

AFFIDAVIT OF POSTING
ORDINANCE CB-0-104-87

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 2nd day of November, 1988, I caused to be posted copies of the attached Ordinance CB-O-104-87, an Ordinance amending Ordinance No. 318 so as to remove the proposed Boeckman Interchange (O.D.O.T.) from the public facility project list and map and amending the Comprehensive Plan so as to include the Boeckman Interchange in the plan as Area 11 Areas of Special Concern, 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 7th day of November, 1988.



VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 18th day of November, 1988.



NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-89

CITY COUNCIL
ORDINANCE NO. 335

**AN ORDINANCE AMENDING ORDINANCE
NO. 318 TO REMOVE THE PROPOSED
BOECKMAN INTERCHANGE (ODOT) FROM THE
PUBLIC FACILITY PROJECT LIST AND MAP AND
AMENDING THE COMPREHENSIVE PLAN TO
INCLUDE THE BOECKMAN INTERCHANGE IN THE
PLAN AS AREA 11 - AREAS OF SPECIAL CONCERN**

WHEREAS, the Wilsonville City Council adopted the Final Order (Periodic Review) by Resolution No. 637 on October 5, 1987; and

WHEREAS, the Wilsonville City Council adopted Ordinance No. 318 on November 2, 1987, and later adopted Ordinance No. 327 on June 23, 1988, in an earnest and good faith attempt to complete Periodic Review; and

WHEREAS, the Oregon Department of Transportation subsequently filed an objection to the City's Final Order on December 3, 1987, because the proposed Boeckman Interchange had been included on the Public Facility Project List and Map; and

WHEREAS, the City of Wilsonville desires a Boeckman Interchange to be constructed and also desires to complete its periodic review; and

WHEREAS, the City of Wilsonville and the Oregon Department of Transportation agree to accept a compromise presented by the Department of Land Conservation and Development (DLCD) which resolves the current dispute and enables the City to complete Periodic Review without any admission, waiver or estoppel of the City's position that Boeckman Interchange should be constructed.

NOW, THEREFORE, the City Council of the City of Wilsonville ordains as follows:

Section 1

The list of "Project Facility Project Titles" and Project Facility Map No. 4 which were adopted by Ordinance No. 318 and are included in the Comprehensive Plan at the end of Section III, Public Facilities and Services shall be amended to delete "Project #3-10, Boeckman Interchange (ODOT)" from the list and map (see Attachments 1 and 2).

Section 2

The third paragraph of the Road and Transportation Plan (page 23 of the Comprehensive Plan) shall be amended as follows:

The existing capacity of the I-5 Freeway north of the Stafford interchange is between 100,000 and 115,000 vehicles per day. The City's transportation analysis indicates that by the year 2000 a traffic volume of 125,900 vehicles per day could be expected, given today's travel patterns and a 30% shift to mass transit. The Transportation Report also identified a structural deficiency for the Wilsonville Road underpass. This design of the underpass will result in a 40% to 120% overcapacity condition on Wilsonville Road, depending on whether a third interchange at Boeckman Road (see **Areas of Special Concern - Area 11**) is constructed. The Stafford/Elligsen Road overpass also has some less serious design limitations. Additionally, the existing Freeway on-off ramps are inadequate to handle future traffic volumes as projected. The City recognizes these problems and notes that if travel patterns continue as they are today and appropriate street improvements, including Freeway interchanges, are not made, that substantial growth limitations will result. It also, however, recognizes the potentials for proper planning and land use development to generate certain transportation efficiencies. Therefore, the following policies have been established to promote sound economic growth while providing for an efficient and

economical transportation system. The Plan identifies three areas of responsibility in transportation planning.

1. What the City expects to do in providing for efficient transportation.
2. What the City will expect developers and businesses to do in support of efficient transportation.
3. What the City will expect from Federal, State and regional agencies in support of the City's planning efforts.

Section 3

Policy 3.3.14 of the Comprehensive Plan (page 30) shall be amended as follows:

POLICY 3.3.14: The following major street system improvements are necessary to support certain levels of development anticipated in this Plan. The City may not be able to finance all of these improvements and some may be financed by entities other than the City.

- Develop a partial interchange between I-5 to the north and Boeckman Road (see **Areas of Special Concern - Area 11**).

- Widen the I-5 off-ramps at the intersections with the City arterial streets.

- Develop Wilsonville Road as a two-lane arterial with continuous left turn lanes except in the vicinity of I-5 and the Civic Center, where it should be widened to four and five lanes.

- Develop Elligsen Road as a two-lane arterial with left turn lanes at S. W. 65th Avenue and to a four-lane roadway with left turn lanes in the vicinity of Parkway Avenue.

