

AFFIDAVIT OF POSTING

ORDINANCE CB-0-95-87

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 29th day of June, 1988, I caused to be posted copies of the attached Ordinance CB-O-95-87, an Ordinance amending the Zoning Map of the City of Wilsonville (application of Robert Randall Company for a Zone Map amendment from RA-1 to PDR for Tax Lots 300 and 1802, T3S-R1W, Section 13A) and repealing previous Conditions of Approval as set forth in Ordinances No. 161 (Tolovana/Lindquist) and 175 (Gesellschaft), in the following four public and conspicuous places of the City, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 5th day of July, 1988.

Vera A. Rojas
VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 5th day of ~~June~~, 1988.
July

[Signature]
NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-25-89

ORDINANCE NO. 329

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (APPLICATION OF ROBERT RANDALL COMPANY FOR A ZONE MAP AMENDMENT FROM RA-1 TO PDR FOR TAX LOTS 300 AND 1802, T3S-R1W, SECTION 13A) AND REPEALING PREVIOUS CONDITIONS OF APPROVAL AS SET FORTH IN ORDINANCES NO.161 (TOLOVANA/LINDQUIST) AND 175 (GESELLSCHAFT) (WILSONVILLE MEADOWS)

WHEREAS, the Robert Randall Company filed an application with the City to modify the Stage I Master Plans for 123.3 acres of property commonly known as the Gesellschaft (Planning file 80PC15) and the Tolovana/Lindquist (Planning file 80PC4) developments and to change the zone classification from RA-1 (Residential Agriculture - one acre minimum) to PDR (Planned Development Residential) for 21.5 acres of property identified as Tax Lots 300 and 1802, T3S-R1W, Section 13A, Clackamas County, Oregon. The parcels which are subject to the requested Stage I Master Plan modification submitted by the applicant are Tax Lots 301 and 302, T3S-R1W, Section 13 and Tax Lots 300, 401, 600, 1800, 1801, 1802, 1900 and the public right-of-way of Angel Street, T3S-R1W, Section 13A, City of Wilsonville, Clackamas County, Oregon, and

WHEREAS, the applicant's request for the Zone Change and modified Stage I Master Plan was received and processed in accordance with Sections 4.008 and 4.138 of the Wilsonville Code and notice of the public hearing held before the Wilsonville Planning Commission on May 9, 1988, was duly posted and published, and

WHEREAS, the Planning Commission held a public hearing at which they reviewed the staff report, the applicant's submittal, all exhibits and other materials brought before them and gathered testimony from all interested parties. After considering all evidence, the Commission voted to approve the Stage I Master Plan (as modified) and to adopt Conditions of Approval necessary to implement the Master Plan and to protect the public health, safety and welfare. The Commission also voted to recommend approval of the requested Zone Change to the City Council. The Commission adopted Planning Commission Resolutions 88PC15 and 88PC15A which set forth Conditions of Approval and adopt appropriate findings which justify the Commission's decisions and actions regarding this development, and

WHEREAS, the Conditions of Approval adopted by the Planning Commission in Resolutions No. 88PC15 and 88PC15A are intended to implement the Master Plan, as modified, and to insure that the Zone Change is in the best interest of the City, and

WHEREAS, the Conditions are found to be in conflict with previous Conditions of Approval set forth in Ordinances No. 161 and 175. Such previous Conditions of Approval which were appropriate to apply to the current development proposal have been incorporated into the new Conditions of Approval adopted by the Planning Commission. The new Conditions are, as mentioned above, set forth in the Commission's Resolutions, and

WHEREAS, the Commission's approval was, and is, conditional and is subject to the City Council's approval of the zone map amendment which was requested for the 21.5 acres of property which is located east of Wilsonville Road, and

WHEREAS, the Wilsonville City Council, after providing the required notices, held a public hearing on June 6, 1988, to review the record of proceedings of the Planning Commission and gathered additional evidence and testimony concerning this development request.

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

Section 1. That the official zoning map of the City is hereby amended and changed so that Tax Lots 300 and 1802, T3S-R1W, Section 13A, Clackamas County, Oregon, are reclassified from RA-1 to PDR. The Planning Director is hereby authorized and directed to make the changes on the zoning map upon the effective date of this Ordinance and in compliance with this Section.

