

ORDINANCE NO. 637

ORIGINAL

AN ORDINANCE ADOPTING THE COFFEE CREEK I MASTER PLAN AS A SUB-ELEMENT OF THE CITY'S COMPREHENSIVE PLAN

WHEREAS, in 1998, following the Metro designation of the Coffee Creek area as Urban Reserve Area (URA) 42, and the potential location of the Coffee Creek Correctional Facility within, and adjacent to URA 42, the City, with the assistance of a DLCD Quick Response Team and DKS Associates, prepared a North Wilsonville Industrial Area Concept Plan; and

WHEREAS, several objectives of the Concept Plan were to:

- Meet a critical need for a state mandated correctional facility
- Meet future regional needs for additional industrial zoned and serviced lands
- Contribute to the community economic health of Wilsonville, and

WHEREAS, the Concept Plan states that, "Upon approval by the Governor of the prison facility on the selected site west of Day Road, . . . the remainder of the Urban Reserve will require a more detailed master plan that includes additional phasing of development. The City of Wilsonville is committed to completing that master plan"; and

WHEREAS, under Implementation Steps in the Concept Plan, it is recognized that, "Area 42 lies within the Washington County/Wilsonville Urban Planning Area. Changes to existing land uses are governed by an Urban Planning Area Agreement that lays out review and hearing procedures. In this case, Wilsonville will prepare a (master) plan for the area which will become effective upon annexation (of the area) by the City"; and

WHEREAS, consistent with this action, the City amended its Comprehensive Plan to designate the Coffee Creek area "Area H" as a special area of concern and noted that the city expected to provide services to the entire area when master planned and annexed; and

WHEREAS, Washington County was duly noticed as to the above Concept Plan and implementing steps and did not object to same; and

WHEREAS, the Coffee Creek area (formerly referred to as Area 42) was added to the Metro Urban Growth Boundary (UGB) in December of 2002 via Metro Ordinance No. 02-969B with a specific 2040 Growth Concept designation of Regionally Significant Industrial Area

(RSIA) which required the area to be planned within two years (which was tolled by two years due to an appeal of the ordinance); and

WHEREAS, the site of the correctional facility, named the Coffee Creek Correctional and Intake Facility, was duly annexed into the City, together with Day road, and urban services and infrastructure provided to the site; and

WHEREAS, RSIA are those lands that are located near the region's most significant transportation facilities (I-5) for the movement of freight and storage of goods and offer the best opportunities for family wage industrial jobs; and

WHEREAS, Title 4 of Metro's Urban Growth Management Functional Plan (UGMFP) calls for a strong economic climate. To achieve that end, Title 4 seeks to provide and protect a supply of sites for employment and the movement of freight and storage of goods by limiting the types and scale of non-industrial uses in RSIA areas, particularly commercial uses; and

WHEREAS, the City of Wilsonville, in 2005, amended the City's Planning and Land Development Ordinance by incorporating new Metro standards regarding commercial uses in the Planned Development Industrial Zoning District and adopting a new Regionally Significant Industrial Zoning District; and

WHEREAS, in 2005, the City determined that with the appeal of Metro Ordinance No. 02-969B concluded, the ordinance containing a two-year planning requirement, and the previously coordinated and approved Concept Plan, and since only about 150 acres of vacant industrial lands remained within the City, much of which was owned by existing companies for expansion purposes and was not available on the open market, that the time was appropriate to begin the master planning effort for the Coffee Creek Area For RSIA lands; and

WHEREAS, in 2005, the City applied for Transportation and Growth Management (TGM) funds for the preparation of a Coffee Creek Master Plan for URA 42 exclusive of the annexed correctional facility lands and for a portion of the North Wilsonville/Tualatin Planning Area added to the Metro UGB in 2004; and

WHEREAS, in August 2005, the city received notice that a TGM grant for up to \$100,000 had been approved for the area identified in Metro documents as Coffee Creek I only, because, "At this time, concept planning for Coffee Creek II and North Wilsonville is premature, until a corridor is selected for the I-5/99W Connector"; and

WHEREAS, in September 2005, the City requested a modification to the planning area to include that portion of North Wilsonville generally one lot deep north of Day Road, west of Boones Ferry Road, east of Graham's Ferry Road in order to allow coordinated planning for properties abutting both sides of Day Road; and

WHEREAS, in December 2005, a letter was received from Tualatin Mayor Lou Ogden objecting to concept planning for any part of the area north of Day Road until the alignment of the I-5/99W Connector is determined and indicating willingness to participate in a planning effort for lands located south of the Coffee Creek Correctional Facility; and

WHEREAS, Wilsonville Mayor Charlotte Lehan responded in December 2005 that Wilsonville was indeed preparing a Master Plan for the Coffee Creek I area, and since it made little sense to plan one side of a major street without looking at the abutting properties on the opposite side of that street, the City was including the properties one lot deep north of Day Road, and including a map of the planning area; and

WHEREAS, upon further consideration and in accommodation to other governmental agencies, including Tualatin, the City limited the boundary of Coffee Creek I for master planning to Day Road, and not to approximately one lot deep and north of Day Road; and

WHEREAS, in June 2006, an Intergovernmental Agreement was signed between the City of Wilsonville and ODOT detailing the responsibilities of each party under the TGM grant award, and including a planning area map consisting of the Coffee Creek I area approximately bounded by the Coffee Creek Correctional Facility and Day Road to the north and lies west of Boones Ferry Road and east of Graham's Ferry Road; and

WHEREAS, the Coffee Creek I project consultants, Otak, Inc. and the TGM Project Manager, Andrew Johnson from ODOT, were also part of the project team for the Southwest Tualatin Area Concept Plan, another Metro UGB designated industrial area located to the northwest of the Coffee Creek I planning area within the area of potential I-5/99W Connector alignments, and whose Concept Plan preparation preceded the Coffee Creek master planning effort by approximately one year; and

WHEREAS, following selection of the project consultants by ODOT, in collaboration with the City of Wilsonville, and a mailing of an invitation to affected property owners, as well as to Washington County, and the cities of Tualatin and Sherwood, to serve on the Project Advisory Committee (PAC), the first PAC meeting was held in February 2006; and

WHEREAS, the PAC represents broad interests in the study area including local government (Washington County, cities of Sherwood and Tualatin), agency representatives (Metro, Department of Land Conservation and Development and the Oregon Department of Transportation), landowners, landowner's representatives, interested individuals, business and development interests; and

WHEREAS, staff from the City of Tualatin attended the first PAC meeting and objected to the inclusion of the area north of Day Road; and

WHEREAS, TGM staff and City staff clarified that under the IGA between the City and ODOT, that the City was not preparing a master plan for the area north of Day Road, but only a concept plan related primarily to infrastructure; and

WHEREAS, a second PAC meeting was held on June 15, 2006, attended by staff from the City of Tualatin and Washington County, to review drafts of Technical Memorandum # Plan and Policy Review, Goals and Objectives and Evaluation Criteria for reviewing alternative plans; and

WHEREAS, the following goals were established by the PAC to guide the development of the Master Plan:

Goal 1: Consistency with Local, Regional, and State Plans

Ensure that the master/concept plans are consistent with the Metro 2040 Plan, the Urban Growth Management Functional Plan and the City of Wilsonville's Comprehensive Plan

Goal 2: Transportation

Protect the capacity and efficiency of the region's transportation system for the movement of goods and services

Goal 3: Public Facilities

Plan for orderly, economic provision of public facilities and services.

Goal 4: Citizen/Stakeholder Participation

Provide for extensive stakeholder involvement in the planning process

Goal 5: Quality of Development

Maintain high quality industrial development; and

WHEREAS, a third PAC meeting was held on August 18, 2006, attended by City of Tualatin but not Washington County, to review conceptual alternatives for the planning area both south and north of Day Road; and

WHEREAS, in August 2006, a Coffee Creek Project webpage was created by the City for PAC members and the general public; and

WHEREAS, a Project Open House was scheduled for September 28, 2006, and written invitations were sent to all PAC members, all property owners in the planning area and owners within 500 feet of the planning area; and

WHEREAS, the conceptual alternatives, modified as recommended by the PAC on August 18, were presented to the Project Open House on September 28, 2006, attended by 45 people, including representatives from City of Tualatin, and Washington County; and

WHEREAS, in October 2006, in response to questions from the I-5/99W Connector committees, Mayor Lehan sent a letter with multiple attachments explaining the Coffee Creek planning process, and inviting anyone who wished to participate; and

WHEREAS, in September 2006, a letter was received from Washington County requesting several changes and additions to the draft materials, including additional traffic analysis; and

WHEREAS, in response to Washington County, the TGM Grant agreement was modified to add \$7000 to the grant amount, and the requested traffic analysis was completed, and other requested changes were either made or determined to already be included in the draft materials; and

WHEREAS, the PAC met again on October 20, 2006, to review the revisions suggested at the Open House and make appropriate modifications to the alternatives; and

WHEREAS, the PAC met next on February 16, 2007, to review the revised transportation information requested by Washington County, to review the infrastructure costs of the alternatives, and to rank the Plan alternatives; and

WHEREAS, the PAC met the last time on April 6, 2007, to review the draft Master Plan for the area south of Day Road (Coffee Creek I) and the draft Concept Plan for the area north of Day Road, and recommended that the documents and technical appendices be forwarded to the Planning Commission for public hearing and recommendation to City Council; and

WHEREAS, on March 14, 2007 and April 11, 2007, the Planning Commission conducted work sessions on the draft Master Plan only, the City having agreed, in the interest of coordination with, and the accommodation of, the interests of affected governments to postpone

hearings on the Concept Plan north of Day Road until the I-5/99W Connector alignment is determined and to limit the Master Plan to area south of Day Road; and

WHEREAS, letters were received, and included in the Planning Commission record, from Washington County and the City of Sherwood requesting that we delay adoption of the Master Plan into the City's Comprehensive Plan until the alignment of the I-5/99W Connector is determined, and from the City of Tualatin objecting to approval of any plan for the area north of Day Road; and

WHEREAS, a letter dated May 14, 2007 (Attachment 1) was received for the Planning Commission record from Metro stating that "Metro did not condition planning of Area 49 (Coffee Creek I) on the selection of the right-of-way alignment for the I-5/99W Connector nor did Metro amend the conditions affecting this area when it brought additional land into the UGB in 2004. While the Master Plan is located within the I-5/99W Connector study area, we understand there is currently not an alternative for an I-5/99W Connector alignment south of Day Road. The master plan appears consistent with the Regional Transportation Plan (RTP) as required by Title 11. With this demonstration, Metro supports moving forward with the master plan and future annexation of this area"; and

WHEREAS, a letter from ODOT dated May 16, 2007 (Attachment 2), was received for the Planning Commission record raising a technical issue regarding the recommended improvements at the intersection of Day and Boones Ferry Roads, and recommending that the City not annex properties within the Coffee Creek area until a preferred I-5/99W Connector alternative has been identified; and

WHEREAS, the City's engineering staff is in negotiations regarding improvements to the Boones Ferry Road/95th Avenue area, and the recommended ODOT improvements are included in those discussions and should satisfy ODOT's concerns in this regard; and

WHEREAS, the City has, in its letters to Washington County, Tualatin and Sherwood, outlined the steps preceding annexation of properties to the City and the approximate 1 – 2 year time period for such steps to occur, thus allowing a reasonable time for determination of the preferred Connector alternative; and

WHEREAS, after conducting a special public hearing on May 16, 2007, and after affording all interested parties an opportunity to testify and/or submit information into the record

of proceedings on this matter, the Planning Commission forwarded a recommendation of approval onto the City Council; and

WHEREAS, on May 31, 2007 (Attachment 3), City staff responded to letters from Washington County and from the City of Sherwood explaining that the time necessary to an applicant to work through the application and annexation process in the city of Wilsonville would likely correspond well to the timeline for the determination of the I-5/99W Connector alignment, and that therefore adoption of the Master Plan would not impede the Connector process; and

WHEREAS, in June 2007 (Attachment 4), a letter was received from Washington County requesting that the City incorporate reservation of extensive rights-of-way on Graham's Ferry Road, Boones Ferry Road, Day Road and Clutter Road into the draft Master Plan in order to preserve all possible I-5/99W Connector opportunities, but the requested rights of ways are greater than that set forth in either Washington County's Transportation System Plan or Wilsonville's Transportation System Plan (see below), and as subsequently stated by Mayor Lehan at the below-mentioned City Council Meeting, are commonly known that Grahams Ferry in particular is subject to geographical constraints, are so large as to greatly reduce development area, and are improbable to meet exaction requirements for development impacts or to meet the greatest public good with the least private impact requirements for eminent domain; and

WHEREAS, a second letter dated July 13, 2007 (Attachment 5), was received from Metro for the City Council record stating that, given the City's application and annexation process and the provisions of Washington County's interim FD-20 Zoning district, "it appears that the proposed master plan, dated March 30, 2007, is consistent with the requirements of Title 11 of the Urban Growth Management Functional Plan and Metro Ordinance 02-969B conditions"; and

WHEREAS, subsequent comments from Washington County and the City of Sherwood requested that the City delay the planning process, and especially the adoption of the Coffee Creek Master Plan into the City's Comprehensive Plan until the alignment of the I-5/99W Connector was determined; and

WHEREAS, the City responded that none of the alignments under consideration traversed the Coffee Creek area south of Day Road, that there was a continuing need for industrial land in the south Metro area adjacent to I-5, that the supply of industrial land master

planned and ready for development was very limited, and that the hearings on adoption of the CCMP would continue; and

WHEREAS, the Coffee Creek Master Plan complies with the established goals for the project and creates a detailed transportation, infrastructure and land use plan for the area consistent with the Regionally Significant Industrial Area (RSIA) designation placed on it by Metro; and

WHEREAS, Metro has indicated that master planning can occur as long as it incorporates the general location of the I-5 to 99W Connector and the Tonquin Trail per the 2004 Regional Transportation Plan (RTP) both which were addressed; and

WHEREAS, a second letter was received from Washington County requesting the City to include in the CCMP provision for improvements to seven lanes for Graham's Ferry and Boones Ferry Roads, and to five lanes for Day and Clutter Roads; and

WHEREAS, the City's Transportation Systems Plan (TSP) currently has no street standard cross sections in excess of five (5) lanes, the standard for major arterials; and

WHEREAS, in the City's TSP, Graham's Ferry Road is currently designated a minor arterial from Clay Road south, Day Road is designated a major collector and Boones Ferry between Day Road and Parkway Center Drive is designated a major arterial; and

WHEREAS, a review of the Regional Transportation Plan or Washington County Comprehensive/Transportation Plan finds that there are no requirements that provide for street capacities or rights of way in excess of those provided in the Wilsonville Plan and TSP; and

WHEREAS, the City Council held a duly noticed public hearing on July 16, 2007; and

WHEREAS, Lawrence Odell, Assistant Director of the Washington County Department of Land Use and Transportation, appeared and testified that "adoption of the Coffee Creek Master Plan as part of the (City's) Comprehensive Plan prior to identifying the final I-5/99W Connector project is premature and violates the Urban Planning Area Agreement (UPAA) between Washington County and the City of Wilsonville", and "request that you delay the action formally until we have a chance to work together and address the issues that have not been addressed to this point", or alternatively that there was an upcoming meeting of the I-5/99W Project Steering committee to narrow the connector alternatives and he requested that the city council delay action for at least two months to analyze the selected alternative(s); and

WHEREAS, a letter dated July 16, 2007 (Attachment 6), was received and entered into the Council record from Kathy Lehtola, Director of the Washington County Department of Land Use and Transportation, reiterating many of these same points; and

WHEREAS, testimony by the City's consultant before the City Council as well as previous reports submitted in the record provide that traffic impacts of the development of Coffee Creek I Master Plan area would not have a negative impact on any of the planned Connector alternatives or even in the event of a no-build alternative, and vice versa; and

WHEREAS, Wilsonville has developed as a transportation center, one third of its lands are developed or designated for industrial development, and it has a long and positive history and experience that its planning for transportation infrastructure capacity and necessary rights of way have well supported its industrial lands; and

WHEREAS, the city has coordinated with Metro, Washington County, Tualatin, ODOT, Sherwood and other agencies and has accommodated their requests where practicable and supportable by applicable land use standards; that Washington County greater right of way requests are impracticable, not merited, nor do they meet applicable land use standards or plans; that the City's planning for transportation, infrastructure and land use of Coffee Creek I as the urban service providers meets the intent of UPAA agreement; that Washington County has not demonstrated any intent to provide these services or to meet the two-year planning requirements of Ordinance No. 02-969B; that Washington County was previously in accord with the City's Concept Plan for the area; that the Master Plan's approval is only applied to the property within the area upon the properties' annexation; that the Master Plan for Coffee Creek I is in keeping with the City's Comprehensive Plan and other land use requirements as found and concluded in the Master Plan itself and accompanying staff reports; and a delay until a Corridor Alternative is finally selected is too indefinite to meet the public interest and current need for RSIA lands, the preponderance of the evidence supports the fact that the current alternatives are not likely to negatively impact the Coffee Creek I Plan, and it has not been shown by a preponderance of evidence that the Coffee Creek I Plan's development will negatively impact any of the corridor alternatives, rather the preponderance of the evidence supports such development will not have a negative impact; and

WHEREAS, after considering the testimony, exhibits, reports and the recommendation from the Planning Commission, the City Council voted 5-0 to adopt Ordinance No. 637 on first

reading with errata changes, and determined to carry over the second reading for two months until September 17, 2007, in consideration of and in accommodation of Washington County's alternative request; and

WHEREAS, on July 19, 2007, City Attorney Kohlhoff wrote to Dan Olsen, Washington County Counsel (Attachment 7), advising the County that the Council, in the interest of coordination, has scheduled the second reading of Ordinance No. 637 for September 17, 2007, thus providing the requested two months delay; and requesting that Washington County interpret the 1988 UPAA under its special provisions section authorize Wilsonville to master plan infrastructure development for areas within the Urban Planning Area such as Coffee Creek I or to enter into negotiations with Washington County over the next 60 days to amend the UPAA to delegate specific planning authority within the UGB to Wilsonville for Coffee Creek I; and

WHEREAS, on July 27, 2007, Michael Bowers, Community Development Director, (Attachment 8) responded to Kathy Lehtola's letter of June 4 regarding expansive rights-of-way providing a factual rebuttal to her requests; and

WHEREAS, by letter of July 30, 2007, Christopher Gilmore, Sr., Assistant County Counsel, advised Mr. Kohlhoff that Washington county had a limited, time-sensitive process to authorize any land use ordinances under its charter and that the commission would have to first authorize staff to proceed and then adopt any change in a very short timeframe, and that Washington County would not agree to the requested interpretation UPAA; and

WHEREAS, on or about August 13, 2007, the City received a draft Washington County Ordinance No. 680 authorizing its staff to amend the joint UPAA and to include language stating that, "For the area outside of the city limits and within the UPA, delegation of the planning authority to the City is contingent upon selection of a preferred alternative for the I-5/99W Connector by the I-5/99W Connector Project Steering Committee. The County and the City may agree through a Memorandum of Understanding to delegate planning authority to the City for this area prior to selection of the preferred alternative provided any proposed comprehensive plan amendment includes the maximum road right of way reservations or such other assurances as are necessary and consistent for preserving the I-5/99W connector alternatives selected by the Project Steering Committee"; and

WHEREAS, the language "maximum road right of way reservation" is still being represented by as Washington County staff as that requested in the aforementioned Lehtola letter

rather than that called out in the respective TSPs, and the language "other assurances" was to provide some flexibility but has not been defined by Washington County as of yet; and

WHEREAS, this language, "maximum road right of way reservation" has no definition unless tied to a Comprehensive Plan or TSP designation and since it is not, appears to require more than Statewide Goal 2 mandates and upon reviewing Washington County's recent UPAA with Sherwood and Tualatin, more than what is prevailing in the region; and

WHEREAS, Washington County has scheduled a Planning Commission public hearing on the draft Ordinance to amend UPAA for October 17, 2007, and a public hearing before the Board of County Commissioners on October 23, 2007; and

WHEREAS, in discussions, the County has rejected a further City request to amend the UPAA to track the UPAA form approved by the County with other jurisdictions in the immediate area; and

WHEREAS, the I-5/99W Connector Project Steering Committee met on August 22, 2007, and selected 5 alternatives to be studied further for determination of the final connector alignment. Those alternatives are:

No Build- The No-Build alternative provides the baseline against which other solutions can be compared. This alternative assumes construction of transportation facilities already identified in local and regional transportation plans that are approved and funded.

Transportation Demand Management (TDM) and Transportation System Management (TSM) - TDM/TSM includes transportation system improvements that help reduce single driver vehicle use, enhance pedestrian/bicycle systems, improve mass transit, and upgrade intersections and signal timing within the project area.

Enhanced Existing System Alternative (EESA) – This alternative focuses on ways to significantly improve the area's existing roadway system (including the TDM/TSM ideas) without pursuing a new, major connector between I-5 and Highway 99W. This option proposes a variety of roadway improvements including substantial upgrades to increase the vehicle carrying capacity on Tualatin-Sherwood Road.

Connector (s) within the UGB- Alternative category 4 will propose one or more corridors for a new limited access highway/high capacity parkway between I-5 and Highway 99W entirely within the urban growth boundary (UGB).

Connector(s) outside, or partially outside the UGB – Alternative category 5 is identical to category 4 except corridors may be partially or entirely outside the UGB. In order for any solution to be constructed outside the UGB, it will be necessary to demonstrate that no reasonable solution can be implemented within the UGB. Solutions in this category will require an exception to state planning rules; and

WHEREAS, only Alternative 3 enhancing existing roadways directly abuts the Coffee Creek I planning area; and

WHEREAS, the recommended street enhancement improvements in the Coffee Creek I Master Plan are consistent with the currently adopted Regional Transportation Plan and Transportation Systems Plans of Washington County, the City of Sherwood and the City of Tualatin; and

WHEREAS, the proposed transportation plan in the Coffee Creek I Master Plan utilized the data base requested by Washington County, and has been determined to be adequate to serve the projected development levels in the Coffee Creek Planning Area as well as the pass through traffic.; and

WHEREAS, Washington County has acknowledged (Lehtola letter of July 16, 2007) that the Coffee Creek I Master Plan can be subsequently amended to address impacts, if any, from the Connector Project but has rejected that as sufficient "other assurances necessary and consistent" for preserving I-5/99W connector alternatives; and

WHEREAS, adoption of the Coffee Creek Master Plan is critical so that the City can continue to provide for economic development and creation of jobs to meet the requirements of Title 4 of the UGMFP as well as to satisfy commitments to the region; and

WHEREAS, the Coffee Creek Master Plan (CCMP) is a detailed transportation infrastructure and land use plan for the area of approximately 193 total acres with 164 gross build able acres_of land designated Regionally Significant Industrial Area (RSIA) and bound to the north by Day Road and the Coffee Creek Correctional Facility, to the west and south by the Portland and Western Railroad (P&WRR) tracks and to the east by the existing City limits; and

WHEREAS, the *Title 11-Planning for New Urban Areas* compliance deadline was March 2007; Washington County is not planning to provide infrastructure for this area, and acknowledges Wilsonville will be the provider; therefore, adoption of the City's Coffee Creek I Master Plan is critical to compliance; and

WHEREAS, under ORS 195.025, Metro has the authority and responsibility to coordinate all planning activities affecting land uses in tri-county area to ensure that amendments to plans are consistent with the comprehensive plans of affected jurisdictions; and

WHEREAS, pursuant to that role, and mindful of the positions of the jurisdictions in the region relative to the connector project as noted above, Metro approved the proposed Coffee Creek Master Plan as consistent with the Metro UGMFP and Title 11; and

WHEREAS, it appearing to the Council that conditional adoption of the Coffee Creek I Master Plan with its application subject to annexation is consistent with applicable state, regional and local law, and that the City has complied particularly with Statewide Goal 2 requirements for coordination with affected governments and has been reasonable in its coordination efforts with affected governments under the applicable land use standards as recited above; and

WHEREAS, the City received a letter dated September 14, 2007 signed by Kathy Lehtola, Director of Land Use and Transportation Washington County and Senior Assistant Washington County Counsel Christopher Gilmore (Attachment 9) further requesting the City Council delay its decision on the Coffee Creek I Master Plan with supporting rationale, which among other things challenged the adequacy of the City's transportation findings under the applicable Oregon Administrative Rules and challenged the City's jurisdiction to Master Plan the Coffee Creek I area under Metro ordinance No. 04-104B; and

WHEREAS, the proposed ordinance to adopt the Coffee Creek I Master Plan with amendments was read by title and the amendments were reviewed for the record at the regular meeting on the City Council on September 17, 2007; and the City Council opened up the hearing and received the September 14, 2007 Washington County letter (Attachment 10) and testimony from Lawrence Odell, Assistant Director of Land Use and Transportation for Washington County supporting the requested delay as set forth in the letter and then he responded to questions from the City Council, received testimony from Buzz Weideman, an interested property owner within the Coffee Creek I area, opposing any delay citing the long delay since coming into the UGB in 2002, the inability to sell or plan the use of his land as well as his neighbors' inability to do the same because the planning had not been completed, and that Washington County was requesting an indefinite delay based on the possibility of traffic impacts involving corridor alternatives that had not been selected and were not currently known, received proposed supplemental transportation findings by staff (Attachment 10) addressing the

applicable OAR's in response to the September 14, 2007 letter, received proposed responsive findings to other rationale set forth in the September 14, 2007 letter, received a printed copy of an e-mail dated September 17, 2007 from Senior Metro Attorney, Richard Benner, (Attachment 12) to City Attorney Kohlhoff stating Metro Ordinance No. 04-104B did not apply to the Coffee Creek I land area, and received a printed copy of an e-mail forwarding the Benner e-mail to Washington County attorney Gilmore by attorney Kohlhoff at 12:45 PM, September 17, 2007 (Attachment 12); and

WHEREAS, it was duly moved, seconded and approved to continue the matter for decision to October 1, 2007; thereby, allowing the City Council to review the additional testimony, exhibits/attachments and to provide the staffs of the City and Washington County time to further confer and coordinate to determine whether a Memorandum of Understanding could be amicably reached; and

WHEREAS, under the City Manager's portion of the City Council meeting of September 17, 2007, the City Manager addressed some of the late timing and issues addressed late in the coordination process by Washington County and that a further coordination meeting was being scheduled for Monday, September 24, 2007 with key Washington County executive staff.

WHEREAS, in advance of the October 1 meeting, city staff drafted a proposed Memorandum of Understanding (MOU) which under the UPAA would provide the "other assurances" that connector alternatives would not be foreclosed by city adoption of the Master Plan. The draft MOU provided three substantive conditions to the delegation of planning authority to the city for the subject property: 1) that enactments be subject to annexation of the property to the city, 2) that the text of any enactments provide for future amendments consistent with the connector selected by the I-5/Hwy 99W Project Steering Committee, as that project or parts thereof are adopted into the Regional Transportation Plan, and 3) that the possibility of such future amendments will be recognized in any development agreements or Measure 37 waivers that would be conditions of annexation approval. These conditions addressed the primary concerns of the county that: 1) city/county planning jurisdiction in this area be mutually accepted, 2) that planning for possible future connectors be reserved in the Master Plan and 3) that property owner entitlements in Master Plan adoption be legally minimized. At the October 1 meeting, county staff preliminarily was in accord with the proposed MOU conditions and sought a further condition that required an unspecified set-back and right-of way for Day Road. Based

upon further discussion, this condition was refined to require where the area north of the current Day Road was planned, a reservation of sufficient right-of-way to accommodate a future widening of Day road to a five-lane Wilsonville arterial standard as necessary for and consistent with the connector project; and,

WHEREAS, the City of Tualatin participated in these discussions, supported the process for Coffee Creek I (Attachment 13) and subsequently participated in the discussions concerning the MOU; and

WHEREAS, in the succeeding weeks, the respective staffs further refined the draft MOU to incorporate language which the staffs could recommend to its governing bodies (Attachment 14); and,

WHEREAS, the City Council discussed the MOU approach at its October 1, 2007 council meeting and continued the matter to the October 15, 2007 meeting to accommodate further consideration by the city and county; and

WHEREAS, upon consideration of the draft MOU (Attachment 14) and finding it to be acceptable in substance,

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

Findings and Conclusions:

Section 1. The recitals set forth above are findings and conclusions of the City Council and are incorporated as if fully set forth herein; and staff report and conclusionary findings dated July 16, 2007, and amendments dated September 13, 2007, are hereby adopted as findings, attached as Exhibit A, and incorporated as if set forth fully herein. All documents referenced and recited above are public records and are entered into this record.

Order:

Section 2. City Council hereby adopts the Coffee Creek I Master Plan and Appendix (Dated April 23, 2007), attached as Exhibit B, as a sub-element of the 2007 City of Wilsonville Comprehensive Plan, and its application and enforcement is subject to annexation of affected properties. Language in the Comprehensive Plan concerning AREA H and adoption of the subject master plan, is hereby repealed.

Section 3. Staff Direction and Authorization. The City Council further approves and authorizes the City's assurances set forth in the MOU (Attachment 14). City staff is hereby directed to support the UPAA amendment and MOU (Attachment 14) in County adoption proceedings, and the City Manager is authorized to execute final documents that are a final result of that process and are in keeping with the MOU (Attachment 14).

SUBMITTED to the Wilsonville City Council, read the first time at a regular meeting thereof on the 16th day of July 2007, and scheduled for second reading at a regular meeting thereof on the 15th day of October 2007 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 15th day of October 2007, by the following votes:

YEAS: -5-

NAYS: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 16th day of October 2007


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Council President Kirk	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Yes</u>
Councilor Núñez	<u>Yes</u>

Attachments:

1. May 14, 2007 Letter from Metro
2. May 16, 2007 letter from Oregon Department of Transportation
3. May 31, 2007 Letter to Kathy Lehtola, Washing County
4. June 4, 2007 letter from Kathy Lehtola, Washington County
5. July 13, 2007 Letter from Metro
6. July 16, 2007 Letter from Washington County
7. July 19, 2007 Letter to Dan Olsen, Washington County Counsel
8. July 27, 2007 Letter to Kathy Lehtola from Michael Bowers
9. September 14, 2007 Letter from Kathy Lehtola to Mayor and Council
10. September 17, 2007 E-Mail from Richard Benner Senior Metro Attorney
11. September 21, 2007 Letter from David Bragdon of Metro
12. September 25, 2007 E-Mail originally from Richard Benner, Metro to Michael Kohlhoff, Wilsonville City Attorney.
13. September 14, 2007 letter from Sherilyn Lombos, Tualatin City Manager
14. Memorandum of Understanding (MOU) between Washington County and the City of Wilsonville

WILSONVILLE PLANNING DIVISION
Legislative
AMENDED STAFF REPORT

HEARING DATE: September 17, 2007

DATE OF REPORT: Amended September 17, 2007

APPLICATION NO: LP07-0001

REQUEST: Adoption of the Coffee Creek Master Plan as a sub-element of the Comprehensive Plan.

LOCATION: The area is generally bound by Day Road and the Coffee Creek Correctional Facility on the north, the Portland and Western Railroad to the west and south, and the existing city limits to the east.

APPLICANT: City of Wilsonville

STAFF REVIEWER: Chris Neamtzu AICP, Long-Range Planning Manager

CRITERIA:

Wilsonville Comprehensive Plan:

Plan Amendments

Citizen Participation:

Goal 1.1

Policy 1.1.1

Implementation Measures 1.1.1a – 1.1.1h

Urban Growth Management:

Policy 2.2.1

Implementation Measures 2.2.1a – 2.2.1h

Public Facilities and Services:

Goal 3.1

Implementation Measures 3.1.1.a, 3.1.1.d,

Policy 3.1.2, Policy 3.1.3

Implementation Measures 3.1.3a – 3.1.3c

Implementation Measures 3.1.4e, 3.1.4f

Implementation Measure 3.1.5e

Implementation Measures 3.1.6c, 3.1.6k, 3.1.6p, 3.1.6t

Implementation Measures 3.1.7d, 3.1.7e, 3.1.7f, 3.1.7g, 3.1.7h, 3.1.7n

Implementation Measures 3.1.11b, 3.1.11i

Land Use and Development:

Implementation Measure 4.1.1e

Policy 4.1.3.

Planning and Land Development Ordinance:

Section 4.198: Comprehensive Plan Amendments.

Statewide Planning Goals:

- Goal 1- Citizen Involvement,
- Goal 2-Land-Use Planning,
- Goal 5-Natural Resources,
- Goal 6-Air, Water and Land Resources,
- Goal 8-Recreational Needs,
- Goal 9-Economic Development,
- Goal 11-Public Facilities and Services
- Goal 12-Transportation,
- Goal 13-Energy Conservation
- Goal 14-Urbanization

Metro

2040 Plan,
Urban Growth Management Functional Plan, Titles 1, 4, 8 and 11.

SUMMARY:

On May 16, 2007 the Planning Commission conducted a special public hearing to review the Coffee Creek Master Plan, and forwarded a recommendation of approval to the City Council with no changes. There was verbal and written (Exhibit 20) testimony provided by Ms. Doris Wehler, Wilsonville Chamber of Commerce President Elect, in favor of the Master Plan. No other testimony was received at the public hearing. Please refer to the list on page 13 of this staff report for a complete list of exhibits entered into the record at the Planning Commission public hearing on the Coffee Creek Master Plan. The entire Planning Commission record is included with your packet materials.

Following the public hearing, another letter was received from Kathy Lehtola, Director of Land Use and Transportation for Washington County (dated June 4, 2007-Exhibit 24). Ms. Lehtola's letter makes several specific requests if the City proceeds with adoption of the Coffee Creek Master Plan. The requests include reservation of "extensive right-of-way along roadways within the study area." Other requests include at a minimum, reservation of a seven lane section along Graham's Ferry Road and Boones Ferry Road, plus a five lane section along Clutter and Day. Additionally, Washington County requests the City require 500' left turn pockets, and 500' right turn lanes at all signalized or potentially signalized intersections within the study area. It is important to note that the widths of streets requested by Washington County are not supported by the Master Plan traffic data and modeling that has been done for the project. Furthermore, the requested street widths are not supported by the City's acknowledged TSP and would create street cross sections that are too wide jeopardizing livability.

Staff believes that these requests are unwarranted given the preferred alignments for the I-5/99W corridor study, none of which are located in the Coffee Creek I planning area. Once a final decision on the alignment of the Connector is made by the various technical committees and elected officials, any necessary revisions or amendments could be made to the Coffee Creek Master Plan to address conflicts or concerns. Until such information is available, over sizing of roads and reserving excessive rights-of-way is unnecessary and not proposed by Staff. Informal discussions with policy makers indicate that the City is not willing to accommodate such requests in the Coffee Creek area as part of Master Plan adoption.

Attached are correspondence (Exhibits 21, 22 and 23) from Sandi Young, Planning Director to Washington County and the cities of Sherwood and Tualatin regarding adoption of the Coffee Creek Master Plan. Generally, the letters discuss the lengthy process that needs to be gone through leading to ultimate development of this area. The process requires aggregating parcels into larger contiguous properties, entering into development agreements to understand the proportionate infrastructure related costs, and obtaining land use approval from the Development Review Board for Stage I/II, site design review, annexation and zone change requests. In addition, the Code needs to be updated to include the Day Road architectural design overlay and other infrastructure master plans will require revisiting. In the most compressed timeframe, this will take 8 – 12 months, at which time it is hoped that there will be final decision on the preferred connector route. If by chance the preferred connector route impacts the Coffee Creek Master Plan area, the Plan will be re-evaluated and adjusted accordingly.

ODOT Senior Planner Marah Danielson submitted a letter into the record (Exhibit 19) that raised concerns about one of the DKS recommendations contained in Technical Memorandum #2 dated May 2, 2007. Specifically, it was related to the recommendation to re-stripe the northbound left turn pocket on Boones Ferry Road at the Day Road intersection to provide additional capacity. The City's Engineering Division are working with ODOT on a package of improvements to the Boones Ferry Road/95th Avenue/I-5 intersection area as part of the Bryce office building application, and will be working through details as part of those pending current planning land use applications.

RECOMMENDATION:

Staff respectfully recommends that the City Council conduct the public hearing on the Coffee Creek Master Plan and adopt the proposed Ordinance.

BACKGROUND:

The Coffee Creek Master Plan (CCMP) has been developed over the past 16 months under the guidance of consultants (OTAK and DKS Associates), City staff and the Planning Advisory Committee (PAC). The PAC represents broad interests in the area including local government (Washington County, cities of Sherwood and Tualatin), agency representatives (Metro, Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT)), landowners, landowner's representatives, interested individuals, business and development interests. The Master Plan is proposed to be adopted as a sub-element of the City's Comprehensive Plan. No changes to the Comprehensive Plan Map or Zoning Map

are proposed at this time, as those changes will occur on the property owner's initiative and will be accompanied by site specific development proposals in the area. The City received a Transportation and Growth Management (TGM) grant from DLCD and ODOT to fund the consultant's share of costs for this Master Planning effort.

The proposed Plan built on and refined the *Preliminary Urban Reserve Plan - Area 42* Concept Plan (later called Area 49) that was developed in 1998 by the City and their consultants for the same general area in response to the siting of the Coffee Creek Correctional Facility (CCCF). With the extension of infrastructure to serve the CCCF, Area 42 was well positioned for future industrial development in the area.

At the same time as Master Plan development, a Concept Plan was developed for an area extending generally one lot north of Day Road, west of Boones Ferry Road. Neighboring jurisdictions requested that the City delay adoption of the Concept Plan until more is known about the location of the I-5/99W Connector. The City has complied with this request.

ISSUES:

Throughout the Coffee Creek planning process, Washington County, Sherwood and Tualatin have expressed concerns regarding the relationship between this planning effort and the I-5/99W Connector project. The concerns were that the connector route might be located within the planning area, and especially within the area north of Day Road, and that traffic impacts could not be fully evaluated until the location of the connector was determined. Because the city and the region are in need of available industrial lands located near major freight routes, and because Metro Title 11 requires master planning of UGB areas within two years of the time of inclusion within the UGB, the City continued with its planning work, while at the same time remaining aware of the Connector project work.

Midway through the master planning work, Washington County requested additional impact analysis, which the City and their consultants prepared, and which was accepted by Washington County. As the time for public hearings approached, the determination of the Connector location had not been completed, so the city responded to the concerns of its neighboring jurisdictions and separated the adoption processes for the Master Plan area south of Day Road and the Concept Plan area north of Day Road. The most recent Connector siting proposals contain no potential locations in the Master Plan area south of Day Road. However, letters received in response to the public hearing notice for the Planning Commission's May 16 hearing (Exhibits 3, 4, and 13) continue to maintain that direct and/or indirect impacts to the coffee Creek planning area cannot be specifically evaluated until the 99W/I-5 connector planning process has progressed further. The City respectfully disagrees.

Traffic modeling done for both Coffee Creek and for the Connector Project used the same Metro database, which presumed future development of the Coffee Creek area as RSIA industrial. That use will not change, regardless of the location of the connector. The connector is intended to be a limited access highway. Therefore, local and area traffic will continue to use the local street grid as it is recommended to be improved. None of the recommended improvements will preclude any of the currently proposed Connector locations, although further mitigation of

connecting streets may be required as part of any connector project. Therefore, there is no fatal flaw technical basis for requesting that adoption of the Coffee Creek Master Plan for the area south of Day Road be postponed.

Washington County further asserts that they have not given the City authority, via an Urban Growth Management Agreement (UGMA), to plan in the unincorporated area of the County. This assertion is correct. However, the most recent UGMA is dated 1988, and shows the City's planning area as coterminous with the city limits. At that time, there were no Metro UGB lands adjacent to Wilsonville and no reason for the City, as the service provider upon annexation, to be concerned about planning outside the city. The City maintains, as the provider of services within a UGB area following annexation, that cities are the logical entity to prepare the Master Plans for UGB areas. However, staff will need time to address the jurisdictional authority issues that have been raised.

Public Process:

To date, the public involvement process that has been conducted included PAC meetings, a public open house, email correspondence and web site postings throughout the entire process. Five PAC meetings were held: June 15, 2006; August 18, 2006; October 20, 2006; February 16, 2007 and April 6, 2007. These meetings were advertised in the Oregonian and on the City's web site and were open to the public. A public open house was held on September 28, 2006 to review two draft alternatives which proposed slight variations in street networks, paths and architectural overlay areas. Feedback from the community was gathered on the two draft alternatives, and summarized. The two plans were then reviewed in detail by the PAC, and refined into one proposal that blended elements of both recommendations resulting in the Preferred Draft Recommended Master Plan (please see Figure 1 of the Master Plan). The draft recommended master plan was developed through a consensus based approach with the PAC and was discussed at the February 16, 2007 meeting. On March 13, 2007 the parks component of the plan was presented to the Parks and Recreation Advisory Board in a public meeting and on March 14, 2007 and April 11, 2007 the Planning Commission conducted work sessions on the draft Master Plan. On May 16, 2007 the PC forwarded a recommendation of approval of the Plan to the City Council.

To date, five primary tasks with multiple steps have been completed. They include: the establishment of project goals and objectives, overview of existing plans and policies, establishment of evaluation criteria, development of conceptual alternatives, preparation of a technical transportation analysis, creation of an annexation/cost impact report, establishment of an alternatives ranking matrix and development of the draft master plan.

Other Background:

The study area is comprised of approximately 216 acres of land bound to the north by Day Road and the CCCF, to the west and south by the Portland and Western Railroad (P&WRR) tracks and to the east by the existing City limits. The land is mostly located in unincorporated Washington County, with a small triangle (south of Clutter Road) located in Clackamas County (Please refer

to Figure 1 on page 4 of the Master Plan). This land was added to the Metro and City Urban Growth Boundary (UGB) in December of 2002 via Metro Ordinance No. 02-969B.

In 2004, Metro added additional land to the Metro UGB east of the railroad tracks between Day Road and Tualatin's southern boundary, but conditioned future annexation north of Day Road on a decision regarding the preferred location of the future I-5/99W connector route. The 2002 additions did not contain such conditions. Metro's Ordinance No. 04-104B, Exhibit F only pertains only to the area north of Day Road. Metro's conditions require Title 11 planning to occur within two years of this decision point, and also indicate that master planning can occur as long as it incorporates the general location of the connector and the Tonquin Trail per the 2004 Regional Transportation Plan (RTP). The City is proposing to adopt a master plan for the area south of Day Road only.

The Coffee Creek planning effort is being conducted to create a detailed transportation, infrastructure and land use plan for the area consistent with the Regionally Significant Industrial Area (RSIA) designation placed on it by Metro. Staff will follow up adoption of the Coffee Creek Master Plan with proposed amendments to the Development Code, Comprehensive Plan, Transportation Systems Plan and other applicable infrastructure master plans to implement the concepts contained in the Master Plan (Please refer to the May 4, 2007 *Coffee Creek Industrial Area Draft Land Use Code Amendments, Task 7 Memorandum* found in Section I of the Appendix).

Plan Recommendations:

The draft planning goals, objectives, and evaluation criteria were discussed and revised based on PAC input in August 2006. OTAK applied general findings to the draft criteria that were presented to the public at the Open House in September 2006. The results from the preliminary evaluation were presented to the PAC in October 2006, and again in February 2007. During the February PAC meeting, the members discussed how each criterion could be used to make informed decisions regarding the advantages and disadvantages of the alternatives and then identified an overall recommendation for each Goal.

The overall recommendation from the PAC was to prepare a draft Plan that is a "hybrid" combination of Alternatives 1 and 2 as a Preferred Alternative, as illustrated in Figure 1 of the Master Plan. The Preferred Alternative and supporting documentation comprise the proposed Master Plan.

