of Incompleteness
- #26 Letter dated May 13, 2002 from Portland General Electric regarding landscape concept plan.
- #27 Conditions and comments proposed by the City Engineer.
- #28 Letter dated May 20, 2002 from Group Mackenzie requesting a continuation for the Site and Design Review portion of the application associated with Unit A and the streetscape design.
- #29 Citizen communications received:
  - A. January 29, 2002, letter from Frances Adams in support
  - B. January 30, 2002, letter from Jim and Debbie Martin in support
  - C. January 31, 2002, letter from Jack and Patricia Parker in support
  - D. February 11, 2002, letter from Florence Sexton in support

- E. February 13, 2002, letter from Gary Halverson in support
- F. February 15, 2002, letter signed by 18 citizens in support
- G. March 11, 2002 letter from Bob Anderson requesting that adequate parking needs be considered

- #30 Notice to Applicant that application is not complete:
  - A. Revised third notice: April 22, 2002
  - B. Revised second notice: April 1, 2002
  - C. First Request: March 5, 2003
- #31 Letter dated May 17, 2002 from the Dept. of Land Conservation to Blaise Edmonds regarding plan amendment from industrial to commercial for Argyle Square.

**NEW EXHIBITS ENTERED INTO THE RECORD ON MAY 28, 2002:**

- #32 Letter dated May 15, 2002 from Oregon Dept of Transportation - REVISED Supplemental ODOT Recommendations
- #33 Letter dated May 19, 2002 from Capital Realty in support of the Argyle Development
- #34 Letter dated May 22, 2002, Fourth Notice to Applicant that components of 02DB09(2) application are incomplete
- #35 Letter dated May 24, 2002, from Group Mackenzie requesting removal of signage for Unit A and Unit B from Master Sign Plan request
- #36 E mail received from Steve & Loree Edwards 5/28/02 in support of project
- #37 E mail received from Francis Adams 5/28/02 in support of project
- #38 E mail received from Jack and Patricia Parker in support of project
- #39 Staff drawing (display board) showing proposed Comprehensive Plan Map Amendment area and Zone Map Amendment area in yellow
- #40 Staff drawing (display board) showing proposed Stage I Preliminary Plan with overlay showing Parkway Center Master Plan's existing designations and the 2.6 acres designated as community parking. Also shown is Parkway Center Master Plan, Ordinance 187, July 20, 1981.
- #41 Copies of slides presented to DRB by applicant
- #42 Staff drawing (display board) with segment in pink showing portions of site which need further design to meet WC Subsection 4.155.03
- #43 Applicant's power point presentation of proposed project

**New Exhibits entered into the record after May 28, 2002 hearing:**

- #44 Letter dated June 4, 2002 from Dept of Energy, Bonneville Power Administration, regarding BPA 100' vacant right of way
- #45 Memo dated (Revised May 30, 2002) from Michael A Stone, City Engineer regarding Public Facilities Conditions of Approval
- #46.a Applicant's letter dated June 7, 02 submitting supplemental information.
- #46.b Applicant's Supplemental Submittal Booklet dated June 7, 2002 - Unit A Parking and Streetscape Site and Design Review
- #47 Fax from Group Mackenzie to ODOT dated June 4, 2002 regarding record of telephone conversation / conditions of approval
- #48.a Applicant's letter dated June 10, 2002 submitting revisions
- #48.b Applicant's revised drawings SG2, EL-1, drawings showing trees; SD-EX
- #49 Tapes from May 28, 2002 Development Review Board Meeting
- #50 Average Daily On/Offs around Argyle Square Area Commute Hours submitted by Linda Floyd, Transit Manager
- #51 Applicant's 11 x 17 drawing showing Unit A Landscape Plantings
- #52 Sheet L1.1 and L1.3: Landscape Concept Plan
- #53 Hard copy of slide presentation
- #54 Letter dated July 22, 2002, from Sydney Eddy Brewster (Wallace W. Lien)
- #55 Letter dated July 29, 2002, from Steven L. Pfeiffer