Section 2. The previous Conditions of Approval set forth in Section 2 of Ordinance No. 161 and Section 2 of Ordinance No. 175 are hereby found to be inapplicable to the Stage I Master Plan, as modified, and are repealed in their entirety. The Planning Commission's Conditions of Approval, as set forth in Resolutions 88PC15 and 88PC15A, are intended to replace all previous conditions, are necessary to implement the modified Master Plan, are necessary to protect the City's interests, and are necessary to assure the continued well-being of the public health, safety and welfare and are, therefore, adopted and incorporated herein by reference; provided further the Conditions of Approval are amended by modifying Condition No. 18, by replacing Condition No. 26 with a new Condition No. 26 and adding Condition No. 28 as follows:

18. Sanitary sewage from the subject site will traverse along the existing 12" Boeckman Creek trunkline to an existing sewage pump station located in Memorial Park. The City Building Official has completed an inventory (on 4/19/88) of the available hookups left in the existing pump station and found that only 80 are available; therefore, the impact of this

development will require that the Boeckman Creek lift station be improved. On December 12, 1985, the City accepted the construction plans for a new lift station, which includes a new facility with a 14" force main to be constructed to the treatment plant. This improvement must be completed before occupancy permits can be issued for the subject site unless other adequate sewer capacity is demonstrated and approved by the City Engineer. This project was listed on the City's capital improvement plan and was scheduled to be constructed in 1986; however, funding was not available.

26. A development agreement shall be entered into between the applicant and the City. The agreement shall apportion the development costs in keeping with the City Engineer's proposed preliminary design, rough costs estimates, and apportionment formula based on traffic generation projections as outlined in the findings. The development agreement shall be sufficiently secured or guaranteed to provide financial security to construct the project. It is recognized that the City Engineers preliminary cost estimates and apportionment formula may be changed in the final agreement based on more precise information. This agreement must be in place prior to any building permit being issued and there shall be sufficient funds in the City's system development

fund to finance its share or there shall be sufficient funding mechanisms in place to guarantee fund availability for prudent financial management by the City. However, the City recognizes that there is a need to have flexibility for some phased development of applicant's planned unit development prior to start of the improvement project even though the development agreement assuring funding must first be in place. This can be coordinated through staff and the Planning Commission.

The City further recognizes that total buildout of the improvement project may have to be modified in the interim in recognition of the percentage attributable to the high school site and other developable properties, the probable lack of development funds by the owner of the high school site, West Linn School District, and other property owners and that this cannot be fully determined at this time. Nevertheless, the funding agreement shall be based on full build-out subject to adjustment as agreed upon by the applicant and the City for non-participation at the time of initial construction by other adjacent property owners.

28. No building permits shall be issued to the applicant unless and until the Local Improvement assessments and accrued interest on the properties involved in this assessment and such applications are paid in full.

Section 3. The findings set forth in the Planning Commission's Resolutions 88PC15 and 88PC15A are hereby adopted by reference in support of the Council's decision in enacting this Ordinance together with additional findings 10 and 11 as follows:

10. A substantial portion of the land proposed for development is subject to unpaid assessment petitioned and applied for by the Robert Randall Company in connection with LID No. 6. The City has declared fully due and payable the whole of the assessment and accrued interest and declared its intent to foreclose in Resolution No. 662, adopted April 18, 1988. Warrants still outstanding financing the underlying construction are primarily applicable to the delinquent assessment. It is not financially prudent in the best interest of the public welfare to permit building of this development while said assessments and accrued interest are fully due and payable.

11. It has appeared from the record before the Planning Commission, the Planning Commission's Resolution with findings and conditions and the applicant's presentation and submittals to the City, that the traffic generated by this project will have substantial impact on Wilsonville Road from the existing curb section east of the Boeckman Creek bridge north to the intersection of Boeckman Road. Given the current condition of this portion of Wilsonville Road, its geographic design and current width of this portion of Wilsonville road, that a design of and improvement to a modified full "D" section, street improvement as for this portion of Wilsonville Road, to include one travel lane in each direction and a center turn lane, as determined by street intersections and access points, as shown on the Engineer's Exhibit 4.d. is necessary. It is recognized that there would be substantial cost savings in the road improvement together with the location and construction of other necessary development improvements such as storm drainage, sanitary sewer, water lines, gas, electric and cable utilities if they were coordinated at the same time and not done piecemeal to the extent financing will allow. It is further recognized that Wilsonville Road is an arterial and its improvement affects some general benefit as well as a special benefit to the adjacent properties needing to develop or having future development potential. As an arterial street and to the extent of any general benefit, its improvement can be financed from systems development funds, if such funds are available. Due to the current assessment situation, funding through local improvement/Bancroft bonding is not viewed as a viable financing option. Therefore, a financing development agreement will have to be entered into with the applicant and the City. To this end, the City has requested of its Engineer a preliminary rough design sketch, preliminary rough costs of total improvement costs for the road improvement, associated utility extensions and construction, and right-of-way acquisition, and an apportionment formula based on traffic generation to provide a general outline for such an agreement.

The Engineer's preliminary rough design sketch is attached as Exhibit 4.d. His preliminary rough cost estimate is \$2,809,122. His traffic assessment and apportionment formula is based on the City's Traffic Report by Carl Buttke and recognized engineering

standards for traffic projection for the type of development proposed by applicant and probable future development based on the Comprehensive Plan, inclusive of a high school site.