Master Plan Summary:

Goals:

The goals for this master planning effort are:

Goal 1: Consistency with Local, Regional, and State Plans

Ensure that the master/concept plans are consistent with the Metro 2040 Plan, the Urban Growth Management Functional Plan and the City of Wilsonville's Comprehensive Plan

Goal 2: Transportation

Protect the capacity and efficiency of the region's transportation system for the movement of goods and services

Goal 3: Public Facilities

Plan for orderly, economic provision of public facilities and services.

Goal 4: Citizen/Stakeholder Participation

Provide for extensive stakeholder involvement in the planning process

Goal 5: Quality of Development

Maintain high quality industrial development

Staff finds that the process conducted to date has resulted in satisfaction of the project goals by specifically:

- evaluating local, regional and state plans as they relate to this planning effort and documenting compliance (Section C of the Appendix) (Goal 1);
- evaluating the transportation network through existing condition, build and no-build scenarios, and documenting the findings in technical memorandums (Sections E, F and G of Appendix and specifically the May 2, 2007 Coffee Creek Transportation Technical Memorandum #2 prepared by DKS Associates) (Goal 2);
- reviewing and building upon City public facility master plans that strive for orderly provision of public facilities and services (Sections D, E, F and H of the Appendix) (Goal 3);
- conducting a citizen stakeholder process (Goal 4);
- establishing overlays and design guidelines that will ensure maintenance of high quality development (Goal 5).

Land Use:

The area will accommodate light industrial development that is consistent with the City's Planned Development Industrial (PDI-RSIA) zoning designation and the Metro Regionally Significant Industrial Area (RSIA) designation. The permitted uses are comprised primarily of warehouse/distribution, storage, assembly, manufacturing, processing, fabrication, research, industrial services, office complexes (limited to 20% of floor area), technology and corporate headquarters. Retail and commercial uses are limited in RSIA areas, with 3,000 SF being permitted in a single building, and as much as 20,000 SF total permitted in multiple buildings. Prohibited uses are generally those that would violate the performance standards (noise, fallout, vibration etc.) of the zone.

Regionally Significant Industrial Areas (RSIA):

Metro's Title 4 of the Urban Growth Management Functional Plan (UGMFP) calls for a strong economic climate. To achieve that end, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in RSIA areas. RSIA areas allow light industrial uses and have strict limitations on non-industrial uses, particularly commercial.

RSIA are those lands that are located near the region's most significant transportation facilities (I-5) for the movement of freight and storage of goods. The Coffee Creek area represents 216 acres of RSIA land that will assist the region in achieving its employment targets and promoting a strong economic climate. The RSIA designation will help meet the regions documented need for high wage light industrial development. It should also be noted that the consultant has identified three potential Oregon Industrial Certified Site candidates (Exhibit 14) within the Master Plan area, which would assist the City, region and state with accommodating strategic employment growth.

Wilsonville is quickly running out of available industrial land, particularly large contiguous parcels, as is evidenced by recent industrial land supply studies. As a result, adoption of this Master Plan is critical so that the City can continue to provide for economic development and creation of jobs to meet the intent of Title 4 as well as to satisfy commitments to the region. The Master Plan addresses provision of adequate amounts of serviceable land easily accessible land to the interstate highway system for the storage and movement of freight and for other RSIA compatible employment opportunities.

Transportation:

Primary access is planned from I-5/Elligsen Road via Boones Ferry Road and Day Road. Access will also be provided via Grahams Ferry Road, Ridder Road and the planned Kinsman Road. Transit routes are located within a ½ mile walk from the Master Plan area, with SMART/Tri-Met bus stops located near Commerce Circle/95th Avenue.

Additional transit routes are planned in the Draft Transit Master Plan (2007). Proposed is an expansion of Route 203, which is anticipated to serve the 95th Avenue employment corridor and traverse Day Road to the CCCF. Service for this expansion is anticipated to be in 2013, depending on the progress of development.

The Coffee Creek Master Plan Appendix contains detailed traffic analysis and technical memorandums prepared by DKS Associates that summarize key transportation issues specific to the project area. It is staff's intention to follow up adoption of the CCMP with modifications to Wilsonville's 2003 TSP to implement the CCMP.

Water:

The City's Water Master Plan (2000) includes a capital improvement phasing plan that would generally serve the Coffee Creek Industrial Area. A general description of the water system can

be found on page 15 of the Master Plan. A preliminary list of recommended water system improvements is included in Appendix E and Tables 3 and 4.

A water main transmission line exists along Day Road and Garden Acres Road. The Water Master Plan needs to be updated to reflect more accurate site topography and long-range demand levels based on master plan assumptions. An additional reservoir would be needed at some point to provide adequate peak capacity prior to build-out of the entire project area.

Sewer:

The Coffee Creek Master Plan area is to be served with sanitary sewer by the City of Wilsonville and is reflected as Urban Planning Area 4 (UPA-4) in the City's Sanitary Sewer Master Plan. This area was assumed to include the CCCF and the master plan area. Existing sanitary sewer lines are located to the south of the CCCF, and traverse east across Grahams Ferry Road to Garden Acres Road eventually following the P&WRR.

Additional information regarding proposed sanitary sewer capital improvements necessary to serve the area can be found on page 16 of the Master Plan as well as in Sections E and F of the Appendix. It should be noted that the City's Sewer Master Plan includes the master plan area in the hydraulic modeling and long range CIP. Site survey work will be needed to update the sewer system model to determine more accurate on and off site sewer system improvements and trunk line size/location, pump station requirements and costs.

Storm:

The master plan area is located in the Coffee Creek watershed. Basalt Creek drains from Tualatin south along the east side of the study area into the Coffee Creek wetlands. The Wilsonville Stormwater Master Plan (2001) and this plan identify potential regional detention facilities in the planning area. These facilities would provide effective water pollution control. The City's standards also require stormwater to be detained and treated on-site in localized detention ponds as well as cleansed through facilities such as bio-swales.

The CCMP proposes the utilization of "green streets" which are unique facilities that allow the street surface run-off to be treated in grassy swales adjacent to the street section (Please refer to Figure 5 on page 22 of the Master Plan). Green streets are proposed as a concept for both Kinsman and Graham Ferry Roads. The TSP would need to be modified to allow for the green street concept to be utilized.

It is also recommended that the City conduct a Basalt Creek and Coffee Creek sub-basin analysis to better define existing stormwater events and flooding related issues. Future development should be modeled to ascertain the likely impacts of development and to identify the impacts of beneficial stormwater design standards. Additional information regarding stormwater management can be found in Appendix F.

Parks:

On March 13, 2007 the draft master plan was presented to the Parks and Recreation Advisory Board. The Board reviewed the materials and preferred alternatives and provided the Planning Commission with a recommendation of approval with small adjustments to the location of one of the waysides, particularly the one at the terminus of Clutter Rd. The Board recommended that this wayside be moved north to orient with the new northern alignment of this street.

Park Facilities Recommendations:

The Draft Wilsonville Parks and Recreation Master Plan addresses the park, recreation, and service needs of Wilsonville residents over the next 20 years, specifically envisioning

...a comprehensive and interrelated system of parks, recreation, and natural areas, that:

- *Offers a range of experiences, including active and passive recreation, for all ages and abilities;*
- *Contributes to a healthy and livable community;*
- *Conserves and educates about the natural environment; and*
- *Promotes community connectivity by linking parks, recreation facilities, schools, and other key community centers by trails, pathways, and public transit.*

The Parks and Recreation Master Plan implements Policy 3.1.11 of the Comprehensive Plan, which states that, *The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.*

The Master Plan specifically identifies the Northwest Industrial Area as having a strong need for accessible green space and recreation opportunities and recommends providing parks in this area and/or improving linkages between the industrial area and existing parks.

Northwest Industrial Area: Parks are just as significant in commercial and industrial areas as in residential areas. However, the recreation and leisure needs of workers are different from residential needs, and they are often overlooked. The City of Wilsonville can be a leader in this regard by providing parks designed to serve the City's workforce. For example, the Bike and Pedestrian Plan recommends a regional trail and community trail through the Northwest industrial area, offering opportunities to incorporate recreation amenities to serve nearby employees as well as trail users. Benches, picnic areas, and similar facilities may provide healthy opportunities to relax and socialize during lunch and work breaks. As these industrial areas are developed, the City can encourage employers to offer additional recreation opportunities, and other healthy-living amenities. (Wilsonville Parks and Recreation Master Plan, Chapter 2)

Protecting natural resources is a hallmark of the Comprehensive Plan and the Parks and Recreation Master Plan. Natural resource protection and opportunities to partner with private land owners, as has historically been the case in Wilsonville, should be considered during the planning process for the Coffee Creek Area. Focus should also be placed on creating an interconnected park system including greenways and trails, but also connections for bike, pedestrian, and transit transportation choices.

The project area has one identified park improvement shown in Figure 1, which is listed in the Parks and Recreation Plan as “P12 Industrial Area Waysides.”

P12 Industrial Area Waysides (Excerpt from the Parks and Recreation Master Plan)

Wilsonville is currently planning for industrial uses in the Northwest Area, just south of the prison. There is a great opportunity to design pocket parks that serve social and recreational needs of employees into the overall plan for the area. The vision for this area is to provide pocket parks along the community trails that are easily accessible to employees. Figure 2 depicts potential wayside locations in this area. Recommendations for the waysides include:

- 1. In this area, waysides should be provided within about ¼-mile of employees.*
- 2. As development occurs in this area, locate and design the waysides. Securing easements or land for each of the waysides should occur as part of the development review and approval process.*
- 3. Each wayside should include a small picnic shelter to increase year round usability, site furnishings, and a paved plaza area.*

Chapter 6 of the Parks and Recreation Master Plan provides capital project costs, including costs for the two projects within the plan area.

- P11 Industrial Area Waysides: Allowance for design and implementation of 3 pocket parks along regional trails R1 and R6 and community trail C10. Allowance based on average cost of \$200,000 per wayside, not including trail construction – \$600,000 (2005 dollars).
- P12 Industrial Area Waysides: Allowance for design and implementation of 3 pocket parks along community connector trails. Allowance based on average cost of \$200,000 per wayside, not including trail construction – \$600,000 (2005 dollars).

Recommended long range parks and trails include:

- Kinsman Road Green Street Improvement (with parallel bike lanes/sidewalks)
- Grahams Ferry Road Green Street Improvements (with parallel bike lanes/sidewalks)
- Commerce Circle to Kinsman Road pathway connection (estimated capital cost of \$270,000)
- Construction of three new waysides south of Day Road (estimated capital cost of \$60,000)
- Construction of one new wayside north of Day Road (estimated capital cost of \$20,000)
- Basalt Creek trail north of Day Road (estimated cost of \$90,000)
- BPA Powerline Easement Trail (to be dedicated for public use by private developers)
- Metro Tonquin Regional Trail (to be constructed and maintained by Metro)

Trails:

The recently adopted Bicycle and Pedestrian Master Plan (2006) contains a number of community walkways/pathways and the regional Tonquin Trail within the study area. The CCMP is generally consistent with the City's Bicycle and Pedestrian Master Plan. The CCMP contains both on and off-street trail, sidewalk and bikeway connections. On-street facilities are proposed along Grahams Ferry Road, Kinsman Road, Clutter and Clay Street. An off street section is proposed to connect Commerce Circle in the city to the future Kinsman Road extension as well as the Tonquin Trail which is envisioned to follow the P&WRR connecting north to the cities of Tualatin and Sherwood.

Significant Resource Overlay Zone (SROZ):

The City's adopted Goal 5 inventory map contained a 3.65 acre upland forest (Site ID # URA#42U3) north of the Allied Waste facility. The adopted map was intended to contain natural resources that were locally significant according to defined standards. This area was mapped as part of the Goal 5 inventory process.

Representatives of Allied Waste have requested that the area be re-evaluated to determine if the area meets the significance criteria established as part of the citywide Goal 5 process conducted from 1999-2001. As part of this request, Staff enlisted the assistance of Mirth Walker, wetland and wildlife scientist with SWCA Environmental Consultants to evaluate the resource values of the site and determine if it meets the significance criteria established for Goal 5 upland natural resources in the City (Please refer to the analysis prepared by Mirth Walker of SWCA Consultants-Exhibit 10). Ms. Walker was the consultant used for the 1998 local wetlands and riparian corridor inventory and the 1999-2001 Goal 5 update. Ms. Walker conducted an on-site survey of the wooded area with Natural Resource Program Manager Kerry Rappold and applied the established criteria. Her findings are that the site does not contain locally significant natural resource values as it did not rate "high" in any of the upland habitat functions. As a result of these findings, Staff is proposing that site URA#42U3 be removed from the Goal 5 regulated map.

EXHIBITS

Additional Exhibits:

- Exhibit 24: Letter dated June 4, 2007 from Kathy Lehtola, Washington County Director of Land Use and Transportation to Sandi Young, Planning Director
- Exhibit 23: Letter dated May 31, 2007 from Sandi Young, Planning Director to Kathy Lehtola, Washington County Director of Land Use and Transportation
- Exhibit 22: Letter dated May 31, 2007 from Sandi Young, Planning Director to Robert Dixon, Community Development Director for the City of Sherwood
- Exhibit 21: Letter dated May 31, 2007 from Sandi Young, Planning Director to Douglas Rux, Community Development Director for the City of Tualatin

Distributed at the May 16, 2007 Planning Commission Public Hearing:

- Exhibit 20: Written "Testimony of Doris Wehler, President-elect, before the City of Wilsonville Planning Commission regarding Coffee Creek Master Plan.
- Exhibit 19: Letter dated May 16, 2007, from Mara Danielson of ODOT, to Sandi Young.
- Exhibit 18: Letter dated May 15, 2007; from Rob Dixon, Sherwood Community Development Director; to Sandi Young, Planning Director; regarding Coffee Creek Master Plan.
- Exhibit 17: Memo dated May 16, 2007; from Kerry Rappold, Natural Resources Program Manager; regarding SROZ Map (Exhibit 10) Correction – Upland Forest on Allied Waste Property.
- Exhibit 16: Letter dated May 14, 2007; from Andy Cotugno, Metro Planning Director; to Sandi Young, Planning Director.
- Exhibit 15: Paper Copy of PowerPoint Presentation dated May 16, 2007
- Exhibit 14: A map showing, "Potential Certified Industrial Site Candidates"

Staff Report for the May 16, 2007 Planning Commission Public Hearing, including:

- Exhibit 13: A letter dated May 8, 2007, from Douglas Rux of Tualatin, regarding Coffee Creek Master Plan
- Exhibit 12: *Preliminary Urban Reserve Plan Area 42*, June 1998 (This large document is located in the Planning Division)
- Exhibit 11: *North Wilsonville Industrial Area Proposed Concept Plan*, dated June 12, 1998. (This large document is located in the Planning Division)
- Exhibit 10: A memorandum dated April 17, 2007, from C. Mirth Walker of SWCA Environmental Consultants, to Kerry Rappold, regarding Willamette Resources Site Visit – URA #42 U3, with attached:
 - * City of Wilsonville Natural Resource Inventory Upland Summary Sheet
 - * City of Wilsonville Natural Resource Function Rating Matrix – Upland Natural Resource Areas Only, By Site Number
 - * City of Wilsonville Natural Resource Function Rating Matrix – Wetlands and Associated Upland Natural Resource Areas.

- Exhibit 9: Metro Partial Ordinance No. 04-1040B
Exhibit 8: Metro Ordinance No. 02-969B
Exhibit 7: An email dated May 4, 2007, from Darren Pennington, regarding Testimony re: LP07-0001 Coffee Creek Industrial Area Master Plan.
Exhibit 6: Paper copy of PowerPoint presentation shown, "Coffee Creek Master Plan, Planning Commission, April 11, 2007."
Exhibit 5: An email dated April 11, 2007, from Terry N. Tolls, regarding Coffee Creek Master Plan – As last viewed at the Friday, April 6, 2007, Advisory Committee meeting with attached:
* Fidelity National Title Company property information
Exhibit 4: A letter dated April 9, 2007, to Sandi Young, from Sherwood Community Development Director Robert A. Dixon, regarding Coffee Creek Master Plan.
Exhibit 3: A letter dated March 7, 2007, to Sandi Young, from Kathy Lehtola of Washington County.
Exhibit 2: Internet pages regarding the 1-5 to 99W Connector Project.
Exhibit 1: Draft Coffee Creek Master Plan, dated April 23, 2007, with Appendices dated March 30, 2007. (This large document is located in the Planning Division)

CONCLUSIONARY FINDINGS:

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

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

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

Response: The public and PAC process has been an inclusive public involvement process that was intended to engage the community in a meaningful way, using a consensus based approach to reach the draft recommended master plan concept. The PAC meetings have been open to the public and the City's web site has been updated regularly to allow interested parties to follow the process and comment without attending any meetings. The public forum in September 2006 was very well attended by property owners and/or their representatives, as well as abutting owners and jurisdictions. The Parks Board and Planning Commission work sessions have provided additional opportunity for the public to be involved as do the public hearings with the Planning Commission and City Council. **These criteria are satisfied.**

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

Response: The Planning Commission meets on the second Wednesday of every month. There have been two public work sessions on the draft master plan, March 14, 2007 and April 11, 2007 and a public hearing on May 16, 2007 was another open public meeting on the Master Plan. The City Council hearing on July 16, 2007 is yet another opportunity. **This criterion is satisfied.**

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

Implementation Measure 1.1.1.d *Support the Planning Commission as a public Citizens Involvement Organization which assists elected and appointed City Officials in communicating*

information to the public regarding land use and other community issues. Examples of ways in which the Commission may accomplish this include conducting workshops or special meetings.

Response: The plan development and public review process are supportive of the Planning Commission in its role as the CCI. Both work sessions and special meetings have been held on the Coffee Creek Master Plan. **These criteria are satisfied.**

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

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

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

Response: The inclusive public process has resulted in coordination with all of the above citizen groups. Representatives of the PAC also represent the broad cross section of interests that this measure encourages to be coordinated with. **These criteria are met.**

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

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

Response: Work sessions and public hearings are being conducted as part of the adoption process for the Coffee Creek Master Plan. **This criterion is satisfied.**

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

Response: The public hearing notice that was mailed out by City staff clearly states that a public hearing was being conducted on the Coffee Creek Master Plan. **This criterion is satisfied.**

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

Response: The Coffee Creek Master Plan is for approximately 216 acres of future RSIA industrial land that was added to the City's UGB in 2002 by Metro. The plan represents one of the first steps in what will be the eventual industrial urbanization of the study area **satisfying the above applicable plan criteria.**

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

Response: Adoption of the master plan will be one of the first steps in what will lead to annexation and industrial development in the Coffee Creek area. Following the adoption of the CCMP, amendments to other City infrastructure master plans such as the TSP will need to be completed and a full understanding of the cost implications of serving new development worked through, as well as agreements established regarding what parties will pay for what portions of the infrastructure necessary to serve the area. This criterion will be evaluated in more detail at a later stage in the land use process.

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

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

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

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

Response: Adoption of the CCMP will support the purpose statement of Title 4 and the RSIA designation of the UGMFP. There are no green corridors on the Functional Plan map for the CCMP area. **This criterion is satisfied.**

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

Response: The CCMP area was added to the City's UGB in 2002 with support from the region, including Metro and Washington County. This area was added specifically for RSIA/industrial development purposes, and will provide much needed jobs and economic development for the region. **This criterion is satisfied.**

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

Response: This staff report and the findings of fact contained in the Master Plan demonstrate compliance with the applicable sections of the City's Comprehensive Plan. **This criterion is satisfied.**

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

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

Response: Adoption of the CCMP will not result in adjustments to the city limits and is not an annexation procedure. Staff will evaluate this Plan criterion at the time annexation is

proposed and a site specific development proposal provided. **This criterion is not applicable at this time.**

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

Response: No new lots are proposed as part of adoption of the Coffee Creek Master Plan. **This criterion does not apply.**

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

1. *Where an immediate demonstrable threat to the public health exists, as a direct result of the lack of the service in question;*
2. *Where a Governmental agency is providing a vital service to the City; or*
3. *Where it is reasonable to assume that the subject area will be annexed to the City within a reasonable period of time.*

Response: The CCMP does not propose the extension of urban services outside of the city limits. **This criterion does not apply to adoption of the Master Plan.**

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

Response: The City has urban growth management agreements and urban planning area agreements that address geographic areas called dual interest areas. Both of the agreements (Clackamas and Washington Counties) need to be updated and are a part of the City's periodic review work program. Conflicts have been raised by Washington County regarding the City's agreement with them, regarding authority to plan the area. Discussions will need to occur to resolve this issue.

Public Facilities and Services: Goal 3.1: *To assure that good quality public facilities and services are available with adequate capacity to meet community needs, while also assuring that growth does not exceed the community's commitment to provide adequate facilities and services*

Response: The Appendix to the Master Plan contains an infrastructure analysis as well as an annexation/cost impact report that begins to lay the groundwork for understanding the cost of providing upgrades to that infrastructure. The CCMP supports the Comprehensive Plan goal

of assuring good quality public facilities with adequate capacity while not exceeding the community commitment to provide such infrastructure. **This goal is supported by the Master Plan.**

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

Response: The CCMP appendix (Section I) contains a memorandum from Todd Chase of OTAK to Sandi Young, Planning Director outlining recommended amendments to City codes and master plans necessary to implement the CCMP. **This criterion is met.**

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

Response: Housing is not proposed in the CCMP therefore, this code criterion does not apply. Employment densities are applicable, and the area will target the RSIA employment goals per acre.

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

Response: The CCMP begins the coordination of infrastructure that is necessary to ultimately serve the area for industrial development purposes. **This criterion is met.**

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

Response: The City's development agreement and land use process assure that the development community pays its fair share of necessary public infrastructure improvements to serve private development. **This criterion does not apply to the proposal.**

Implementation Measure 3.1.3.a: Developers will continue to be required to pay for demands placed on public facilities/services that are directly related to their developments. The City may establish and collect systems development charges (SDCs) for any or all public facilities/services, as allowed by law. An individual exception to this standard may be justified, or SDC credits given, when a proposed development is found to result in public benefits that warrant public investment to support the development.

Response: The above level of detail will be negotiated as part of the development agreement and entitlement process, which follows master plan adoption. **This criterion does not apply to the adoption of a master plan.**

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

Response: The adoption of the CCMP will not affect the City's preparation of a rolling 5 year CIP. Projects from the CCMP will ultimately end up in the CIP as part of the development of the area. **This criterion is met.**

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

Response: How the development of public infrastructure for the CCMP area is financed is a detail that has yet to be determined. The CCMP does not preclude the utilization of pay back agreements, development agreements or other creative financing necessary to fund infrastructure development. **This criterion is not in conflict with the Plan.**

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

Response: The CCMP proposes to serve the development area with city services, including sanitary sewer. **This criterion is met.**

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

Response: The CCMP does not propose to alter the method of payment for infrastructure, particularly line extensions for sewer. **The Plan is not in conflict with this code criterion.**

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

Response: The Water Master Plan includes a capital projects schedule. Projects are included in the CIP according to the guidance of the WMP. **The CCMP supports this code criterion.**

Implementation Measure 3.1.6c: *All streets shall be designed and developed in accordance with the Master Plan and street standards, except that the Development Review Board or City Council may approve specific modifications through the planned development process. Such modifications shall be made in consideration of existing traffic volumes and the cumulative traffic generation potential of the land uses being developed. At a minimum, all streets must be developed with sufficient pavement width to provide two lanes of traffic, unless designated for one-way traffic flow. However, adequate emergency vehicle access and circulation must be provided.*

Response: The CCMP includes proposed street improvements and the estimated costs thereof. The proposed street classifications and the specific proposed projects are consistent with those portions of the same streets included in the City's existing TSP. For example, the proposed extension of Kinsman is consistent in classification and proposed project cross-sections with portions of Kinsman in the existing TSP. The range of street cross-sections in the existing TSP all require at least two travel lanes and are adequate for emergency vehicle access and circulation. **The Plan is not in conflict with this criterion.**

Implementation Measure 3.1.6k: *Individual developments shall be responsible for providing all collector and local streets. However, there may be cases where collector streets are found to benefit the entire community to a degree that warrants public participation in funding those collector streets. Developers and property owners of developing property shall also collectively assume the responsibility for providing "extra capacity" to the existing street system. To insure development of an adequate street system, the City shall collect a Systems Development Charge as development occurs. Funds collected shall be allocated through the Capital Improvements Plan as needed to provide extra capacity service.*

Response: The CCMP assumes the collection of SDC's, and the inclusion of SDC's as part of the funding of, or credit for, street improvements which provide benefits beyond the immediate development being served. **This criterion is supported by the Plan.**

Implementation Measure 3.1.6p: *The City recognizes the value of the railroad to industrial growth in Wilsonville, and will encourage the railroad and the State of Oregon to maintain quality service and provide needed improvements, rail crossings and signalization, etc. System expansion to accommodate commuter rail service shall be strongly encouraged.*

Response: Ultimate development of the area could result in spur connections to the adjacent rail line. The market will determine the feasibility of these types of connections. There are no railroad crossings proposed in the Plan. **The Plan is not in conflict with the above criterion.**

Implementation Measure 3.1.6t: *The Bicycle and Pedestrian Master Plan identifies the general alignment of primary routes for pedestrian and bicycle travel. It has been designed to provide connections between residential neighborhoods and major commercial, industrial and recreational activity centers throughout the City. The system has been coordinated with pathways planned in adjacent jurisdictions to allow for regional travel.*

Response: The proposed bicycle and pedestrian network is consistent with the recently adopted Bicycle and Pedestrian Master Plan. **This criterion is supported by the CCMP.**

Implementation Measure 3.1.7.d: Major natural drainage ways shall be retained and improved as the backbone of the drainage system and designated as open space. The integrity of these drainage ways shall be maintained as development occurs. Where possible, on-site drainage systems will be designed to complement natural drainage ways and designated open space to create an attractive appearance and will be protected by conservation, utility, or inundation easements. Alteration of minor drainage ways may be allowed provided that such alterations do not adversely impact stream flows and in-stream water quality of the major drainage ways and provide for more efficient use of the land. Such alteration must be approved by the City. Remnant creek channels, which previously carried water that has since been diverted, shall be evaluated for their wildlife habitat value before being selected for use as drainage ways. Where a remnant creek channel is found to provide unique habitat value without being a riparian zone, and that habitat value would actually be diminished through the re-introduction of storm water, alternate methods of conveying the storm water will be considered and, if feasible, used.

Response: The Basalt Creek drainage way is proposed to convey the treated and detained stormwater flows from the development area and would incorporate open space into the area. The concept for “green streets” along Kinsman will assist in satisfying this implementation measure. **The CCMP is consistent with the Plan criterion.**

Implementation Measure 3.1.7.e: Existing culverted or piped drainage ways will be “daylighted” (converted from underground to surface facilities) when doing so will help to achieve the City’s goals for storm drainage without overly conflicting with development.

Response: The CCMP does not propose the day lighting of culverted drainage ways. **This criterion does not apply to adoption of the CCMP.**

Implementation Measure 3.1.7.f: Conversion of existing swales or drainage ways to culverted or piped systems shall be permitted only where the City Engineer determines that there is no other reasonable site development option. See Option A, above.

Response: The CCMP does not propose to culvert existing swales or drainage ways. Subsequent amendments to the Stormwater Master Plan will evaluate the Basalt Creek sub-basin drainage pattern of the area, and recommendations could arise from those studies. **This criterion does not apply to the adoption of the CCMP.**

Implementation Measure 3.1.7.g: Conversion of existing meandering swales or drainage ways to linear ditches shall be permitted only when the City Engineer determines that there is no other reasonable site development option.

Response: The Plan does not propose the conversion of meandering swales or drainage ways to linear ditches. **This criterion does not apply to the adoption of the CCMP.**

Implementation Measure 3.1.7.h: Open drainage ways may be used to meet a portion of the landscaping and open space requirements for developments, provided that they meet the design requirements of the Development Review Board.

Response: Open space and landscaping percentages are calculated at the time a site specific development proposal is brought forward. The CCMP proposes the preservation of the Basalt Creek drainage which is protected through the SROZ, implementing Title 3 of Metro's UGMFP. **The CCMP provides the framework for this criterion to be implemented at the development stage.**

Implementation Measure 3.1.7n: Wilsonville has established a single-storm drainage runoff standard that is applied throughout the City. That standard requires developers to plan for at least a 25-year storm event. However, the differences in the natural characteristics of the Boeckman Creek and Seely Ditch Basins and their sub-area basins will require developers and their engineers to plan for different types of detention or retention facilities in one basin than would be used in another. The appropriate criteria will be established and implemented through the City's Public Works Standards.

Response: The CCMP proposes stormwater standards that are consistent with City standards. **This criterion is supported by the Plan.**

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

Response: The parks and recreation improvements contain waysides as well as trail connections offering employees a balance of possible active and passive recreational opportunities. **This criterion is supported by the CCMP.**

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

Response: Preservation of the SROZ areas in the study area provide the framework for limited access natural areas, and when combined with the trail network offer connectivity between natural areas both in the study area as well as outside of the area. **This criterion is generally supported by the CCMP.**

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

Response: The proposal for light industrial development consistent with the City's PDI zone and the RSIA designation will provide for compatible industrial development to the adjacent existing industrial area to the east. **This criterion is supported by the CCMP.**

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

Response: The CCMP proposed light industrial development consistent with the performance standards of the zone, which generally results in compatibility with residential and urban levels of development. **This criterion is supported by the CCMP.**

Planning and Land Development Ordinance:

Section 4.198. Comprehensive Plan Changes - Adoption by the City Council.

- (.01) *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;*
 - 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;*
 - C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and*
 - D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.*

Response: The proposed adoption of the Coffee Creek Master Plan will ultimately result in industrial development, providing economic benefits and living wage jobs, which are critical to the long term economic climate of the area and the region. This is a stated public need. The addition of the area to the City's UGB was specifically to support Title 4 of the UGMFP and the RSIA designation, provide available serviceable industrial land close to the interstate highway system, and to meet state requirements for available industrial land and regional commitments regarding creation of jobs and industrial development. The CCMP is consistent with Metro Ordinance No. 02-969B, Exhibit F, which speaks in detail to the importance of the RSIA designation to the region. Through the lengthy process of amending the UGB and due to the proximity to I-5, this area meets the public need for providing industrial land. The applicable statewide planning goals are supported by this proposal, and adoption of the Master Plan does not result in conflicts with portions of the Comprehensive Plan not being amended as is demonstrated in this staff report. **The above criteria are satisfied.**

Statewide Planning Goals:

Goal 1: Citizen Involvement: *It is the purpose of this Goal to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: Development of the CCMP was an inclusive process that was designed to engage a broad cross section of citizens. Throughout the 16 month process there have been numerous opportunities for the public to participate in development of the Plan. The public involvement process that has been conducted included PAC meetings, a public open house, email correspondence and web site postings. The PAC included representatives of Washington County, Sherwood, Tualatin, Metro, ODOT, DLCD as well as property owners within and abutting the master planning area. Five PAC meetings were held: June 15, 2006; August 18, 2006; October 20, 2006; February 16, 2007 and April 6, 2007. These meetings were advertised in the Oregonian and on the City's web site and open to the public. A public open house was held on September 28, 2006 to review two draft alternatives which proposed slight variations in street networks, paths and architectural overlay areas. Feedback from the community was gathered on the two draft alternatives, and summarized. The two plans were then reviewed in detail by the PAC, and refined into one proposal that blended elements of both recommendations resulting in the preferred draft recommended master plan (please see Figure 1 of the Master Plan). The draft recommended master plan was developed through a consensus based approach with the public and the PAC and was discussed at the February 16, 2007 meeting. On March 13, 2007 the parks component of the plan was presented to the Parks and Recreation Advisory Board in a public meeting and on March 14, 2007 and April 11, 2007 the Planning Commission conducted work sessions on the draft Master Plan and on May 16, 2007 a public hearing was conducted and a recommendation of approval forwarded to the City Council. **The public process that has been conducted satisfies the intent of Goal 1-Citizen Involvement.**

Goal 2: Land Use Planning: *It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.*

Response: Washington County has raised concerns regarding compliance with Goal 2 as it relates to coordination of Comprehensive Plans (ORS 197.015(6)). The 16 month long inclusive public process was intended to gather information from all levels of local government, as well as citizens in the area, and the City strived very hard to consider and accommodate a wide variety of issues and respond accordingly as they arose. This is evidenced throughout the process and the adjustments that have been made. **It is Staff's professional opinion that the intent of Goal 2 has been satisfied as part of the Master Plan development process.**

Goal 5-Natural Resources: *Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.*

Response: The City's Goal 5 inventory included the Coffee Creek area. The Basalt Creek drainage is a significant natural resource and is proposed to be protected. The City's

adopted Goal 5 inventory map contained a 3.65 acre upland forest (Site ID # URA#42U3) north of the Allied Waste facility. The adopted map was intended to contain natural resources that were locally significant according to defined standards. This area was mapped as part of the Goal 5 inventory process.

Representatives of Allied Waste have requested that the area be re-evaluated to determine if the area meets the significance criteria established as part of the citywide Goal 5 process conducted from 1999-2001. As part of this request, Staff enlisted the assistance of Mirth Walker, wetland and wildlife scientist with SWCA Environmental Consultants to evaluate the resource values of the site and determine if it meets the significance criteria established for Goal 5 upland natural resources in the city (Please refer to Exhibit 10). Ms. Walker was the consultant used for the 1998 local wetlands and riparian corridor inventory and the 1999-2001 Goal 5 update. Ms. Walker conducted an on-site survey of the wooded area and applied the established criteria. Her findings are that the site does not contain locally significant natural resource values as it did not rate "high" in any of the upland habitat functions. As a result of these findings, Staff is proposing that site URA#42U3 be removed from the Goal 5 regulated map. **This criterion is satisfied.**

Goal 6-Air, Water and Land Resources: *This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.*

Response: The CCMP proposes uses that are primarily light industrial in nature. Heavy industry that typically produces pollution would not be permitted as they would likely violate the performance standards of the PDI zone. Water quality could be improved through on site detention facilities, as well as the green streets concepts that are proposed. Overall, the CCMP does not propose any land uses that would be in conflict with state, federal regulations regarding environmental protection. **This Plan is consistent with the intent and mission of Goal 6.**

Goal 8: Recreational Needs: *It is the purpose of this Goal 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.*

Response: The CCMP proposes trails, sidewalks, bikeways and wayside parks. All of these recreational amenities will enhance recreational opportunities in the project area. **The CCMP supports and is consistent with Goal 8.**

Goal 9-Economic Development: *It is the purpose of this Goal to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.*

Response: The CCMP has been developed to allow the City to provide opportunities for industrial development consistent with the 2040 Plan. The very intent of the CCMP is to promote economic development. Due to the limited amount of available industrial land in the City and around the region, adoption of the Plan is critical to promote continued economic

development, especially within the critical I-5 corridor. In addition, the RSIA designation, of which there is little in the SW Metro area, increases the importance of moving the master plan forward. **The CCMP is consistent with the intent and purpose of Goal 9.**

Goal 11-Public Facilities and Services: *It is the purpose of this Goal 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.*

Response: The CCMP analyzes the City's major infrastructure master plans, and makes a series of recommendations resulting in modifications necessary to adequately serve the CCMP area with industrial development. The planning that has been conducted, coupled with the 5-year CIP, would result in orderly and timely arrangement of public facilities and services for urban development. Please refer to the Appendix for additional information regarding the provision of public facilities and services. **The CCMP is consistent with Goal 11.**

12-Transportation: *It is the purpose of this Goal to provide and encourage a safe, convenient and economic transportation system.*

Response: Section C of the Appendix and particularly Appendix A, prepared by DKS Associates demonstrates compliance of the CCMP with applicable transportation plans and the RTP. The two DKS technical memorandums provide a substantial amount of data and analysis on the existing, and proposed transportation system. ODOT comments have been addressed throughout the public process. Modifications will be required to the County and City TSP to implement the CCMP, and the alignment of the I-5/99 connector plays an important part of future updates to local TSP's. No Comprehensive Plan Map or zoning designation is proposed to change as part of the adoption process. This would occur with site specific development applications. **The CCMP is consistent with the RTP Goal 12.**

DIVISION 12 TRANSPORTATION PLANNING

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to 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. A plan or land use regulation amendment significantly affects a transportation facility if it would:

Finding: As an amendment to an acknowledge comprehensive plan the Coffee Creek Master Plan would significantly affect transportation facilities per (1)(B)(C) finding.

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

Finding: The Coffee Creek does not change the functional classification of an existing or planned transportation facility as evident by the existing road classifications and railroads map and planned road improvements and railroads map on page 135 and 136 of the plan appendix A.

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Finding: The Coffee Creek Master plan aims to have land uses and levels of developments that would result in types and levels of travel and access that are consistent with the functional classification of planned transportation facilities. Goal 2 objective B states “site industries to take advantage of existing transportation networks Compatibility with the City’s TSP, County TSP, and Oregon Transportation Plans.”

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

Finding: All alternatives would worsen the intersection of Kinsman Rd./Day Rd. below the minimum acceptable performance standard of the State of Oregon.

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: The Coffee Creek Master Plan, with the additional vehicle trips allowed by developments, would worsen the performance of existing or planned transportation facilities that are otherwise projected to perform below the minimum acceptable performance standard. According to the Coffee Creek Transportation Technical Memorandum #2 the intersections of Boones Ferry Rd./95th Ave. and Boones Ferry Rd./Day Rd. will exceed the ODOT standard of 0.99 volume-to-capacity-ratio for a District Highway in 2030, and as the intersections of Grahams Ferry Rd./Day Rd. and Grahams Ferry Rd./Tonquin Rd. will exceed Washington County’s acceptable operating standards.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Finding: Compliance with section (1) is accomplished by providing transportation facilities and/or improvements adequate to support the proposed land uses consistent with the requirements of this divisions. The mitigation efforts include a funding plan or mechanism consistent with section 4. According to tables 18, 22, 26 of DKS Associates Coffee Creek Transportation Technical Memorandum #2 improvements will improve all intersections to be within State and Local operating standards. Specific Improvements are listed in tables 17, 21, and 25 of the same memorandum.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve

consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

Finding: This section does not apply as, according to page 7 of DK Associates Coffee Creek Transportation Technical Memorandum #2, all intersections in the subject area are currently operating within the minimum state and county standards.. Also a portion of the subject properties lie within ½ mile of the Elligsen Road/Interstate 5 interchange.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge

revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

Finding: As the Coffee Creek Master Plan has not yet been adopted by the city of Wilsonville, necessary amendments to the Transportation Systems Plan have not yet been adopted to mitigate the plan's impact on transportation facilities. However, appendix B of the Master Plan does identify specific transportation projects, preliminary costs, necessary TSP amendments, and potential funding sources to provide transportation facilities that would allow the preferred alternative land uses to occur while having transportation facilities perform within state and local standards.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

Finding: While most of the study area is outside of the interstate exchange area the intersections of Boones Ferry Rd/Day Rd, Boones Ferry Rd./95th Ave.,95th Ave/Commerce Circle, and 95th Ave/Ridder Rd. are within ½ mile of the centerpoint of the Interstate

5/Elligsen Rd interchange. However, there is not a written statement from ODOT and there is not an adopted interchange area management plan.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

Finding: The presence of a transportation facility or improvement shall not be a basic for an exception to allow residential, commercial, institutional, or industrial development on rural lands. While the study area is currently outside of city limits it is within the urban growth boundary and identified by Metro as regionally significant industrial land. Proposed industrial use would be in accordance with adopted local and regional plans.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments

shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Finding: While the Coffee Creek Plan provides for extensive transit, pedestrian, and bicycle facilities as shown in the Planned Pedestrian, Bike, and Transit Facilities, the area will be primarily single use and therefore does not meet the criteria of a “mixed-use, pedestrian-friendly center or neighborhood” described in section (8). Therefore, any reduction of traffic volume due to multi-modal transportation and mixed uses cannot be assumed.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan,

future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
- (b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
- (c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

Findings: Less than two acres of commercial use is designated in the plan area, the local government has adopted a TSP. However, the proposed amendment would significantly affect a transportation facility as described in section (1). Therefore only amendments to the transportation systems plan would be necessary.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
- (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);

(ii) *Offices or office buildings;*

(iii) *Retail stores and services;*

(iv) *Restaurants; and*

(v) *Public open space or private open space which is available for public use, such as a park or plaza.*

(B) *Generally include civic or cultural uses;*

(C) *A core commercial area where multi-story buildings are permitted;*

(D) *Buildings and building entrances oriented to streets;*

(E) *Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;*

(F) *A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;*

(G) *One or more transit stops (in urban areas with fixed route transit service);*

and

(H) *Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.*

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99; LCDD 3-2005, f. & cert. ef. 4-11-05

Goal 13: Energy Conservation: *It is the purpose of this Goal to conserve energy.*

Response: Conservation of energy is a market condition, the Plan does not directly address the issue of energy conservation, and therefore, the Goal does not apply.

Goal 14-Urbanization: *It is the purpose of this goal to provide for an orderly and efficient transition from rural to urban land use.*

Response: The Coffee Creek area was added to Wilsonville's UGB in December of 2002. Subsequent to that addition, Washington County placed future urban interim zoning on the area in anticipation of it being added to Wilsonville's city limits. The Coffee Creek Master Plan follows the steps outlined in Title 11 for the planning of new urban areas. This planning is being initiated by the City of Wilsonville as the future urban services provider. The Plan accommodates the rapid future growth of the area, provides jobs and is serviceable from an infrastructure stand point. **The CCMP is consistent with Goal 14.**

Metro:

2040 Growth Concept: In a broad sense, the CCMP supports the industrial areas designation of the 2040 Growth Concept, which states "the high quality of our freight transportation system and, in particular, our inter-modal freight facilities are essential to continued growth in trade" by providing for additional industrially designated land for future development.

Urban Growth Management Functional Plan:

Title 1- Requirements for Housing and Employment Accommodations:

It is the goal of Title 1 to use land within the UGB efficiently. The adoption of the Coffee Creek Master Plan will ultimately allow the City to develop the area with regionally significant industrial uses that will assist in meeting employment capacity targets, and will accommodate the City's fair share of regional growth. **The CCMP is consistent with the purpose and intent of Title 1.**

Title 4- Retail in Employment and Industrial Areas:

The Regional Framework Plan calls for a strong economic climate. To improve the regions economic climate, the Framework Plan seeks to protect the supply of sites for employment by limiting incompatible uses within industrial areas. Title 4 compliance is the very essence of the CCMP, protection and provision of regionally significant industrial area development that offer the best opportunity for family-wage industrial jobs. **The CCMP is consistent with Title 4 and the Regionally Significant Industrial Area designation.**

Title 8- Compliance Procedures:

The City amended its Planned Development Industrial zone text to limit the amount of commercial square footage consistent with the RSIA designation in Ordinance No. 574, adopted in November of 2004. The CCMP proposes RSIA development for the master plan area consistent with Title 4 of the UGMFP. **The CCMP is compliant with Title 8.**

Title 11- UGB Amendment Urban Reserve Plan Requirements:

The CCMP proposes to transition from rural use to urban use consistent with Title 11. The CCMP proposes a land use pattern consistent with the Regional 2040 growth concept designation of RSIA. **The CCMP is consistent with the requirements of Title 11.**

Conclusion:

Based on the staff report, findings of fact and information contained in the public record, the Coffee Creek Master Plan is supportive of the applicable sections of the Statewide Planning Goals, Metro Functional Plan, Comprehensive Plan and Development Code text.

EXHIBITS

Additional Exhibits-7/9/07:

- Exhibit 24: Letter dated June 4, 2007 from Kathy Lehtola, Washington County Director of Land Use and Transportation to Sandi Young, Planning Director
- Exhibit 23: Letter dated May 31, 2007 from Sandi Young, Planning Director to Kathy Lehtola, Washington County Director of Land Use and Transportation
- Exhibit 22: Letter dated May 31, 2007 from Sandi Young, Planning Director to Robert Dixon, Community Development Director for the City of Sherwood
- Exhibit 21: Letter dated May 31, 2007 from Sandi Young, Planning Director to Douglas Rux, Community Development Director for the City of Tualatin

Distributed at the May 16, 2007 Planning Commission Public Hearing:

- Exhibit 20: Written "Testimony of Doris Wehler, President-elect, before the City of Wilsonville Planning Commission regarding Coffee Creek Master Plan.
- Exhibit 19: Letter dated May 16, 2007, from Mara Danielson of ODOT, to Sandi Young.
- Exhibit 18: Letter dated May 15, 2007; from Rob Dixon, Sherwood Community Development Director; to Sandi Young, Planning Director; regarding Coffee Creek Master Plan.
- Exhibit 17: Memo dated May 16, 2007; from Kerry Rappold, Natural Resources Program Manager; regarding SROZ Map (Exhibit 10) Correction – Upland Forest on Allied Waste Property.
- Exhibit 16: Letter dated May 14, 2007; from Andy Cotugno, Metro Planning Director; to Sandi Young, Planning Director.
- Exhibit 15: Paper Copy of PowerPoint Presentation dated May 16, 2007
- Exhibit 14: A map showing, "Potential Certified Industrial Site Candidates"

Staff Report for the May 16, 2007 Planning Commission Public Hearing, including:

- Exhibit 13: A letter dated May 8, 2007, from Douglas Rux of Tualatin, regarding Coffee Creek Master Plan

- Exhibit 12: *Preliminary Urban Reserve Plan Area 42*, June 1998 (This large document is located in the Planning Division)
- Exhibit 11: *North Wilsonville Industrial Area Proposed Concept Plan*, dated June 12, 1998. (This large document is located in the Planning Division)
- Exhibit 10: A memorandum dated April 17, 2007, from C. Mirth Walker of SWCA Environmental Consultants, to Kerry Rappold, regarding Willamette Resources Site Visit – URA #42 U3, with attached:
- * City of Wilsonville Natural Resource Inventory Upland Summary Sheet
 - * City of Wilsonville Natural Resource Function Rating Matrix – Upland Natural Resource Areas Only, By Site Number
 - * City of Wilsonville Natural Resource Function Rating Matrix – Wetlands and Associated Upland Natural Resource Areas.
- Exhibit 9: Metro Partial Ordinance No. 04-1040B
- Exhibit 8: Metro Ordinance No. 02-969B
- Exhibit 7: An email dated May 4, 2007, from Darren Pennington, regarding Testimony re: LP07-0001 Coffee Creek Industrial Area Master Plan.
- Exhibit 6: Paper copy of PowerPoint presentation, “Coffee Creek Master Plan, Planning Commission, April 11, 2007.”
- Exhibit 5: An email dated April 11, 2007, from Terry N. Tolls, regarding Coffee Creek Master Plan – As last viewed at the Friday, April 6, 2007, Advisory Committee meeting with attached:
- * Fidelity National Title Company property information
- Exhibit 4: A letter dated April 9, 2007, to Sandi Young, from Sherwood Community Development Director Robert A. Dixon, regarding Coffee Creek Master Plan.
- Exhibit 3: A letter dated March 7, 2007, to Sandi Young, from Kathy Lehtola of Washington County.
- Exhibit 2: Internet pages regarding the 1-5 to 99W Connector Project.
- Exhibit 1: Draft Coffee Creek Master Plan, dated April 23, 2007, with Appendices dated March 30, 2007. (This large document is located in the Planning Division)

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

May 14, 2007

Sandi Young, Planning Director
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070

Dear Ms. Young:

I appreciate the opportunity to comment on Wilsonville's proposed Coffee Creek I Master Plan (Plan). The City has included a small area north of Day Road in its analysis, which is not part of the master plan. These comments apply only to the area south of Day Road. Metro is not commenting on any potential plans or uses north of Day Road at this time since that area is part of a larger 2004 urban growth boundary (UGB) expansion area. It is our understanding that the planning for this larger area will take place in partnership with the City of Tualatin. That planning effort is conditioned on the right-of-way alignment for the I-5/99W Connector.

The Plan refers to Area 42 as the area brought in the UGB in 2002. Metro Ordinance 02-969B, however, refers to Area 49. Area 42 is a reference to a former urban reserve study area dating back to the late 1990s. To be consistent with Metro's legislation, I would suggest that the Plan make it clear that the area being planned is Area 49.

The Metro Council adopted one condition specific to this area in addition to the general conditions that apply to all areas brought into the UGB: "Washington County or, upon annexation of the area to the City of Wilsonville, the city shall complete title 11 planning for the portion of Study Area 49 shown on Exhibit N." Because Wilsonville has not yet annexed this area, we request that Wilsonville include a provision for future annexation of the area.

Metro did not condition planning of Area 49 on the selection of the right-of-way alignment for the I-5/99W Connector nor did Metro amend the conditions affecting this area when it brought additional land into the UGB in 2004. While the master plan area is located within the I-5/99W connector study area, we understand that there is currently not an alternative for an I-5/99W connector alignment south of Day Road. The master plan appears consistent with the Regional Transportation Plan (RTP) as required by Title 11. With this demonstration, Metro supports moving forward with the master plan and future annexation of this area.

During our periodic review work in 2002, Metro heard from local officials, businesses and economic development experts that our region's supply of land for industrial uses was severely lacking and additional land within the UGB for industrial uses was a critical need. To this end, Metro designated Area 49 as a Regionally Significant Industrial Area (RSIA). The City's draft Comprehensive Plan Amendment

states that the RSIA zone will not be applied to specific property until such time as an annexation, rezone and development proposal is received from property owners. The land in this area is currently zoned FD-20 (Future Development - 20 Acre District) by Washington County. We assume that this zoning designation protects this area from uses inconsistent with an RSIA. If the County's FD-20 zoning does not protect this area from incompatible RSIA uses, the city will need to provide Metro with information on how the city intends to protect this area until it can be zoned RSIA.

Metro finds that, with the requested process for annexation and zoning protections, the proposed master plan dated March 30, 2007, appears to be consistent with the requirements of Title 11 of Metro's Urban Growth Management Functional Plan and Metro Ordinance 02-969B conditions.

The deadline for completion of Title 11 concept planning for this area was March 2007. I want to commend you on your hard work to meet this deadline.

Please forward these comments to your Planning Commission and City Council. If you have any questions, please contact Sherry Oeser at (503) 797-1721 or at oesers@metro.dst.or.us.

Sincerely,



Andy Cotugno
Director, Planning Department
Metro

AC/ldb

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Oregon

Theodore R. Kulungoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

May 16, 2007

Sandi Young, Planning Director
City of Wilsonville
29799 Town Center Loop E.
Wilsonville, OR 97070

Dear Sandi,

The Oregon Department of Transportation commends the City for conducting a planning process that included active participation of a wide range of stakeholders for the Coffee Creek Master Plan. The resulting Coffee Creek Master Plan identifies a good local street network to address the needs of the properties in the study area. ODOT has jurisdiction of Boones Ferry Rd and the I-5/Boones Ferry Rd interchange within the study area. ODOT has an interest in ensuring that planned land uses are consistent with the identified function of these facilities in the Oregon Highway Plan (OHP).

ODOT supports all of the identified mitigations to State facilities identified in the DKS Coffee Creek Transportation Technical Memorandum #2 prepared May 2, 2007 with the exception of the recommendation to restripe the northbound left turn pocket on Boones Ferry Rd at the Day Rd intersection to provide additional storage. The traffic analysis identified that the existing northbound left turn lane at the Day Rd/Boones Ferry Rd intersection would not have adequate storage to accommodate the future demand under the 2030 condition. DKS proposed striping modifications to address this issue which is not acceptable to ODOT. To accommodate the high volume of northbound left turning vehicles at the Day Rd/Boones Ferry Rd intersection, we recommend the City consider the following options:

Option 1: Provide dual left turn lanes northbound on Boones Ferry Rd at Day Rd, or
Option 2: Restrict Pioneer Court to right in/right out movements and provide an alternate access for the "auto Tech" building located north of Pioneer Court. The alternative access could be achieved when the adjacent property at the northeast quadrant of the intersection development. This option recommends extending Day Rd to the east to create a new north/south connection between Day Rd and Pioneer Court (see figure below). There is currently a partial fourth leg that has been constructed at the intersection.

Day Road Extension



The City of Wilsonville is participating in the OR 99W to I-5 Connector Study being lead by Washington County with ODOT and Metro. The study is still in the process of identifying alignments to be studied. The Coffee Creek Master Plan is within the study area of the OR 99W Connector and planning for transportation facilities in this area may be effected by the outcome of this study and the preferred alternative. ODOT recommends that the City wait to annex the properties within the Coffee Creek Master Plan area until such time as a preferred alternative has been identified through the OR 99W Connector Study.

I have appreciated working with the City through the Transportation Growth Management program. Please contact me if you have any questions or concerns at 503-731-8258.

Sincerely,

Marah Danielson
ODOT Senior Planner

C: Lainie Smith, Fred Eberle, Lidwien Rahman, Tim Wilson, Amy Gibbons, Thanh Tran, Simon Eng, ODOT Region 1
Stacy Humphrey, DLCD
Todd Chase, OTAK and Scott Mansur, DKS
Andy Back, Steve Kelly, Washington County
Sherri Oeser, Metro



29799 SW T Center Loop Attachment 3
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

May 31, 2007

Kathy Lehtola, Director
Washington County Department of Land Use and Transportation
155 N. First Ave., Suite 350, MS 16
Hillsboro, OR 97124-3072

Dear Ms. Lehtola,

Thank you for your letter of March 7, 2007 expressing the concerns of Washington County regarding Wilsonville's adoption and implementation of the Coffee Creek I Master Plan. Your letter was included as an exhibit in the record for the Planning Commission public hearing on May 9, 2007. The concerns of Washington County regarding adoption and implementation of the Master Plan were included in both the staff report and the discussion by the Planning Commission.

After consideration, the Planning Commission voted unanimously to forward the Coffee Creek I Master Plan and its associated exhibits to the City Council with a recommendation for approval and inclusion in the City's Comprehensive Plan. The City Council public hearing and first reading is scheduled for June 18, 2007. Second reading will likely be on July 16, 2007.

The Coffee Creek I Concept Plan for the area north of Day Road, while completed and ready for the public process, is not included in the Planning Commission recommendation or in the June 18 Council deliberation. In recognition of the uncertainty about the I-5/99W Connector route, the City of Wilsonville decided to separate the public hearings on the Master Plan area south of Day Road from the Concept Plan area north of Day Road, and to move forward with the Master Plan only at this time. We understand that none of the "green list" Connector alternatives traverse the area south of Day Road, and that a preferred Connector route may be selected as early as August 2007.

Your letter suggests that a regionally coordinated planning process for areas in the Metro UGB located between Day Road, north of Wilsonville, east of Sherwood, west of Tualatin, and south of Tualatin-Sherwood Road, is appropriate. Wilsonville is in general agreement with that philosophy, and has long supported the need for determination of respective service areas and transportation networks. A coordinated approach would likely be more cost effective for all the affected jurisdictions.

However, it is quite clear that Wilsonville is the logical service provider for the Coffee Creek I planning area since we already serve the Coffee Creek Correctional Facility to the north of Coffee Creek I. Water and sewer trunk lines have been sized to serve the



Coffee Creek area and Day Road has been improved to carry not only Correctional Facility traffic, but the large number of trucks accessing I-5 from Tonquin Road. The Coffee Creek I area will be served by Day Road, Graham's Ferry Road and an internal extension of Kinsman Road. The Coffee Creek I Master Plan identifies additional improvements to those streets necessary to serve the expected uses in the Coffee Creek area, based on a DKS Associates analysis of present and projected trips, using data recommended by Washington County. Obviously, if the final Connector route changes those assumptions, we will need to re-evaluate the Master Plan.

The Coffee Creek I master planning process has included coordination with the Connector planning process. Ray Phelps, who serves on the Connector Stakeholder Working Group, was also a member of the Coffee Creek PAC and kept the PAC well aware of the progress of siting a final Connector route. City elected officials and staff serve on the Connector PSC and the EMT, and have provided internal coordination to Coffee Creek planning staff. There is no timely way to evaluate the cumulative impacts of full development of the future planning areas located between the three cities north of Day Road and south of Tualatin-Sherwood Road. That effort would take an additional two to five years, during which the need for additional industrial lands with I-5 access would continue to be unmet.

In the meantime, the City believes that it is necessary to move forward with master planning industrial lands included in the Metro UGB in 2002, in order to provide a continuing supply of available industrial lands with ready access to the I-5 Corridor. The City delayed master planning in the Coffee Creek I area until the Metro UGB determination was finally concluded in late 2004, and while the prior I-5/99W Connector effort was underway. The City has no interest in the continued expansion of the Metro UGB while already designated industrial lands remain unavailable due to lack of concept/master planning.

A letter from Metro dated May 14, 2007, states that, "Metro finds that, with the requested process for annexation and zoning protections, the proposed master plan dated March 30, 2007, appears to be consistent with the requirements of Title 11 of Metro's Urban Growth Management Functional Plan and Metro Ordinance 02-969B conditions." Testimony received from ODOT on May 16, 2007, states that, "The City of Wilsonville is participating in the OR 99W to I-5 Connector Study being lead by Washington County with ODOT and Metro. The study is still in the process of identifying alignments to be studied. The Coffee Creek Master Plan is within the study area of the OR 99W Connector and planning for transportation facilities in this area that may be effected by the outcome of this study and the preferred alternative. ODOT recommends that the City wait to annex the properties within the Coffee Creek Master Plan area until such time as a preferred alternative has been identified through the OR 99W Connector Study."

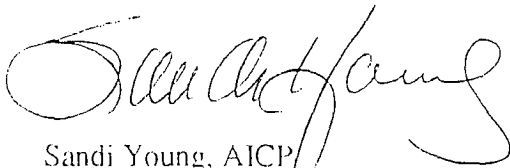
We would like to assure you that the City has no current applicants for annexation, nor are we planning to annex any of the Coffee Creek I Master Plan area until parcels are aggregated by the private sector, and a PUD Stage I Master Plan and Development Agreement are submitted together with application for annexation. Comprehensive Plan

and zoning amendments. We are encouraging aggregation into large parcels in deference to the Metro RSLA designation in this area. This process will likely take at least six months to a year before any applications would be received by the City. We expect that the preferred Connector route would have been determined by that time, so that any necessary modifications to the Coffee Creek I Master Plan can be made, and can then be incorporated into any pending applications.

We appreciate your interest and participation in the Coffee Creek I Master Planning process.

Please contact me if you have further questions.

Sincerely,



Sandi Young, AICP
Planning Director, City of Wilsonville
young@ci.wilsonville.or.us

cc: Michael Bowers, Community Development Director, City of Wilsonville
Arlene Loble, City Manager, City of Wilsonville
Chris Neamtzu, Long-range Planning Manager, City of Wilsonville



WASHINGTON COUNTY OREGON

June 4, 2007

Sandi Young, Planning Director
City of Wilsonville
30000 Town Center Loop E.
Wilsonville, OR 97070

Dear Ms Young,

This letter is a follow up to the Metro May 14 comments, and the ODOT May 16 comments, on the Coffee Creek Master Plan.

If the City of Wilsonville decides to proceed with adoption of the Coffee Creek Master plan, Washington County requests that the City of Wilsonville reserve extensive right-of-way along roadways within the study area. Since the future right-of-way needs have not been adequately evaluated at this time, maximum widths must be assumed. This would include at a minimum: seven lanes along Grahams Ferry Road and Boones Ferry Road, plus a minimum of five lanes along Day Road and Clutter Road. Additionally provision of dual 500-foot left-turn pockets plus a 500-foot right-turn lane should be included for all signalized or potentially signalized intersections within the study area. These right-of-way widths could be adjusted, if necessary, once the I-5/99W corridor analysis has been completed. Adopting such right-of-way widths would serve as a surrogate for the current incomplete transportation analysis.

A primary issue with adopting the Coffee Creek Master plan, at this time, are the conditions required for development within the study area, necessary to support the future transportation system. At this time, the transportation impacts of the I-5/99W corridor are not known. Of particular concern would be the potential phasing of any ultimate project resulting from the I-5/99W corridor study. We believe it's in our mutual best interest that any new development occurring within the area should not preclude improvements necessary to support the I-5/99W connector.

Washington County continues to believe that waiting for the impacts to be identified before adopting a new plan is probably the most responsible public policy at this time. However, if the City of Wilsonville decides to proceed with adoption of the Coffee Creek Master plan we would hope that the Master plan be appropriately amended to incorporate the concerns outlined in the previous paragraphs.

Sincerely,

Kathy Lehtola
Director

C. Lawrence Odell, Assistant Director
Chris Gilmore, County Council
Doug Rux, City of Tualatin
Brent Curtis, Planning Manager
Rob Dixon, City of Sherwood

Stacy Hopkins, DLCD
Andy Johnson, ODOT
Sherry Oeser, Metro



METRO

*Rec'd
7/16/07
AK*

July 13, 2007

Ms. Sandi Young, Planning Director
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070

Dear Ms. Young:

In Metro's May 14, 2007 letter to you concerning the proposed Coffee Creek 1 Master Plan, we requested additional information on two issues. First, because Wilsonville has not yet annexed Area 49 (Coffee Creek 1), what provision has Wilsonville made for future annexation of this area to Wilsonville? Second, what protection does Washington County's FD-20 zoning provide this area from inconsistent Regionally Significant Industrial Area (RSIA) uses?

In an e-mail to me dated May 31, 2007, you quoted a letter sent to Washington County, the City of Tualatin and the City of Sherwood stating: "We would like to assure you that the City has no current applicants for annexation, nor are we planning to annex any of the Coffee Creek 1 Master Plan area until parcels are aggregated by the private sector, and a PUD Stage 1 Master Plan and Development Agreement are submitted, together with application for annexation, Comprehensive Plan and zoning agreements. We are encouraging aggregation into large parcels in deference to the Metro RSIA designation in this area. This process will likely take six months to a year before any applications would be received by the City. We expect that the preferred Connector route would have been determined by that time, so that any necessary modifications to the Coffee Creek 1 Master Plan could be incorporated into any pending applications."

The intent and purpose statement in Washington County's Code for Future Development 20 Acre District states that "The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan."

Page 2 of 2
Ms. Sandi Young
July 13, 2007

Given this information, it appears that the proposed master plan, dated March 30, 2007, is consistent with the requirements of Title 11 of Metro's Urban Growth Management Functional Plan and Metro Ordinance 02-969B conditions.

Please forward these comments to your City Council. If you have any questions, please contact me at (503) 797-1721 or at oesers@metro.dst.or.us.

Sincerely,



Sherry Oeser
Principal Regional Planner
Metro

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WASHINGTON COUNTY OREGON

City of Wilsonville
30000 Town Center Loop E.
Wilsonville, OR 97070

July 16, 2007

Mayor Lehan and Members of the City Council:

Washington County continues to believe that adoption of the Coffee Creek Master Plan (CCMP) as part of the comprehensive plan prior to identifying the final location of the Interstate-5 to Highway 99W Connector Project is premature and in violation of the existing Urban Planning Agreement Area with Washington County.

Coordinated governance in Washington County starts with the UPAA. This document is a coordination agreement adopted pursuant to Chapter 195 of the Oregon Revised Statutes. UPAA's in Washington County include, among other provisions, requirements for notice and opportunity to be heard in certain areas of interest as well as delegation of authority for cities to plan areas inside of Washington County and outside of the city's jurisdictional limits. The latter areas are referred to as Urban Planning Areas (UPA's).

Typically the county works with affected cities to amend the UPA after an expansion of the Metro UGB as a pre-requisite to the city engaging in the planning for those areas. That preliminary step has not occurred in this case. As a result the area that is the subject of the CCMP is not within the UPA for the City of Wilsonville. A copy of the Washington County-City of Wilsonville UPAA is attached hereto. The practical effect is the City as a matter of law has no authority to adopt a comprehensive plan for this area. Your planning staff recognized this issue in the draft findings but provided no response to the county.

Because of this, the county objects to the City adopting the proposed master plan *as part of the City's Comprehensive Plan* without first amending the UPAA. The city is of course free to engage in a meaningful and active exercise in developing a conceptual plan with the blessing of the City Council but an actual amendment to the Comprehensive Plan adopted by way of an ordinance is an *ultra vires* act – one that is outside of the City's jurisdictional authority.

In fact the City's own Comprehensive Plan states:

“The City does not have the legal authority or the responsibility to plan for areas outside the City limits unless the area has been added to the UGB or the City has an approved Urban Growth Area Management Agreement, (i.e. intergovernmental agreement) with the affected county.”

In this case Metro did not delegate planning authority to the City of Wilsonville for the Coffee Creek area. The condition to Ordinance No. 02-969B states:

"Washington County or, upon annexation of the area to the City of Wilsonville, the city shall complete Title 11 planning for the portion of Study Area 49 shown on Exhibit N.

As stated by the condition there is no authority to plan for an area merely because it is brought within the UGB. Until such time as the City annexes this territory there is no authority to plan for this area.

Metro's comments are consistent with the county's comments in this regard. As stated in the letter from Metro dated May 14, 2007, annexation is a pre-requisite to doing the Title 11 planning. The draft Ordinance includes no annexation provision.

A condition limiting the effective date of the proposed amendment upon annexation would still fall short of complying with the UPAA. Section III(A) of the UPAA specifically provides that:

"Annexations to the CITY of land outside of the Urban Growth Boundary and the Urban Planning Area will not be supported by the COUNTY or CITY."

We understand and appreciate the City's efforts in limiting the CCMP to south of Day Road and recognize the ability to subsequently amend the CCMP to address impacts from the Connector Project. However the county finds this same process can occur without amending the Comprehensive Plan at this time. Blessing of the proposed CCMP by way of a motion without adopting a Comprehensive Plan amendment is sufficient endorsement of the work accomplished to date and avoids the significant coordination issue discussed above and the potential for costly litigation that may follow if the county's concerns are ignored.

The county also recognizes the City's concern regarding deadlines for purposes of complying with Title 11 and the need to keep the process moving forward. Title 11 specifically authorizes Metro to accommodate reasonable requests for an extension. The county believes the existing work easily qualifies for such a request under Section 3.07.1130(B) as "substantial progress" towards adopting the amendment on time.

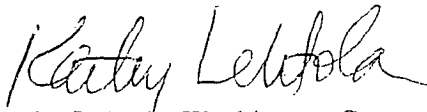
The request to delay adoption of the plan amendment need not delay ongoing efforts to implement the CCMP. The City can still actively work on a set of integrated plan amendments and land use regulations to be adopted after the Connector Project location is established.

The county believes contemporaneous amendments to the transportation and public facility plans is necessary to assure compliance with Title 11 as well as the Statewide Planning Goals and their implementing rules. Until the complete package of plan and code changes is available there is no way to effectively determine compliance. The critical piece to this package of proposed amendments will require consideration of the impact of a I-5/99W Connector on transportation infrastructure within the area that is the subject of the Coffee Creek Master Plan. That information is currently absent from the

existing traffic analysis. The existing findings fail to show a reasonable worst case scenario for traffic impacts based on full development if the Connector Project moves forward. As a provider of transportation services in around the Coffee Creek Master Plan area, full coordination requires consideration of these impacts on all of the affected jurisdictions.

The county requests contemporaneous adoption of the CCMP as part of the City's Comprehensive Plan at the time these other implementation measures are provided and after establishing the location of the Connector Project. The City may move forward with adopting the plan by motion rather than by ordinance and work with the county in the interim to amend the UPAA. This approach assures the City can continue working to provide important industrial lands while assuring adequate coordination with the location of the Connector Project.

Sincerely,



Kathy Lehtola, Washington County Land Use and Transportation

Cc: Lawrence Odell, Assistant Director
Chris Gilmore, County Counsel
Brent Curtis, Planning Manager
Doug Rux, City of Tualatin
Rob Dixon, City of Sherwood
Stacy Hopkins, DLCD
Andy Johnson, ODOT
Sherry Oeser, Metro



29799 SW Town Center Loop
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July 19, 2007

Dan Olsen
 Washington County Counsel
 Public Services Building, Suite 340
 155 N. First Avenue
 Hillsboro, OR 97124

Re: Proposed Adoption of Wilsonville Coffee Creek Master Plan

Dear Dan:

Apparently, Washington County's Department of Land Use & Transportation (DLUT) and the City's Planning Department are somewhat at odds over the City's proposed adoption of the Coffee Creek Master Plan as a sub-element of the City's Comprehensive Plan. At the heart of the matter is the Sherwood-Tualatin I-5/99W connector. The Master Plan has been vetted through a public process before our Planning Commission with a favorable recommendation to adopt to the City Council. During this process, Washington County's DLUT had a meaningful opportunity for input and did in fact provide input into the process. It was weighed and balanced and some points were rejected. There appears to be substantial evidence in the record for doing so. I believe an independent fact finder would come to the same conclusion as the City Planning Commission if the matter were heard *de novo*.

At the Council meeting of July 16, 2007, an ordinance to adopt the Master Plan was read for first reading and a public hearing conducted. At the hearing, Assistant Director Lawrence Odell was the lead representative of DLUT. In addition to the prior record input, he requested that the Master Plan be adopted by motion rather than ordinance so that it was a Concept Plan only, that the Council delay action for at least two months to see the outcome of a key meeting of August 21, 2007 on the five options for the I-5/99W connector, and provided a letter of July 16, 2007, signed by Director Lehtola outlining further objections to the City's proceeding with the matter.

The City Council provided both reasonable and rational basis for rejecting the known, stated points for DLUT's position, not the least of which responded to need for a greater traffic impact assessment. Of the five proposed connector alternatives, the no build

alternative would provide the greatest traffic impacts and that was specifically accounted for in the Master Plan. As you are aware, Wilsonville has been involved over several years in the I-5/99W connector dialogue, and has had its representatives serve on many committees, have had numerous conversations with Washington County concerning same, and has a highly experienced engineering staff on transportation matters. Thus, the City Council was extremely familiar with the remaining alternatives (three apparently still are viable) and the facts that their location would have little impact on the Coffee Creek Industrial Area and vice versa.

The Council also reviewed the stated rationale provided by DLUT to preserve right-of-way for seven-lane roads. Given the known geography, they found the request impractical and unnecessary for transportation through 2030 as well as not provided for in our Transportation System Plan, which has been very thoroughly vetted and reviewed for freight as well as vehicular movement. You may not be aware, but Wilsonville is composed of 1/3 of its landed area for industrial, 1/3 for commercial, and 1/3 for residential, so the City has a long history of industrial planning and transportation.

The City Council also expressed concern that Washington County allowed specific development to go forward that negatively affected some connector alternatives; yet, appeared to be applying a different standard to an area of Wilsonville and the UGB that has little or no impact by or upon the connector alternatives.

Ultimately, the Council adopted the ordinance on first reading and rather than scheduling the second reading for any of its meetings in August, has scheduled the second reading for September 17, 2007; thus, providing the requested two months.

Director Lehtola's letter asserted the position that the City did not have the authority to complete the Title 11 planning for this area under a condition of Metro Ordinance No. 02-969B since the area had not been annexed and Washington County otherwise was the designated authority to plan under the condition. This condition is part of a list of conditions found in Exhibit M to the Metro ordinance. This raises an interesting issue, especially since the City has been working on the Master Plan for some time with the knowledge of DLUT. Additionally, a concept plan for this area was adopted several years ago.

Exhibit M places the legal obligation to plan this employment area within two years. Washington County has not met this regulatory obligation, nor am I aware of any steps it has taken to do so. I understand in reading the 1988 Urban Planning Agreement Area (UPAA) between the City and Washington County that the City is required to plan the area as the major provider of infrastructure and services (UPAA, Special Policies, B). The key points to the UPAA are that there is an opportunity for input and coordination especially in any public process. Thus, one interpretation consistent with the lack of Title 11 planning for this area by Washington County is that Washington County's planning responsibility under the Metro condition defaults to the City under the UPAA and that opportunity has been provided for input and coordination meeting the intent of the UPAA. Lehtola's letter also recognizes that the City has authority under its

Comprehensive Plan to plan for areas that have been "added to the UGB." The UPAA provides resolution of conflict by appeal through appropriate appeal bodies and procedures.

Another approach is to amend the UPAA to state: The City of Wilsonville shall be authorized to do the Title 11 planning for the portion of Study Area 49 (also known as Coffee Creek I located south of Day Road) shown on exhibit N of Metro Ordinance No. 02-969B, and any such planning shall be applied to lands within the area as the lands are annexed into the City.

Without waiver of any of the City's legal positions, the City requests that we enter into negotiations with Washington County over the next 60 days to amend the UPAA to the above effect. Hopefully, we can reach an amicable accord. If there is any public information or record of facts or positions held by Washington County officials or staff that indicate there are facts concerning the connector project that have not yet come out that affect area 49, I would respectfully request and rely on your good offices that they be made known or be provided so that we can have an open and full discussion.

Thank you for your professional courtesies in this matter.

Very truly yours,

Michael E. Kohlhoff
City Attorney

mek:dp

cc: Arlene Loble, City Manager
Michael Bowers, Community Development Director

**OFFICE OF COUNTY COUNSEL
WASHINGTON COUNTY, OREGON**

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County Counsel

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July 30, 2007

Michael E. Kohlhoff
City of Wilsonville
29799 SW Town Center Lp E
Wilsonville, OR 97070

Re: Amending the Urban Planning Area Agreement

Dear Mike:

Thanks for your letter and taking the time to talk to me over the phone yesterday. As promised I met with staff and reviewed the existing Urban Planning Area Agreement (UPAA) and other applicable laws to determine what steps are required to amend the UPAA.

In Washington County coordination agreements (UPAAs) are adopted as a land use ordinance consistent with the requirements of the Washington County Charter. In addition to requiring a UPAA to be adopted as a land use ordinance, the Charter further provides:

1. Land use ordinances may be adopted only from March 1 to November 1;
2. A land use ordinance may not include an emergency clause; and
3. Any changes to an ordinance, once it is filed, requires engrossment including two additional public hearings.

These requirements are unique to Washington County and affect the timing of adopting a land use ordinance. In addition State law requires 45 days notice prior to the initial evidentiary hearing on the proposed ordinance. To provide notice as required by law within the current land use season, the Board must authorize the Department to file an ordinance no later than the next regularly scheduled meeting on August 7, 2007. To accommodate the City's request I contacted the Board for permission to file an off-docket agenda item for the work session on August 7, 2007.

In deciding whether to file the Board will need to consider existing priorities and limited resources. As you may know the Planning Department actively engages the Board on an annual basis to put together a work program. Because this item is not on the current work program the



Board will likely be faced with a choice between competing priorities based on limited resources. At this point, I cannot predict whether the Board will direct that an ordinance be filed.

Assuming the Board authorizes staff to file; processing an amendment to the UPAA will be under a tight schedule. There will be no room to engross the ordinance (changes to the proposed text of the UPAA) once it is filed (last day for filing a land use ordinance this year is August 17, 2007) and still adopt prior to November 1, 2007. The City and the county will need to work closely over the next few weeks to make sure the interests of both parties are clearly articulated in any proposed amendment. In addition to the text proposed in your letter the county would like to work with the City on mutually agreeable text that will address the county's concerns regarding the potential impacts on the I-5 to 99W Connector Project.

Please recognize that although the County will be unable to comply with your request within sixty (60) days based on the above Charter limitations, we will nonetheless endeavor to accommodate your request in a timely fashion as permitted by law and consistent with the direction of the County Board of Commissioners.

If the Board authorizes staff to file an ordinance, the Planning Department will contact the City to engage in discussions about mutually agreeable amendments prior to filing an ordinance on August 17, 2007. Although I will be out of the office from August 5th to the 11th, I will try to make myself available as needed to help facilitate this process upon my return.

Thanks for your professional courtesies.

Sincerely,

See for Chris Gilmore

Chris Gilmore
Sr. Assistant County Counsel

Cc: Dan Olsen, County Counsel
Commissioner Roy Rogers
Brent Curtis, Planning Manager
Lawrence Odell, Assistant Director for LUT

Loble, Arlene

From: Kohlhoff, Mike
Sent: Monday, August 06, 2007 12:40 PM
To: 'Chris Gilmore'
Cc: Loble, Arlene; Bowers, Michael
Subject: 8/2/07 Phone request

Chris,

You left a voice message requesting that I give you a call regarding the history of the City's need to provide developable industrial land as your notes were incomplete as to the basis that I previously provided you. Let me start with a little background. Wilsonville was incorporated in 1968 and from the get go, its geographic location on the Willamette River (gravel and barging), a major railroad line, and I-5 have made it very attractive to industrial development. The City is divided 1/3 industrial, 1/3 commercial, and 1/3 residential. Wilsonville has a large employment base. While Wilsonville's planning has provided a great number of jobs, it is obligated to continue to adequately plan for industrial development for the future. As you know, good planning for development takes into consideration concurrency for transportation improvements as well as the appropriate land and location for the respective type of development. Wilsonville is one of the only communities that adhere to a concurrency policy for infrastructure. All developments must supply a traffic study; a requirement I note that Washington County recently adopted. Access to I-5 and the movement of freight is a major concern for Wilsonville. Wilsonville has three interchanges with I-5 and participated with Metro and ODOT in an I-5 corridor study in looking at the possibility of a fourth interchange after 2030.

Additionally, there is a requirement to have an appropriate balance within the Metro UGB of land categories with a 20 year supply of land for each category. Because land values have escalated with commercial land being the highest, many jurisdictions have allowed their industrial lands to be converted to commercial; thus, in the last go around there was a great deal of pressure on Metro to expand the Urban Growth Boundary south of the Willamette Valley to convert what are rated as some of the best farm land in the world to industrial and related uses.

The leaders of the expansion efforts were the Maletis brothers who own the Langdon Farms Golf Course and I have been advised have acquired options on adjacent properties. Two Indian Tribes were approached about teaming up with them for a large casino and multiplex shopping center and industrial distribution. The Klamath Indian Tribe has filed with the Bureau of Indian Affairs its desire to make this area a part of its trust lands. The Port of Portland sought to have this land designated for industrial development. The City of Wilsonville actively opposed the UGB expansion with meetings before Metro with several hundred citizens testifying against this expansion. Metro denied the expansion and won on this issue on appeal. The Department of Agriculture joined with Wilsonville in opposing the expansion and has now designated the lands as "foundation lands." There were simply other lands that are not high valued agricultural that could be developed in the relatively near term at less expense to satisfy the industrial demands and for the build able lands inventory over the next 20 years. Coffee Creek lands are a portion of such lands.

Nevertheless, the Langdon Farm owners and certain members of the real estate community introduced several bills to allow development of this prime agricultural land during the 2007 legislative session. Wilsonville took an active role in opposing these bills and they were defeated. Coffee Creek land area was added into the UGB by Metro order and had a two year planning window that the various appeals of the other parts of the Metro order apparently tolled. However, that time frame is now being adhered to.

Originally, the Coffee Creek Correctional Facility was to be super sited adjacent to residential development. The prison expansion was touted by the Department of Corrections as really being an industrial use with fences due to the emphasis on prison industries and the ability to train in areas with nearby businesses. Thus, Wilsonville was able to get the prison to relocate to this area which allowed it to be on less than high value farm land, away from residential development, in an area that made sense by location and transportation for an industrial area, and to use its mantra as an industrial anchor to bring water and sewer infrastructure to the area. In turn, the County had allowed industrialization in the area but without adequate urban infrastructure for greater industrialization which the City will be supplying. The owners of the property had also petitioned the City for inclusion into the UGB for

future annexation for industrial development. The City developed a concept plan for the area which Washington County had supported and Metro approved by inclusion in the UGB expansion. There is a time is of the essence need to get on with the planning and industrial development of the area to provide lands needed to take away the need to expand on prime farm land (agriculture being one to the states biggest industries).

So in the big picture, the small City of Wilsonville has developed a water treatment plant on the Willamette with Tuaiatin Valley Water District that the relocated prison helped fund which will be a prime water source for Washington County in the future. By not subverting its industrial lands, but planning for a reasonable supply with phased development (we are making up for other jurisdictions conversion of industrial land), a crippling take of farm land is avoided and the state's Willamette Valley agricultural economy is not eaten away like the pac-man game. The state's white elephant in Dammasch Hospital is turned into a cash winner with the sale and development of Villebois to provide houses for employment rather than a prison (which had been scheduled to go there), and the density to support the commuter rail that Washington County is partnering on. With the multiple developments going forward, there are funding mechanisms that fall into place to have the City help fund badly needed improvements to the I-5 283 interchange as well as internal roads to help overall transportation. Thus, the pressure on the City is to provide for industrial lands now, and the current corridor options do not impact Coffee Creek I planned infrastructure transportation system.

Apparently, the City has been accused by a Washington County representative recently of not seeing the big picture. However, we have been living the big picture involving regional water supply; the state's largest highway, the state prison sitting and building program; the location, planning, and partnering in regional commuter rail; the assisting of the state's mental health to turn a white elephant into a win-win for it; and the partnering with the state agricultural department in protection of the Willamette Valley agricultural industry. Thus, the City sees moving ahead with Coffee Creek I as an important element in the big picture especially when there is no down side to the current corridor options.

In order to keep on track, I have again reviewed the UPAA with Washington County. The plain language of the UPAA states that coordination for the water shed area is to be treated the same as the Urban Planning Area. Since the City clearly will be providing the infrastructure, it has the contractual responsibility under the UPAA to plan the area and that is supported by the plan's reference to the Oregon Administrative Rules. There is nothing in the Metro order placing the Coffee Creek I area into the UGB that we have been discussing that prohibits the Washington County contract with Wilsonville under the UPAA for Wilsonville to plan such an area within the watershed. My understanding is that certain Washington County staff members are no longer concerned with right of way size for Grahams Ferry, but rather that the Day Road size of right of way is now the real concern (reserving for a six lane boulevard rather than a four lane). Our staff has concerns of whether Washington County has taken into consideration what a greater Day Road right of way and capacity will mean for I-5. My understanding is that Clackamas County Commissioner Peterson has recently voiced concerns over the potential impacts to I-5. Given the City's need to proceed and the timing needed to resolve these concerns and the short time frame for a UPAA Amendment, perhaps a simple memorandum of understanding confirming the City's authority to plan under UPAA and agreement to further study Day Road right of way might be an acceptable approach.

Regards,

Mike Kohlhoff



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 Wilsonville, Oregon 97070
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July 27, 2007

Ms. Kathy Lehtola
 Director
 Washington County Oregon
 Department of Land Use & Transportation
 155 North First Avenue
 Suite 350 MS 16
 Hillsboro, OR 97124-3072

Dear Ms. Lehtola:

This letter is forwarded in reply to your June 4, 2007 letter to the City of Wilsonville Planning Director, in which you requested extensive right-of-way (ROW) provisions within the Coffee Creek Master Plan areas. Specifically, you requested a seven lane ROW along Grahams Ferry Road and Boones Ferry Road, a minimum five lane ROW along Day Road and Clutter Road, and 500 foot turn pockets for all signalized or potentially signalized intersections. The basis for your concern is the potential incompatibility of our Coffee Creek planning with the I5/99W corridor analysis and that these ROW reservations will serve as a "surrogate for an incomplete transportation analysis."

I want to respond to your letter and recommendations with the following facts which controvert the requirement for this level of ROW:

- * The I5/99W Connector Study to date has projected 2030 traffic PM peak hour volumes at nearly all arterial and collector streets within the Connector Study area and along its periphery (Attachment 1). This assessment indicates that the volume of traffic on arterial streets and collector streets north of Day Road (i.e., north of Coffee Creek) is greater than that in the Coffee Creek area, and certainly do not justify the need for a 7-lane Grahams Ferry Road south of Day.
- * The Washington County 2020 TSP indicates Grahams Ferry Road is intended as an Arterial north of Day Road, and a Collector south of Day, nominally three lanes wide at Clutter and Ridder Roads.
- * Connector corridor options (with limited access) presently being considered will not bring increased traffic to Wilsonville, south of Day Street beyond that already considered by our traffic consultants in the Coffee Creek report, since optimal Connector alignments are north of the Coffee Creek planning area.

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"Serving The Community With Pride"

- * The "industrial triangle" between Sherwood, Tigard, and Tualatin, indicated on Attachment 2, is 12-15 times larger than the Wilsonville Coffee Creek area. Obviously, should a Connector be constructed south of this triangle, the industrial traffic generated north of the Connector will be much greater than the contribution by the Coffee Creek industrial area to the south.
- * Regional traffic (i.e.: traffic "destined to" or "originating from") in the study area contributes the greatest single demand volume which must be dealt with via a Connector solution (Attachment 3). Coffee Creek, due to its location, contributes minimally to this challenge. Additionally, as shown on Attachments 4 and 5, 79% of Regional traffic traverses east, west and north of the study area, vice south near Wilsonville. Therefore, as Connector routes move further south, they are less likely to resolve the Regional transportation challenge in the Tigard-Sherwood-Tualatin area as cited in the 2000 and 2004 Metro RTPs of which the Connector is the intended solution.

The Coffee Creek Master Plan is a prudent planning initiative, valuable to shape infrastructure requirements concurrent with potential development proposals. At this time, based on the above facts, no known or potential conflicts between the Coffee Creek area and the Connector alignment exist. In order to respond to your concern that the transportation analysis to date is "incomplete", please communicate to the City of Wilsonville: (1) What additional transportation analysis needs to be done by Wilsonville to alleviate your concerns and (2) the Washington County planned timeline and specific transportation studies which will likewise deconflict any issues between the Connector and the Coffee Creek area.

Sincerely,

Michael S. Bowers, PE
Community Development Director

MSB:bgs

Copy to:	Lawrence Odell, Assistant Director	Stacy Hopkins, DLCD
	Chris Gilmore, County Council	Andy Johnson, ODOT
	Doug Rux, City of Tualatin	Sherry Oeser, Metro
	Brent Curtis, Planning Manager	
	Rob Dixon, City of Sherwood	

List of Attachments:

- (1) Comparison of 2005 and 2030 Baseline Traffic Volumes
- (2) Regional Land Use Designations - Connector Study Area
- (3) Aggregated Travel Pattern Summary - Connector Study Area
- (4) 2005 Regional Trips 15/99W Project Area
- (5) Distribution of Regional Trips and Percentages

**WASHINGTON COUNTY**
OREGON

September 14, 2007

City of Wilsonville
30000 Town Center Loop E.
Wilsonville, OR 97070

*Rec'd
9/17/07
PDC*

Mayor Lehan and Members of the City Council:

The purpose of this correspondence is to continue our efforts to coordinate with you on the adoption of the Coffee Creek Master Plan (CCMP) and its potential impacts on the I-5 to 99W Connector Project.

As evidenced by the recent adoption of the selected alternatives by the Project Steering Committee, the participating jurisdictions continue to support this essential regional transportation project. By providing an alternative for regional trips passing through the area the Connector Project will alleviate long-term traffic congestion and increase livability for residents in both Wilsonville and the nearby unincorporated area. The County recognizes and appreciates the important role the City of Wilsonville plays in assuring a well-coordinated and effective regional transportation system and we look forward to working with you in that regard.

Without the Connector Project, the functional performance of existing facilities will likely deteriorate significantly. The impacts to existing infrastructure from development within the CCMP, coupled with significant increases in background traffic over the next 20 -30 years will likely require increased reservations of right-of-way.

The selection of the alternatives by the Project Steering Committee is a very important step that moves us collectively towards a preferred alternative regarding the Connector Project. Our experience with major transportation studies tells us that a preferred alternative may be a combination of project elements from various alternatives. That is, the preferred alternative may not exactly mirror any particular alternative that will soon be analyzed.