A projection of traffic generation to apportion Wilsonville Road improvement costs is as follows:

Unit Identifier Percentage	Owner	Unit Count	Daily Trip Volumes	
Wilsonville Meadows 70.37%	Randall Co.	1281 units	9,300	
Tax Lots 201 and 202 0.98%	----	13 units	130	
Tax Lot 200 0.38%	----	5 units	50	
Tax Lot 100 8.66%	West Linn School District	500 students - high school	1,145	
Tax Lot 200 0.61%	----	8 units	80	
Tax Lot 1000 5.30%	----	70 units	700	
Thru trips 13.70%	City of Wilsonville	----	1,811	
100.00%				13,216
Preliminary estimate of Wilsonville road improvement costs			\$2,809,122	
Estimate of Systems Development Fee Revenue for 1,281 unit development				
\$640,500 - \$60,000 Credit for a total of \$580,500				
Individual cost apportionments based on traffic generation				
Randall Company	70.37%	\$1,976,779.15		
City of Wilsonville	13.7%	\$ 384,849.71		

The findings, as amended and adopted, supplement the previous findings adopted to support Ordinance No. 161 and Ordinance No. 175. In the event of conflict, the findings set forth in Resolutions 88PC15 and 88PC15A and their amendments shall supersede and take precedence over any previous findings.

Section 4. The modified Stage I Master Plan, as presented to and approved by the Planning Commission, hereby replaces all previous Master Plans approved for the 144.8 acre property, or any portion(s) thereof.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 20th day of June, 1988, and scheduled for a second hearing at a regular meeting of the City Council on the 5th day of July, 1988, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.

Vera A. Rojas
VERA A. ROJAS, City Recorder

ENACTED by the Council on the 5th day of July, 1988, by the following votes:
AYES: 3 NAYS: 1 ABSTAIN: 1.

Vera A. Rojas
VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 6th day of July, 1988.

William E. Stark
WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark AYE
Councilor Edwards ABSTAIN
Councilor Braymen NO
Councilor Clarke AYE
Councilor Jameson AYE

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: STEVE STARNER, COMMUNITY DEVELOPMENT DIRECTOR
WAYNE C. SORENSEN, PLANNING DIRECTOR WCS

DATE: JUNE 20, 1988

RE: WILSONVILLE MEADOWS (88PC15A) - CONDITIONS
OF APPROVAL NO. 18, 26 AND 28

The Wilsonville Planning Commission, on May 9, 1988, approved a conceptual Preliminary Master Plan modification for 123.3 acres of property previously known as the Gesellschaft and the Tolovana/Lindquist developments which were located on the west side of Wilsonville Road and east of Boeckman Creek. The Planning Commission issued their approval subject to twenty-seven (27) Conditions of Approval.

The Planning Commission also recommended that the City Council approve a zone map amendment from RA-1 to PDR for 21.5 acres of property identified as Tax Lots 300 and 1802, T3S-R1W, Section 13A, which is incorporated into the overall Master Plan. This 21.5 acre property is the same site for which the Robert Randall Company proposed the Wagner Farm Mobile Home Park. The City Council denied a requested zone change from RA-1 to PDR to allow development of the mobile home park on March 3, 1986.

The Planning Commission voted 3-2 to recommend approval of the zone map amendment to the Wilsonville City Council. Commissioners Williams, Wiedemann and Ransom voted in favor; Commissioners Burns and Hendershott voted in opposition and Commissioners Andersen and Dant were absent.

After the public hearing held on June 6, 1988, the City Council directed staff to return the proposed Ordinance for first reading at the June 20 meeting and to review Conditions No. 18 and 26.

Staff recommends that City Council adopt the following findings and conditons to be added to both the Supplemental Wilsonville Meadows Stage I Master Plan and Zone Change, respectively, as follows:

FINDINGS

10. A substantial portion of the land proposed for development is subject to unpaid assessment petitioned and applied for by the Robert Randall Company in connection with LID No. 6. The City has declared fully due and payable the whole of the assessment and accrued interest and declared its intent to foreclose in Resolution No. 662, adopted April 18, 1988. Warrants still outstanding financing the underlying construction are primarily applicable to the delinquent assessment. It is not financially prudent in the best interest of the public welfare to permit building of this development while said assessments and accrued interest are fully due and payable.