We also note that one purpose of analyzing the alternatives is to see how particular roads function in different scenarios and when combined with other transportation elements. Particular roads will be studied, and if necessary the recommended ultimate capacity of the particular roads may change based on the analysis. Since this evaluation has not taken place in a comprehensive fashion, it is too soon to know what transportation solutions will be part of a preferred alternative. In order to maintain mobility in the southern portion of Washington County, we believe that it is not wise to take any steps to preclude the implementation of any possible preferred alternative.

For example, as you are well aware, Day Road between Grahams Ferry and Boones Ferry is included in the Enhanced Existing System Alternative (EESA) that is moving forward. The EESA will be analyzed and based on this analysis mitigation to address capacity needs could be recommended. We don't know if this analysis will result in recommending Day Road be wider than 3 lanes. However, professional judgment tells us that it could. But, most importantly, we believe it is prudent to not inhibit any possible outcome of the connector study.

To date we haven't seen evidence that the CCMP meets the standards of OAR 660-012-0060. This section of the Transportation Planning Rule applies to amendments to comprehensive plans. We are concerned that the plan amendment could significantly affect the Tonquin/Grahams Ferry intersection. Moreover, we are concerned that the plan amendment could also significantly affect important ODOT facilities in the vicinity. We have not seen evidence that the City has undertaken a determination consistent with the specific methodology expressed in OAR 660-012-0060. Moreover, if the plan amendment will significantly affect facilities, we fear that the City has not implemented the necessary measures under OAR 660-012-060 (2) to address such impacts.

As you are probably aware, the County has constructed more roads than any other local government in the State of Oregon over the past twenty years. Right-of-way purchase continues to be a huge and growing portion of overall road construction. Much of the cost of right-of-way purchases could have been avoided with more of a long-term perspective when it came to individual land development and planning decisions. This experience over the past twenty years certainly has shaped our perspective regarding reserving right-of-way. Our view is that determining ultimate right-of-way needs is a different proposition than evaluating the capacity needs based on one particular growth and travel forecast. For ultimate right-of-way it is important to consider not only the travel demand model results, but also other future activities that have some possibility of occurring such as population and employment growth beyond a particular forecast year. We believe this conservative approach to right-of-way reservation serves the citizens and businesses in the County well.

As you may know, the Board of County Commissioners directed staff to file an ordinance amending the existing Urban Planning Area Agreement to allow the City and County to agree through a Memorandum of Understanding (MOU) on adding additional right-of-way reservations to the CCMP or other such assurances that will assure the alignments for the Connector Project are preserved.

The timing of this MOU approach will not interfere with the City's Title 11 planning deadlines. The expansion of the Metro Urban Growth Boundary (UGB) was specifically conditioned to avoid planning until a preferred alternative is selected for the Connector Project. The Special Conditions to Ordinance No. 04-1040B (a copy of which is included with this letter) state:

“Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11

planning within four years *following the selection of the right-of-way alignment for the I-5/99W Connector*, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.” [emphasis supplied]

Thus at the time this land was brought within the UBG it was clear that the planning would follow selection of the right-of-way alignment and that the deadline would be within four years following that date. Ordinance No. 04-1040B was adopted on June 24, 2004. The existing findings for Ordinance No. 637 incorrectly state that the Title 11 planning deadline is March of 2007. As such there is no pending deadline for the City’s Title 11 planning.

Moreover the City recognizes in its findings that this area must go through the annexation process in addition to any development code and zone changes necessary to implement the CCMP. The CCMP and development code amendments can be adopted as a package following annexation to accommodate the timing of the selection process for the Connector Project and to provide the County and the City additional time to enter into a meaningful MOU.

It is the County’s desire to continue achieving coordination by amending the existing UPAA to assure compliance with Goal 2 and ORS Chapter 195. Coordination agreements are the proper means by which planning authority should be addressed outside of the city limits. A condition making the plan amendments effective upon annexation avoids coordination and jeopardizes the Connector Project without addressing the County’s concerns.

Please consider delaying formal adoption of Ordinance No. 637 until such time as City and County staff have engaged in a meaningful effort to resolve outstanding technical issues, comply with the limiting conditions provided in Metro Ordinance No. 04-1040B, provide the Project Steering Committee with additional time to select a final alternative, and to keep in place the existing coordination process embodied in the UPAA.

Sincerely,



Kathy Lehtola
Director of Land Use & Transportation

Sincerely,



Chris Gilmore
Senior Assistant County Counsel

Attachment:

Cc: Lawrence Odell, Assistant Director
Brent Curtis, Planning Manager
Sherilyn Lombos, City of Tualatin
Ross Schultz, City of Sherwood
Stacy Hopkins, DLCD
Jason Tell, ODOT
Andy Cotugno, Metro Director of Planning

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO: 04-1040B
METRO URBAN GROWTH BOUNDARY, THE)
REGIONAL FRAMEWORK PLAN AND THE)
METRO CODE TO INCREASE THE CAPACITY)
OF THE BOUNDARY TO ACCOMMODATE)
GROWTH IN INDUSTRIAL EMPLOYMENT) Introduced by the Metro Council
)

WHEREAS, by Ordinance No. 02-969B (For The Purpose Of Amending The Urban Growth Boundary, The Regional Framework Plan And The Metro Code In Order To Increase The Capacity Of The Boundary To Accommodate Population Growth To The Year 2022), the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan to increase the capacity of industrial land to accommodate industrial jobs; and

WHEREAS, the Metro Council adopted an Employment and Industrial Areas Map as part of Title 4 (Retail in Employment and Industrial Areas) in Ordinance No. 96-647C (For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept) on November 21, 1996; and

WHEREAS, the Council amended the Regional Framework Plan (RFP) by Exhibit D to Ordinance No. 02-969B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in Order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022), adopted on December 5, 2002, to establish a new 2040 Growth Concept design type entitled "Regionally Significant Industrial Area" (RSIA) and to add Policies 1.4.1 and 1.4.2 to protect such areas by limiting conflicting uses; and

WHEREAS, by Exhibit F to Ordinance No. 02-969B the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP) to implement Policies 1.4.1 and 1.4.2 of the RFP; and

WHEREAS, by Exhibit E of Ordinance No. 02-969B the Council adopted a "Generalized Map of Regionally Significant Industrial Areas" depicting certain Industrial Areas that lay within the UGB prior to its expansion as part of Task 2 of periodic review as RSIAs; and

WHEREAS, Title 4 calls upon the Council to delineate specific boundaries for RSIA's derived from the "Generalized Map of Regionally Significant Industrial Areas" after consultation with cities and counties; and

WHEREAS, by Ordinance No. 02-969B, the Council added capacity to the UGB but did not add sufficient capacity to accommodate the full need for land for industrial use; and

WHEREAS, the Metro Council submitted Ordinance No. 969B, in combination with other ordinances that increased the capacity of the UGB, to the Land Conservation and Development Commission (LCDC) as part of Metro's periodic review of the capacity of its UGB; and

WHEREAS, on July 7, 2003, LCDC issued its "Partial Approval and Remand Order 03-WKTASK-001524" that approved most of the Council's decisions, but returned the matter to the Council for completion or revision of three tasks: (1) provide complete data on the number, density and mix of housing types and determine the need for housing types over the next 20 years; (2) add capacity to the UGB for the unmet portion of the need for land for industrial use; and (3) either remove tax lots 1300, 1400 and 1500 in Study Area 62 from the UGB or justify their inclusion; and

WHEREAS, the Council completed its analysis of the number, density and mix of housing types and the need for housing over the planning period 2002-2022 and incorporated its conclusions in a revision to its Housing Needs Analysis; and

WHEREAS, the Council increased the capacity of the UGB both by adding land to the UGB and by revising the Regional Framework Plan and Title 4 of the UGMFP to meet the previously unmet portion of the need for land for industrial use; and

WHEREAS, a change in design type designation of a portion of Study Area 12 added to the UGB on December 5, 2002, by Ordinance No. 02-969B from residential to industrial will help the region accommodate the need for industrial use without reducing the region's residential capacity below the region's residential need; and

WHEREAS, the Council decided to remove tax lots 1300, 1400 and 1500 in Study Area 62 from the UGB; and

WHEREAS, the Council consulted its Metropolitan Policy Advisory Committee and the 24 cities and three counties of the metropolitan region and considered comments and suggestions prior to making this decision; and

WHEREAS, prior to making this decision, the Council sent individual mailed notification to more than 100,000 households in the region and held public hearings on Title 4 and the efficient use of industrial land on December 4 and 11, 2003, public workshops at six locations around the region in March, 2004, on possible amendments to the UGB, and public hearings on the entire matter on April 22 and 29, May 6, May 27, and June 10 and 24, 2004; now, therefore

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Policy 1.12 of the Regional Framework Plan is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance, to guide the choice of farmland for addition to the UGB when no higher priority land is available or suitable.
2. Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan is hereby amended, as indicated in Exhibit B, attached and incorporated into this ordinance, to improve implementation of Title 4 by cities and counties in the region.
3. The Employment and Industrial Areas Map is hereby amended, as shown in Exhibit C, attached and incorporated into this ordinance, to depict the boundaries of Regionally Significant Industrial Areas pursuant to Policy 1.4.1 of the Regional Framework Plan in order to ensure more efficient use of the areas for industries reliant upon the movement of freight and to protect the function and capacity of freight routes and connectors in the region.
4. The Revised Housing Needs Analysis, January 24, 2003, is hereby further revised, as indicated in Exhibit D, Addendum to Housing Needs Analysis, April 5, 2004, attached and incorporated into this ordinance, to comply with the first item in LCDC's "Partial Approval and Remand Order 03-WKTASK-001524."
5. The Metro UGB is hereby amended to include all or portions of the Study Areas shown on Exhibit E with the designated 2040 Growth Concept design type, and more precisely identified in the Industrial Land Alternative Analysis Study, February, 2004, Item (c) in Appendix A, subject to the conditions set forth in Exhibit F, and to exclude tax lots 1300, 1400 and 1500 in Study Area 62 and the southeast portion of Study Area 9 from the UGB, also shown on Exhibit E and more precisely identified in the Staff Report, "In Consideration of Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the capacity of the Boundary to Accommodate Growth in Industrial Employment", Item (a) in Appendix A. Exhibits E and F are attached and incorporated into this ordinance to comply with the second and third items in LCDC's "Partial Approval and Remand Order 03-WKTASK-001524."

6. Ordinance No. 02-969B is hereby amended to change the 2040 Growth Concept design type designation for that 90-acre portion of Study Area 12 that projects from the rest of the study area to the southeast along Highway 26 from "Inner Neighborhood" to "Regionally Significant Industrial Area."

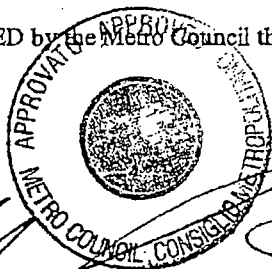
67. The Appendix, attached and incorporated into this ordinance, is hereby adopted in support of the amendments to the UGB, the Regional Framework Plan and the Metro Code in sections 1 through 3 of this ordinance. The following documents comprise the Appendix:

- a. Staff Report, 'In Consideration of Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the capacity of the Boundary to Accommodate Growth in Industrial Employment', April 5, 2004.
- b. 2002-2022 Urban Growth Report: An Employment Land Need Analysis; June 24, 2004 Supplement.
- c. Industrial Land Alternative Analysis Study, February, 2004.
- d. Measure 26-29 Technical Report: Assessment of the Impacts of the June, 2004, UGB Expansion on Property Owners.
- e. Industrial Land Expansion Public Comment Report, March, 2004.
- f. "An Assessment of Potential Regionally Significant Industrial Areas"; memorandum from Mary Weber to Dick Benner, October 21, 2003.
- g. 'Recommended Factors for Identifying RSIA's', memorandum from Mary Weber to MTAC, June 30, 2003.
- h. 'Slopes Constraints on Industrial Development', memorandum from Lydia Neill to David Bragdon, November 25, 2003.
- i. 'Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use', prepared by the Metro Agricultural Lands Technical Workgroup, April, 2004.
- j. 'Technical Assessment of Reducing Lands within Alternatives Analysis Study Areas', memorandum from Lydia Neill to David Bragdon, October 30, 2003.
- k. Agriculture at the Edge: A Symposium, October 31, 2003, Summary by Kimi Iboshi Sloop, December, 2003.
- m. 'Industrial Land Aggregation Methodology, Test and Results', memorandum from Lydia Neill to David Bragdon, September 24, 2003.
- n. 'Industrial Areas Requested by Local Jurisdictions', memorandum from Tim O'Brien to Lydia Neill, July 29, 2003.

- o. 'Industrial Land Locational and Siting Factors', memorandum from Lydia Neill to David Bragdon, June 9, 2003.
- p. 'A Review of Information Pertaining to Regional Industrial Lands', memorandum from Dick Benner to David Bragdon, January 26, 2004.
- q. Map of Freight Network and Freight Facilities, Metro, November, 2003.
- r. 'Evaluating the Industrial Land Supply with Projected Demand', memorandum from Lydia Neill to David Bragdon, May 14, 2003.
- s. 'Identifying 2003 Industrial Land Alternatives Analysis Study Areas', memorandum from Tim O'Brien to Lydia Neill, July 9, 2003.
- t. 'For the Purpose of Reducing the Land Under Consideration in the 2002 and 2003 Alternatives Analysis for Meet the Remaining Need for Industrial Land through Urban Growth Boundary Expansion', Staff Report, November 18, 2003.
- u. 'Formation of Industrial Neighborhoods', memorandum from Lydia Neill to David Bragdon, October 24, 2003.
- v. 'Developed Lots 5 Acres and Smaller Outside the UGB', memorandum from Amy Rose to Lydia Neill, November 18, 2003.
- w. 'Employment Land Included in the 2002 Urban Growth Boundary Expansion', memorandum from Andy Cotugno to David Bragdon, March 10, 2003.
- x. 'Identifying Additional Land for Industrial Purposes', memorandum from Tim O'Brien to Lydia Neill, March 7, 2003.
- y. Staff Report 'In Consideration of Ordinance No. 04-1040B, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment', June 21, 2004.

78. The Findings of Fact and Conclusions of Law in Exhibit G, attached and incorporated into this ordinance, explain how this ordinance complies with state law, the Regional Framework Plan and the Metro Code.

ADOPTED by the Metro Council this 24th day of June, 2004.



[Signature]
 David Bragdon, Council President

ATTEST:

Approved as to Form:

[Signature]
 Christina Billington, Recording Secretary

[Signature]
 Daniel B. Cooper, Metro Attorney

Exhibit F to Ordinance No. 04-1040B
Conditions on Addition of Land to the UGB

I. GENERAL CONDITIONS APPLICABLE TO ALL LANDS ADDED TO THE UGB

A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years after the effective date of this ordinance. Specific conditions below identify the city or county responsible for each study area.

B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit E of this ordinance to the planning required by Title 11 for the study area.

C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area until the effective date of the comprehensive plan provisions and land use regulations adopted to implement Title 11.

D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.

E. Each city or county with land use planning responsibility for an area included in the UGB by this ordinance shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area ("RSIA"), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit C). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.

G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider, in the city or county's application of Goal 5 to its Title 11 planning, any inventory of regionally significant Goal 5 resources and any preliminary decisions to allow, limit or prohibit conflicting uses of those resources that is adopted by resolution of the Metro Council.

H. Each city and county shall apply the Transportation Planning Rule (OAR 660 Div. 012) in the planning required by subsections F (transportation plan) and J (urban growth diagram) of Title 11.

II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS

A. Damascus Area

1. Clackamas County and Metro shall complete Title 11 planning requirements through the incorporation of this area into the greater Damascus/Boring Concept Plan planning effort currently underway. This planning shall be completed within the same time frame as specified in Ordinance No. 02-969B.
2. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.
3. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.

B. Beavercreek Area

1. Clackamas County or, upon annexation to Oregon City, the city and county, with Metro, shall complete Title 11 planning for the area.
2. This area shall be planned in conjunction with the adjoining tax lot added to the UGB in 2002, under Ordinance No. 02-969B.

~~C. Berland Area North of I 205~~

- ~~1. Clackamas County or, upon annexation to the City of Tualatin, the city and county, in coordination with the Cities of Lake Oswego, Tualatin, and West Linn and Metro, shall complete Title 11 planning within four years following the effective date of Ordinance No. 04-1040. The county and city, in conjunction with Lake Oswego and West Linn and Metro shall recommend long-range boundaries in the Stafford Basin and general use designations for consideration by the Council in future expansions of the UGB.~~
- ~~2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~DC. Tualatin Area~~

- ~~1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within four two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.~~

2. Title 11 planning shall incorporate the general location of the projected right of way location alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Inner Outer Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial."
3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.

FD. Quarry Area

1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.
2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.
3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.
4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

FE. Coffee Creek Area

1. Washington and Clackamas Counties or, upon annexation of the area to the ~~City~~ cities of Tualatin or Wilsonville, the city, ~~and in conjunction with Metro,~~ shall complete the Title 11 planning for the area within four two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040B, whichever occurs earlier.
2. ~~The concept~~ Title 11 planning shall incorporate the general location of the projected right of way location for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~G. Wilsonville East Area~~

- ~~1. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city, and Metro shall complete the Title 11 planning for the area within two years of the effective date of Ordinance No. 04-1040.~~
- ~~2. In the planning required by Title 11 a buffer shall be incorporated to mitigate any adverse effects of locating industrial uses adjacent to residential uses located southwest of the area.~~

~~3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~HF.~~ Cornelius Area

1. Washington County, or, upon annexation of the area to the City of Cornelius, the city and Metro shall complete the Title 11 planning for the area.

~~IG.~~ Helvetia Area

1. Washington County, or upon annexation of the area to the City of Hillsboro, the city, and Metro shall complete the Title 11 planning for the area.
2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.

Ordinance No. 637 - Supplemental Findings of Fact, 9-17-07

OAR 660-012-0060(1) states that, where an amendment to an acknowledged comprehensive plan would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity and performance standards of the facility. A plan amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility
- (b) Change standards implementing a functional classification, or
- (c) As measured at the end of the planning period identified in the adopted transportation systems plan:
 - Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Table 16 of the May 2, 2007 Coffee Creek Transportation Technical Memorandum # 2 shows that, for alternative # 1, the intersections at Boones Ferry Road/95th Avenue, Boones Ferry Road at Day Road and Kinsman Road at Day Road all exceed both LOS and V/C, reducing the performance of an existing or planned transportation facility below the minimum acceptable performance standards identified in the TSP or comprehensive plan. Therefore, the requirements of OAR 660-012-0060(2) apply.

Under OAR 660-012-0060(2), compliance with section (1) shall be accomplished through one or a combination of the following:

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity and performance standards of the transportation facility.
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement or service will be provided by the end of the planning period.
- (c) Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

The Coffee Creek I Master Plan relies on a combination of (2)(b) and (2)(e) to demonstrate compliance with section 1 of OAR 660-012-0060.

Table 17 of May 2, 2007 Coffee Creek Transportation Technical Memorandum # 2 provides for mitigations necessary to assure that allowed land uses are consistent with the identified function, capacity and performance standards of the affected facilities. Table 18 of the same Technical Memorandum demonstrates the mitigated LOS and V/C levels for affected signalized intersections. All intersections are shown to be compliant with the identified function, capacity and performance standards of the affected facilities as shown in the Summary table below.

Street	Classification	Preferred operating standard	Acceptable operating standard	Recommendation for mitigation/change
Boones Ferry				
RTP	Minor arterial	E/D	E/E	
Oregon Highway Plan	District Highway	0.99/0.99		
W Co. TSP	Arterial	D/D	E/D	
City TSP	Major Arterial(south of Day Rd.) No classification north of Day-	D/D(intersections)	D/D(intersections)	Widen Boones Ferry from 95 th to Day Road to 5 lanes (completed)
Coffee Creek Master Plan (CCMP)	No change in classification recommended	Mitigated LOS and V/C @ Day C 0.81		@ Day Rd. Construct 2 nd southbound through lane north of Day Construct dual eastbound right turn lanes
Grahams Ferry				
RTP	NA			
Oregon Highway Plan	NA			
W Co. TSP	Arterial (North of Day Rd.) Collector (south of Day)	D/D NA	E/D NA	Widen Graham's Ferry to 3 lanes from Tonquin to Clutter Roads

City TSP	Collector (south of Clay Rd.)	D/D(intersections)	D/D(intersections)	
CCMP	No change in classification recommended	Mitigated @ Tonquin	LOS and V/C D 0.94	@ Day Rd. Construct dual southbound left turn lanes
Day Road				
RTP	NA			
Oregon Highway Plan	NA			
W Co. TSP	Arterial	D/D	E/D	Widen Day Rd. to 3 lanes from Grahams Ferry to Boones Ferry
City TSP				Widen Day Rd. to 3 lanes from Grahams Ferry to Boones Ferry (completed)
CCMP	No change in classification recommended.			@ Kinsman Traffic signal North and southbound left turn pockets Northbound right turn lane @Boones Ferry: 2 nd southbound through lane north of Day
Tonquin Road				
RTP	NA			
Oregon Highway Plan	NA			
W Co. TSP				Widen and realign Tonquin Rd. from Grahams Ferry to Oregon St.
City TSP	NA			
CCMP				@Grahams Ferry: install westbound left, northbound left and traffic signal

Table 19 of the Technical Memorandum # 2 shows that NB left movement exceeds storage capacity. The mitigation plan address this by providing for 2 NB left lanes on Boones Ferry Road @ Day.

The proposed Comprehensive Plan amendment to include the Coffee Creek I Master Plan within the City's Comprehensive Plan includes adoption of the appendices and the recommended mitigation projects. The City will be beginning its 5-year review of the City's TSP in 2008 and will incorporate these recommended mitigation projects into the TSP at that time.

The Coffee Creek I Master Plan Appendices also include a detailed fiscal analysis of the costs of the recommended mitigation measures, and the source(s) of funding for those improvements. The City has traditionally used a combination of systems development revenues, urban renewal funds and developer's financial participation to construct transportation and other public facility improvements. These funding plans are contained in very specific development agreements adopted by the city Council and signed by both the City and the developer(s).

Therefore, the City has complied with OAR 660-012-0060(2).

Section 93) of -0060 is not applicable. Section (4) requires that determinations under sections (1) – (3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Section (4) further states that,

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

The City and its consultants relied on adopted city and county TSPs and the RTP in determining whether the coffee Creek I Master Plan has a significant effect on an existing or planned transportation facility. All existing impacted streets were considered, as were improvements proposed in the respective TSPs/RTP. Washington County has consistently complained that the city did not include analysis of the I-5/99W Connector project in the analysis of impacts. The City has responded that the Coffee Creek I Master Plan transportation analysis addresses both a no-build alternative and roads included in the Enhanced Existing System Connector alternative. Construction of the Connector is not part of the 2004 federally approved, fiscally constrained RTP. Improvements to affected streets such as Grahams Ferry Road, Boones Ferry Road, Tonquin Road and the extension of 124th Avenue are within the respective jurisdictions' TSPs, and those improvements were considered where Coffee Creek impacts were determined to exist. The most southerly connector alternative is north of the Coffee Creek I planning area. Metro did not condition planning in the Coffee Creek I area upon selection of a Connector alignment. We have received no written communication from either ODOT, Metro or any local government providing a statement that the Connector is "reasonably likely to be provided by the end of the planning period". Section (e) has been addressed via the recommended mitigation measures at 95th Avenue and on Elligsen Road. The City has received letters supporting adoption of the Coffee Creek I Master Plan applicable at the time of annexation from both Metro and ODOT.

The City has been requested to postpone adoption of the Coffee Creek I Master Plan as a sub-element of the City's Comprehensive Plan. However, the City has responded that there is a continuing need for shovel ready industrial lands adjacent to I-5. and that the City has a responsibility, under Metro's requirements, to plan this land now, and not 5 – 10 years from now when a Connector route may be finally determined.



METRO

September 21, 2007

The Honorable Charlotte Lehan
City of Wilsonville
29799 Town Center Loop East
Wilsonville, OR 97070-6499

Dear Mayor Lehan:

I invite you to a discussion with leaders from throughout the region to tackle some of the most important challenges that we face in accommodating rapid population growth. This Regional Roundtable will be held on Friday, October 26, from 8:00 a.m. to 2:00 p.m. at the Oregon Convention Center.

Last October, the Metro Council invited the region's mayors and county chairs, as well as other members of the Metro Policy Advisory Committee and the Joint Policy Advisory Committee on Transportation to discuss a regional legislative agenda. This agenda was focused on a few critically important measures that enabled this region to take a broader, more thoughtful look at how we plan for growth. The two main policy bills dealt with:

- A one-time, two-year extension of the five-year urban growth boundary review cycle, and
- Enabling the Metro Council and local counties to create urban reserves, outside of the current UGB to accommodate future growth, while also designating rural reserves for the long-term preservation of farmland and natural areas. Establishing these reserves can provide greater certainty and deliberation for how, when and where future UGB expansions occur.

Thanks to the broad regional effort that supported this agenda, both of these bills were passed.

At last October's forum we also discussed Oregon's infrastructure challenges – an issue which was not addressed during the legislative session. Since then, the need has become even more obvious, and there is growing agreement that a region-wide effort is needed to identify the scope of infrastructure needs – and the resources available to pay for them – and come up with a comprehensive strategy to ensure that cities and other service providers have the resources they need to maintain vibrant communities. This year's Forum will continue the conversation we started last year and enable us to move forward on a broad regional public investment strategy.

In addition, a broad regional effort is moving forward to begin the process of identifying and designating urban and rural reserves as authorized by the Legislature this past session. More information on this process, and what comes next, will be shared at the October 26 event.

*RCO 9/25/07
MS*

Regional Roundtable Invitation – October 26, 2007

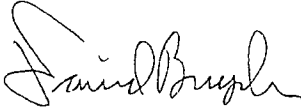
September 21, 2007

Page 2

The invitation to attend this Regional Roundtable is being extended to MPAC members, JPACT members, mayors and councilors of the 25 cities within Metro's jurisdiction, and members of the three county commissions. In addition, we are inviting the mayors of neighboring cities and the chairs of neighboring county commissions to join us for this discussion.

Although this meeting will be open to the public, lunch will only be provided to invited attendees. Please RSVP to Paulette Copperstone at copperstonep@metro.dst.or.us or by calling 503-797-1562 no later than Friday, October 19, and let us know if you plan to attend. Please also let Paulette know if you have any special dietary needs or concerns.

Regards,



David Bragdon
Metro Council President

King, Sandy

From: Young, Sandi
Sent: Tuesday, September 25, 2007 12:43 PM
To: King, Sandy
Subject: FW: Conditions on Addition of Coffee Creek Area to UGB

-----Original Message-----

From: Kohlhoff, Mike
Sent: Monday, September 17, 2007 12:45 PM
To: 'chris_gilmore@co.washington.or.us'
Cc: Lee, Paul; Young, Sandi; Loble, Arlene
Subject: FW: Conditions on Addition of Coffee Creek Area to UGB

Chris,

Thank you forwarding the letter of September 14, 2007 co signed by you to the City. The City is preparing a response. However, I wanted to share with you the below e-mail from Metro attorney Richard Benner before tonight's hearing. This comports with an earlier letter that we have from Metro in the record. I was closely involved with the process and attorney Benner's opinion also comports with my understanding of the intent and language of the 04 ordinance.

Again, thank you for your continuing professional courtesies in this matter.

Regards,

Mike Kohlhoff

-----Original Message-----

From: Richard Benner [mailto:Benner@metro.dst.or.us]
Sent: Monday, September 17, 2007 11:21 AM
To: Kohlhoff, Mike
Cc: Dan Cooper
Subject: Conditions on Addition of Coffee Creek Area to UGB

9/17/07

Mike,

The Council did NOT impose a condition on the addition of the portion of Study Area 49 - the first part of the Coffee Creek area added to the UGB - included by Ordinance No. 02-969B to protect a ROW for the I-5/99W Connector. The Council DID include such a condition on addition of the second portion of the Coffee Creek area in Ordinance No. 04-1040B.

WILSONVILLE PLANNING DIVISION
Legislative
AMENDED STAFF REPORT

HEARING DATE: September 17, 2007. (~~July 16, 2007 first hearing~~)

DATE OF REPORT: Amended July 9, 2007 (revised for Sept. 17, 2007 Council meeting) September 17, 2007

APPLICATION NO: LP07-0001

REQUEST: Adoption of the Coffee Creek Master Plan as a sub-element of the Comprehensive Plan.

LOCATION: The area is generally bound by Day Road and the Coffee Creek Correctional Facility on the north, the Portland and Western Railroad to the west and south, and the existing city limits to the east.

APPLICANT: City of Wilsonville

STAFF REVIEWER: Chris Neamtzu AICP, Long-Range Planning Manager

CRITERIA:

Wilsonville Comprehensive Plan:

Plan Amendments

Citizen Participation:

Goal 1.1

Policy 1.1.1

Implementation Measures 1.1.1a – 1.1.1h

Urban Growth Management:

Policy 2.2.1

Implementation Measures 2.2.1a – 2.2.1h

Public Facilities and Services:

Goal 3.1

Implementation Measures 3.1.1.a, 3.1.1.d,

Policy 3.1.2, Policy 3.1.3

Implementation Measures 3.1.3a – 3.1.3c

Implementation Measures 3.1.4e, 3.1.4f

Implementation Measure 3.1.5e

Implementation Measures 3.1.6c, 3.1.6k, 3.1.6p, 3.1.6t

Implementation Measures 3.1.7d, 3.1.7e, 3.1.7f, 3.1.7g, 3.1.7h, 3.1.7n

Implementation Measures 3.1.11b, 3.1.11i

Land Use and Development:

Implementation Measure 4.1.1e

Policy 4.1.3.

Planning and Land Development Ordinance:

Section 4.198: Comprehensive Plan Amendments.

Statewide Planning Goals:

- Goal 1- Citizen Involvement,
- Goal 2-Land-Use Planning,
- Goal 5-Natural Resources,
- Goal 6-Air, Water and Land Resources,
- Goal 8-Recreational Needs,
- Goal 9-Economic Development,
- Goal 11-Public Facilities and Services
- Goal 12-Transportation,
- Goal 13-Energy Conservation
- Goal 14-Urbanization

Metro

- 2040 Plan,
- Urban Growth Management Functional Plan, Titles 1, 4, 8 and 11.

SUMMARY:

On May 16, 2007 the Planning Commission conducted a special public hearing to review the Coffee Creek Master Plan, and forwarded a recommendation of approval to the City Council with no changes. There was verbal and written (Exhibit 20) testimony provided by Ms. Doris Wehler, Wilsonville Chamber of Commerce President Elect, in favor of the Master Plan. No other testimony was received at the public hearing. Please refer to the list on page 13 of this staff report for a complete list of exhibits entered into the record at the Planning Commission public hearing on the Coffee Creek Master Plan. The entire Planning Commission record is included with your packet materials.

Following the public hearing, another letter was received from Kathy Lehtola, Director of Land Use and Transportation for Washington County (dated June 4, 2007-Exhibit 24). Ms. Lehtola's letter makes several specific requests if the City proceeds with adoption of the Coffee Creek Master Plan. The requests include reservation of "extensive right-of-way along roadways within the study area." Other requests include at a minimum, reservation of a seven lane section along Graham's Ferry Road and Boones Ferry Road, plus a five lane section along Clutter and Day. Additionally, Washington County requests the City require 500' left turn pockets, and 500' right turn lanes at all signalized or potentially signalized intersections within the study area. It is important to note that the widths of streets requested by Washington County are not supported by the Master Plan traffic data and modeling that has been done for the project. Furthermore, the requested street widths are not supported by the City's acknowledged TSP and would create street cross sections that are too wide jeopardizing livability.

Staff believes that these requests are unwarranted given the preferred alignments for the I-5/99W corridor study, none of which are located in the Coffee Creek I planning area. Once a final decision on the alignment of the Connector is made by the various technical committees and elected officials, any necessary revisions or amendments could be made to the Coffee Creek Master Plan to address conflicts or concerns. Until such information is available, over sizing of roads and reserving excessive rights-of-way is unnecessary and not proposed by Staff. Informal discussions with policy makers indicate that the City is not willing to accommodate such requests in the Coffee Creek area as part of Master Plan adoption.

Attached are correspondence (Exhibits 21, 22 and 23) from Sandi Young, Planning Director to Washington County and the cities of Sherwood and Tualatin regarding adoption of the Coffee Creek Master Plan. Generally, the letters discuss the lengthy process that needs to be gone through leading to ultimate development of this area. The process requires aggregating parcels into larger contiguous properties, entering into development agreements to understand the proportionate infrastructure related costs, and obtaining land use approval from the Development Review Board for Stage I/II, site design review, annexation and zone change requests. In addition, the Code needs to be updated to include the Day Road architectural design overlay and other infrastructure master plans will require revisiting. In the most compressed timeframe, this will take 8 – 12 months, at which time it is hoped that there will be final decision on the preferred connector route. If by chance the preferred connector route impacts the Coffee Creek Master Plan area, the Plan will be re-evaluated and adjusted accordingly.

ODOT Senior Planner Marah Danielson submitted a letter into the record (Exhibit 19) that raised concerns about one of the DKS recommendations contained in Technical Memorandum #2 dated May 2, 2007. Specifically, it was related to the recommendation to re-stripe the north bound left turn pocket on Boones Ferry Road at the Day Road intersection to provide additional capacity. The City's Engineering Division are working with ODOT on a package of improvements to the Boones Ferry Road/95th Avenue/I-5 intersection area as part of the Bryce office building application, and will be working through details as part of those pending current planning land use applications.

RECOMMENDATION:

Staff respectfully recommends that the City Council conduct the public hearing on the Coffee Creek Master Plan and adopt the proposed Ordinance.

BACKGROUND:

The Coffee Creek Master Plan (CCMP) has been developed over the past 16 months under the guidance of consultants (OTAK and DKS Associates), City staff and the Planning Advisory Committee (PAC). The PAC represents broad interests in the area including local government (Washington County, cities of Sherwood and Tualatin), agency representatives (Metro, Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT)), landowners, landowner's representatives, interested individuals, business and development interests. The Master Plan is proposed to be adopted as a sub-element of the City's Comprehensive Plan. No changes to the Comprehensive Plan Map or Zoning Map

are proposed at this time, as those changes will occur on the property owner's initiative and will be accompanied by site specific development proposals in the area. The City received a Transportation and Growth Management (TGM) grant from DLCD and ODOT to fund the consultant's share of costs for this Master Planning effort.

The proposed Plan built on and refined the *Preliminary Urban Reserve Plan - Area 42* Concept Plan (later called Area 49) that was developed in 1998 by the City and their consultants for the same general area in response to the siting of the Coffee Creek Correctional Facility (CCCF). With the extension of infrastructure to serve the CCCF, Area 42 was well positioned for future industrial development in the area.

At the same time as Master Plan development, a Concept Plan was developed for an area extending generally one lot north of Day Road, west of Boones Ferry Road. Neighboring jurisdictions requested that the City delay adoption of the Concept Plan until more is known about the location of the I-5/99W Connector. The City has complied with this request.

ISSUES:

Throughout the Coffee Creek planning process, Washington County, Sherwood and Tualatin have expressed concerns regarding the relationship between this planning effort and the I-5/99W Connector project. The concerns were that the connector route might be located within the planning area, and especially within the area north of Day Road, and that traffic impacts could not be fully evaluated until the location of the connector was determined. Because the city and the region are in need of available industrial lands located near major freight routes, and because Metro Title 11 requires master planning of UGB areas within two years of the time of inclusion within the UGB, the City continued with its planning work, while at the same time remaining aware of the Connector project work.

Midway through the master planning work, Washington County requested additional impact analysis, which the City and their consultants prepared, and which was accepted by Washington County. As the time for public hearings approached, the determination of the Connector location had not been completed, so the city responded to the concerns of its neighboring jurisdictions and separated the adoption processes for the Master Plan area south of Day Road and the Concept Plan area north of Day Road. The most recent Connector siting proposals contain no potential locations in the Master Plan area south of Day Road. However, letters received in response to the public hearing notice for the Planning Commission's May 16 hearing (Exhibits 3, 4, and 13) continue to maintain that direct and/or indirect impacts to the coffee Creek planning area cannot be specifically evaluated until the 99W/I-5 connector planning process has progressed further. The City respectfully disagrees.

Traffic modeling done for both Coffee Creek and for the Connector Project used the same Metro database, which presumed future development of the Coffee Creek area as RSIA industrial. That use will not change, regardless of the location of the connector. The connector is intended to be a limited access highway. Therefore, local and area traffic will continue to use the local street grid as it is recommended to be improved. None of the recommended improvements will preclude any of the currently proposed Connector locations, although further mitigation of

connecting streets may be required as part of any connector project. Therefore, there is no fatal flaw technical basis for requesting that adoption of the Coffee Creek Master Plan for the area south of Day Road be postponed.

Washington County further asserts that they have not given the City authority, via an Urban Growth Management Agreement (UGMA), to plan in the unincorporated area of the County. This assertion is correct. However, the most recent UGMA is dated 1988, and shows the City's planning area as coterminous with the city limits. At that time, there were no Metro UGB lands adjacent to Wilsonville and no reason for the City, as the service provider upon annexation, to be concerned about planning outside the city. The City maintains, as the provider of services within a UGB area following annexation, that cities are the logical entity to prepare the Master Plans for UGB areas. However, staff will need time to address the jurisdictional authority issues that have been raised.

Public Process:

To date, the public involvement process that has been conducted included PAC meetings, a public open house, email correspondence and web site postings throughout the entire process. Five PAC meetings were held: June 15, 2006; August 18, 2006; October 20, 2006; February 16, 2007 and April 6, 2007. These meetings were advertised in the Oregonian and on the City's web site and were open to the public. A public open house was held on September 28, 2006 to review two draft alternatives which proposed slight variations in street networks, paths and architectural overlay areas. Feedback from the community was gathered on the two draft alternatives, and summarized. The two plans were then reviewed in detail by the PAC, and refined into one proposal that blended elements of both recommendations resulting in the Preferred Draft Recommended Master Plan (please see Figure 1 of the Master Plan). The draft recommended master plan was developed through a consensus based approach with the PAC and was discussed at the February 16, 2007 meeting. On March 13, 2007 the parks component of the plan was presented to the Parks and Recreation Advisory Board in a public meeting and on March 14, 2007 and April 11, 2007 the Planning Commission conducted work sessions on the draft Master Plan. On May 16, 2007 the PC forwarded a recommendation of approval of the Plan to the City Council.

To date, five primary tasks with multiple steps have been completed. They include: the establishment of project goals and objectives, overview of existing plans and policies, establishment of evaluation criteria, development of conceptual alternatives, preparation of a technical transportation analysis, creation of an annexation/cost impact report, establishment of an alternatives ranking matrix and development of the draft master plan.

Other Background:

The study area is comprised of approximately 216 acres of land bound to the north by Day Road and the CCCF, to the west and south by the Portland and Western Railroad (P&WRR) tracks and to the east by the existing City limits. The land is mostly located in unincorporated Washington County, with a small triangle (south of Clutter Road) located in Clackamas County (Please refer

to Figure 1 on page 4 of the Master Plan). This land was added to the Metro and City Urban Growth Boundary (UGB) in December of 2002 via Metro Ordinance No. 02-969B.

In 2004, Metro added additional land to the Metro UGB east of the railroad tracks between Day Road and Tualatin's southern boundary, but conditioned future annexation north of Day Road on a decision regarding the preferred location of the future I-5/99W connector route. The 2002 additions did not contain such conditions. Metro's Ordinance No. 04-104B, Exhibit F only pertains only to the area north of Day Road. Metro's conditions require Title 11 planning to occur within two years of this decision point, and also indicate that master planning can occur as long as it incorporates the general location of the connector and the Tonquin Trail per the 2004 Regional Transportation Plan (RTP). The City is proposing to adopt a master plan for the area south of Day Road only.

The Coffee Creek planning effort is being conducted to create a detailed transportation, infrastructure and land use plan for the area consistent with the Regionally Significant Industrial Area (RSIA) designation placed on it by Metro. Staff will follow up adoption of the Coffee Creek Master Plan with proposed amendments to the Development Code, Comprehensive Plan, Transportation Systems Plan and other applicable infrastructure master plans to implement the concepts contained in the Master Plan (Please refer to the May 4, 2007 *Coffee Creek Industrial Area Draft Land Use Code Amendments, Task 7 Memorandum* found in Section I of the Appendix).

Plan Recommendations:

The draft planning goals, objectives, and evaluation criteria were discussed and revised based on PAC input in August 2006. OTAK applied general findings to the draft criteria that were presented to the public at the Open House in September 2006. The results from the preliminary evaluation were presented to the PAC in October 2006, and again in February 2007. During the February PAC meeting, the members discussed how each criterion could be used to make informed decisions regarding the advantages and disadvantages of the alternatives and then identified an overall recommendation for each Goal.

The overall recommendation from the PAC was to prepare a draft Plan that is a "hybrid" combination of Alternatives 1 and 2 as a Preferred Alternative, as illustrated in Figure 1 of the Master Plan. The Preferred Alternative and supporting documentation comprise the proposed Master Plan.

Master Plan Summary:

Goals:

The goals for this master planning effort are:

Goal 1: Consistency with Local, Regional, and State Plans

Ensure that the master/concept plans are consistent with the Metro 2040 Plan, the Urban Growth Management Functional Plan and the City of Wilsonville's Comprehensive Plan

Goal 2: Transportation

Protect the capacity and efficiency of the region's transportation system for the movement of goods and services

Goal 3: Public Facilities

Plan for orderly, economic provision of public facilities and services.

Goal 4: Citizen/Stakeholder Participation

Provide for extensive stakeholder involvement in the planning process

Goal 5: Quality of Development

Maintain high quality industrial development

Staff finds that the process conducted to date has resulted in satisfaction of the project goals by specifically:

- evaluating local, regional and state plans as they relate to this planning effort and documenting compliance (Section C of the Appendix) (Goal 1);
- evaluating the transportation network through existing condition, build and no-build scenarios, and documenting the findings in technical memorandums (Sections E, F and G of Appendix and specifically the May 2, 2007 Coffee Creek Transportation Technical Memorandum #2 prepared by DKS Associates) (Goal 2);
- reviewing and building upon City public facility master plans that strive for orderly provision of public facilities and services (Sections D, E, F and H of the Appendix) (Goal 3);
- conducting a citizen stakeholder process (Goal 4);
- establishing overlays and design guidelines that will ensure maintenance of high quality development (Goal 5).

Land Use:

The area will accommodate light industrial development that is consistent with the City's Planned Development Industrial (PDI-RSIA) zoning designation and the Metro Regionally Significant Industrial Area (RSIA) designation. The permitted uses are comprised primarily of warehouse/distribution, storage, assembly, manufacturing, processing, fabrication, research, industrial services, office complexes (limited to 20% of floor area), technology and corporate headquarters. Retail and commercial uses are limited in RSIA areas, with 3,000 SF being permitted in a single building, and as much as 20,000 SF total permitted in multiple buildings. Prohibited uses are generally those that would violate the performance standards (noise, fallout, vibration etc.) of the zone.

be found on page 15 of the Master Plan. A preliminary list of recommended water system improvements is included in Appendix E and Tables 3 and 4.

A water main transmission line exists along Day Road and Garden Acres Road. The Water Master Plan needs to be updated to reflect more accurate site topography and long-range demand levels based on master plan assumptions. An additional reservoir would be needed at some point to provide adequate peak capacity prior to build-out of the entire project area.

Sewer:

The Coffee Creek Master Plan area is to be served with sanitary sewer by the City of Wilsonville and is reflected as Urban Planning Area 4 (UPA-4) in the City's Sanitary Sewer Master Plan. This area was assumed to include the CCCF and the master plan area. Existing sanitary sewer lines are located to the south of the CCCF, and traverse east across Grahams Ferry Road to Garden Acres Road eventually following the P&WRR.

Additional information regarding proposed sanitary sewer capital improvements necessary to serve the area can be found on page 16 of the Master Plan as well as in Sections E and F of the Appendix. It should be noted that the City's Sewer Master Plan includes the master plan area in the hydraulic modeling and long range CIP. Site survey work will be needed to update the sewer system model to determine more accurate on and off site sewer system improvements and trunk line size/location, pump station requirements and costs.

Storm:

The master plan area is located in the Coffee Creek watershed. Basalt Creek drains from Tualatin south along the east side of the study area into the Coffee Creek wetlands. The Wilsonville Stormwater Master Plan (2001) and this plan identify potential regional detention facilities in the planning area. These facilities would provide effective water pollution control. The City's standards also require stormwater to be detained and treated on-site in localized detention ponds as well as cleansed through facilities such as bio-swales.

The CCMP proposes the utilization of "green streets" which are unique facilities that allow the street surface run-off to be treated in grassy swales adjacent to the street section (Please refer to Figure 5 on page 22 of the Master Plan). Green streets are proposed as a concept for both Kinsman and Graham Ferry Roads. The TSP would need to be modified to allow for the green street concept to be utilized.

It is also recommended that the City conduct a Basalt Creek and Coffee Creek sub-basin analysis to better define existing stormwater events and flooding related issues. Future development should be modeled to ascertain the likely impacts of development and to identify the impacts of beneficial stormwater design standards. Additional information regarding stormwater management can be found in Appendix F.

Parks:

On March 13, 2007 the draft master plan was presented to the Parks and Recreation Advisory Board. The Board reviewed the materials and preferred alternatives and provided the Planning Commission with a recommendation of approval with small adjustments to the location of one of the waysides, particularly the one at the terminus of Clutter Rd. The Board recommended that this wayside be moved north to orient with the new northern alignment of this street.

Park Facilities Recommendations:

The Draft Wilsonville Parks and Recreation Master Plan addresses the park, recreation, and service needs of Wilsonville residents over the next 20 years, specifically envisioning

...a comprehensive and interrelated system of parks, recreation, and natural areas, that:

- Offers a range of experiences, including active and passive recreation, for all ages and abilities;*
- Contributes to a healthy and livable community;*
- Conserves and educates about the natural environment; and*
- Promotes community connectivity by linking parks, recreation facilities, schools, and other key community centers by trails, pathways, and public transit.*

The Parks and Recreation Master Plan implements Policy 3.1.11 of the Comprehensive Plan, which states that, *The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.*

The Master Plan specifically identifies the Northwest Industrial Area as having a strong need for accessible green space and recreation opportunities and recommends providing parks in this area and/or improving linkages between the industrial area and existing parks.

Northwest Industrial Area: Parks are just as significant in commercial and industrial areas as in residential areas. However, the recreation and leisure needs of workers are different from residential needs, and they are often overlooked. The City of Wilsonville can be a leader in this regard by providing parks designed to serve the City's workforce. For example, the Bike and Pedestrian Plan recommends a regional trail and community trail through the Northwest industrial area, offering opportunities to incorporate recreation amenities to serve nearby employees as well as trail users. Benches, picnic areas, and similar facilities may provide healthy opportunities to relax and socialize during lunch and work breaks. As these industrial areas are developed, the City can encourage employers to offer additional recreation opportunities, and other healthy-living amenities. (Wilsonville Parks and Recreation Master Plan, Chapter 2)

Protecting natural resources is a hallmark of the Comprehensive Plan and the Parks and Recreation Master Plan. Natural resource protection and opportunities to partner with private land owners, as has historically been the case in Wilsonville, should be considered during the planning process for the Coffee Creek Area. Focus should also be placed on creating an interconnected park system including greenways and trails, but also connections for bike, pedestrian, and transit transportation choices.

The project area has one identified park improvement shown in Figure 1, which is listed in the Parks and Recreation Plan as “P12 Industrial Area Waysides.”

P12 Industrial Area Waysides (Excerpt from the Parks and Recreation Master Plan)

Wilsonville is currently planning for industrial uses in the Northwest Area, just south of the prison. There is a great opportunity to design pocket parks that serve social and recreational needs of employees into the overall plan for the area. The vision for this area is to provide pocket parks along the community trails that are easily accessible to employees. Figure 2 depicts potential wayside locations in this area. Recommendations for the waysides include:

- 1. In this area, waysides should be provided within about 1/4-mile of employees.*
- 2. As development occurs in this area, locate and design the waysides. Securing easements or land for each of the waysides should occur as part of the development review and approval process.*
- 3. Each wayside should include a small picnic shelter to increase year round usability, site furnishings, and a paved plaza area.*

Chapter 6 of the Parks and Recreation Master Plan provides capital project costs, including costs for the two projects within the plan area.

- P11 Industrial Area Waysides: Allowance for design and implementation of 3 pocket parks along regional trails R1 and R6 and community trail C10. Allowance based on average cost of \$200,000 per wayside, not including trail construction – \$600,000 (2005 dollars).
- P12 Industrial Area Waysides: Allowance for design and implementation of 3 pocket parks along community connector trails. Allowance based on average cost of \$200,000 per wayside, not including trail construction – \$600,000 (2005 dollars).

Recommended long range parks and trails include:

- Kinsman Road Green Street Improvement (with parallel bike lanes/sidewalks)
- Grahams Ferry Road Green Street Improvements (with parallel bike lanes/sidewalks)
- Commerce Circle to Kinsman Road pathway connection (estimated capital cost of \$270,000)
- Construction of three new waysides south of Day Road (estimated capital cost of \$60,000)
- Construction of one new wayside north of Day Road (estimated capital cost of \$20,000)
- Basalt Creek trail north of Day Road (estimated cost of \$90,000)
- BPA Powerline Easement Trail (to be dedicated for public use by private developers)
- Metro Tonquin Regional Trail (to be constructed and maintained by Metro)

Trails:

The recently adopted Bicycle and Pedestrian Master Plan (2006) contains a number of community walkways/pathways and the regional Tonquin Trail within the study area. The CCMP is generally consistent with the City's Bicycle and Pedestrian Master Plan. The CCMP contains both on and off-street trail, sidewalk and bikeway connections. On-street facilities are proposed along Grahams Ferry Road, Kinsman Road, Clutter and Clay Street. An off street section is proposed to connect Commerce Circle in the city to the future Kinsman Road extension as well as the Tonquin Trail which is envisioned to follow the P&WRR connecting north to the cities of Tualatin and Sherwood.

Significant Resource Overlay Zone (SROZ):

The City's adopted Goal 5 inventory map contained a 3.65 acre upland forest (Site ID # URA#42U3) north of the Allied Waste facility. The adopted map was intended to contain natural resources that were locally significant according to defined standards. This area was mapped as part of the Goal 5 inventory process.

Representatives of Allied Waste have requested that the area be re-evaluated to determine if the area meets the significance criteria established as part of the citywide Goal 5 process conducted from 1999-2001. As part of this request, Staff enlisted the assistance of Mirth Walker, wetland and wildlife scientist with SWCA Environmental Consultants to evaluate the resource values of the site and determine if it meets the significance criteria established for Goal 5 upland natural resources in the City (Please refer to the analysis prepared by Mirth Walker of SWCA Consultants-Exhibit 10). Ms. Walker was the consultant used for the 1998 local wetlands and riparian corridor inventory and the 1999-2001 Goal 5 update. Ms. Walker conducted an on-site survey of the wooded area with Natural Resource Program Manager Kerry Rappold and applied the established criteria. Her findings are that the site does not contain locally significant natural resource values as it did not rate "high" in any of the upland habitat functions. As a result of these findings, Staff is proposing that site URA#42U3 be removed from the Goal 5 regulated map.

EXHIBITS

Additional Exhibits:

- Exhibit 24: Letter dated June 4, 2007 from Kathy Lehtola, Washington County Director of Land Use and Transportation to Sandi Young, Planning Director
- Exhibit 23: Letter dated May 31, 2007 from Sandi Young, Planning Director to Kathy Lehtola, Washington County Director of Land Use and Transportation
- Exhibit 22: Letter dated May 31, 2007 from Sandi Young, Planning Director to Robert Dixon, Community Development Director for the City of Sherwood
- Exhibit 21: Letter dated May 31, 2007 from Sandi Young, Planning Director to Douglas Rux, Community Development Director for the City of Tualatin

Distributed at the May 16, 2007 Planning Commission Public Hearing:

- Exhibit 20: Written "Testimony of Doris Wehler, President-elect, before the City of Wilsonville Planning Commission regarding Coffee Creek Master Plan.
- Exhibit 19: Letter dated May 16, 2007, from Mara Danielson of ODOT, to Sandi Young.
- Exhibit 18: Letter dated May 15, 2007; from Rob Dixon, Sherwood Community Development Director; to Sandi Young, Planning Director; regarding Coffee Creek Master Plan.
- Exhibit 17: Memo dated May 16, 2007; from Kerry Rappold, Natural Resources Program Manager; regarding SROZ Map (Exhibit 10) Correction – Upland Forest on Allied Waste Property.
- Exhibit 16: Letter dated May 14, 2007; from Andy Cotugno, Metro Planning Director; to Sandi Young, Planning Director.
- Exhibit 15: Paper Copy of PowerPoint Presentation dated May 16, 2007
- Exhibit 14: A map showing, "Potential Certified Industrial Site Candidates"

Staff Report for the May 16, 2007 Planning Commission Public Hearing, including:

- Exhibit 13: A letter dated May 8, 2007, from Douglas Rux of Tualatin, regarding Coffee Creek Master Plan
- Exhibit 12: *Preliminary Urban Reserve Plan Area 42*, June 1998 (This large document is located in the Planning Division)
- Exhibit 11: *North Wilsonville Industrial Area Proposed Concept Plan*, dated June 12, 1998. (This large document is located in the Planning Division)
- Exhibit 10: A memorandum dated April 17, 2007, from C. Mirth Walker of SWCA Environmental Consultants, to Kerry Rappold, regarding Willamette Resources Site Visit – URA #42 U3, with attached:
 - * City of Wilsonville Natural Resource Inventory Upland Summary Sheet
 - * City of Wilsonville Natural Resource Function Rating Matrix – Upland Natural Resource Areas Only, By Site Number
 - * City of Wilsonville Natural Resource Function Rating Matrix – Wetlands and Associated Upland Natural Resource Areas.

- Exhibit 9: Metro Partial Ordinance No. 04-1040B
Exhibit 8: Metro Ordinance No. 02-969B
Exhibit 7: An email dated May 4, 2007, from Darren Pennington, regarding Testimony re: LP07-0001 Coffee Creek Industrial Area Master Plan.
Exhibit 6: Paper copy of PowerPoint presentation shown, "Coffee Creek Master Plan, Planning Commission, April 11, 2007."
Exhibit 5: An email dated April 11, 2007, from Terry N. Tolls, regarding Coffee Creek Master Plan – As last viewed at the Friday, April 6, 2007, Advisory Committee meeting with attached:
* Fidelity National Title Company property information
Exhibit 4: A letter dated April 9, 2007, to Sandi Young, from Sherwood Community Development Director Robert A. Dixon, regarding Coffee Creek Master Plan.
Exhibit 3: A letter dated March 7, 2007, to Sandi Young, from Kathy Lehtola of Washington County.
Exhibit 2: Internet pages regarding the 1-5 to 99W Connector Project.
Exhibit 1: Draft Coffee Creek Master Plan, dated April 23, 2007, with Appendices dated March 30, 2007. (This large document is located in the Planning Division)

CONCLUSIONARY FINDINGS:

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

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

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

Response: The public and PAC process has been an inclusive public involvement process that was intended to engage the community in a meaningful way, using a consensus based approach to reach the draft recommended master plan concept. The PAC meetings have been open to the public and the City's web site has been updated regularly to allow interested parties to follow the process and comment without attending any meetings. The public forum in September 2006 was very well attended by property owners and/or their representatives, as well as abutting owners and jurisdictions. The Parks Board and Planning Commission work sessions have provided additional opportunity for the public to be involved as do the public hearings with the Planning Commission and City Council. **These criteria are satisfied.**

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

Response: The Planning Commission meets on the second Wednesday of every month. There have been two public work sessions on the draft master plan, March 14, 2007 and April 11, 2007 and a public hearing on May 16, 2007 was another open public meeting on the Master Plan. The City Council hearing on July 16, 2007 is yet another opportunity. **This criterion is satisfied.**

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

***Implementation Measure 1.1.1.d** Support the Planning Commission as a public Citizens Involvement Organization which assists elected and appointed City Officials in communicating*

information to the public regarding land use and other community issues. Examples of ways in which the Commission may accomplish this include conducting workshops or special meetings.

Response: The plan development and public review process are supportive of the Planning Commission in its role as the CCI. Both work sessions and special meetings have been held on the Coffee Creek Master Plan. **These criteria are satisfied.**

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

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

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

Response: The inclusive public process has resulted in coordination with all of the above citizen groups. Representatives of the PAC also represent the broad cross section of interests that this measure encourages to be coordinated with. **These criteria are met.**

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

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

Response: Work sessions and public hearings are being conducted as part of the adoption process for the Coffee Creek Master Plan. **This criterion is satisfied.**

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

Response: The public hearing notice that was mailed out by City staff clearly states that a public hearing was being conducted on the Coffee Creek Master Plan. **This criterion is satisfied.**

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

Response: The Coffee Creek Master Plan is for approximately 216 acres of future RS1A industrial land that was added to the City's UGB in 2002 by Metro. The plan represents one of the first steps in what will be the eventual industrial urbanization of the study area **satisfying the above applicable plan criteria.**

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

Response: Adoption of the master plan will be one of the first steps in what will lead to annexation and industrial development in the Coffee Creek area. Following the adoption of the CCMP, amendments to other City infrastructure master plans such as the TSP will need to be completed and a full understanding of the cost implications of serving new development worked through, as well as agreements established regarding what parties will pay for what portions of the infrastructure necessary to serve the area. This criterion will be evaluated in more detail at a later stage in the land use process.

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

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

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

Response: Adoption of the CCMP will support the purpose statement of Title 4 and the RSIA designation of the UGMFP. There are no green corridors on the Functional Plan map for the CCMP area. **This criterion is satisfied.**

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

Response: The CCMP area was added to the City's UGB in 2002 with support from the region, including Metro and Washington County. This area was added specifically for RSIA/industrial development purposes, and will provide much needed jobs and economic development for the region. **This criterion is satisfied.**

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

Response: This staff report and the findings of fact contained in the Master Plan demonstrate compliance with the applicable sections of the City's Comprehensive Plan. **This criterion is satisfied.**

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

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

Response: Adoption of the CCMP will not result in adjustments to the city limits and is not an annexation procedure. Staff will evaluate this Plan criterion at the time annexation is proposed and a site specific development proposal provided. **This criterion is not applicable at this time.**

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

Response: No new lots are proposed as part of adoption of the Coffee Creek Master Plan. **This criterion does not apply.**

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

1. *Where an immediate demonstrable threat to the public health exists, as a direct result of the lack of the service in question;*
2. *Where a Governmental agency is providing a vital service to the City; or*
3. *Where it is reasonable to assume that the subject area will be annexed to the City within a reasonable period of time.*

Response: The CCMP does not propose the extension of urban services outside of the city limits. **This criterion does not apply to adoption of the Master Plan.**

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

Response: The City has urban growth management agreements and urban planning area agreements that address geographic areas called dual interest areas. Both of the agreements (Clackamas and Washington Counties) need to be updated and are a part of the City's periodic review work program. Conflicts have been raised by Washington County regarding the City's agreement with them, regarding authority to plan the area. Discussions will need to occur to resolve this issue.

Public Facilities and Services: Goal 3.1: *To assure that good quality public facilities and services are available with adequate capacity to meet community needs, while also assuring that growth does not exceed the community's commitment to provide adequate facilities and services*

Response: The Appendix to the Master Plan contains an infrastructure analysis as well as an annexation/cost impact report that begins to lay the groundwork for understanding the cost of providing upgrades to that infrastructure. The CCMP supports the Comprehensive Plan goal of assuring good quality public facilities with adequate capacity while not exceeding the community commitment to provide such infrastructure. **This goal is supported by the Master Plan.**

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

Response: The CCMP appendix (Section I) contains a memorandum from Todd Chase of OTAK to Sandi Young, Planning Director outlining recommended amendments to City codes and master plans necessary to implement the CCMP. **This criterion is met.**

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

Response: Housing is not proposed in the CCMP therefore, this code criterion does not apply. Employment densities are applicable, and the area will target the RSIA employment goals per acre.

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

Response: The CCMP begins the coordination of infrastructure that is necessary to ultimately serve the area for industrial development purposes. **This criterion is met.**

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

Response: The City's development agreement and land use process assure that the development community pays its fair share of necessary public infrastructure improvements to serve private development. **This criterion does not apply to the proposal.**

Implementation Measure 3.1.3.a: *Developers will continue to be required to pay for demands placed on public facilities/services that are directly related to their developments. The City may establish and collect systems development charges (SDCs) for any or all public facilities/services, as allowed by law. An individual exception to this standard may be justified, or SDC credits given, when a proposed development is found to result in public benefits that warrant public investment to support the development.*

Response: The above level of detail will be negotiated as part of the development agreement and entitlement process, which follows master plan adoption. **This criterion does not apply to the adoption of a master plan.**

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

Response: The adoption of the CCMP will not affect the City's preparation of a rolling 5 year CIP. Projects from the CCMP will ultimately end up in the CIP as part of the development of the area. **This criterion is met.**

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

Response: How the development of public infrastructure for the CCMP area is financed is a detail that has yet to be determined. The CCMP does not preclude the utilization of pay back agreements, development agreements or other creative financing necessary to fund infrastructure development. **This criterion is not in conflict with the Plan.**

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

Response: The CCMP proposes to serve the development area with city services, including sanitary sewer. **This criterion is met.**

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

Response: The CCMP does not propose to alter the method of payment for infrastructure, particularly line extensions for sewer. **The Plan is not in conflict with this code criterion.**

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

Response: The Water Master Plan includes a capital projects schedule. Projects are included in the CIP according to the guidance of the WMP. **The CCMP supports this code criterion.**

Implementation Measure 3.1.6c: *All streets shall be designed and developed in accordance with the Master Plan and street standards, except that the Development Review Board or City Council may approve specific modifications through the planned development*

process. Such modifications shall be made in consideration of existing traffic volumes and the cumulative traffic generation potential of the land uses being developed. At a minimum, all streets must be developed with sufficient pavement width to provide two lanes of traffic, unless designated for one-way traffic flow. However, adequate emergency vehicle access and circulation must be provided.

Response: The CCMP includes proposed street improvements and the estimated costs thereof. The proposed street classifications and the specific proposed projects are consistent with those portions of the same streets included in the City's existing TSP. For example, the proposed extension of Kinsman is consistent in classification and proposed project cross-sections with portions of Kinsman in the existing TSP. The range of street cross-sections in the existing TSP all require at least two travel lanes and are adequate for emergency vehicle access and circulation. **The Plan is not in conflict with this criterion.**

***Implementation Measure 3.1.6k:** Individual developments shall be responsible for providing all collector and local streets. However, there may be cases where collector streets are found to benefit the entire community to a degree that warrants public participation in funding those collector streets. Developers and property owners of developing property shall also collectively assume the responsibility for providing "extra capacity" to the existing street system. To insure development of an adequate street system, the City shall collect a Systems Development Charge as development occurs. Funds collected shall be allocated through the Capital Improvements Plan as needed to provide extra capacity service.*

Response: The CCMP assumes the collection of SDC's, and the inclusion of SDC's as part of the funding of, or credit for, street improvements which provide benefits beyond the immediate development being served. **This criterion is supported by the Plan.**

***Implementation Measure 3.1.6p:** The City recognizes the value of the railroad to industrial growth in Wilsonville, and will encourage the railroad and the State of Oregon to maintain quality service and provide needed improvements, rail crossings and signalization, etc. System expansion to accommodate commuter rail service shall be strongly encouraged.*

Response: Ultimate development of the area could result in spur connections to the adjacent rail line. The market will determine the feasibility of these types of connections. There are no railroad crossings proposed in the Plan. **The Plan is not in conflict with the above criterion.**

***Implementation Measure 3.1.6t:** The Bicycle and Pedestrian Master Plan identifies the general alignment of primary routes for pedestrian and bicycle travel. It has been designed to provide connections between residential neighborhoods and major commercial, industrial and recreational activity centers throughout the City. The system has been coordinated with pathways planned in adjacent jurisdictions to allow for regional travel.*

Response: The proposed bicycle and pedestrian network is consistent with the recently adopted Bicycle and Pedestrian Master Plan. **This criterion is supported by the CCMP.**

Implementation Measure 3.1.7.d: Major natural drainage ways shall be retained and improved as the backbone of the drainage system and designated as open space. The integrity of these drainage ways shall be maintained as development occurs. Where possible, on-site drainage systems will be designed to complement natural drainage ways and designated open space to create an attractive appearance and will be protected by conservation, utility, or inundation easements. Alteration of minor drainage ways may be allowed provided that such alterations do not adversely impact stream flows and in-stream water quality of the major drainage ways and provide for more efficient use of the land. Such alteration must be approved by the City. Remnant creek channels, which previously carried water that has since been diverted, shall be evaluated for their wildlife habitat value before being selected for use as drainage ways. Where a remnant creek channel is found to provide unique habitat value without being a riparian zone, and that habitat value would actually be diminished through the re-introduction of storm water, alternate methods of conveying the storm water will be considered and, if feasible, used.

Response: The Basalt Creek drainage way is proposed to convey the treated and detained stormwater flows from the development area and would incorporate open space into the area. The concept for “green streets” along Kinsman will assist in satisfying this implementation measure. **The CCMP is consistent with the Plan criterion.**

Implementation Measure 3.1.7.e: Existing culverted or piped drainage ways will be “daylighted” (converted from underground to surface facilities) when doing so will help to achieve the City’s goals for storm drainage without overly conflicting with development.

Response: The CCMP does not propose the day lighting of culverted drainage ways. **This criterion does not apply to adoption of the CCMP.**

Implementation Measure 3.1.7.f: Conversion of existing swales or drainage ways to culverted or piped systems shall be permitted only where the City Engineer determines that there is no other reasonable site development option. See Option A, above.

Response: The CCMP does not propose to culvert existing swales or drainage ways. Subsequent amendments to the Stormwater Master Plan will evaluate the Basalt Creek sub-basin drainage pattern of the area, and recommendations could arise from those studies. **This criterion does not apply to the adoption of the CCMP.**

Implementation Measure 3.1.7.g: Conversion of existing meandering swales or drainage ways to linear ditches shall be permitted only when the City Engineer determines that there is no other reasonable site development option.

Response: The Plan does not propose the conversion of meandering swales or drainage ways to linear ditches. **This criterion does not apply to the adoption of the CCMP.**

Implementation Measure 3.1.7.h: Open drainage ways may be used to meet a portion of the landscaping and open space requirements for developments, provided that they meet the design requirements of the Development Review Board.

Response: Open space and landscaping percentages are calculated at the time a site specific development proposal is brought forward. The CCMP proposes the preservation of the Basalt Creek drainage which is protected through the SROZ, implementing Title 3 of Metro's UGMFP. **The CCMP provides the framework for this criterion to be implemented at the development stage.**

Implementation Measure 3.1.7n: Wilsonville has established a single-storm drainage runoff standard that is applied throughout the City. That standard requires developers to plan for at least a 25-year storm event. However, the differences in the natural characteristics of the Boeckman Creek and Seely Ditch Basins and their sub-area basins will require developers and their engineers to plan for different types of detention or retention facilities in one basin than would be used in another. The appropriate criteria will be established and implemented through the City's Public Works Standards.

Response: The CCMP proposes stormwater standards that are consistent with City standards. **This criterion is supported by the Plan.**

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

Response: The parks and recreation improvements contain waysides as well as trail connections offering employees a balance of possible active and passive recreational opportunities. **This criterion is supported by the CCMP.**

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

Response: Preservation of the SROZ areas in the study area provide the framework for limited access natural areas, and when combined with the trail network offer connectivity between natural areas both in the study area as well as outside of the area. **This criterion is generally supported by the CCMP.**

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

Response: The proposal for light industrial development consistent with the City's PDI zone and the RSIA designation will provide for compatible industrial development to the adjacent existing industrial area to the east. **This criterion is supported by the CCMP.**

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

Response: The CCMP proposed light industrial development consistent with the performance standards of the zone, which generally results in compatibility with residential and urban levels of development. **This criterion is supported by the CCMP.**

Planning and Land Development Ordinance:

Section 4.198. Comprehensive Plan Changes - Adoption by the City Council.

- (.01) *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;*
 - 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;*
 - C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and*
 - D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.*

Response: The proposed adoption of the Coffee Creek Master Plan will ultimately result in industrial development, providing economic benefits and living wage jobs, which are critical to the long term economic climate of the area and the region. This is a stated public need. The addition of the area to the City's UGB was specifically to support Title 4 of the UGMFP and the RSIA designation, provide available serviceable industrial land close to the interstate highway system, and to meet state requirements for available industrial land and regional commitments regarding creation of jobs and industrial development. The CCMP is consistent with Metro Ordinance No. 02-969B, Exhibit F, which speaks in detail to the importance of the RSIA designation to the region. Through the lengthy process of amending the UGB and due to the proximity to I-5, this area meets the public need for providing industrial land. The applicable statewide planning goals are supported by this proposal, and adoption of the Master Plan does not result in conflicts with portions of the Comprehensive Plan not being amended as is demonstrated in this staff report. **The above criteria are satisfied.**

Statewide Planning Goals:

Goal 1: Citizen Involvement: *It is the purpose of this Goal to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: Development of the CCMP was an inclusive process that was designed to engage a broad cross section of citizens. Throughout the 16 month process there have been numerous opportunities for the public to participate in development of the Plan. The public involvement process that has been conducted included PAC meetings, a public open house, email

correspondence and web site postings. The PAC included representatives of Washington County, Sherwood, Tualatin, Metro, ODOT, DLCD as well as property owners within and abutting the master planning area. Five PAC meetings were held: June 15, 2006; August 18, 2006; October 20, 2006; February 16, 2007 and April 6, 2007. These meetings were advertised in the Oregonian and on the City's web site and open to the public. A public open house was held on September 28, 2006 to review two draft alternatives which proposed slight variations in street networks, paths and architectural overlay areas. Feedback from the community was gathered on the two draft alternatives, and summarized. The two plans were then reviewed in detail by the PAC, and refined into one proposal that blended elements of both recommendations resulting in the preferred draft recommended master plan (please see Figure 1 of the Master Plan). The draft recommended master plan was developed through a consensus based approach with the public and the PAC and was discussed at the February 16, 2007 meeting. On March 13, 2007 the parks component of the plan was presented to the Parks and Recreation Advisory Board in a public meeting and on March 14, 2007 and April 11, 2007 the Planning Commission conducted work sessions on the draft Master Plan and on May 16, 2007 a public hearing was conducted and a recommendation of approval forwarded to the City Council. **The public process that has been conducted satisfies the intent of Goal 1-Citizen Involvement.**

Goal 2: Land Use Planning: It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Response: Washington County has raised concerns regarding compliance with Goal 2 as it relates to coordination of Comprehensive Plans (ORS 197.015(6)). The 16 month long inclusive public process was intended to gather information from all levels of local government, as well as citizens in the area, and the City strived very hard to consider and accommodate a wide variety of issues and respond accordingly as they arose. This is evidenced throughout the process and the adjustments that have been made. **It is Staff's professional opinion that the intent of Goal 2 has been satisfied as part of the Master Plan development process.**

Goal 5-Natural Resources: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

Response: The City's Goal 5 inventory included the Coffee Creek area. The Basalt Creek drainage is a significant natural resource and is proposed to be protected. The City's adopted Goal 5 inventory map contained a 3.65 acre upland forest (Site ID # URA#42 U3) north of the Allied Waste facility. The adopted map was intended to contain natural resources that were locally significant according to defined standards. This area was mapped as part of the Goal 5 inventory process.

Representatives of Allied Waste have requested that the area be re-evaluated to determine if the area meets the significance criteria established as part of the citywide Goal 5 process conducted from 1999-2001. As part of this request, Staff enlisted the assistance of Mirth

Walker, wetland and wildlife scientist with SWCA Environmental Consultants to evaluate the resource values of the site and determine if it meets the significance criteria established for Goal 5 upland natural resources in the city (Please refer to Exhibit 10). Ms. Walker was the consultant used for the 1998 local wetlands and riparian corridor inventory and the 1999-2001 Goal 5 update. Ms. Walker conducted an on-site survey of the wooded area and applied the established criteria. Her findings are that the site does not contain locally significant natural resource values as it did not rate "high" in any of the upland habitat functions. As a result of these findings, Staff is proposing that site URA#42U3 be removed from the Goal 5 regulated map. **This criterion is satisfied.**

Goal 6-Air, Water and Land Resources: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Response: The CCMP proposes uses that are primarily light industrial in nature. Heavy industry that typically produces pollution would not be permitted as they would likely violate the performance standards of the PDI zone. Water quality could be improved through on site detention facilities, as well as the green streets concepts that are proposed. Overall, the CCMP does not propose any land uses that would be in conflict with state, federal regulations regarding environmental protection. **This Plan is consistent with the intent and mission of Goal 6.**

Goal 8: Recreational Needs: It is the purpose of this Goal 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.

Response: The CCMP proposes trails, sidewalks, bikeways and wayside parks. All of these recreational amenities will enhance recreational opportunities in the project area. **The CCMP supports and is consistent with Goal 8.**

Goal 9-Economic Development: It is the purpose of this Goal to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

Response: The CCMP has been developed to allow the City to provide opportunities for industrial development consistent with the 2040 Plan. The very intent of the CCMP is to promote economic development. Due to the limited amount of available industrial land in the City and around the region, adoption of the Plan is critical to promote continued economic development, especially within the critical I-5 corridor. In addition, the RSIA designation, of which there is little in the SW Metro area, increases the importance of moving the master plan forward. **The CCMP is consistent with the intent and purpose of Goal 9.**

Goal 11-Public Facilities and Services: It is the purpose of this Goal 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.

Response: The CCMP analyzes the City's major infrastructure master plans, and makes a series of recommendations resulting in modifications necessary to adequately serve the CCMP area with industrial development. The planning that has been conducted, coupled with the 5-year CIP, would result in orderly and timely arrangement of public facilities and services for urban development. Please refer to the Appendix for additional information regarding the provision of public facilities and services. **The CCMP is consistent with Goal 11.**

12-Transportation: *It is the purpose of this Goal to provide and encourage a safe, convenient and economic transportation system.*

Response: Section C of the Appendix and particularly Appendix A, prepared by DKS Associates demonstrates compliance of the CCMP with applicable transportation plans and the RTP. The two DKS technical memorandums provide a substantial amount of data and analysis on the existing, and proposed transportation system. ODOT comments have been addressed throughout the public process. Modifications will be required to the County and City TSP to implement the CCMP, and the alignment of the I-5/99 connector plays an important part of future updates to local TSP's. No Comprehensive Plan Map or zoning designation is proposed to change as part of the adoption process. This would occur with site specific development applications. **The CCMP is consistent with the RTP Goal 12.**

DIVISION 12 TRANSPORTATION PLANNING

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to 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. A plan or land use regulation amendment significantly affects a transportation facility if it would:

Finding: As an amendment to an acknowledge comprehensive plan the Coffee Creek Master Plan would significantly affect transportation facilities per (1)(B)(C) finding.

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

Finding: The Coffee Creek does not change the functional classification of an existing or planned transportation facility as evident by the existing road classifications and railroads map and planned road improvements and railroads map on page 135 and 136 of the plan appendix A.

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Finding: The Coffee Creek Master plan aims to have land uses and levels of developments that would result in types and levels of travel and access that are consistent with the functional classification of planned transportation facilities. Goal 2 objective B states "site industries to take advantage of existing transportation networks Compatibility with the City's TSP, County TSP, and Oregon Transportation Plans."

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

Finding: All alternatives would worsen the intersection of Kinsman Rd./Day Rd. below the minimum acceptable performance standard of the State of Oregon.

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: The Coffee Creek Master Plan, with the additional vehicle trips allowed by developments, would worsen the performance of existing or planned transportation facilities that are otherwise projected to perform below the minimum acceptable performance standard. According to the Coffee Creek Transportation Technical Memorandum #2 the intersections of Boones Ferry Rd./95th Ave. and Boones Ferry Rd./Day Rd. will exceed the ODOT standard of 0.99 volume-to-capacity-ratio for a District Highway in 2030, and as the intersections of Grahams Ferry Rd./Day Rd. and Grahams Ferry Rd./Tonquin Rd. will exceed Washington County's acceptable operating standards.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses

consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Finding: Compliance with section (1) is accomplished by providing transportation facilities and/or improvements adequate to support the proposed land uses consistent with the requirements of this divisions. The mitigation efforts include a funding plan or mechanism consistent with section 4. According to tables 18, 22, 26 of DKS Associates Coffee Creek Transportation Technical Memorandum #2 improvements will improve all intersections to be within State and Local operating standards. Specific Improvements are listed in tables 17, 21, and 25 of the same memorandum.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

Finding: This section does not apply as, according to page 7 of DK Associates Coffee Creek Transportation Technical Memorandum #2, all intersections in the subject area are currently operating within the minimum state and county standards.. Also a portion of the subject properties lie within 1/2 mile of the Elligsen Road/Interstate 5 interchange.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

Finding: As the Coffee Creek Master Plan has not yet been adopted by the city of Wilsonville, necessary amendments to the Transportation Systems Plan have not yet been adopted to mitigate the plan's impact on transportation facilities. However, appendix B of the Master Plan does identify specific transportation projects, preliminary costs, necessary TSP amendments, and potential funding sources to provide transportation facilities that would allow the preferred alternative land uses to occur while having transportation facilities perform within state and local standards.

(c) Within interstate interchange areas, the improvements included in (b) (A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b) (D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b) (D) and (E) of this section.

Finding: While most of the study area is outside of the interstate exchange area the intersections of Boones Ferry Rd/Day Rd, Boones Ferry Rd./95th Ave., 95th Ave/Commerce Circle, and 95th Ave/Ridder Rd. are within ½ mile of the centerpoint of the Interstate 5/Elligsen Rd interchange. However, there is not a written statement from ODOT and there is not an adopted interchange area management plan.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

Finding: The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional, or industrial development on rural lands. While the study area is currently outside of city limits it is within the urban growth boundary and identified by Metro as regionally significant industrial land. Proposed industrial use would be in accordance with adopted local and regional plans.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Finding: While the Coffee Creek Plan provides for extensive transit, pedestrian, and bicycle facilities as shown in the Planned Pedestrian, Bike, and Transit Facilities, the area will be primarily single use and therefore does not meet the criteria of a "mixed-use, pedestrian-friendly center or neighborhood" described in section (8). Therefore, any reduction of traffic volume due to multi-modal transportation and mixed uses cannot be assumed.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

Findings: Less than two acres of commercial use is designated in the plan area, the local government has adopted a TSP. However, the proposed amendment would significantly affect a transportation facility as described in section (1). Therefore only amendments to the transportation systems plan would be necessary.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Stat. Auth.: ORS 183 & 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712, 197.717 & 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99; LCDD 3-2005, f. & cert. ef. 4-11-05

Goal 13: Energy Conservation: *It is the purpose of this Goal to conserve energy.*

Response: Conservation of energy is a market condition, the Plan does not directly address the issue of energy conservation, and therefore, the Goal does not apply.

Goal 14-Urbanization: *It is the purpose of this goal to provide for an orderly and efficient transition from rural to urban land use.*

Response: The Coffee Creek area was added to Wilsonville's UGB in December of 2002. Subsequent to that addition, Washington County placed future urban interim zoning on the area in anticipation of it being added to Wilsonville's city limits. The Coffee Creek Master Plan follows the steps outlined in Title 11 for the planning of new urban areas. This planning is being initiated by the City of Wilsonville as the future urban services provider. The Plan

accommodates the rapid future growth of the area, provides jobs and is serviceable from an infrastructure stand point. **The CCMP is consistent with Goal 14.**

Metro:

2040 Growth Concept: In a broad sense, the CCMP supports the industrial areas designation of the 2040 Growth Concept, which states “the high quality of our freight transportation system and, in particular, our inter-modal freight facilities are essential to continued growth in trade” by providing for additional industrially designated land for future development.

Urban Growth Management Functional Plan:

Title 1- Requirements for Housing and Employment Accommodations:

It is the goal of Title 1 to use land within the UGB efficiently. The adoption of the Coffee Creek Master Plan will ultimately allow the City to develop the area with regionally significant industrial uses that will assist in meeting employment capacity targets, and will accommodate the City’s fair share of regional growth. **The CCMP is consistent with the purpose and intent of Title 1.**

Title 4- Retail in Employment and Industrial Areas:

The Regional Framework Plan calls for a strong economic climate. To improve the regions economic climate, the Framework Plan seeks to protect the supply of sites for employment by limiting incompatible uses within industrial areas. Title 4 compliance is the very essence of the CCMP, protection and provision of regionally significant industrial area development that offer the best opportunity for family-wage industrial jobs. **The CCMP is consistent with Title 4 and the Regionally Significant Industrial Area designation.**

Title 8- Compliance Procedures:

The City amended its Planned Development Industrial zone text to limit the amount of commercial square footage consistent with the RSIA designation in Ordinance No. 574, adopted in November of 2004. The CCMP proposes RSIA development for the master plan area consistent with Title 4 of the UGMFP. **The CCMP is compliant with Title 8.**

Title 11- UGB Amendment Urban Reserve Plan Requirements:

The CCMP proposes to transition from rural use to urban use consistent with Title 11. The CCMP proposes a land use pattern consistent with the Regional 2040 growth concept designation of RSIA. **The CCMP is consistent with the requirements of Title 11.**

Conclusion:

Based on the staff report, findings of fact and information contained in the public record, the Coffee Creek Master Plan is supportive of the applicable sections of the Statewide Planning Goals, Metro Functional Plan, Comprehensive Plan and Development Code text.

EXHIBITS

Additional Exhibits-7/9/07:

- Exhibit 24: Letter dated June 4, 2007 from Kathy Lehtola, Washington County Director of Land Use and Transportation to Sandi Young, Planning Director
- Exhibit 23: Letter dated May 31, 2007 from Sandi Young, Planning Director to Kathy Lehtola, Washington County Director of Land Use and Transportation
- Exhibit 22: Letter dated May 31, 2007 from Sandi Young, Planning Director to Robert Dixon, Community Development Director for the City of Sherwood
- Exhibit 21: Letter dated May 31, 2007 from Sandi Young, Planning Director to Douglas Rux, Community Development Director for the City of Tualatin

Distributed at the May 16, 2007 Planning Commission Public Hearing:

- Exhibit 20: Written "Testimony of Doris Wehler, President-elect, before the City of Wilsonville Planning Commission regarding Coffee Creek Master Plan.
- Exhibit 19: Letter dated May 16, 2007, from Mara Danielson of ODOT, to Sandi Young.
- Exhibit 18: Letter dated May 15, 2007; from Rob Dixon, Sherwood Community Development Director; to Sandi Young, Planning Director; regarding Coffee Creek Master Plan.
- Exhibit 17: Memo dated May 16, 2007; from Kerry Rappold, Natural Resources Program Manager; regarding SROZ Map (Exhibit 10) Correction – Upland Forest on Allied Waste Property.
- Exhibit 16: Letter dated May 14, 2007; from Andy Cotugno, Metro Planning Director; to Sandi Young, Planning Director.
- Exhibit 15: Paper Copy of PowerPoint Presentation dated May 16, 2007

Exhibit 14: A map showing, "Potential Certified Industrial Site Candidates"

Staff Report for the May 16, 2007 Planning Commission Public Hearing, including:

- Exhibit 13: A letter dated May 8, 2007, from Douglas Rux of Tualatin, regarding Coffee Creek Master Plan
- Exhibit 12: *Preliminary Urban Reserve Plan Area 42*, June 1998 (This large document is located in the Planning Division)
- Exhibit 11: *North Wilsonville Industrial Area Proposed Concept Plan*, dated June 12, 1998. (This large document is located in the Planning Division)
- Exhibit 10: A memorandum dated April 17, 2007, from C. Mirth Walker of SWCA Environmental Consultants, to Kerry Rappold, regarding Willamette Resources Site Visit – URA #42 U3, with attached:
- * City of Wilsonville Natural Resource Inventory Upland Summary Sheet
 - * City of Wilsonville Natural Resource Function Rating Matrix – Upland Natural Resource Areas Only, By Site Number
 - * City of Wilsonville Natural Resource Function Rating Matrix – Wetlands and Associated Upland Natural Resource Areas.
- Exhibit 9: Metro Partial Ordinance No. 04-1040B
- Exhibit 8: Metro Ordinance No. 02-969B
- Exhibit 7: An email dated May 4, 2007, from Darren Pennington, regarding Testimony re: LP07-0001 Coffee Creek Industrial Area Master Plan.
- Exhibit 6: Paper copy of PowerPoint presentation, "Coffee Creek Master Plan, Planning Commission, April 11, 2007."
- Exhibit 5: An email dated April 11, 2007, from Terry N. Tolls, regarding Coffee Creek Master Plan – As last viewed at the Friday, April 6, 2007, Advisory Committee meeting with attached:
- * Fidelity National Title Company property information
- Exhibit 4: A letter dated April 9, 2007, to Sandi Young, from Sherwood Community Development Director Robert A. Dixon, regarding Coffee Creek Master Plan.
- Exhibit 3: A letter dated March 7, 2007, to Sandi Young, from Kathy Lehtola of Washington County.
- Exhibit 2: Internet pages regarding the 1-5 to 99W Connector Project.
- Exhibit 1: Draft Coffee Creek Master Plan, dated April 23, 2007, with Appendices dated March 30, 2007. (This large document is located in the Planning Division)

Regionally Significant Industrial Areas (RSIA):

Metro's Title 4 of the Urban Growth Management Functional Plan (UGMFP) calls for a strong economic climate. To achieve that end, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in RSIA areas. RSIA areas allow light industrial uses and have strict limitations on non-industrial uses, particularly commercial.

RSIA are those lands that are located near the region's most significant transportation facilities (I-5) for the movement of freight and storage of goods. The Coffee Creek area represents 216 acres of RSIA land that will assist the region in achieving its employment targets and promoting a strong economic climate. The RSIA designation will help meet the regions documented need for high wage light industrial development. It should also be noted that the consultant has identified three potential Oregon Industrial Certified Site candidates (Exhibit 14) within the Master Plan area, which would assist the City, region and state with accommodating strategic employment growth.

Wilsonville is quickly running out of available industrial land, particularly large contiguous parcels, as is evidenced by recent industrial land supply studies. As a result, adoption of this Master Plan is critical so that the City can continue to provide for economic development and creation of jobs to meet the intent of Title 4 as well as to satisfy commitments to the region. The Master Plan addresses provision of adequate amounts of serviceable land easily accessible land to the interstate highway system for the storage and movement of freight and for other RSIA compatible employment opportunities.

Transportation:

Primary access is planned from I-5/Elligsen Road via Boones Ferry Road and Day Road. Access will also be provided via Grahams Ferry Road, Ridder Road and the planned Kinsman Road. Transit routes are located within a ½ mile walk from the Master Plan area, with SMART/Tri-Met bus stops located near Commerce Circle/95th Avenue.

Additional transit routes are planned in the Draft Transit Master Plan (2007). Proposed is an expansion of Route 203, which is anticipated to serve the 95th Avenue employment corridor and traverse Day Road to the CCCF. Service for this expansion is anticipated to be in 2013, depending on the progress of development.

The Coffee Creek Master Plan Appendix contains detailed traffic analysis and technical memorandums prepared by DKS Associates that summarize key transportation issues specific to the project area. It is staff's intention to follow up adoption of the CCMP with modifications to Wilsonville's 2003 TSP to implement the CCMP.