11. It has appeared from the record before the Planning Commission, the Planning Commission's Resolution with findings and conditions and the applicant's presentation and submittals to the City, that the traffic generated by this project will have substantial impact on Wilsonville Road from the existing curb section east of the Boeckman Creek bridge north to the intersection of Boeckman Road. Given the current condition of this portion of Wilsonville Road, its geographic design and current width of this portion of Wilsonville road, that a design of and improvement to a modified full "D" section, street improvement as for this portion of Wilsonville Road, to include one travel lane in each direction and a center turn lane, as determined by street intersections and access points, as shown on the Engineer's Exhibit 4.d is necessary. It is recognized that there would be substantial cost savings in the road improvement together with the location and construction of other necessary development improvements such as storm drainage, sanitary sewer, water lines, gas, electric and cable utilities if they were coordinated at the same time and not done piecemeal to the extent financing will allow. It is further recognized that Wilsonville Road is an arterial and its improvement affects some general benefit as well as a special benefit to the adjacent properties needing to develop or having future development potential. As an arterial street and to the extent of any general benefit, its improvement can be financed from systems development funds, if such funds are available. Due to the current assessment situation, funding through local improvement/Bancroft bonding is not viewed as a viable financing option. Therefore, a financing development agreement will have to be entered into with the applicant and the City. To this end, the City has requested of its Engineer a preliminary rough design sketch, preliminary rough costs of total improvement costs for the road improvement, associated utility extensions and construction, and right-of-way acquisition, and an apportionment formula based on traffic generation to provide a general outline for such an agreement.

The Engineer's preliminary rough design sketch is attached as Exhibit 4.d. His preliminary rough cost estimate is \$2,809,122. His traffic assessment and apportionment formula is based on the City's Traffic Report by Carl Buttke and recognized engineering standards for traffic projection for the type of development proposed by applicant and probable future development based on the Comprehensive Plan, inclusive of a high school site.

A projection of traffic generation to apportion Wilsonville Road improvement costs is as follows:

<u>Unit Identifier</u>	<u>Owner</u>	<u>Unit Count</u>	<u>Daily Trip Volumes</u>	<u>Percentage</u>
Wilsonville Meadows	Randall Co.	1281 units	9,300	70.37%
Tax Lots 201 and 202	----	13 units	130	0.98%
Tax Lot 200	----	5 units	50	0.38%
Tax Lot 100	West Linn School District	500 students - high school	1,145	8.66%
Tax Lot 200	----	8 units	80	0.61%
Tax Lot 1000	----	70 units	700	5.30%
Thru trips	City of Wilsonville	----	<u>1,811</u>	<u>13.70%</u>
			13,216	100.00%

Preliminary estimate of Wilsonville road improvement costs	\$2,809,122	
Estimate of Systems Development Fee Revenue for 1,281 unit development		\$640,500
Minus Systems Development Credit		<u>- 60,000</u>

Balance	\$540,500
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Individual cost apportionments based on traffic generation		
Randall Company	70.37%	\$1,976,779.15
City of Wilsonville	13.7%	\$ 384,849.71

The Conditions of Approval adopted by the Planning Commission are modified by the City Council by amending Condition No. 18; adopting a new Condition No. 26 and adding a new Condition No. 28 as follows:

18. Sanitary sewage from the subject site will traverse along the existing 12" Boeckman Creek trunkline to an existing sewage pump station located in Memorial Park. The City Building Official has completed an inventory (on 4/19/88) of the available hookups left in the existing pump station and found that only 80 are available; therefore, the impact of this development will require that the Boeckman Creek lift station be improved. On December 12, 1985, the City accepted the construction plans for a new lift station, which includes a new facility with a 14" force main to be constructed to the treatment plant. This improvement must be completed before occupancy permits can be issued for the subject site **unless other adequate sewer capacity is demonstrated and approved by the City Engineer.** This project was listed on the City's capital improvement plan and was scheduled to be constructed in 1986; however, funding was not available.

26. A development agreement shall be entered into between the applicant and the City. The agreement shall apportion the development costs in keeping with the City Engineer's proposed preliminary design, rough costs estimates, and apportionment formula based on traffic generation projections as outlined in the findings. The development agreement shall be sufficiently secured or guaranteed to provide financial security to construct the project. This agreement must be in place prior to any building permit being issued and there shall be sufficient funds in the City's system development fund to finance its

share or there shall be sufficient funding mechanisms in place to guarantee fund availability for prudent financial management by the City. However, the City recognizes that there is a need to have flexibility for some phased development of applicant's planned unit development prior to start of the improvement project even though the development agreement assuring funding must first be in place. This can be coordinated through staff and the Planning Commission.

The City further recognizes that total buildout of the improvement project may have to be modified in the interim in recognition of the percentage attributable to the high school site and other developable properties, the probable lack of development funds by the owner of the high school site, West Linn School District, and other property owners and that this cannot be fully determined at this time. Nevertheless, the funding agreement shall be based on full buildout subject to adjustment as agreed upon by the applicant and the City for non-participation at the time of initial construction by other adjacent property owners.

27. Shall remain as written.
28. No building permits shall be issued to the applicant unless and until the assessment and accrued interest on the properties involved in this assessment and this application are paid in full.