Water:

The City's Water Master Plan (2000) includes a capital improvement phasing plan that would generally serve the Coffee Creek Industrial Area. A general description of the water system can



Oregon

Theodore R. Kulongoski, Governor

Transportation & Growth Management Program

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Web Address: <http://www.oregon.gov/lcd>

December 13, 2006

Sandi Young
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070

RE: File Code 1N-05; City of Wilsonville, Industrial Lands Master Planning

Dear Ms. Young:

Enclosed for your records is your copy of the fully executed Intergovernmental Agreement Amendment.

If you have any questions, please contact Andy Johnson at 503-731-8356.

Sincerely,

Frances Campoz
TGM Program Support Specialist

Enclosure

cc: Andy Johnson
File Code: 1N-05
Patricia Barker
Tom Hoots

A Joint Program
of the
Department of
Transportation
and the
Department of
Land Conservation
and
Development

AMENDMENT NO. 2

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as "ODOT" or "Agency", and City of Wilsonville, hereinafter referred to as "City", entered into an intergovernmental agreement on June 7, 2006, and Amendment number 1 on November 30, 2006 (collectively "Agreement"). Said Agreement covers a Transportation and Growth Management grant for City of Wilsonville, Industrial Lands Master Planning.

ODOT and City agree that the Agreement referenced above shall be amended to extend the Termination date.

Paragraph A Section 2 of Terms of Agreement; Page 3, which currently reads:

"Term. This Agreement becomes effective on the date on which all parties have signed this Agreement and all approvals (if any) required to be obtained by ODOT have been received. This Agreement terminates on April 1, 2007 ("Termination Date")."

Shall be amended to read:

"Term. This Agreement becomes effective on the date on which all parties have signed this Agreement and all approvals (if any) required to be obtained by ODOT have been received. This Agreement terminates on June 30, 2007 ("Termination Date")."

Except as amended above, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

On June 18, 2003, the Oregon Transportation Commission ("Commission") approved Delegation Order No. 2, which authorizes the Director of ODOT to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program ("STIP") or a line item in the biennial budget approved by the Commission

On April 12, 2004, the Director approved Subdelegation Order No. 10 in which the Director delegates authority to the Division Administrator, Transportation Development, to approve and execute personal service contracts and agreements over \$75,000 for programs within the Transportation Development Division when the work is related to a project included in the STIP or in other system plans approved by the Commission or in a line item in the legislatively adopted biennial budget.

STATE OF OREGON, by and through
its Department of Transportation

By Craig A Greenleaf
Craig Greenleaf, Division Administrator
Transportation Development Division

Date 12/13/06

City of Wilsonville

By Andrew Johnson
Official's Signature

Date 7 DEC 2006

Contact Names:

Sandi Young
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070
Phone: 503-682-1011
Fax: 503-682-7025
E-Mail: young@ci.wilsonville.or.us

Andy Johnson, Contract Administrator
Transportation and Growth Management
Program
123 NW Flanders
Portland, OR 97209-4037
Phone: 503-731-8356
Fax: 503-731-3266
E-Mail: Andrew.JOHNSON@odot.state.or.us



Oregon

Theodore R. Kulongoski, Governor

Transportation & Growth Management Program

555 13th Street, Suite 2

Salem, OR 97301-4178

(503) 986-4121

Fax: (503) 986-4174

Web Address: <http://www.oregon.gov/lcd>

June 23, 2006

Sandi Young
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070

A Joint Program
of the
Department of
Transportation
and the
Department of
Land Conservation
and
Development

RE: File Code 1N-05; City of Wilsonville,
Industrial Lands Master Planning

Dear Ms. Young:

Enclosed for your records is your copy of the fully executed Intergovernmental Agreement.

This project is financed, in part, with Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funds. Please ensure your final deliverables have the following statement:

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and the State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

If you have any questions, please contact Andy Johnson at 503-731-8356.

Sincerely,

Frances Campo
TGM Program Support Specialist

Enclosure

cc: Patricia Barker
FHWA
Tom Hoots
Andy Johnson
File Code: 1N-05

INTERGOVERNMENTAL AGREEMENT City of Wilsonville, Industrial Lands Master Planning

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation ("ODOT" or "Agency"), and City of Wilsonville ("City").

RECITALS

1. The Transportation and Growth Management ("TGM") Program is a joint program of ODOT and the Oregon Department of Land Conservation and Development.
2. The TGM Program includes a program of grants for local governments for planning projects. The objective of these projects is to better integrate transportation and land use planning and develop new ways to manage growth in order to achieve compact pedestrian, bicycle, and transit friendly urban development.
3. This TGM Grant (as defined below) is financed with federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA-LU") funds. Local funds are used as match for SAFETEA-LU funds.
4. By authority granted in ORS 190.110 and 283.110, state agencies may enter into agreements with units of local government or other state agencies to perform any functions and activities that the parties to the agreement or their officers or agents have the duty or authority to perform.
5. City has been awarded a TGM Grant which is conditional upon the execution of this Agreement.
6. The parties desire to enter into this Agreement for their mutual benefit.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

SECTION 1. DEFINITIONS

Unless the context requires otherwise, the following terms, when used in this Agreement, shall have the meanings assigned to them below:

- A. "Consultant" means the personal services contractor(s) (if any) hired by ODOT to do the tasks indicated in Exhibit A as being the responsibility of such contractor(s).

B. "Consultant's Amount" means the portion of the Grant Amount payable by ODOT to the Consultant for the deliverables described in Exhibit A for which the Consultant is responsible.

C. "Direct Project Costs" means those costs which are directly associated with the Project. These may include the salaries and benefits of personnel assigned to the Project and the cost of supplies, postage, travel, and printing. General administrative costs, capital costs, and overhead are not Direct Project Costs. Any jurisdiction or metropolitan planning organization that has federally approved indirect cost plans may treat such indirect costs as Direct Project Costs.

D. "Federally Eligible Costs" means those costs which are Direct Project Costs of the type listed in Exhibit D incurred by City and Consultant during the term of this Agreement.

E. "Grant Amount" or "Grant" means the total amount of financial assistance disbursed under this Agreement, which consists of the City's Amount and the Consultant's Amount.

F. "City's Amount" means the portion of the Grant Amount payable by ODOT to City for performing the tasks indicated in Exhibit A as being the responsibility of City.

G. "City's Matching Amount" means the amount of matching funds which City is required to expend to fund the Project.

H. "City's Project Manager" means the individual designated by City as its project manager for the Project.

I. "ODOT's Contract Administrator" means the individual designated by ODOT to be its contract administrator for this Agreement.

J. "PSK" or "WOC" means the personal services contract(s) or work order contract(s) executed between ODOT and the Consultant related to the portion of the Project that is the responsibility of the Consultant.

K. "Project" means the project described in Exhibit A.

L. "Termination Date" has the meaning set forth in Section 2.A below.

M. "Total Project Costs" means the total amount of money required to complete the Project.

N. "Work Product" has the meaning set forth in Section 5.J below.

SECTION 2. TERMS OF AGREEMENT

- A. Term. This Agreement becomes effective on the date on which all parties have signed this Agreement and all approvals (if any) required to be obtained by ODOT have been received. This Agreement terminates on April 1, 2007 ("Termination Date").
- B. Grant Amount. The Grant Amount shall not exceed \$100,000.
- C. City's Amount. The City's Amount shall not exceed \$0.
- D. Consultant's Amount. The Consultant's Amount shall not exceed \$100,000.
- E. City's Matching Amount. The City's Matching Amount is \$22,500 or 18.37% of the Total Project Costs.

SECTION 3. DISBURSEMENTS

- A. Subject to submission by City of such documentation of costs and progress on the Project (including deliverables) as are satisfactory to ODOT, ODOT shall reimburse City only for Direct Project Costs that it incurs after the execution of this Agreement up to the City's Amount. Generally accepted accounting principles and definitions of ORS 294.311 shall be applied to clearly document verifiable costs that are incurred.
- B. City shall present cost reports, progress reports, and deliverables to ODOT's Contract Administrator no less than every other month. City shall submit cost reports for 100% of City's Federally Eligible Costs.
- C. ODOT shall limit travel expenses in accordance with current State of Oregon Accounting Manual, General Travel Rules, effective on the date the expenses are incurred.

SECTION 4. CITY'S REPRESENTATIONS, WARRANTIES, AND CERTIFICATION

- A. City represents and warrants to ODOT as follows:
1. It is a City duly organized and existing under the laws of the State of Oregon.

2. It has full legal right and authority to execute and deliver this Agreement and to observe and perform its duties, obligations, covenants and agreements hereunder and to undertake and complete the Project.

3. All official action required to be taken to authorize this Agreement has been taken, adopted and authorized in accordance with applicable state law and the organizational documents of City.

4. This Agreement has been executed and delivered by an authorized officer(s) of City and constitutes the legal, valid and binding obligation of City enforceable against it in accordance with its terms.

5. The authorization, execution and delivery of this Agreement by City, the observation and performance of its duties, obligations, covenants and agreements hereunder, and the undertaking and completion of the Project do not and will not contravene any existing law, rule or regulation or any existing order, injunction, judgment, or decree of any court or governmental or administrative agency, authority or person having jurisdiction over it or its property or violate or breach any provision of any agreement, instrument or indenture by which City or its property is bound.

6. The statement of work attached to this Agreement as Exhibit A has been reviewed and approved by the necessary official(s) of City.

B. As federal funds are involved in this Grant, City, by execution of this Agreement, makes the certifications set forth in Exhibits B and C.

SECTION 5. GENERAL COVENANTS OF CITY

A. City shall be responsible for the portion of the Total Project Costs in excess of the Grant Amount. City shall complete the Project; provided, however, that City shall not be liable for the quality or completion of that part of the Project which Exhibit A describes as the responsibility of the Consultant.

B. City shall, in a good and workmanlike manner, perform the work, and provide the deliverables, for which City is identified in Exhibit A as being responsible.

C. City shall perform such work identified in Exhibit A as City's responsibility as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform such work. City shall also be responsible for providing for employment-related benefits and deductions that are

required by law, including, but not limited to, federal and state income tax withholdings, unemployment taxes, workers' compensation coverage, and contributions to any retirement system.

D. All employers, including City, that employ subject workers as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). City shall require and ensure that each of its subcontractors complies with these requirements.

E. City shall be responsible, to the extent permitted by the Oregon Tort Claims Act, ORS 30.260-30.300, only for the acts, omissions or negligence of its own officers, employees or agents.

F. City shall not enter into any subcontracts to accomplish any of the work described in Exhibit A, unless it first obtains written approval from ODOT.

G. City agrees to cooperate with ODOT's Contract Administrator. At the request of ODOT's Contract Administrator, City agrees to:

- (1) Meet with the ODOT's Contract Administrator; and
- (2) Form a project steering committee (which shall include ODOT's Contract Administrator) to oversee the Project.

H. City shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, applicable provisions of the Oregon Public Contracting Code. Without limiting the generality of the foregoing, City expressly agrees to comply with: (1) Title VI of Civil Rights Act of 1964; (2) Title V and Section 504 of the Rehabilitation Act of 1973; (3) the Americans with Disabilities Act of 1990 and ORS 659A.142; (4) all regulations and administrative rules established pursuant to the foregoing laws; and (5) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

I. City shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, City shall maintain any other records pertinent to this Agreement in such a manner as to clearly document City's performance. City acknowledges and agrees that ODOT, the Oregon Secretary of State's Office and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents,

papers, plans, and writings of City that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts.

City shall retain and keep accessible all such fiscal records, books, documents, papers, plans, and writings for a minimum of three (3) years, or such longer period as may be required by applicable law, following final payment and termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.

J. (1) All of City's work product related to the Project that results from this Agreement ("Work Product") is the exclusive property of ODOT. ODOT and City intend that such Work Product be deemed "work made for hire" of which ODOT shall be deemed the author. If, for any reason, such Work Product is not deemed "work made for hire", City hereby irrevocably assigns to ODOT all of its rights, title, and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. City shall execute such further documents and instruments as ODOT may reasonably request in order to fully vest such rights in ODOT. City forever waives any and all rights relating to the Work Product, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

(2) ODOT hereby grants to City a royalty free, non-exclusive license to reproduce any Work Product for distribution upon request to members of the public.

(3) City shall ensure that any work products produced pursuant to this Agreement include the following statement:

"This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon."

(4) The Oregon Department of Land Conservation and Development and ODOT may each display appropriate products on its "home page".

K. Unless otherwise specified in Exhibit A, City shall submit all final products produced in accordance with this Agreement to ODOT's Contract Administrator in the following form:

(1) two hard copies; and

(2) in electronic form using generally available word processing or graphics programs for personal computers via e-mail or on compact diskettes.

L. Within 30 days after the Termination Date, City shall

add
provide
to
p/6 (1) ~~pay~~ to ODOT City's Matching Amount less Federally Eligible Costs previously reported as City's Matching Amount. ODOT may use any funds paid to it under this Section 5.L (1) to substitute for an equal amount of federal SAFETEA-LU funds used for the Project or use such funds as matching funds; and

(2) provide to ODOT's Contract Administrator, in a format provided by ODOT, a completion report. This completion report shall contain:

(a) The permanent location of Project records (which may be subject to audit);

(b) A summary of the Total Project Costs, including a breakdown of those Project costs that are reimbursable hereunder and those costs which are being treated by City as City's Matching Amount;

(c) A list of final deliverables; and

(d) City's final disbursement request.

SECTION 6. CONSULTANT

If the Grant provided pursuant to this Agreement includes a Consultant's Amount, ODOT shall enter into a PSK with the Consultant to accomplish the work described in Exhibit A as being the responsibility of the Consultant. In such a case, even though ODOT, rather than City is the party to the PSK with the Consultant, ODOT and City agree that as between themselves:

A. Selection of the Consultant will be conducted by ODOT in accordance with ODOT procedures with the participation and input of City;

- B. ODOT will review and approve Consultant's work, billings and progress reports after having obtained input from City;
- C. City shall be responsible for prompt communication to ODOT's Contract Administrator of its comments regarding (1) and (2) above; and
- D. City will appoint a Project Manager to:
 - (1) be City's principal contact person for ODOT's Contract Administrator and the Consultant on all matters dealing with the Project;
 - (2) monitor the work of the Consultant and coordinate the work of the Consultant with ODOT's Contract Administrator and City personnel, as necessary;
 - (3) review any deliverables produced by the Consultant and communicate any concerns it may have to ODOT's Contract Administrator; and
 - (4) review disbursement requests and advise ODOT's Contract Administrator regarding payments to Consultant.

SECTION 7. ODOT'S REPRESENTATIONS AND COVENANTS

- A. ODOT certifies that, at the time this Agreement is executed, sufficient funds are authorized and available for expenditure to finance ODOT's portion of this Agreement within the appropriation or limitation of its current biennial budget.
- B. The statement of work attached to this Agreement as Exhibit A has been reviewed and approved by the necessary official(s) of ODOT.
- C. ODOT will assign a Contract Administrator for this Agreement who will be ODOT's principal contact person regarding administration of this Agreement and will participate in the selection of the Consultant, the monitoring of the Consultant's work, and the review and approval of the Consultant's work, billings and progress reports.
- D. If the Grant provided pursuant to this Agreement includes a Consultant's Amount, ODOT shall enter into a PSK with the Consultant to perform the work described in Exhibit A designated as being the responsibility of the Consultant, and in such a case ODOT agrees to pay the Consultant in accordance with the terms of the PSK up to the Consultant's Amount.

SECTION 8. TERMINATION

This Agreement may be terminated by mutual written consent of all parties. ODOT may terminate this Agreement effective upon delivery of written notice to City, or at such later date as may be established by ODOT under, but not limited to, any of the following conditions:

A. City fails to complete work specified in Exhibit A within the time specified in this Agreement, including any extensions thereof, or fails to perform any of the provisions of this Agreement and does not correct any such failure within 10 days of receipt of written notice or the date specified by ODOT in such written notice.

B. Consultant fails to complete work specified in Exhibit A within the time specified in this Agreement, including any extensions thereof, and does not correct any such failure within 10 days of receipt of written notice or the date specified by ODOT in such written notice.

C. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or ODOT is prohibited from paying for such work from the planned funding source.

D. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

In the case of termination pursuant to A, B, C or D above, ODOT shall have any remedy at law or in equity, including but not limited to termination of any further disbursements hereunder. Any termination of this Agreement shall not prejudice any right or obligations accrued to the parties prior to termination.

SECTION 9. GENERAL PROVISIONS

A. Time is of the essence of this Agreement.

B. Except as otherwise expressly provided in this Agreement, any notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid, to ODOT or City at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so

addressed and mailed is in effect five (5) days after the date postmarked. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. To be effective against ODOT, such facsimile transmission must be confirmed by telephone notice to ODOT's Contract Administrator. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

C. ODOT and City are the only parties to this Agreement and are the only parties entitled to enforce the terms of this Agreement. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, to third persons (including but not limited to any Consultant) unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

D. Sections 5(I), 5(K), 5(L) and 9 of this Agreement and any other provision which by its terms is intended to survive termination of this Agreement shall survive.

E. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between ODOT (and/or any other agency or department of the State of Oregon) and City that arise from or relate to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether it is sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. City, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

F. This Agreement and attached Exhibits (which are by this reference incorporated herein) constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No modification or change of terms of this Agreement shall bind either party unless in writing and signed by all parties and all necessary approvals have been obtained. Budget modifications and adjustments from the work described in Exhibit A must be processed as an amendment(s) to this Agreement and the PSK. No waiver or consent shall be effective unless in writing and signed by the party against whom such waiver or consent is asserted. Such waiver,

consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

On June 18, 2003, the Oregon Transportation Commission ("Commission") approved Delegation Order No. 2, which authorizes the Director of ODOT to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program ("STIP") or a line item in the biennial budget approved by the Commission

On April 12, 2004, the Director approved Subdelegation Order No. 10 in which the Director delegates authority to the Division Administrator, Transportation Development, to approve and execute personal service contracts and agreements over \$75,000 for programs within the Transportation Development Division when the work is related to a project included in the STIP or in other system plans approved by the Commission or in a line item in the legislatively adopted biennial budget.

City

City of Wilsonville

By: [Signature]
(Official's Signature)

Charlotte Lehan Mayor
(Printed Name and Title of Official)

Date: 6/6/06

ODOT

STATE OF OREGON, by and through
its Department of Transportation

By: [Signature]
Craig Greenleaf, Deputy Director
Transportation Development Division

Date: 6-7-06

ATTORNEY GENERAL'S OFFICE

Approved as to legal sufficiency by the
Attorney General's office.

By: [Signature]
(Official's Signature)

Date: 6/6/06
Contact Names:

Sandi Young
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070
Phone: 503-682-1011
Fax: 503-682-7025
E-Mail: young@ci.wilsonville.or.us

Andy Johnson, Contract Administrator
Transportation and Growth Management Program
123 NW Flanders
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Phone: 503-731-8356
Fax: 503-731-3266
E-Mail: Andrew.JOHNSON@odot.state.or.us

ATTACHMENT A

CITY OF WILSONVILLE

COFFEE CREEK AREA 1 MASTER PLANNING

STATEMENT OF WORK

ACRONYMS

Agency/ ODOT – Oregon Department of Transportation
City – City of Wilsonville
DLCD – Department of Land Conservation and Development
NTP – Notice to Proceed
NTE – Not-to-Exceed amount (dollars)
OHP – Oregon Highway Plan
PTA – Plan Text Amendment
RSIA – Regionally Significant Industrial Area
RTP – Regional Transportation Plan
SDC – System Development Charge
SROZ – Significant Resource Overlay Zone
TAC – Technical Advisory Committee
TSP – Wilsonville Transportation System Plan.
UGB – Urban Growth Boundary
WOC – Work Order Contract
WOCPM – Agency’s Work Order Contract Project Manager

PROJECT COOPERATION

The PSK entered into by the Agency with the Consultant shall contain the following language:

“This statement of work describes the responsibilities of the entities involved in this cooperative Project. In this Work Order Contract (WOC) the Consultant shall only be responsible for those deliverables assigned to the Consultant. All work assigned to other entities are not Consultant’s obligations under this WOC, but shall be obtained by Agency through separate intergovernmental agreements which contain a statement of work that is the same as or similar to this statement of work. The obligations of entities in this statement of work other than the Consultant are merely stated for informational purposes and are in no way binding, nor are the named entities parties to this WOC. Any tasks or deliverables assigned to a

sub-Consultant shall be construed as being the responsibility of the Consultant.

Any Consultant tasks or deliverables which are contingent upon receiving information, resources, assistance, or cooperation in any way from another entity as described in this statement of work shall be subject to the following guidelines:

1. At the first sign of non-cooperation, the Consultant shall provide written notice (email acceptable) to Oregon Department of Transportation (Agency) Work Order Contract Project Manager (WOCPM) of any deliverables that may be delayed due to lack of cooperation by other entities referenced in this statement of work.
2. WOCPM shall contact the non-cooperative entity or entities to discuss the matter and attempt to correct the problem and expedite items determined to be delaying the Consultant.

If Consultant has followed the notification process described in item 1, and Agency finds that delinquency of any deliverable is a result of the failure of other referenced entities to provide information, resources, assistance, or cooperation, as described in this statement of work, the Consultant will not be found in breach of contract. The Agency Contract Administrator will negotiate with Consultant in the best interest of the State, and may amend the delivery schedule to allow for delinquencies beyond the control of the Consultant.

KEY PERSONNEL

Key Personnel. Consultant acknowledges and agrees that Agency selected Consultant, and is entering into this WOC, because of the special qualifications of Consultant's key people. In particular, Agency through this WOC is engaging the expertise, experience, judgment, and personal attention of **Joe Dills**, ("Key Personnel"). Consultant's Key Personnel shall not delegate performance of the management powers and responsibilities he/she is required to provide under this WOC to another (other) Consultant employee(s) without first obtaining the written consent (email acceptable) of Agency. Further, Consultant shall not re-assign or transfer a Key Person to other duties or positions such that a Key Person is no longer available to provide Agency with his/her expertise, experience, judgment, and personal attention, without first obtaining Agency's prior written consent to such re-assignment or transfer. In the event Consultant requests that Agency

approve a re-assignment or transfer of a Key Person, Agency shall have the right to interview, review the qualifications of, and approve or disapprove the proposed replacement(s) for the a Key Person. Any approved substitute or replacement for a Key Person shall be deemed a Key Person under this WOC.”

EXPECTATIONS ABOUT WRITTEN AND GRAPHIC DELIVERABLES:

All written (text) deliverables in both hard copy and electronic version by Consultant, with the electronic version to be completed in Microsoft Word or Adobe Acrobat PDF format, or combination of both. All graphic deliverables shall be provided by Consultant in hard copy and in the electronic format when required by the City of Wilsonville (City). All graphic deliverables can be in color, however, they must be readable and usable when copied in black and white.

EXPECTATION ABOUT MEETING DELIVERABLES

For the purpose of this Contract, “deliverables” include all physical items required to be delivered by Consultant under the WOC as well as attendance and participation at meetings and other actions and activities of Consultant that are required under the WOC.

EXPECTATIONS ABOUT SCHEDULE FOR DELIVERABLES

For the purposes of this Project, all written and graphic deliverables are due on the last day of the calendar month indicated in the Schedule following the date of the ***Notice to Proceed**.

*For the purposes of this Contract, “**Notice-to-Proceed**” is the written notice – email is acceptable – issued to the Consultant by the WOCPM advising that the Work Order Contract has been fully-executed, and advising the Consultant to begin performance immediately.

PROJECT PURPOSE/ TRANSPORTATION RELATIONSHIPS AND BENEFITS

Consultant shall develop a “Final Master Plan” for Coffee Creek Area 1 (the “Project”) as defined under the section titled “Project Area” through implementation of previously completed Conceptual Master Plans. Coffee Creek Area 1 borders industrially zoned lands to the east, lands on the north and west designated for industrial use by Metro in the 2004 Urban Growth Boundary (UGB) action, and lands south of the railroad as potentially residential land within a future UGB expansion. Several key transportation components will be addressed in the Final Master Plan, such as the Kinsman Road extension. This extension is a critical extension of an existing road to better serve freight and local traffic, as an alternative to I-5. Also, other local and collector connections will be identified to ensure a safe and efficient transportation system. Potential freight

connections to existing rail lines will also be examined. This Project will result in a balanced transportation and land use plan for the Coffee Creek Area 1.

PROJECT AREA

Coffee Creek Area 1 is located west of I-5 and accesses I-5 via Day Road and Boones Ferry Road at the North Wilsonville/Stafford ramps. Coffee Creek Area 1 is centrally located to Wilsonville and surrounding communities and will continue to be served by public transportation.

Coffee Creek Area 1 is approximately bounded by the Coffee Creek Correctional Facility and Day Road on the north. Coffee Creek Area 1 extends north along Boones Ferry road to incorporate interested or affected stakeholders. Coffee Creek Area 1 is bounded by the railroad tracks on the west and the Wilsonville City boundary on the south and east.

PROJECT OBJECTIVES

The objectives of this Project include:

- Conducting and recording an equitable and engaging public involvement program.
- To create a detailed transportation-land use Final Master Plan for the Wilsonville Industrial lands located in Coffee Creek Area 1.
- To create a transportation-land use Final Master Plan consistent with the concept plans for the area created in 1998.
- Identification of infrastructure improvements needed to mitigate future development.
- Analysis of costs, funding sources and phasing options for infrastructure improvements.
- To assist in the availability in the Coffee Creek Area 1 for efficient and cost effective industrial development in the near term.
- To adopt the Coffee Creek Area 1 Final Master Plan as a part of the City's Comprehensive Plan and any necessary changes to the Transportation Systems Plan (TSP).

BACKGROUND

In 2002, the area once known as Urban Reserve Area (URA) 42 was annexed into the Metro UGB. URA 42, now home to the Coffee Creek Correctional facility, was designated a Regionally Significant Industrial Area (RSIA).

According to the Urban Reserve Plan (OTAK, 1998), URA 42 should be used for mostly industrial uses with some minor complementary commercial and office uses. The Urban

Reserve Plan also discussed the need for further traffic analysis at the Grahams Ferry Road/Day Road intersection and the Kinsman Road extension. Designated open space areas and general utility plans were also discussed.

The changing face of this area makes planning efforts all the more timely. The south Metro area has experienced major growth, both in Wilsonville as well as the neighboring communities of Tualatin and Sherwood. Tualatin and Sherwood will be affected by growth in this area and need to be included in the process. This work also needs to be tied into planning efforts for the potential I-5/99W connector, Kinsman Road extension and the larger transportation planning efforts for the Region.

TASK 1: Identify Goals and Objectives. establish Technical Advisory Committee (TAC)

Objectives:

- Establish TAC consisting of stakeholders, including member of Coffee Creek Correctional Facility, Industrial Users.
- Send draft Goals and Objective to members of TAC.
- City shall collect feedback on Goals and Objectives via mail and e-mail, and incorporate comments into draft Goals and Objectives, and provide to the Consultant to incorporate into draft Technical Memorandum #1 (TM#1).

Sub-Tasks:

- 1.1 City shall seek and confirm up to 15 members for the TAC, including Agency's Work Order Contract Project Manager (WOCPM), other relevant Agency staff and City representatives.
- 1.2 City shall distribute via e-mail, and hard copy if requested, a roster containing contact information of the TAC to TAC, WOCPM and Consultant.
- 1.3 City shall prepare draft Goals and Objectives based on previous concept plans and Project Objectives.
- 1.4 City shall distribute via e-mail, and hard copy if requested, draft goals and objectives to TAC for their review and comment.
- 1.5 City shall incorporate comments received within 14 days of TAC Meeting into draft Goals and Objectives.
- 1.6 City shall send revised draft Goals and Objectives to Consultant and WOCPM.

Deliverables:

Consultant: None

City:

1. TAC Roster and distribution
2. Draft Goals and Objectives
3. Distribution of Draft Goals and Objectives to TAC and compilation of comments
4. Revised Draft Goals and Objectives

Schedule: Within 30 days of the date of Notice to Proceed (NTP).

TASK 2: Summarize Existing Plans and Policies

Objectives:

1. Summarize and assess relevant documents.
2. Incorporate findings and recommendations from Coffee Creek Area 1 Concept Plans.
3. Identify policy framework and existing plan compliance issues.

Sub-Tasks:

2.1 City shall provide to Consultant relevant City documents, including:

- Wilsonville Comprehensive Plan
- Wilsonville Zoning Code
- Wilsonville TSP
- Wastewater Plan
- Stormwater Plan
- Parks and Recreation Master Plan
- Bicycle and Pedestrian Master Plan
- Transit Master Plan
- Emergency Service objectives
- Designated Significant Resource Overlay Zone (SROZ) (Goal 5) inventories and compliance policies,
- Other relevant documents

Consultant shall gather the following documents and materials for TME#1:

- Agency documents related to access management (OAR 734 Division 51)
- Mobility standards in the Oregon Highway Plan(OHP)/Highway Design Manual

- Wilsonville Freeway Access Study (2002)
 - Metro's Urban Growth Management Functional Plan
 - Regional Transportation Plan (RTP)
 - Washington County and Clackamas County Development Codes, and
 - Other materials deemed relevant by the City or Agency for TM #1.
- 2.2 Consultant shall review the documents and materials specified above, identify issues related to development, transportation and infrastructure in the Project Area, and prepare a draft TM #1: Plans and Policies, Goals and Objectives, summarizing existing policies and plans as they apply to the Project Area and including Task 1 Revised Draft Goals and Objectives. Consultant shall deliver the draft TM #1 to WOCPM and City.
- 2.3 City and WOCPM shall coordinate review of TM#1 among different City and Agency departments. City shall consolidate City's and Agency's comments and send to Consultant.
- 2.4 Consultant shall facilitate TAC Meeting #1 to review and refine TM #1. City shall organize TAC Meeting #1, prepare the agenda, schedule location, distribute materials and take minutes.
- 2.5 Consultant shall revise TM#1 based on TAC feedback and City's and Agency's comments and shall distribute the revised TM #1 to WOCPM and City.

Deliverables:

Consultant:

1. Draft TM#1
2. Revised TM#1
3. Facilitation of TAC Meeting #1

City:

1. Subtask 2.1 documents to Consultant
2. Comment on TM#1
3. Logistics, agenda and minutes for TAC Meeting #1

Other Agencies (Metro, City of Tualatin, Washington County):

1. Coordinate with appropriate departments on review of TM #1

Schedule: Consultant shall complete Task 2 obligations no later than 3 months following the date of the NTP.

TASK 3: Create Alternatives and Evaluation Criteria

Objectives:

- Draft up to three (3), and no fewer than 2, alternatives for review by the TAC.
- Hold TAC meeting #1 in order to gather feedback on alternatives.
- Hold public meeting/open house to display alternatives to the public.
- Create Evaluation Criteria based on the goals and objectives and input from TAC and public.

Sub-Tasks:

- 3.1. Prior to drafting Conceptual Master Plan Alternatives, Consultant, WOCPM and City shall meet and discuss pertinent issues from TM#1 - Plans and Policies and directions for the development and evolution of the alternative Master Plans.
- 3.2. Consultant shall develop a draft set of Evaluation Criteria, based on the policy direction of TM#1, by which Conceptual Master Plan Alternatives shall be evaluated. The Evaluation Criteria can be either quantitative (e.g., "best meets performance standards") and qualitative (e.g., "is consistent with future plans for Coffee Creek II and North Wilsonville") measures. The Evaluation Criteria must include, but are not limited to: ease of service, environmental consequences, infrastructure costs, transportation performance, operations and safety (Level of Service and volume-to-capacity (v/c) Ratios as expressed in the City's TSP, the RTP, the OHP, and the 2003 Highway Design Manual). The OHP mobility standards must be used for needs analysis, while the Highway Design Manual must be applied for alternatives analysis. Consultant shall deliver a draft set of Evaluation Criteria to WOCPM and City.
- 3.3. City and Agency shall review and provide comments to Consultant on the draft set of Evaluation Criteria prior to TAC Meeting #2.
- 3.4. Consultant shall develop up to three Conceptual Master Plan alternatives for the development of the Project Area, examining:
 - land use patterns (including ensuring compliance with Metro Ordinance 02-969B)
 - transportation, including a comparison of the railroad underpass on Grahams Ferry Road to current cross section width criteria
 - water system capacity and water line provision
 - sanitary sewer capacity and line provision

- storm sewer capacity and line provision
- electricity, natural gas and other available energy sources
- rail freight service

The transportation element must include a street network and modal concept. The street network must support the proposed development concept and conform to intersection spacing standards of the City, Metro, and Agency, as applicable. The modal concept must include a bicycle and pedestrian network that meets City standards, as well as a provision for future transit that meets Tri-Met and SMART service standards. City shall prepare and provide to Consultant evaluations of connections to water and sewer treatment plants, and potential for plant expansion.

- 3.5. Consultant shall prepare Conceptual Master Plan Evaluation Brief, a short written evaluation of how each Conceptual Master Plan alternative meets the Evaluation Criteria. The evaluation must be qualitative and quantitative in nature and shall not include the traffic operations analysis results to be prepared in Task 5. A more detailed evaluation of the alternatives shall be conducted by Consultant in Task 4.
- 3.6. City and Agency shall review and comment on the draft Conceptual Master Plan Evaluation Brief. City shall organize TAC Meeting #2, prepare the agenda, distribute materials and take minutes. City and Agency shall coordinate review among different City and Agency departments, and City shall deliver City's and Agency's consolidated comments to the Consultant.
- 3.7. Consultant shall facilitate TAC Meeting #2 to review and refine the Conceptual Master Plan alternatives, draft Evaluation Criteria and the Conceptual Master Plan Evaluation Brief. City shall organize TAC Meeting #2, prepare the agenda, distribute materials and take minutes
- 3.8. Consultant shall prepare and distribute final Evaluation Criteria ("Revised Evaluation Criteria") based on City, Agency and TAC input and comments.
- 3.9. City shall schedule and provide location for Open House #1. Open House #1 must be held within one month after TAC Meeting #2. Consultant shall facilitate Open House (#1) to gather public input on the alternatives for the future development of the Project Area. Consultant shall provide maps of the Conceptual Master Plan alternatives along with descriptions of how they function. Maps must be wall size (34"X44"). Consultant shall present the Conceptual Master Plan alternatives, the Revised Evaluation Criteria, and the Conceptual Master Plan Evaluation Brief conducted in subtasks 3.2, 3.3, 3.4, 3.5 and 3.7 above. City shall create an agenda, take minutes and make copies of materials for Open House #1.

Deliverables:

Consultant:

1. Meeting with City and WOCPM
2. Draft Evaluation Criteria
3. Conceptual Master Plans, between two and three alternatives
4. Conceptual Master Plan Evaluation Brief
5. Facilitation of TAC Meeting #2
6. Revised Evaluation Criteria
7. Facilitation of Open House #1, including appropriate presentation and presentation materials

City:

1. Meeting with Consultant and WOCPM
2. Review and comment on draft Evaluation Criteria
3. Logistics, agenda and minutes for TAC meeting # 2.
4. Logistics, agenda and minutes for Open House # 1.

Schedule: Consultant shall complete Task 3 obligations no later than 5 months following the date of the NTP.

TASK 4: Evaluate Alternatives, Financing Estimates

Objectives:

- To determine the financial impact of the different alternatives for the City.
- To determine the various transportation impacts of the various alternatives.
- To determine how alternatives rank relative to one another based on the traffic report, financial impact analysis and Evaluation Criteria.

Sub-Tasks:

- 4.1. Consultant shall determine the relative effectiveness of each of the Conceptual Master Plan alternatives on the transportation system and prepare TM#2, Transportation and Traffic (TM #2) from these determinations. TM#2 must:
 - Evaluate the efficiency of the transportation network for between two and three Conceptual Master Plan alternatives developed in Task 3. Consultant shall evaluate the traffic operations (V/C and Level of Service) for the following intersections:
 - I-5 Northbound Ramp Terminal @ Boones Ferry Road-E Iligen Road

- I-5 Southbound Ramp Terminal @ Boones Ferry Road-Elligsen Road
 - Boones Ferry Road @ Day Road
 - Boones Ferry Road @ Commerce Circle/95th Avenue
 - Grahams Ferry Road @ Clutter/Ridder
 - Graham's Ferry Road @ Day Road
 - Grahams Ferry Road @ Tonquin Rd
 - Day Road @ Kinsman Road (future)
 - Ridder Road @ Kinsman Road (future)
- Consultant shall count at the above intersections both the AM (7-9 AM) and PM (4-6 PM) peak periods. These counts must be manual classification full-turning movement counts that will be used to represent the 30th highest hour volumes. Consultant shall evaluate the above intersections for each of the following scenarios:
- Existing Conditions (2006)
 - 2020 No Build
 - 2020 with Coffee Creek Master Plan Project Traffic (two to three alternatives)
- Consultant shall determine the initial assumptions about road designations, carrying capacity and traffic demand from surrounding land uses using the Wilsonville, Washington County and Clackamas County TSPs and Comprehensive Plans. The future 2020 scenario and travel model has been selected to maintain consistency with the City's TSP. The horizon year could be modified based on input from City staff (if 2030 is requested, this scope would need to be modified). Future projections must be determined using the City of Wilsonville travel demand model that was prepared for the City's TSP. If the City requests the use of a different model or significant modification to the existing model, additional scope and budget will be required. Agency shall review methodologies used to develop current and future volumes.
- Consultant shall compare the existing railroad underpass on Graham's Ferry Road to current cross section width criteria.
- Proposed new roads and associated intersections as proposed in the City's TSP or in the existing Conceptual Master Plan alternatives noted above, or proposed in both, that are part of the primary network, as agreed upon by City, Consultant, and Agency, shall also be analyzed by the Consultant.

Consultant shall assess applicable City, County and ODOT access management standards and performance criteria for each scenario noted above. Should the future intersections not meet access management or performance standards or safety/operational criteria, Consultant shall propose mitigation to address the specific deficiency.

- Consultant shall analyze three to five year crash data on all Agency and City facilities. The crash data shall be provided by Agency.
- Consultant's future analysis must evaluate the impact to I-5 at the Elligsen Road interchange (ramp terminals and junctions). Consultant shall apply Highway Design Manual standards in the evaluation of alternatives.
- Consultant shall determine if standards for pedestrian and bicycle transportation are met and use these to conduct an evaluation of the performance of these modes for these scenarios.

If additional information becomes available from the I-5 to 99W Connector study prior to the initiation of Task 4, Consultant shall utilize this new information in completing Task 4.

- 4.2. City shall forward a copy of TM#2 to WOCPM and to Washington and Clackamas County, facilitate the review, and consolidate comments from City, Agency and Counties. City shall submit the review comments to Consultant in written form.
- 4.3. Consultant shall review comments on TM#2 and revise TM#2 and send to City and WOCPM. City shall forward revised TM #2 to the TAC for its review and use in later tasks.
- 4.4. City shall provide data to Consultant related to the City budget, tax base, System Development Charges (SDC) and other fiscal matters.
- 4.5. Consultant shall prepare Technical Memorandum #3, Annexation/Cost Impact Report (TM #3) using City data to determine the costs and benefits associated with annexation and providing City services and facilities under each of the alternatives developed under Task 3. As part of TM #3, Consultant shall:
 - A. Determine revenues, potential assessed value and potential tax revenue generated from development.
 - B. Determine costs to serve the area under each Conceptual Master Plan alternative.

C. Project the anticipated costs of providing urban facilities – such as storm water sewer, sanitary sewer, water, and transportation – to Coffee Creek Area 1 consistent with City standards. Anticipated costs must include cost impacts on capacity of the wastewater and water treatment facilities.

D. Identify potential funding sources and opportunities to provide such facilities and services

The cost of service provision must be a factor in selecting a preferred Conceptual Master Plan alternative from those developed under Task 3

4.6. Consultant shall deliver TM #3 to City and WOCPM, City and WOCPM shall review TM#3 and provide comments back to Consultant within 14 days following the date Consultant delivers TM #3 to City and WOCPM. Consultant shall incorporate relevant comments into the revised TM#3 and send the review TM #3 to City and WOCPM. City shall forward a copy of TM #3 to TAC.

4.7. Consultant shall facilitate TAC Meeting #3 to discuss the Task 3 and earlier Task 4 deliverables: Evaluation Criteria, the Conceptual Master Plan alternatives, the traffic analysis and the cost impact analysis. TAC meeting #3 shall be used to answer any questions the TAC may have about these materials and to set the stage for the following TAC meeting, as described in sub-task 5.4. City shall organize and schedule TAC Meeting #3, prepare the agenda, distribute materials, and take minutes.

Deliverables:

Consultant:

1. Draft Technical Memorandum #2 - 3 hard copies and an electronic copy.
2. Revised Technical Memorandum #2 – 3 hard copies and one electronic copy
3. Draft Technical Memorandum #3 - 3 hard copies and electronic copy
4. Revised Technical Memorandum #3 - 3 hard copies and electronic copy
5. Facilitation of TAC Meeting #3

City:

1. Relevant financial data such as the City budget, tax base, SDCs
2. Review and comment of Technical Memorandums #2 and #3 and compilation of other comments
3. Traffic data from the I-5/Highway 99W Connector Study
4. Copy of Revised TM#2 and TM#3 to the TAC.
5. Agenda, minutes and material copies for TAC Meeting #3

Schedule: Consultant shall complete Task 4 obligations no later than 9 months following the date of the NTP.

Task 5 – Selection of Preferred Conceptual Master Plan Alternative

Objectives:

- To determine how alternatives rank relative to one another based on the traffic report, financial impact analysis and Evaluation Criteria.
- To select the preferred alternative

Subtasks:

- 5.1. Consultant shall analyze the Conceptual Master Plan alternatives in relationship to the Evaluation Criteria developed and prepare an analysis in the form of a matrix that demonstrates the relative ranking of each Conceptual Master Plan alternative to each other based on the criteria. Consultant shall provide “Ranking of Alternatives Matrix” to City and WOCPM for review and refinement.
- 5.2. City and Agency shall review Ranking of Alternatives Matrix and provide comments to Consultant, and Consultant shall refine the Ranking of Alternatives Matrix in accordance with the comments, which may result in hybrids of the previously identified Conceptual Master Plan alternatives.
- 5.3. Consultant shall prepare “Revised Draft Ranking of Alternatives Matrix,” making necessary refinements to the Ranking of Alternatives Matrix” and add hybrid alternatives that emerge. Consultant shall identify through result of this analysis which Conceptual Master Plan alternative to use as a preferred Master Plan for preparing the Draft Master Plan in Task 6.
- 5.4. Consultant shall facilitate TAC Meeting #4 to examine the Revised Ranking of Alternatives Matrix. City shall schedule and organize TAC Meeting #4, distribute materials for TAC Meeting #4 and take minutes.
- 5.5. Prior to continuing on to Task 6, City and Consultant shall present the preferred Conceptual Master Plan alternative to City Planning Commission for review, comment and recommendation. City Planning Commission presentation must also describe the evaluation process and present the Revised Ranking of Alternatives Matrix.

Deliverables:

Consultant:

1. Draft Ranking of Alternatives Matrix

2. Revised Draft Ranking of Alternatives Matrix – three (3) hard copies and electronic copy
3. Facilitation of TAC Meeting #4
4. Presentation at City Planning Commission

City:

1. Review of draft Rankings of Alternatives Matrix.
2. Agenda, minutes and material copies for TAC Meeting #4
3. City Planning Commission: meeting materials including staff report which include the revised Rankings of Alternatives Matrix, and presentation of preferred alternative.

Schedule: Consultant shall complete Task 5 obligations no later than 10 months following the date of the NTP.

Task 6: Draft Master Plan

Objectives:

- Prepare a Draft Master Plan for the Project area that specifies a layout for the transportation system, other infrastructure and land use patterns. This Draft Master Plan must comply with policies for urban development specified in the development code and other relevant sources (i.e. Statewide Planning Goals, Metro Functional Plan, etc.)
- Draft Master Plan must incorporate comments from the TAC and the public
- Hold Open House #2 to share the Master Plan with the public and garner feedback
- To prepare a Draft Master Plan to present to the Wilsonville City Planning Commission and the Wilsonville City Council for review.

Sub-Tasks:

- 6.1. Consultant shall prepare a Draft Master Plan. The Draft Master Plan must:
 - o Include both text and graphics depicting the proposed Master Plan;
 - o Include recommended land use designations, a transportation plan, a local street pattern and infrastructure requirements
 - o Include natural resource protection strategies based on the City's current Goal 5 policies;
 - o Describe how the Master Plan fits into the rest of the City, the region and the City's policies;
 - o Include suggested changes to the development code, TSP and other City plans;

- Outline the costs for service provision;
- Present funding strategies for the development of the Coffee Creek 1 Area.

Consultant shall provide Draft Master Plan to City and WOCPM.

6.2. City and WOCPM shall review the Draft Master Plan and provide comments within 14 days following the date Consultant delivers the Draft Master Plan to City and WOCPM.

Consultant shall incorporate comments from City and Agency into a revised Draft Master Plan, Version #2, and deliver it to City and WOCPM at least one week before TAC Meeting #5. City shall schedule and organize TAC Meeting #5 (including distribution of Draft Master Plan Version #2) and take minutes. Consultant shall facilitate TAC Meeting #5, present the Draft Master Plan Version # 2, and gather feedback.

Consultant shall incorporate TAC comments into Draft Master Plan Version #3.

City shall schedule and provide notice of, prepare the agenda, distribute advance materials, and take minutes at Open House #2. Consultant shall facilitate Open House #2 and present Draft Master Plan Version # 3 to the general public for feedback.

City shall schedule and convene TAC Meeting #6 to review public comments from Open House #2 and take minutes. Consultant shall facilitate TAC Meeting #6 and gather input.

Consultant shall incorporate input from the TAC at TAC Meeting #6 into the Draft Master Plan Version #4.

City shall schedule, provide notice of, take minutes of, prepare a staff report for and introduce Draft Master Plan Version 4 at, City Planning Commission Meeting. Consultant shall present the Draft Master Plan Version 4 and facilitate the discussion of the City Planning Commission at the City Planning Commission Meeting.

City shall schedule, provide notice of, take minutes of, prepare a staff report for and introduce Draft Master Plan Version #4 at City Council Meeting. Consultant shall present the Draft Master Plan Version 4 and facilitate the discussion of the City Council at the City Council Meeting.

Deliverables:

Consultant:

1. Draft Master Plan
2. Draft Master Plan Version #2
3. Draft Master Plan Version #3
4. Draft Master Plan Version #4
5. Facilitation of TAC Meeting #5
6. Facilitation of Open House #2
7. Facilitation of TAC Meeting #6
8. Presentation of Draft Master Plan Version #4 to City Planning Commission
9. Presentation of Draft Master Plan Version #4 to City Council

City:

1. Review and comment on initial Draft Master Plan
2. TAC Meeting #5 logistics, agenda and minutes
3. Open House #2 logistics, agenda and notes
4. TAC Meeting #6 logistics, agenda and minutes
5. Planning Commission presentation, logistics and materials
6. Wilsonville City Council presentation, logistics, and materials

Schedule: Consultant shall complete Task 6 obligations no later than 11 months following the date of the NTP.

Task 7: Final Master Plan, Amendments, Adoption

Objectives:

- Adoption by the City Council of a Final Master Plan
- Submission of the Master Plan to Metro and DLCDD for acknowledgement
- Adoption of a Plan Text Amendment (PTA) to the development code and an addendum to the TSP to implement the Master Plan

Sub-Tasks:

- 7.1. Consultant shall prepare a Final Master Plan, by revising Draft Master Plan Version #4 and incorporating comments from Open House #2, TAC Meetings #5 and 6, and City Planning Commission or City Council. Consultant shall meet with City and WOCPM to discuss recommended changes.

- 7.2. City shall provide materials for PTA process to Consultant and provide support to Consultant on changes to the municipal code, TSP and any other city documents arising from the Final Master Plan. City shall prepare an application for a PTA to incorporate the Final Master Plan into the Municipal Code and Consultant shall prepare draft recommended amendments to the development code. Consultant shall prepare an addendum to the TSP that incorporates needed changes based upon the Final Master Plan. Consultants work associated with the TSP amendment will be limited to updating Figure 4.7 (2020 Alternative 2 Recommended Roadway Network), Figure 4.8 (2020 Alternative 2 Arterial and Collector Classification), and Figure 5.4 (2020 Bicycle and Pedestrian Facilities Plan) as well as the motor vehicle and bicycle and pedestrian project lists as applicable. City shall provide Consultant with the existing TSP Figures (GIS electronic files) and project lists in electronic format.
- 7.3. City shall make appropriate changes to the draft of the proposed PTA, and TSP addendum.
- 7.4. City shall present the proposed PTA and TSP addendum first to City Planning Commission for its recommendation to the City Council. Consultant shall attend at least one meeting with either the City Planning Commission or City Council, as determined by City, to answer questions.
- 7.5. Once City Planning Commission recommendations are incorporated into the proposed PTA and TSP addendum, City shall present them to the City Council at a hearing for its consideration and adoption.
- 7.6. City shall submit the Master Plan, all development code changes and the addendum to the TSP to Metro, DLCD and Agency for acknowledgement.

Deliverables:

Consultant:

1. Final Master Plan
2. Materials for the addendum to the TSP
3. Recommended amendments to Development Code.
4. Meeting with City to discuss Planning Commission changes
5. Attend Planning Commission or City Council hearing to answer question

City:

1. City materials relevant to the PTA process and to the TSP addendum
2. Review of proposed PTA, TSP addendum, and associated materials

3. Materials and logistics for and presentation at City Planning Commission
4. Meeting (in person or by phone) to discuss Planning Commission changes
5. Materials and logistics for and presentation at City Council
6. Submittal materials for Metro, DLCD and Agency

Schedule: Consultant shall complete Task 2 obligations no later than 13 months following the date of the NTP.

Task 8: Project Management (City-only Task)

Objectives:

- Provide sufficient resources and controls to assure a well-managed project

Sub-Tasks:

- 8.1. City's project manager shall coordinate with the Community Development Director, City Engineer, City Manager and other management staff as needed to resolve issues during the course of the project.
- 8.2. City's project manager shall inform and involve the City Council and City Planning Commission during the course of the project.
- 8.3. City's project manager shall review all Consultant invoices and approve for Agency payment.
- 8.4. City's project manager shall telephone, e-mail or meet with Consultant and/or WOCPM as necessary to manage this project.
- 8.5. City's project manager and WOCPM shall ensure that IGA and WOC requirements are met.
- 8.6. City's project manager shall prepare interim match reports and a final grant close out and match report.

Deliverables:

City:

1. Approved Consultant invoices

2. Interim match reports
3. Final grant close out and match report

Schedule:

Throughout the Project duration

Summary of Deliverables Due from Consultant

During Months 2 and 3
following NTP date:

Task 2.2	Draft TM #1
2.4	Facilitation of TAC meeting #1
2.5	Revised TM #1

During Months 3, 4, and 5
following NTP date:

Task 3.1	Meeting with City and WOCPM
3.2	Draft Evaluation Criteria
3.4	Conceptual Master Plan Alternatives
3.5	Conceptual Master Plan Evaluation Brief
3.7	Facilitate TAC meeting #2
3.8	Revised Evaluation Criteria
3.9	Facilitation of Open House #1

During Months 6, 7, 8, and 9
following NTP date:

Task 4.1	DRAFT TM #2
4.3	Revised TM #2
4.5	DRAFT TM #3
4.6	Revised TM#3
4.7	Facilitation of TAC meeting #3

During Month 10 following
NTP date:

Task 5.1	DRAFT Ranking of Alternatives Matrix
5.3	Revised Ranking of Alternatives Matrix
5.4	Facilitate TAC meeting #4
5.5	Presentation to City Planning Commission, including Report with materials for evaluation of alternatives

During Month 11 following
NTP date:

Task 6.1	DRAFT Master Plan
6.3	DRAFT Master Plan (Version # 2)
6.4	Facilitate TAC meeting #5 and present DRAFT Master

During Months 12 and 13
following NTP date:

- Task 7.1 Meeting with City to discuss changes to Master Plan
prior to preparing the FINAL Master Plan
- And
Task 7.2 Recommended amendments to the Development Code
Materials for Addendum to TSP
- And
7.4 One (1) meeting with City Planning Commission (OR
City Council) to answer questions regarding proposed
PTA and TSP Addendum
Plan (DRAFT Version #2)
- 6,5 DRAFT Master Plan (Version #3)
- 6.6 Facilitate Open House #2 and present DRAFT Master
Plan (Version #3)
- 6.7 Facilitate TAC meeting #6
- 6.8 DRAFT Master Plan (Version #4)
- 6.9 Present DRAFT Master Plan (Version #4) to City
Planning Commission
- 6.10 Present DRAFT Master Plan (Version #4) to City
Council

CONSULTANT AMOUNTS PER DELIVERABLE

<i>Task</i>	<i>Description</i>	<i>Total Fixed Amount Payable to Consultant Per Deliverable</i>	<i>Total Amount Per Task</i>
1.0	Identify Goals and Objectives, establish TAC		
2.0	Summarize Existing Plans and Policies		
	Draft Technical Memorandum #1	\$5,500	
	Revised Technical memorandum #1	\$1,000	
	Facilitation of TAC Meeting #1	\$1,500	
	Subtotal		\$8,000
3.0	Create Alternatives and Evaluation Criteria		
	Draft Evaluation Criteria	\$4,500	
	Revised Evaluation Criteria	\$1,500	
	Conceptual Master Plans	\$17,000	
	Conceptual Master Plan Evaluation Brief	\$5,000	
	Facilitation of TAC Meeting #2	\$2,000	
	Facilitation of Open House #1, including materials	\$5,500	
	Subtotal		\$35,500
4.0	Evaluate Alternatives, Financing Estimates		
	Draft Technical Memorandum #2	\$16,000	
	Revised Technical Memorandum #2	\$1,500	
	Draft Technical Memorandum #3	\$9,000	
	Revised Technical Memorandum #3	\$1,000	
	Facilitation of TAC Meeting #3	\$2,000	
	Subtotal		\$29,500
5.0	Selection of Preferred Alternative		
	Draft Ranking of Alternatives Matrix	\$4,500	
	Revised Draft Ranking of Alternatives Matrix	\$1,000	
	Facilitation of TAC Meeting #4	\$1,500	
	Presentation at City Planning Commission	\$1,000	
	Subtotal		\$8,000
6.0	Draft Master Plan		
	Draft Master Plan	\$4,000	
	Draft Master Plan, version #2	\$1,000	
	Draft Master Plan, version #3	\$3,500	

<i>Task</i>	<i>Description</i>	<i>Total Fixed Amount Payable to Consultant Per Deliverable</i>	<i>Total Amount Per Task</i>
	Draft Master Plan, version #4	\$1,000	
	Facilitation of TAC Meeting #5	\$1,000	
	Facilitation of Open House #2	\$3,000	
	Subtotal		\$13,500
7.0	Final Master Plan, Amendments, Adoption		
	Final Master Plan	\$1,000	
	Materials for the PTA application and addendum to the TSP	\$3,500	
	Materials for the City Planning Commission, including revisions to the PTA & TSP		
	Meeting with the City to discuss Planning Commission changes	\$1,000	
	Materials for Council, including revisions to the PTA & TSP addendum		
	Submittal materials for Metro, DLCD and ODOT		
	Attend Planning Commission and City Council hearings (up to 2)		
	Subtotal		\$5,500
	Project Total	\$100,000	\$100,000

City Budget

<i>Task</i>	<i>Total Amount Per Task</i>
Task 1: Identify Goals and Objectives, establish TAC	\$500
Task 2: Summarize Existing Plans and Policies	\$500
Task 3: Create Alternatives and Evaluation Criteria	\$1,000
Task 4: Evaluate Alternatives, Financing Estimates	\$2,500
Task 5: Selection of Preferred Conceptual Master Plan Alternative	\$1,000
Task 6: Draft Master Plan	\$5,000
Task 7: Final Master Plan, Amendments, Adoption	\$7,000
Task 8: Project Management	\$5,000
Total	\$22,500

EXHIBIT B (Local Agency or State Agency)

CONTRACTOR CERTIFICATION

Contractor certifies by signing this contract that Contractor has not:

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract,
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

AGENCY OFFICIAL CERTIFICATION (ODOT)

Department official likewise certifies by signing this contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

EXHIBIT C

Federal Provisions
Oregon Department of Transportation

I. CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this contract that to the best of its knowledge and belief, it and its principals :

- 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
- 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS-PRIMARY COVERED TRANSACTIONS

1. By signing this contract, the Contractor is providing the certification set out below.
2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Oregon Department of Transportation determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous

certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.

4. The Contractor shall provide immediate written notice to the Department to whom this proposal is submitted if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-3400) to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The Contractor agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.
7. The Contractor further agrees by submitting this proposal that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B—Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this contract, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is

suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

- a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranting, Department shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.
2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the contract, any professional or technical personnel who are or have been at any time during the period of this contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.
3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be

entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. **Compliance with Regulations.** Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this contract. Contractor, with regard to the work performed after award and prior to completion of the contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contract covers a program set forth in Appendix B of the Regulations.
2. **Solicitation for Subcontractors, including Procurement of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.
3. **Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act).** During the performance of this contract, Contractor agrees as follows:
 - a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment.

without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.

- b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.
4. **Information and Reports.** Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.
5. **Sanctions for Noncompliance.** In the event of Contractor's noncompliance with the nondiscrimination provisions of the contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
 - b. Cancellation, termination or suspension of the agreement in whole or in part.
6. **Incorporation of Provisions.** Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such

direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this contract.

Required Statement For USDOT Financial Assistance Agreement. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Oregon Department of Transportation (ODOT) and its contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither ODOT nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as ODOT deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Request for Proposal/Qualification for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to

influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

FOR INQUIRY CONCERNING ODOT'S
DBE PROGRAM REQUIREMENT
CONTACT OFFICE OF CIVIL RIGHTS
AT (503)986-4354.



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

September 14, 2007

Arlene Loble, City Manager
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

SUBJECT: Coffee Creek Master Plan Ordinance No. 837

Dear Ms. Loble:

Thank you for discussing with Tualatin the Coffee Creek Master Plan (CCMP) item that is scheduled for the September 17, 2007 Wilsonville City Council agenda.

This plan has certainly been complicated by the planning efforts surrounding the I-5 to 99W Connector and the determination of who will plan the area between Tualatin and Wilsonville. We understand that the CCMP deals exclusively with areas south of Day Road. Because this area is outside of the general areas of corridor alignments 4D, 4E, 5B, identified by the Policy Steering Committee (PSC) on August 22, 2007, it appears that this area is not impacted by the location of a new I-5 to 99W Connector facility.

We note that the Enhance Existing System Alternative (EESA) indicates potential improvements to Tonquin Road, Grahams Ferry Road, Day Road, and Boones Ferry Road in the vicinity of the CCMP. It also indicated several improvements to existing roads in the Tualatin area. These improvements may be determined to be larger than what is currently shown in our current plans. We will not know this until more work is done on the connector project.

If the EESA were the preferred alternative I would expect that both Tualatin and Wilsonville could have to make significant changes to our plans to be in conformance with the Regional Transportation Plan. This will involve a significant amount of public input and formal council actions for both cities to amend our development codes.

We appreciate the cooperation of you and your staff about the joint planning of the area between Tualatin and Wilsonville. It appears we are getting closer to the PSC selecting a preferred alternative of the I-5 to 99W Connector project and we are looking forward to beginning the joint planning of the area between Tualatin and Wilsonville.

Best Regards,

A handwritten signature in black ink, appearing to read "Sherilyn Lombos".

Sherilyn Lombos
City Manager

SL/mmc:

DRAFT

**MEMORANDUM OF UNDERSTANDING
BETWEEN WASHINGTON COUNTY AND THE CITY OF WILSONVILLE**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into between WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF WILSONVILLE, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, the CITY, COUNTY, Metro and other governmental bodies entered into a Partnering Agreement on October 17, 2005 identifying the missions and expectations of the I-5 to 99W Connector Project Steering Committee (PSC);

WHEREAS, the primary role of the PSC is to pursue funding of the I-5 to 99W Connector Project and explore whether a single project can adequately meet the needs of the local communities and regional transportation needs;

WHEREAS, the PSC identified alternative locations for the I-5 to 99W Connector Project as provided in Exhibit 1;

WHEREAS, the CITY has been actively developing a master plan for property that is identified as Exhibit 2 to this MOU (referred to herein as Coffee Creek I)

WHEREAS, the COUNTY and CITY have entered into an Urban Planning Area Agreement (UPAA) that conditionally delegates planning authority from the COUNTY to the CITY in the Coffee Creek I area;

WHEREAS, based on concerns the COUNTY expressed with regard to impacts from planning and development in the Coffee Creek I area on the I-5 to 99W Connector Project, the UPAA requires selection of the final preferred alternative as a condition precedent to delegating planning authority;

WHEREAS, the CITY expressed a desire to move forward with adopting comprehensive plan amendments for the Coffee Creek I area prior to selection of the final preferred alternative for the I-5 to 99W Connector Project;

WHEREAS, the UPAA also allows delegation of planning authority to the CITY in the Coffee Creek I area prior to selection of the final preferred alternative for the I-5 to 99W Connector Project if the CITY provides road right-of-way reservations or such other assurances to preserve right of way for the I-5 to 99W Connector Project; and

WHEREAS, the COUNTY and the CITY desire to enter into a MOU consistent with the authority provided for in Section III(C) of the UPAA to delegate planning authority prior to selection of the final preferred alternative for the I-5 to 99W Connector Project.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

1. Location. The area affected by this MOU is the Coffee Creek I area as provided in Exhibit "A" hereto and consistent with the UPAA.

2. Connector Alternatives. The Project Steering Committee selected alternatives for the I-5 to 99W Connector Project as provided in Exhibit "B" (referred to herein as "selected alternatives").

3. Assurances. Consistent with Section III(C) of the UPAA, the COUNTY and the CITY agree to the following assurances to preserve the right-of-way for the selected alternatives:

A. the CITY shall provide a condition in the adopting ordinance that the comprehensive plan amendments for the Coffee Creek I area are effective upon annexation of the property to the city;

B. the CITY shall provide a condition in the adopting ordinance or include in the text of the comprehensive plan amendments for the Coffee Creek I area that the CITY will adopt amendments to the CITY's Transportation System Plan and such other regulations as are necessary for and consistent with any amendments to the Regional Transportation System Plan adopted by Metro for the I-5 to 99W Connector Project;

C. the CITY shall require a waiver of any rights under Measure 37 and Measure 49 as part of any development agreement entered into as a condition to annexing to the City for any land use restrictions imposed as a result of amendments adopted under this Section to the extent permitted by law; and

D. the CITY shall reserve sufficient right-of-way and setbacks to accommodate the future widening of Day Road to a five-lane arterial standard (based on CITY'S arterial standards) if necessary for and consistent with the I-5 to 99W Connector Project selected by the Project Steering Committee as a part of any future jointly planned (with Tualatin) comprehensive plan amendments for or master planning of the area adjacent to and north of the Coffee Creek I area.

4. Intent. It is the intent of the CITY and the COUNTY that the assurances provided in #3 above satisfy the conditions precedent to delegating planning authority to the CITY consistent with Section III(C) of the UPAA. It is further agreed to by both the CITY and the COUNTY that this MOU is not intended in any way to obligate the CITY to fund in whole or in part any such improvements as may be required to implement the assurances discussed herein.

///

///

5. Term. This MOU shall become effective upon full execution by the COUNTY and the CITY. The effective date of this MOU shall be the last date of signature on the signature pages.

IN WITNESS WHEREOF the parties have executed this Memorandum of Understanding on the date set opposite their signatures.

CITY OF WILSONVILLE

Mayor Charlotte Lehan

Date: _____

Approved as to form:

Attorney

WASHINGTON COUNTY

Chair Tom Brian

Date: _____

Approved as to form:

Attorney

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

RECEIVED

For DLCD Use Only

Jurisdiction: **City of Wilsonville**

Local file number: **LP07-0001, Ordinance 637**

Date of Adoption: **10/15/2007**

Date Mailed: **10/17/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/30/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Coffee Creek 1 Master Plan

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Area of Special Concern Hto: Industrial**

Zone Map Changed from: **n/a** to: **n/a**

Location: **S. of Day Rd, E of RR, W of Wilsonville city limit**

Acres Involved: **222**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

See attached list.

Local Contact: **Sandi Young, Planning Director**

Phone: (503) 570-1581 Extension:

Address: **29799 SW Town Center Loop East**

Fax Number: **503-682-7025**

City: **Wilsonville, OR**

Zip: **97070-**

E-mail Address: **young@ci.wilsonville.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**AFFIDAVIT OF MAILING
NOTICE OF CITY COUNCIL DECISION
OF THE CITY OF WILSONVILLE**

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Decision regarding Ordinance No. 637, and the Coffee Creek I Master Plan is a true copy of the original notice; that on, October 17, 2007, I did cause to be E-mailed and mailed via U.S. Mail copies of such notice of decision in the exact form hereto attached to the agencies listed in Exhibit "A":

Witness my hand this 17th day of October, 2007.



Sandra C. King, MMC, City Recorder

Subscribed and sworn to before me this 17 day of Oct., 2007.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: 11 / 29 / 07





29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

NOTICE OF DECISION

WILSONVILLE CITY COUNCIL

PROJECT NAME: Ordinance No. 637 – Coffee Creek I Master Plan

PROPOSED ACTION: Adopting the Coffee Creek I Master Plan, as a sub-element and component of the City's Comprehensive Plan.

AFFECTED LOCATION: This area is generally bound by Day Road and the Coffee Creek Correctional Facility on the north, the Portland and Western Railroad to the west and south, and existing city limits to the east.

After conducting a public hearing on July 16, 2007, September 17, 2007, and October 15, 2007 the City Council voted to adopt Ordinance No. 637 “An Ordinance Adopting The Coffee Creek I Master Plan As A Sub-Element Of The City's Comprehensive Plan.”

This decision has been finalized in written form as Ordinance No. 637, and placed on file in the city records at the Wilsonville City Hall this 17th day of October, 2007 and is available for public inspection. The Ordinance shall be in full force and effect 30 days from the date of adoption. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of the decision.

Questions may be directed to Sandi Young, Planning Director, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070; Phone 503-570-1581; E-mail: young@ci.wilsonville.or.us



Coffee Creek I Master Plan
People who received US Mail copies
of notice of decision Ord. 37

Linda Becker
13098 SW Bradley LN
Tigard OR 97224

Chris & Sonya Bickford
10680 SW Clutter Rd
Sherwood OR 97140

Ron Gainer
25020 SW Garden Acres RD
Sherwood OR 97140

Bob Jonas
PO Box 1130
Wilsonville OR 97070

Paul Ketcham
Metro
600 NE Grand AVE
Portland OR 97232

Dick Kruger
25225 SW Grahams Ferry RD
Sherwood OR 97140

Geraldine Moyle
Group MacKenzie
PO Box 14310
Portland OR 97293

Sam Parker
9675 SW Day RD
Sherwood OR 97140

Darren Pennington
10365 SW Day RD
Sherwood OR 97140

Peter Stalick
GVA Kidder Mathews
One SW Columbia #950
Portland OR 97258

Steve Taylor
69327 Camp Polk Rd
Sisters, OR 97759

Glen Wetzel
PO Box 3451
Tualatin OR 97062

Rob Dixon
City of Sherwood
22560 SW Pine ST
Sherwood OR 97140

Andy Cotugno
Metro Planning Dept
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Portland OR 97232

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C. Mirth Walker
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Agencies, Local Govt or Special Dist.
Mailing List. 11/9/05

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Beaverton OR 97095

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Canby OR 97013

City Planner
City of Canby
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Clackamas County
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Clackamas OR 97015

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Unified Sewerage Agency
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Hillsboro OR 97124

Brent Curtis, Planning Manager
Washington County
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Hillsboro OR 97124

Portland General Electric
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Portland OR 97204

Tom Wolcott
BPA
PO Box 3621
Portland OR 97208

Tom Simpson
NW Natural Gas
220 NW 2nd Avenue
Portland OR 97209

Michael Dennis
Tri-Met Project Planning Dept
4012 SE 175th Ave
Portland OR 97202

Oregon Department of Environmental
Quality
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Portland OR 97204

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METRO
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Manager, Community Development
METRO
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Portland OR 97232

ODOT
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Portland OR 97209

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Salem OR 97310

Department of Corrections
2875 Center Street NE
Salem OR 97310

Community Coordinator Facilities
Div.
2575 Center Street NE
Salem OR 97310

William Fujii, OWRD
Commerce Building
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Salem OR 97310

Sherwood School Dist. Admin Office
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Tualatin Valley Fire & Rescue
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King, Sandy

From: King, Sandy
Sent: Wednesday, October 17, 2007 9:13 AM
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'ckimball@callatg.com'; 'corey.zielsdorf@gmail.com'; Cowan, Danielle; 'daweher@aol.com';
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'gabe@nwlandowner.com'; 'Greg@theleocompany.com'; 'gummy14@juno.com';
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Young, Sandi; 'shawn@iconconstruction.net'
Subject: Coffee Creek I Master Plan Notice of Council Decision
Attachments: Ordinance No. 637 Coffee Creek Master Plan.doc

Attached please find the Council Notice of Decision for the Coffee Creek I Master Plan. The ordinance was adopted at the October 15, 2007 Council meeting.

Sandra C. King, MMC
City Recorder
City of Wilsonville
503-570-1506

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to the Oregon Public Records Law.

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Shawn	Andreas	Icon Construcion & Development, LLC					<u>shawn@iconconstructio</u> Per email 6/13/07

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

D A T E S T A M P	<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
	For DLCD Use Only		

Jurisdiction: **City of Wilsonville**

Local file number: **LP07-0001, Ordinance 637**

Date of Adoption: **10/15/2007**

Date Mailed: **10/17/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/30/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Coffee Creek 1 Master Plan

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Area of Special Concern** Hto: **Industrial**

Zone Map Changed from: **n/a** to: **n/a**

Location: **S. of Day Rd, E of RR, W of Wilsonville city limit** Acres Involved: **222**

Specify Density: Previous: **na** New: **na**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

See attached list.

Local Contact: **Sandi Young, Planning Director**

Phone: **(503) 570-1581** Extension:

Address: **29799 SW Town Center Loop East**

Fax Number: **503-682-7025**

City: **Wilsonville, OR**

Zip: **97070-**

E-mail Address: **young@ci.wilsonville.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

COFFEE CREEK MASTER PLAN

Prepared for:

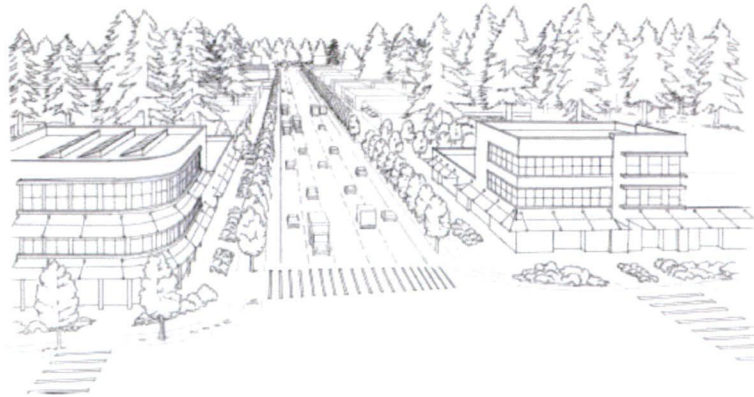
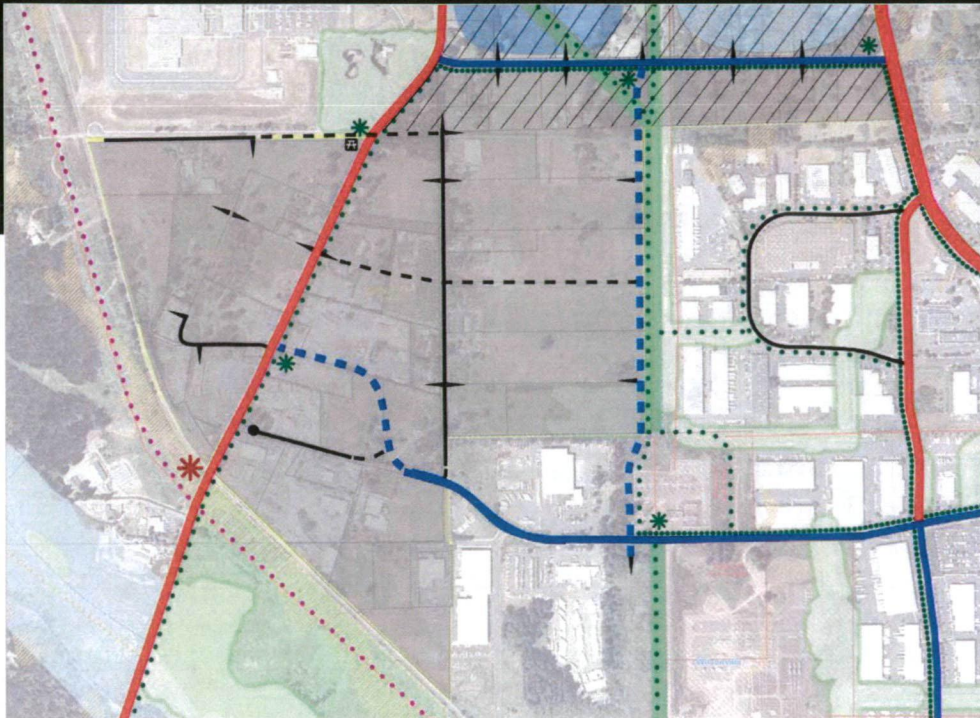


City of
WILSONVILLE

Prepared by:

Otak, Inc.

DKS Associates, Inc.



April 23, 2007

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Appendices (Located in Volume II)

- A PAC Meeting Documentation
- B Public Input Documentation
- C Existing Policies Overview
- D Plan Alternatives Evaluation
- E Existing Conditions Maps
- F Future Conditions Maps
- G Traffic Analysis
- H Fiscal/ Annexation Analysis
- I Draft Code Amendments

The City of Wilsonville Industrial Lands Master Planning Project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

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1 INTRODUCTION

The Coffee Creek planning effort is being conducted to create a detailed transportation and land use plan for the area located near northwest Wilsonville in unincorporated Washington and Clackamas Counties (see Figure 1). The Coffee Creek Industrial Area is being planned in two parts, including a Master Plan (this document) with a detailed strategy for urbanizing the area South of Day Road, and a separate Concept Plan north of Day Road for long-range planning.

An Urban Reserve Plan was prepared by Otak, Inc. in 1998 as a Concept Plan for the area south of Day Road. Metro followed up with a 2002 decision to annex Area 42 into the Metro Urban Growth Boundary (UGB) to allow urban services to extend to the Coffee Creek Correctional Facility, and set the stage for additional industrial development south of Day Road.

In 2004, Metro added additional land to the Metro UGB north of Day Road and east of the Portland and Western Railroad, but conditioned future annexation north of Day Road on the decision regarding a preferred location for the future I-5/Highway 99W Connector route.¹ Hence this Master Plan focuses only on the area south of Day Road.

¹ When Metro adopted the 2004 UGB expansion, they included conditions (Ordinance #04-104B, Exhibit F) that only pertain to the UGB expansion area north of Day Road. Those conditions require the area north of Day Road to complete Title 11 planning within 2 years from decision of a connector ROW location. Also, those conditions indicate that Title 11 planning can occur North of Day Road as long as it incorporates the general location of the Connector and the Tonquin Trail per Metro 2004 RTP.

Purpose and Objectives

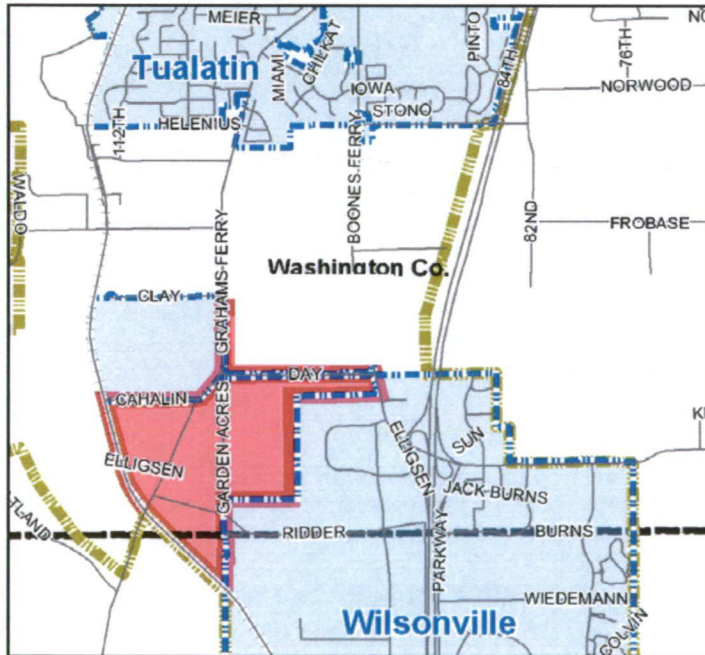
The south Metro region has experienced rapid growth over the past two decades. The Cities of Wilsonville, Tualatin and Sherwood have undergone significant increases in population, households and employment. As future growth continues, these cities need to carefully consider the affects of new development on existing and planned public facilities, including roads, transit, sewer, water, and parks facilities. Coordinated planning also needs to continue on the potential I-5/99W Connector, Kinsman Road, and larger transportation planning efforts in the Metro Region.

The Objectives for the Coffee Creek Industrial Area planning project include:

- Conducting an effective public involvement program.
- Creating a detailed transportation and land use Master Plan for the area South of Day Road consistent with the Concept Plan that was completed in 1998.
- Continuing to work with involved public and private stakeholder on the potential I-5/99W Connector.
- Identifying infrastructure improvements needed to mitigate future development.
- Analyzing the costs, funding sources, and phasing options for infrastructure improvements.
- Allowing efficient and cost-effective industrial development to proceed south of Day Road, with local adoption of the Master Plan and necessary changes to the City's Comprehensive Plan, Development Code and Transportation System Plan.

Context and Setting

The Coffee Creek Industrial Area includes a Master Plan for 216 +/- gross acres south of Day Road. The Master Plan area is "sandwiched" between City of Wilsonville municipal boundaries. It is primarily located in unincorporated Washington County, with a small triangle (south of Clutter Road) located in unincorporated Clackamas County. The Master Plan area is generally bounded by the Coffee Creek Correctional Facility and Day Road on the north, the Portland and Western Railroad to the west and south, and the existing city limits to the east. Please refer to Figure 1.



Plan Summary

Key features of the Master Plan for the area south of Day Road are summarized in Table 1.

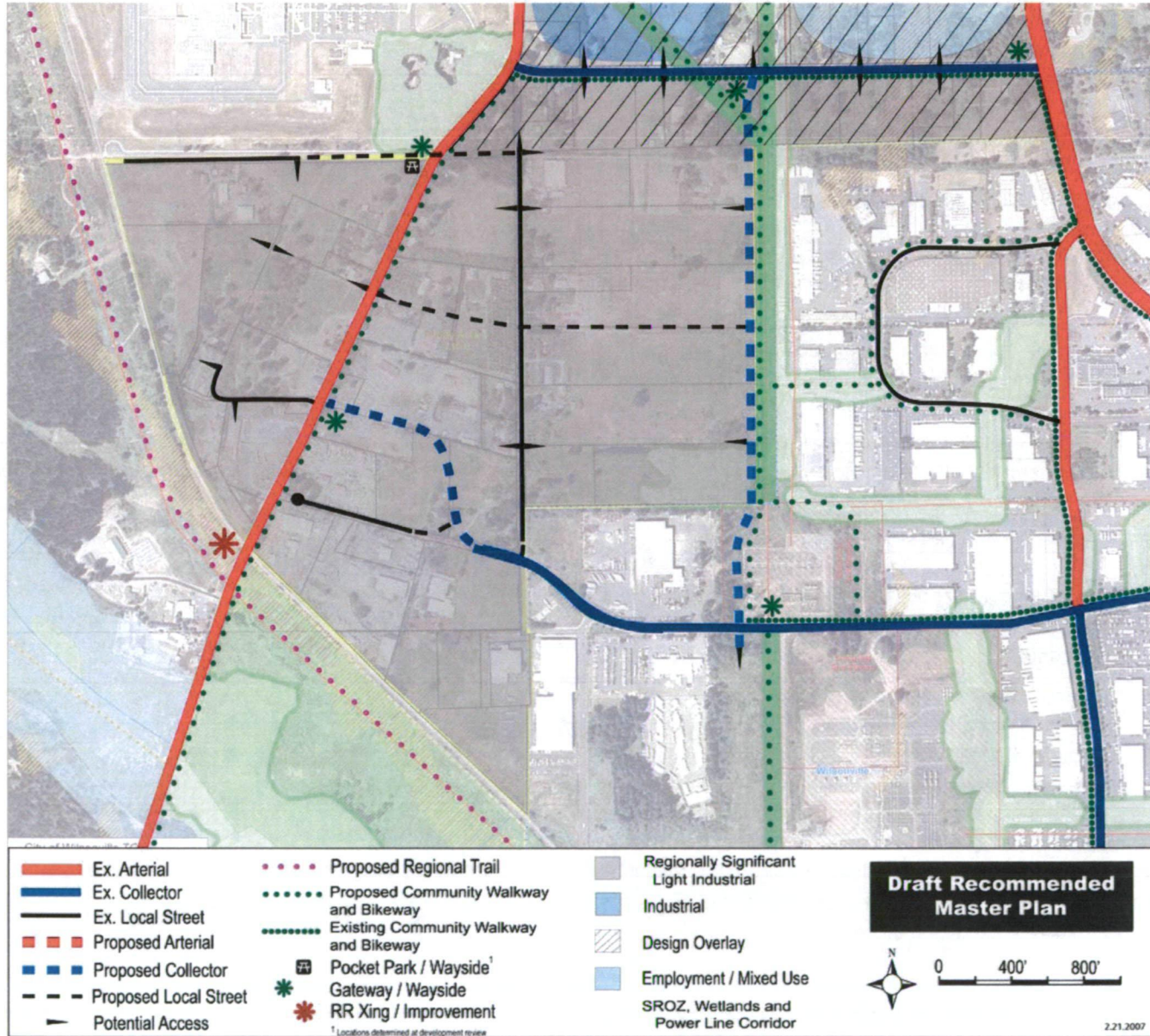
TABLE 1
Master Plan Summary

Element	Description
Land Use	Regionally Significant Industrial Area; allows light industrial with strict limits on non-industrial uses.
Transportation	Primary access is planned from I-5/Elligsen Road via SW Boones Ferry Road and Day Road. Access will also be provided via Grahams Ferry Road, Ridder Road, and the planned Kinsman Road. Transit routes are located within a 1/2 mile walk of the Master plan area, with bus stops located near Commerce Circle/95 th Avenue.
Water	The City operated Willamette River Water Treatment Plant provides the City's water needs, with its main transmission line that runs up Kinsman Road (south of the Master Plan area). The City's Water Master Plan includes a capital improvement phasing plan that serves the Coffee Creek Industrial Master Plan area.
Sewer	The Coffee Creek Master Plan area is to be served with sanitary sewer by the City of Wilsonville and is reflected as Urban Planning Area 4 (UPA-4) in the City's Sewer Master Plan. This area was assumed to include the Coffee Creek Correctional Institution (on 113-acres) and Master Plan area. Future unit flow assumptions for industrial uses were forecasted to be 2,000 gallons/day/acre. After considering factors for average daily flows, the industrial portion of UPA-4 is assumed to generate 626,000 gallons per day (gpd) of sewer flow at build-out.

TABLE 1
Master Plan Summary

Element	Description
Storm Drainage	The Coffee Creek Planning Area is located within the Coffee Creek Basin. The north tributary to Basalt Creek is located south of Day Road. Basalt Creek drains into Coffee Creek Lake and extends north of Day Road into the City of Tualatin UGB. The Wilsonville Storm Water Master Plan and the Coffee Creek Master Plan identifies potential regional detention facilities in the Coffee Creek Planning Area as effective pollution reduction facilities. In addition, all surface water generated by private development would be handled and treated on site, and with subdistrict facilities, such as detention swales and ponds. The Master Plan also supports construction of "green street design standards" for collector street improvements including Kinsman Road and Grahams Ferry Road.
Parks and Recreation	The Master Plan minimizes potential adverse effects on resources, by identifying and protecting areas within the Significant Resource Overlay Zone, and promotes a variety of open spaces, parks, waysides, and linear pathways for employees and residents.

FIGURE 1. COFFEE CREEK I RECOMMENDED MASTER PLAN



2 PLANNING PROCESS

What is a Master Plan?

A Master Plan guides how land newly added to the UGB will be used, provided with urban services, and developed in the context of existing adjacent communities. Master Plans typically focus on issues of land use, transportation, public infrastructure, and natural resources, are defined in Statewide Land Use Planning Goal 14: Urbanization, and Metro Title 11. The basic parts of a master plan are listed below, with those relevant to the scope for the Coffee Creek Master Plan document shown in italics.

1. *Orderly, economic provision for public facilities and services;*
2. *Availability of sufficient land for the various uses to insure choices in the market place;*
3. LCDC goals or the acknowledged comprehensive plan;
4. Encouragement of the development within urban areas before conversion of urbanizable areas.

How Was the Plan Developed?

The planning process consisted of four key components:

- Input from the Plan Advisory Committee
- Involvement of stakeholders and the public
- Establishment of Master Plan goals and objectives
- Review of existing conditions and development alternatives

INPUT FROM TECHNICAL ADVISORY COMMITTEE

Development of the Master Plan was guided by input from a multi-agency Planning Advisory Committee that met four times during the

planning process. This Committee included representatives from the City of Wilsonville, City of Tualatin, City of Sherwood, Washington County, Oregon Department of Transportation (ODOT), Oregon Department of Land Conservation and Development (DLCD), Wilsonville Chamber of Commerce, local property owners, and industrial real estate brokers. Documentation of the Planning Advisory Committee meetings is provided in Appendix A.

INVOLVEMENT OF STAKEHOLDERS AND THE PUBLIC

The broader community was involved in the Master Plan process through public invitation to the Planning Advisory Committee Meetings, and a public open house event. Documentation of the public open house is provided in Appendix B.

ESTABLISHMENT OF MASTER PLAN EVALUATION CRITERIA

Evaluation criteria for the Master Plan alternatives were established early in the planning process by the Planning Advisory Committee. The evaluation criteria included general goals and more specific objectives which were reviewed and affirmed by the Planning Advisory Committee. Table 2 provides a listing of the evaluation criteria.

**Table 2
Master Plan Land Use and Transportation Alternatives
Evaluation Goals**

1 Local, Regional and State Plans (consistency)
2 Adequate Transportation (multimodal facilities and connections)
3 Adequate Public Facilities (public/private cost sharing)
4 Citizen/Stakeholder Participation and Property Owner Support
5 Maintain High Quality Industrial Development

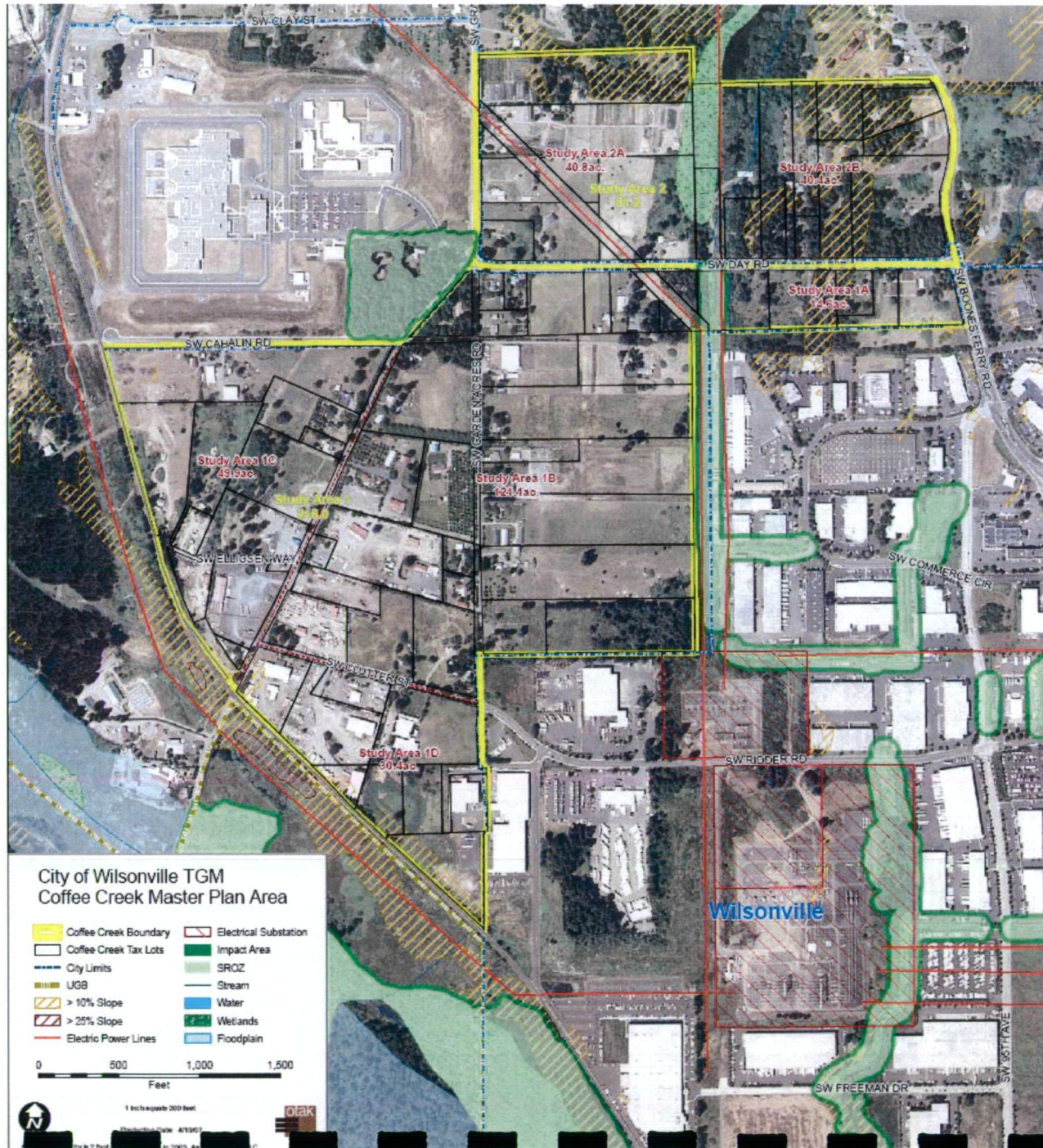
These goals were used to prepare detailed plan evaluation objectives and review criteria which are summarized in Appendix D.

REVIEW OF EXISTING CONDITIONS

The first portion of the technical work for the Master Plan focused on the review and analysis of existing conditions. This included a document review, site visit, and an analysis of land use policies, and transportation and infrastructure conditions. Figure 2 reflects existing tax lots, slopes, and Significant Resource Overlay Zone.

Existing conditions documentation, including a summary of land use and infrastructure policies and plans are included in Appendix C, and a traffic impact assessment (Appendix D). Maps illustrating key existing public facilities are included in Appendix E.

FIGURE 2. EXISTING CONDITIONS



3 MASTER PLAN

The Master Plan is described in the text below and illustrated in Figure 2. The Master Plan was selected following the development and evaluation of two land use/transportation alternatives. Please refer to Appendix D for a summary of the evaluation results.

Land Use and Development Plan

ZONING

In adding the Master Plan area to the UGB, Metro required the City to agree to plan the land to be used for Regionally Significant Industrial purposes: which allow large lot and standard industrial users; and limit non-industrial uses. When land in the Master Plan area is annexed to the City of Wilsonville, the land shall be zoned Planned Development Industrial – Regionally Significant Industrial (PDI-RSIA).

Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) is the City’s newest industrial zone district. This zone designation currently applies to the Coffee Creek Master Plan area and two others in the city. It is appropriate for most light manufacturing, warehousing, distribution, and flex uses. Corporate headquarters and technology campuses are also allowed. Retail and service uses are allowed as long as their uses are limited in floor area as to not exceed 3,000 square feet per use in one building, and not more than 20,000 square feet in multiple buildings. Office uses must not exceed 20% of total floor area within a site. Prohibited uses include any use that violates performance standards regarding: screening of outdoor storage; vibration; emission of odorous gases; night time operations; heat and glare; dangerous substances; liquid and solid wastes; noise; electrical disturbances; discharge standards; open burning; and unscreened outdoor storage.

The PDI-RSIA designation will help meet the Region’s documented needs for high wage light industrial development, and provide a land use type that is compatible with surrounding industrial uses, and the Coffee Creek Correctional Facility.

Key development assumptions associated with the PDI-RSIA planning designation are shown on Tables 3 and 4.

**Table 3
Permitted Uses within PDI-RSIA Zone District**

Industrial Uses	
Warehousing & distribution	P
Outdoor Storage (with proper screening)	P
Product assembly and packing	P
Light manufacturing and processing	P
Motor vehicle services (ancillary only)	P
Fabrication	P
Office complexes- technology or corporate headquarters	P
Call Centers	P
Research & Development, laboratories	P
Industrial Services	P
Product repair, finishing and testing	P
Residential Uses	
Residential Uses (not to exceed 10% of total floor area)	P

TABLE 3 (continued)

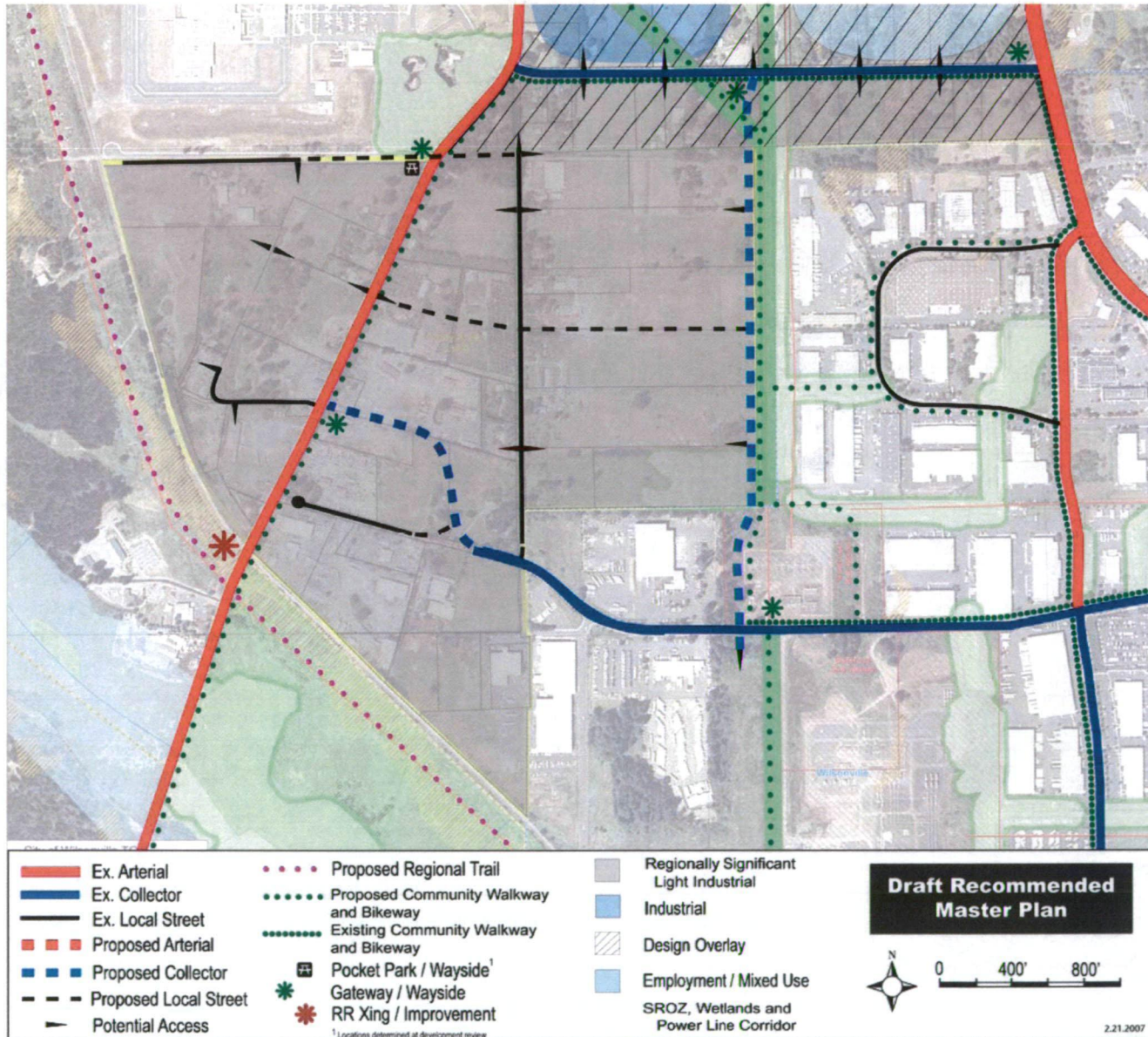
Commercial Uses	
Service or retail uses (not to exceed 3,000 s.f. in floor area in single building or 20,000 s.f. within multiple buildings.	P
Office complexes (not to exceed 20% of total floor area within a site)	P
Training facilities with primary purpose to meet industrial needs	P
Temporary buildings or structures (removed within 30 days)	P
Public and Other Uses	
Public facilities (e.g., utilities, school district bus facilities, public works yards, vehicle storage)	P
Accessory Uses, incidental to permitted uses	P
Expansion of buildings or uses approved prior to Oct. 25, 2004 of up to 20% of added floor area and/or 10% of added land area	P
Other uses, per judgment of Planning Director to be consistent with purpose of PDC Zone	P
Public park and recreation facility and open space	P

Notes: P = Permitted Use. Source: Wilsonville Development Code, Chapter 4, Section 4.135.5.

**TABLE 4
Development Assumptions for PDI-RSIA Zone District**

Parking	0.3 spaces/1,000 square feet of building area for storage, warehouse, wholesale, rail or truck freight operations. Maximum of 0.5/1,000 sq. ft. 1.6 spaces/1,000 minimum for manufacturing establishments. No maximum limit.
Setbacks	Front: 30 feet Side/back: 30 feet
Landscaping and Open Space	At least 15% of the site must be landscaped. Parking lots with more than 200 cars require additional tree planting, and pedestrian paths.
Design Review and Performance Standards	New Design Overlay Zone recommended for properties fronting Day Road. Additional performance standards apply to: screening of outdoor storage; vibration; emission of odorous gases; night time operations; heat and glare; dangerous substances; liquid and solid wastes; noise; electrical disturbances; discharge standards; open burning; open storage; light pollution and inadequate landscaping.
Minimum Lot Size	There are no tax lots greater than 50 acres in the Master Plan area. Parcels less than 50 acres are allowed land divisions in conformance with an approved site master plan. Minimum lot size dimensions are 160 feet by 160 feet.
Maximum Structure Height	No set minimum or maximum.

FIGURE 3. RECOMMENDED MASTER PLAN PHASE 1



DEVELOPABLE AREA

Of the approximately 216 acres in the Master Plan area, the actual developable area is reduced by the following factors shown in Table 5, including:

- Approximately 2.4 acres are within Significant Resource Overlay Zone (SROZ) protection areas. This estimate of SROZ land area assumes a 3.6 acre reduction in SROZ mapped land within the Master Plan area is approved by the City Council this year.
- Approximately 12.9 acres within the Master Plan area are considered to be within un-developable easements or public right-of-ways controlled by the City of Wilsonville, Portland and Western Railroad, Portland General Electric, and Bonneville Power Administration.
- Approximately 4.4 acres are within areas that include slopes greater than 10%, which may be considered too steep for certain types of industrial uses.

Table 5 Master Plan Area, Existing Land Use Constraints

	Acres
SROZ*	2.4
Easements & R.O.W.	12.9
Slopes > 10%	4.4
Unconstrained Area	195.6
Total Gross Acres (approximate)	216.0

**Significant Resource Overlay Zone per City of Wilsonville ordinance. Includes 3.6 acre SROZ reduction amendment that is pending Council approval as of May 2007.*

FUTURE URBAN EXPANSION

When the Master Plan area is annexed into the City of Wilsonville, it will form the northwestern city limits. The land to the north and west of

the Master Plan area is designated by Metro for industrial development. The Master Plan for the area south of Day Road was prepared with a simultaneous analysis of development alternatives for an area north of Day Road as part of a separate Concept Planning effort by the City of Wilsonville. The City wanted to conduct the Concept Plan north of Day Road to better understand development opportunities and constraints north of Day Road, and to evaluate potential traffic impacts of additional development in the vicinity of the Coffee Creek Master Plan area.

Traffic Analysis

BACKGROUND

As part of the traffic analysis for the Coffee Creek Master Plan, DKS Associates performed an evaluation of existing conditions of the following intersections:

- I-5 Northbound Ramp @ Boones Ferry Road-Elligsen Road;
- I-5 Southbound Ramp @ Boones Ferry Road-Elligsen Road;
- Boones Ferry Road @ Day Road
- Boones Ferry Road @ Commerce Circle/95th Avenue
- Grahams Ferry Road @ Clutter/Ridder
- Grahams Ferry Road @ Day Road
- Grahams Ferry Road @ Tonquin Road
- Day Road @ Kinsman Road (future)
- Ridder Road @ Kinsman Road (future)

The traffic impact analysis was conducted for the City and ODOT to ascertain the specific capacity and multimodal improvements needed

to accommodate planned development, and to recommend appropriate amendments to the City and County Transportation System Plans.

RECOMMENDED MITIGATION MEASURES

To maintain adequate traffic performance standards within the study area during the PM peak period, mitigation measures are necessary to reduce the negative transportation impacts of future traffic growth.

NON-PROJECT ORIENTED TRANSPORTATION MITIGATION (NO BUILD AND SAFETY)

The following measures are related to estimated traffic growth on study area roadways. These mitigations would be necessary whether or not the Coffee Creek industrial area was developed. Additional safety related mitigations have been identified as well. Non-project oriented mitigations are summarized in Table 6.

Table 6: 2030 No Build and Safety Related Mitigations (PM Peak Hour)

Intersection	Recommended Mitigation
Tonquin/SW Grahams Ferry Road	<ul style="list-style-type: none"> • Install eastbound left turn lane • Install northbound left turn lane • Install traffic signal
Day Road/Boones Ferry Road	<ul style="list-style-type: none"> • Construct a four-lane roadway on Boones Ferry Road north of Day Road.
Kinsman Rd. Extension	<ul style="list-style-type: none"> • Construct two-lane extension of Kinsman Road from RxR tracks to Day Road. • Construct traffic signals at Kinsman Road/Day Road and Kinsman Road/Ridder Road intersections. • Construct left turn pockets on all approaches at the Kinsman Road/Ridder Road intersection.

Boones Ferry Road/95th Avenue

- Construct an eastbound right turn lane on 95th Avenue. The eastbound approach would consist of a shared through-left turn lane and dual right turn lanes.
- Stripe a westbound separate left turn pocket on the private industrial park approach
- Install median on 95th Avenue to modify the Commerce Circle north approach to 95th Avenue to right in and right out movements only. The median would provide for improved operation of the intersection and increased storage with the existing center turn lane being available for left and through movements.
- Construct a second northbound left turn pocket on Boones Ferry Road at 95th Avenue. Additional widening for two southbound through lanes (a minimum of 500' plus taper) would be required on 95th Avenue to facilitate the dual left turns.

Grahams Ferry Road/Clutter Road

- Construct a westbound left turn pocket on Clutter Road
- Construct a southbound left turn pocket on Grahams Ferry Road
- Construct a traffic signal

Safety Improvement	Recommendation
Grahams Ferry Road Grade Separated Railroad Crossing	<ul style="list-style-type: none"> • Reconstruct Grade Separated Railroad Crossing to City of Wilsonville Minor Arterial standards.
Clutter Road/Grahams Ferry Road Intersection Sight Distance	<ul style="list-style-type: none"> • Realign Clutter Road to the North as shown in Alternative 2.
Boones Ferry Road Horizontal Curve	<ul style="list-style-type: none"> • As part of the Boones Ferry Road widening, bring horizontal curve up to current standards.

As new industrial development is added in the Coffee Creek Master Plan area south of Day Road, additional transportation improvements would be required. The following measures as shown in Table 7 are related to the impacts of the proposed Coffee Creek Master Plan area south of Day Road. The mitigations as shown are in addition to the improvements identified for the 2030 No build scenario.

Table 7: Coffee Creek Master Plan Area South of Day Road Mitigations

Intersection/ Roadway	Recommended Mitigation
Day Road/Kinsman Road	<ul style="list-style-type: none"> Construct northbound left turn pocket
Grahams Ferry Road/Day Road	<ul style="list-style-type: none"> Construct dual southbound left turn lanes
Boones Ferry Road	<ul style="list-style-type: none"> Construct a third southbound through lane on Boones Ferry Road from Day Road that would drop at the I-5 southbound on-ramp. The existing southbound right turn lane on Boones Ferry Road at 95th Avenue could be removed at the time the third through lane is constructed.

Transit, Bicycle and Pedestrian Facilities

There are currently few existing bicycle and pedestrian facilities and no transit service within the Coffee Creek Master Plan area today. The closest transit stop is located nearby with a SMART bus line that provides stops along 95th Avenue and Commerce Circle (within ½ mile of the Master Plan area).

In addition to providing bike lanes and sidewalks or pathways along planned collectors and arterial roadways, the Master Plan supports local and regional pedestrian and bicycle trail connections that are consistent with the City’s Parks and Open Space Plan. These future

pathways can be constructed within existing power line easement corridors and should connect with Metro’s planned regional trail that will parallel the Portland and Western Railroad. Please refer to Appendix F for a map of existing and planned parks and natural areas and trails.

A pedestrian/bicycle trail connection is recommended between the planned Kinsman Road and Commerce Circle to provide more direct, safe and convenient access to existing SMART bus service. Future transit service routes and bus stops are recommended as the Master Plan area develops over time with new uses and additional employment.

Existing Conditions: Existing bicycle and pedestrian facilities are limited to Day Road and portions of Ridder Road. SMART bus transit stops are located approximately ½ mile east of the Master Plan area along 95th Avenue and Commerce Circle.

Development Issues: Future development has the opportunity to provide adequate setbacks from roadways and property boundaries to allow public access easements for development of future pedestrian and bicycle trails in accordance with the Master Plan. Funding for additional transit service within the Master Plan area will be supported, in part, through increased transit tax revenues that result from the additional employment/payroll that is attracted to the Master Plan area over time.

Please refer to Appendix G Traffic Impact Analysis; and Appendix H Fiscal Impact/Annexation Analysis for added information.

Infrastructure Needs

WATER SYSTEM

Prior to the construction of the City of Wilsonville's Willamette River Water Treatment Plant in 2002, the City relied on eight underground wells in the Troutdale Aquifer to serve its needs. The Willamette River Water Treatment Plant now provides for the City's water needs, with its main transmission line that runs up Kinsman Road. The Water Master Plan provides a plan for evaluating future water system needs to meet anticipated growth.

The Water Master Plan assumes current water usage rates of 44-gallons per day for industrial (average) and 176-gallons per day (peak) per user. The City's Community Development Department has also assumed that two 1.0 mgd average daily demand (ADD) industrial users will locate in the City by 2020 that will also need to be accommodated. The resulting analysis of water demand indicates that average peak day demand for industrial uses will increase from 1.25 mgd (2000) to 8.35 mgd (2020). Total water demand for the city is forecasted to increase from 6.8 mgd (2000) to 20.02 mgd (2020).

The existing Willamette Treatment Plant combined with existing wells has the capacity to handle approximately 10 mgd of total water demand. Future capacity expansion is planned to include 5 mgd through reservoirs (using aquifer storage and recovery wells) and another 5 mgd through expansion at the Willamette Treatment Plant.

The Water Master Plan includes a capital improvement phasing plan that identifies the need to add 4,220 linear feet of 12-inch water line between Grahams Ferry to Ridder Road and Ridder Road to Garden Acres. A preliminary list of recommended water system improvements for the Coffee Creek Industrial Area is provided in Appendix E, and Tables 3-4.

It is important to note, that all identified projects and cost estimates are made for preliminary planning purposes. Site survey work will need to occur and the City will need to update its water system model to determine more accurate on and off-site water system improvements and trunk line size, location and cost. Hence, additional water system

improvements could include a pro rata share of off-site improvements for the new reservoir and pump stations. The City operates Willamette Water Treatment Plant, which provides the majority of the City's water needs, with its main transmission line that runs up Kinsman Road (south of the Master Plan area).

The City's Water Master Plan includes a capital improvement phasing plan that serves the Coffee Creek Industrial Master Plan area.

Development Issues: Water main transmission supply lines exist through the central and southern portions of the Master Plan area.

Infrastructure Needs: The water master plan needs to be updated to reflect more accurate site topography and current long-range demand levels. An additional reservoir would be needed at some point to provide adequate peak capacity prior to build out of the Master Plan area. Once the water master plan has been updated, more specific estimates of future infrastructure needs can be made.

SEWER SYSTEM

The Coffee Creek Master Plan Area is located in the City of Wilsonville's United Disposal Interceptor sewer trunk line basin subarea. The majority of the Coffee Creek Urban Planning Area was included as Urban Planning Area 4 (UPA-4) in the Sewer Master Plan. This area was assumed to include the Coffee Creek Correctional Institution (on 113-acres) and 313-acres of future industrial land. Future unit flow assumptions for industrial uses were forecasted to be 2,000 gallons/day/acre. After considering factors for average daily flows, the industrial portion of UPA-4 is assumed to generate 626,000 gallons per day (gpd) of sewer flow at build-out.

It should also be noted that the assumptions included in the Preliminary Urban Reserve Plan for Coffee Creek Area 42 (prepared in 1998), calculated sewer flows at 3.0 mgd for the prison and industrial sites that can serve between 12 and 21 persons per acre. The current sewer master plan assumes 0.8 mgd of average flows from this area, which is consistent with the lower end of the range in employment (12 jobs/acre).

The master plan for Coffee Creek Industrial Area (south of Day Road) estimates potential employment to be 9 jobs/gross buildable acre for each Alternative. Hence, the sewer capacity assumptions appear to be in line with current sewer master plan assumptions.

The sewer master plan identifies two specific capital improvements that would be required to adequately serve the majority of the Coffee Creek Planning Area. These include:

- United Disposal Parallel Pipe (CIP-UD1 and listed as SS-1 in Appendix C). Includes construction of a 12-inch line from SMH3503 to SMH0269 to convey peak wastewater flows over a distance of 5,315 feet. The project includes an 8-foot diameter manhole with a diversion weir. Rail-crossing will require trenchless technology. Alternative alignments should be investigated to minimize impacts to wetland and natural areas. This project should coordinate with Kinsman Road extension where possible. Estimated cost for the Kinsman segment of this pipe is \$680,000. Additional off-site costs were estimated by the City in 2001 to be approximately \$1,105,704. After adjusting for cost escalation, the current cost for off-site construction for this project is likely to be approximately \$1.47 million.
- Garden Acres Road New Trunk Sewer (CIP-UD3 and SS-3 in Appendix C). Includes a new 12-inch trunk service extension along Garden Acres Road between Day Road and SW Ridder Road to serve future development. A portion of this project was constructed a few years ago to accommodate the prison demand. Remaining cost for the Garden Acres extension segment of this pipe is approximately \$200,000.

Additional sewer line improvements that are recommended for the Planning Area are reflected in the sewer facility maps in Appendix F. It is important to note, that all identified projects and cost estimates are made for preliminary planning purposes.

Development Issues: Sewer Main trunk links are located within the central portion of the Coffee Creek Master Plan area.

Infrastructure Needs: The sewer master plan includes the Master Plan area in the hydraulic modeling and long range capital improvement program. Site survey work will need to occur and the City will need to update its sewer system model to determine more accurate on and off-site sewer system improvements and trunk line size/location, pump station requirements, and cost.

STORM DRAINAGE

The Coffee Creek Master Plan area is located within the Coffee Lake Creek Basin. The north tributary to Basalt Creek is located south of Day Road. Basalt Creek drains into Coffee Creek Lake and extends north of Day Road into the City of Tualatin UGB. The master plan area is relatively flat with topography that varies 1-5 feet in elevation, and gently slopes from north to south.

The Storm Water Maser Plan identifies potential regional detention facilities in the Coffee Creek area as effective pollution reduction facilities. Planned facilities in the Planning Area include:

- North Wilsonville Planning Area comprehensive storm drainage system. The former Urban Reserve Area 42 (portion of Coffee Creek Planning Area) requires a system of storm drainage improvements in addition to on-site storm water detention and treatment provided by developers.

The City requires each new development within the Coffee Creek Industrial Master Plan area to detain and treat any projected run off per existing City Code, it is recommended that the planned Kinsman Road and Grahams Ferry Road improvements be constructed as "green streets." Green streets will require a variance from existing City Street Standards to allow bio-swales and pervious surfaces to be used in lieu of curb and gutter to help convey storm water runoff.

Another recommendation of the Coffee Creek Master Plan is for the City to conduct a Basalt Creek and Coffee Creek sub-basin analysis to better define existing storm water events and flooding-related issues. Future development within the sub-basin should be modeled to

ascertain likely impacts of urban development, and to identify impacts of beneficial storm water design standards. The possibility for a new regional storm water detention pond within the Coffee Creek Planning Area should be assessed. Please refer to Appendix F for a map of existing and planned storm water facilities.

Development Issues: Storm Water facilities are an important element of the Coffee Creek Master Plan area given the site's proximity to the Coffee Creek Lake wetlands area, and its tributaries.

Infrastructure Needs: Runoff from future streets or access roads and development will need to meet City design criteria for storm water quality and quantity control, by handling potential runoff with on-site detention and treatment facilities. A new conveyance system can be installed along the roadways. Site development runoff will need to be treated and detained, if necessary, before being discharged to the public drainage systems.

OTHER UTILITIES

Pacific Natural Gas currently serves the master plan area.

Portland General Electric provides local power distribution and has a high power transmission main (69 KV) running parallel to the east side of the master plan area.

Communications, internet, and television services are provided by a variety of service providers within close proximity.

Parks and Recreation

Protecting natural resources is a hallmark of the Wilsonville Comprehensive Plan and the Parks and Recreation Master Plan. Natural resource protection and opportunities to partner with private land owners, as has historically been the case in Wilsonville, should be considered during the planning process for the Coffee Creek Area. Focus is placed on creating an interconnected park system including

greenways and trails, but also connections for bike, pedestrian, and transit transportation choices.

The recommended plan for the Coffee Creek Master Plan area includes at least four new waysides which can function as strategic "gateway" design features with informational displays that depict area site/building configurations. These waysides should also function as "pocket parks" for local employees and residents with picnic tables and benches.

There are also local and regional pedestrian and bicycle trail connections that are included in the Coffee Creek Industrial Area plan. These pathways can be constructed within existing power line easement corridors and should connect with Metro's planned regional trail that will parallel the Portland and Western Railroad. Please refer to Appendix F for a map of existing and planned parks and natural areas and trails.

Existing Conditions: No existing parks facilities exist within the Master Plan area.

Development Issues: Future development has the opportunity to incorporate pocket parks/wayside facilities into the Master Plan area. In addition to providing facilities along roadways, pedestrian and bicycle paths can be provided as linear parks along existing power line easements, and adjacent to SROZ areas.

4 IMPLEMENTATION

This section addresses four key considerations for Master Plan implementation: provision of urban services, costs, funding options, and consistency with City plans and policies.

Provision of Urban Services

The Coffee Creek Industrial Master Plan will provide a framework to guide the development of public facilities and private uses.

Developers will be responsible for providing local streets and utility connections to trunk line systems. However, to maintain flexibility, the plan focuses primarily on collector and arterial roadway improvements, and water and sewer trunk lines and does not identify specific locations or configurations for local connections. Assumptions are that the best configuration of development would be determined by market opportunities and constraints at the time of development, allowed uses, and other Wilsonville Development Code requirements.

Cost Estimates

Total capital costs for major roads, sewer, water, and stormwater systems have been estimated for buildout of the Master Plan area. (See Table 8) Unit costs were prepared based on local and regional experience with a variety of roadway and pathway projects.

The preliminary capital cost estimates do not include extraordinary cost for right-of-way acquisition, permitting or geotechnical soils work. Extraordinary costs may include special environmental mitigation, subsurface soil enhancements, structural engineering systems, and business/residential relocation assistance.

The preliminary cost estimates also assume "green street" design standards for Kinsman Road and Grahams Ferry Road which are

assumed to consist of 2-lanes with landscaped medians, buffer strips, bike lanes, sidewalks, underground utilities and street illumination. Pathways are assumed to be a mix of pervious and paved surfaces.

TABLE 8 ESTIMATED CAPITAL COSTS FOR COFFEE CREEK MASTER PLAN

Public Facility System	Years 1-5	Years 6+	Total
Water (mainline system)	\$420,000	\$720,000	\$1,140,000
Sanitary Sewer (trunk system)	\$680,000	\$850,000	\$1,530,000
Surface water	*	\$300,000	\$300,000
Transportation			
Collector & Arterial Streets**	\$6,280,000	\$19,840,000	\$26,120,000
Local Streets***	—	—	—
RR-xing	—	\$4,000,000	\$4,000,000
Parks and Waysides	—	\$570,000	\$570,000
Other (planning/permitting/legal)	\$200,000	\$300,000	\$450,000
Total	\$7,630,000	\$26,580,000	\$34,210,000

*Source: Otak, Inc. All costs are stated in 2007 dollar amounts for public facilities within Master Plan area. Additional off-site costs may be required. * Storm water improvements also include benefits derived from construction of green streets for Kinsman Road. ** These transportation projects include \$16.7 million for roads and \$4.0 million for the railroad crossing that is recommended under the "no build" scenario. *** Local street costs are not estimated and will be incurred by developers.*

Major public infrastructure items including roads, trails, water, sewer, and storm water facilities are estimated to cost approximately \$7.6 million over the initial five years, as indicated in Table 8. Additional capital costs are expected to require another \$26.6 million for on-site public facility investments (excluding local streets, which are assumed to be paid and constructed by private developer(s)). It should be noted that

approximately \$16.7 million in road costs and the \$4.0 million rail road crossing improvement are recommended even without annexation and development in Coffee Creek.

Funding Strategies

As with most successful large master planned developments, the Coffee Creek Industrial Area will require a mix of public and private funding and financing for on- and off-site improvements.

The first step in the funding process entails amendments to local (City of Wilsonville and Washington County) Transportation System Plans to identify the facilities identified in Appendices F and G. After the TSP amendment processes occur (assuming there is support from ODOT and other state, Metro and local agencies/stakeholders), the county and/or city can work with ODOT and local stakeholders to update local ordinances (such as the Wilsonville and Washington County Systems Development Charge Methodology), capital improvement programs, and the ODOT State Transportation Improvement Program (STIP) to designate appropriate improvements for funding.

As local plan amendments are adopted, funding sources should be identified. Potential local funding sources may include the following:

Local Systems Development Charges (City and County)
Local Improvement District (LID)
Developer Dedications
Wilsonville Urban Renewal Program
Metro Transportation Improvement Program
Oregon Statewide Transportation Improvement Program
Oregon Immediate Opportunity Program
Oregon Community Development Block Grant Program
Oregon Industrial Development Revenue Bond Program (financing)
Oregon Infrastructure Bank (financing)
OECD Special Public Works Fund (financing)

ECONOMIC AND FISCAL IMPACTS

If we assume the Master Plan area is fully built out by year 2030, the general conclusions that can be reached by this analysis include:

- Total assessed value of development would increase from approximately \$16 million today to \$258 million per year.
- At current property tax rates, the increase in local assessed value would generate about \$1.4 million in new annual property tax revenues for the City, and \$6.5 million in new annual property tax revenues for Washington County.
- Annual net city revenue collections (revenues from fees less governmental service costs for water, sewer, police, planning, etc.) are expected to yield a net annual fiscal benefit to the City of Wilsonville of approximately \$325,000 per year (before any additional debt service).
- Significant positive economic impacts are anticipated from the more than hundreds of construction jobs and 1,470 permanent jobs.
- The added permanent income of \$55 million in direct payroll to the site's 1,470 employees is expected to generate an total direct/indirect regional economic impact of approximately \$135 million per year.
- The direct payroll is expected to support over \$4.0 million in annual state income tax revenues at buildout.
- Additional transit tax revenues will be realized by SMART (local transit provider) as new payroll is added within their service district.

Please refer to Appendix H for a detailed analysis of economic and fiscal impacts.

Consistency with City Plans and Policies

The Coffee Creek Industrial Master Plan will provide a framework to guide the development of public facilities and private uses. This means that the policies, zoning, and codes must be consistent with the Master Plan to support the long-term vision. Implementation is strengthened by the supportive City policies including:

- Establish new design overlay zone for properties along Day Road that are achievable and flexible yet focused on building forms, site layout, landscaping, and transit/pedestrian connectivity.
- Ensure that existing remaining SROZ areas are protected with natural landscaping, vegetation, and mature trees “incorporated” into future site development plans and projects.
- Adopt new code language that requires coordinated annexation requests for a stated minimum threshold of land area not less than 50 acres at a time, unless this condition cannot be met.
- Explore ways to limit storm water run-off impacts caused by increases in impervious surface areas (e.g., building rooftops, parking areas, streets, etc.) by conducting a sub-regional storm water basis analysis and action strategy. This storm water analysis should consider impacts of various public and private improvements, such as green streets, sub-regional detention/treatment ponds, bio swales, filtration devices, and eco-roofs.
- Allow green street design standards as a potential variation to the City’s current roadway design standards within the Master Plan area.
- Explore and quantify potential local funding sources that can be used to pay for new collector and arterial roads, transit service, bicycle/pedestrian facilities, storm water mitigation, water, and sewer improvements. This additional analysis should include but not be limited to the formation of a new System Development Charge overlay district, Local Improvement Districts, and/or an Urban Renewal District.

Draft development code amendments are included in Appendix I. In addition to the development code amendments, the City of Wilsonville and Washington County may be required to adopt additional

amendments to Comprehensive Plans, Public Facility Plans, Transportation System Plans, and Capital Improvement Programs to implement the Master Plan. The City of Wilsonville and Washington County should also review and update their intergovernmental agreement for planning and providing urban services for areas north of Day Road and west of the Portland and Western Railroad.

Washington County Transportation System Plan

Amendments may be required to the County TSP pending the outcome of the Traffic Impact work. Potential TSP amendments may include:

- Identification of planned improvements to widen Lower Boones Ferry Road north of Day Road to four lanes.

Wilsonville Transportation System Plan

Amendments will be required to the Wilsonville TSP to address adequate public facility requirements in accordance with Oregon Land Use Planning Goal 12 Transportation and Metro Title 11 requirements. Recommended TSP amendments include amending Chapter 5 of the 2003 TSP by adding the projects listed in Table 9.

Table 9 City of Wilsonville Draft TSP Amendments

ID #	Project Name	Prelim. Cost Estimate (millions)	Priority
C-24	Kinsman Road (Day Road to Ridder Road)	\$6.00	Years 1-5
T-4	Boones Ferry Road/95 th Avenue northbound turn lane	\$0.20	Years 6+
T-5	Clutter Road/Grahams Ferry Road westbound left turn lane	\$0.85	Years 6+
T-6	Grahams Ferry Road/Clutter Road southbound turn lane	\$0.30	Years 6+

Table 9 (continued)

T-7	Grahams Ferry Road/Clutter Road signal	\$0.28	Years 6+
T-8	Grahams Ferry Road Railroad Crossing	\$4.00	Years 6+
T-9	Boones Ferry Road widen four-lane section north of Day Road	\$2.49	Years 6+
T-10	Tonquin/SW Grahams Ferry Road westbound turn lane	\$0.30	Years 6+
T-11	Tonquin/SW Grahams Ferry Road northbound turn lane	\$0.30	Years 6+
T-12	Tonquin/SW Grahams Ferry Road signal	\$0.28	Years 6+

Source: Otak and DKS Associates.

Wilsonville Capital Improvement Program

Additional projects that are recommended for inclusion in the City's CIP include:

- Kinsman Road Engineering and Permitting (with \$500,000 to identify corridor issues, traffic conditions, right-of-way requirements, design sections, land use forecasts, improvement alternatives analysis, capital costs, environmental impacts, and recommendations regarding design sections, alignment, improvement, and phasing/funding);

- Coffee Creek I water transmission line extension along Kinsman Road with approximately \$420,000 for planning, design, and capacity improvements;
- Coffee Creek I sanitary sewer transmission line extension along Kinsman Road with approximately \$680,000 for planning, design, and capacity improvements;
- Coffee Creek Industrial Area SDC Overlay and Urban Renewal Study, with an approximately \$60,000 in funding to be scheduled in 2007/08.
- Coffee Creek I survey work and update of the City's water and sewer capacity models, with approximately \$40,000 in funding, to be schedule in 2007/08.
- Coffee Creek area storm water sub basin analysis, with approximately \$100,000 in funding, to be scheduled in 2008/09.

Note, that all of these recommended CIP improvements would likely require funding that exceeds existing local SDC funding commitments. Hence, the city should work closely with ODOT and other state and local entities to leverage non-city public and private funding resources.

The city should adopt the Master Plan, and then subsequently complete updates to the City Water and Wastewater Master Plans. There are several preliminary water and sewer improvements identified in the Master Plan that can be incorporated into annual updates of the City's Water and Wastewater Improvement Programs.

OTHER

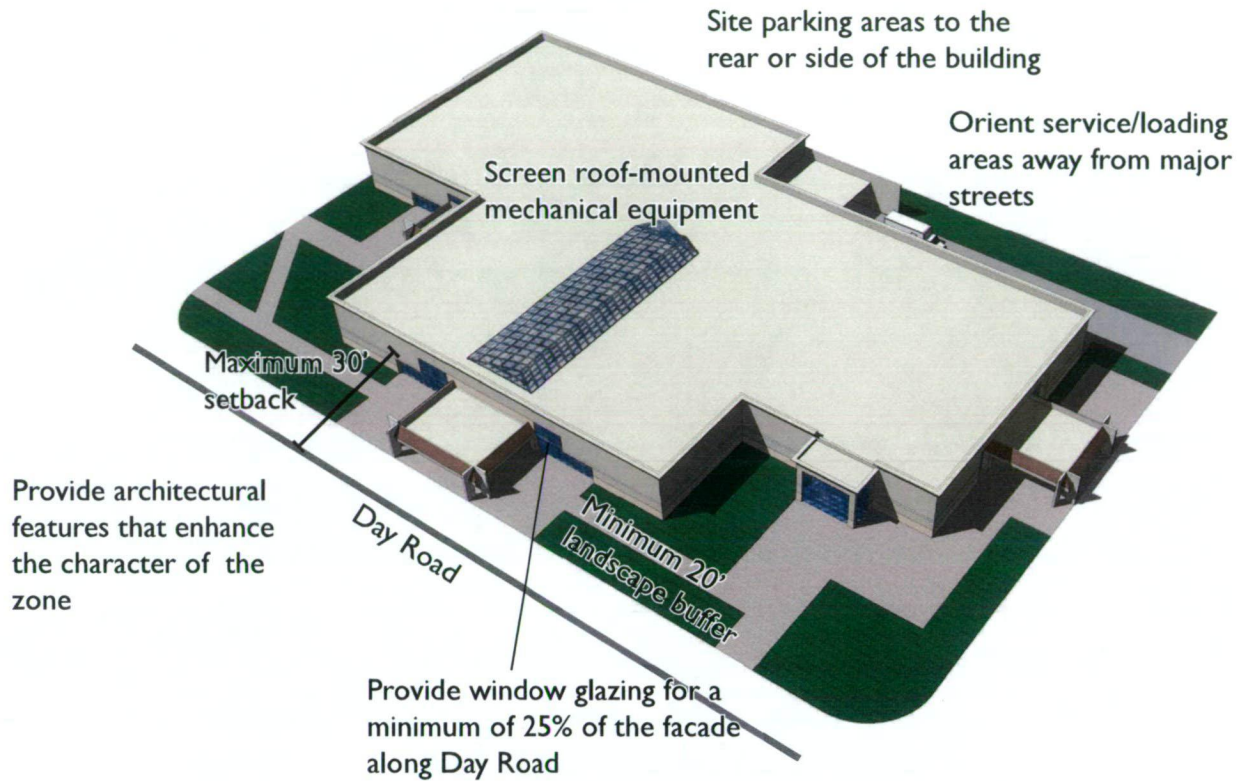
To codify the Master Plan, a number of refinements to public facility plans and the draft code amendments for the Master Plan may need updating with map changes and additional text. Recommended code amendments include a new design overlay district for Day Road (Figure

4) and Green Street roadway standards (Figure 5). Additional amendments will be identified by City of Wilsonville planning staff as part of the adoption process.

The Coffee Creek Master Plan recommends adoption of green street design standards (example shown in Figure 5) within the Master Plan area. Green streets can be an element of an overall storm water control plan and Action Strategy for the Basalt Creek/ Coffee Lake sub-basin to mitigate storm water run-off impacts caused by increases in impervious surface areas (e.g., building rooftops, parking areas, streets, etc.), and to alleviate impacts that would be caused during peak flood events.

Figure 4

Coffee Creek Industrial Area - Day Road Design Overlay Zone



Collector Green Street

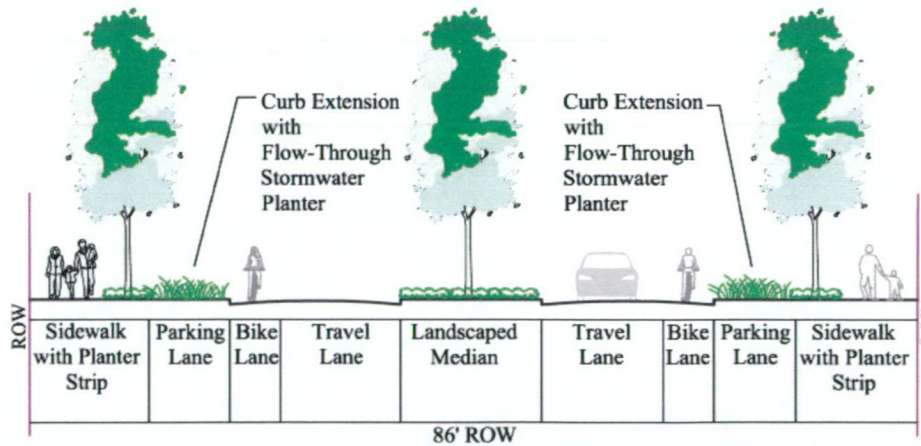


Figure 5