- Develop Boones Ferry Road as a two-lane arterial with a continuous left turn lane in the median area.
- Develop Parkway Avenue as a two-lane arterial with a continuous left turn lane in the median area.
- Develop Boeckman Road as a two-lane arterial with left turn lanes at major intersections.
- Widen Eilers Road and Aurora-Boones Ferry Road south of the Willamette River to two lanes with left turn lanes except in the vicinity of I-5 where it should be five lanes.

Section 4

The Comprehensive Plan shall be amended to include the following (Area 11) as an Area of Special Concern. Additionally, the map which depicts the location of the "Areas of Special Concern" (page 99), shall be amended to show the location of an Area 11 at the intersection of Interstate 5 and Boeckman Road (see Attachment 3). All page numbers shall be revised as needed to accurately reflect the inclusion of the additional material.

Area 11

The City has long viewed the Boeckman Road crossing of I-5 as a suitable location for construction of an interchange with I-5. However, the City also recognizes that I-5, being an interstate freeway, has state and national functions which may not be totally compatible with local interests. The Oregon Department of Transportation (ODOT) has authority along with the Federal Highway Department for the design, construction and operation of I-5. It is understood that ODOT may proceed to make decisions affecting improvements elsewhere on I-5

that may seriously limit or eliminate the feasibility of the Boeckman Road interchange.

The land around the intersection of Boeckman Road and I-5 depicted as Area 11 has been planned with a transportation system which includes the interchange. However, because the City is still evaluating all aspects of need and feasibility, there is at this time no conclusive evidence that an interchange at this location is or is not needed or feasible. In the event that an interchange is not feasible, the City will need to redesign the local transportation system. Because of the potential for a substantial change in this special concern area, the City will regulate and condition land uses as necessary to accommodate an interchange.

As viewed by the City, the rationale for an interchange at this location is at least threefold. (1) Interchange congestion could be reduced by distributing the number of trips among three rather than two interchanges, (2) traffic associated with development allowed by the Wilsonville Comprehensive Plan in the vicinity of Boeckman Road could be expedited more effectively, (3) options for improving traffic conditions upon other roadways serving the City of Wilsonville could be enhanced. The City recognizes that if item three is verified, then the improvement to I-5 at Boeckman Road may be viewed by ODOT as a local improvement which is inconsistent with the purpose of the interstate freeway. This may be sufficient or additional reason for ODOT to reject the interchange.

Because of these, and perhaps other, benefits to the City, the City Council has chosen to highlight the City's interest in this potential project by including this special section in the Comprehensive Plan. The City will continue to cooperate with other interested parties to conduct feasibility analyses of a Boeckman Road interchange. As appropriate, City consultants, staff, the Planning Commission and City Council will conduct reviews and hold public meetings on the options.

In the event that the City determines, with ODOT's concurrence, the feasibility of the interchange, the City will proceed with a plan amendment to add the Boeckman Road interchange to the public facilities plan map and project list. In the event this project is to be included in the City's plan, the City will prepare amendments necessary to include in the plan the other roadways required to complete the City's transportation network. In this regard, the City realizes that, because a Boeckman Road interchange can only be implemented by ODOT, the City will need to obtain agreement from ODOT demonstrating compliance with state and federal regulations pertaining to the addition of new interchanges before the proposed Boeckman Road interchange can be upgraded in the Comprehensive Plan to a policy and be eligible for inclusion in a future update of the public facilities plan map and project list.

Section 5

The findings and conclusions set forth in the Final Periodic Review Order and adopted by Resolution 637 are adopted as if fully set forth herein.

Additionally, the Council finds that the City is well aware of ODOT's objections to a Boeckman interchange and that ODOT is well aware of the City's support of a Boeckman interchange. Over several years the City and ODOT have had a number of meetings and a great deal of correspondence over this issue and, quite frankly, have not reached an agreement. Both ODOT and the City have been very consistent in their respective positions for several years. Therefore, the City concludes that the compromise, as proposed by the Department of Land Conservation and Development, accurately sets forth the respective positions of ODOT and the City; allows for additional planning and analysis for the Boeckman Interchange and the resultant effects on the local surface street system; and additionally, allows DLCD to terminate the City's Periodic Review.

Section 6

That this Ordinance shall be and is hereby declared to be in full force and effect, thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read the first and second time at a regular meeting thereof on the 7th day of November, 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 7th day of November, 1988, by the following votes: YEAS: 5 NAYS: 0.

Vera A. Rojas

VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 9th day of November, 1988.

William E Stark
WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Starke	<u>Aye</u>
Councilor Edwards	<u>Aye</u>
Councilor Clarke	<u>Aye</u>
Councilor Braymen	<u>Aye</u>
Councilor Jameson	<u>Aye</u>

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Wayne C. Sorensen, Planning Director *WCS*
DATE: November 7, 1988
RE: Periodic Review - Agreement with the Oregon
Department of Transportation (ODOT)

The Oregon Department of Transportation has agreed to withdraw their objection to the City's Final Order (Periodic Review) provided that the proposed Boeckman Interchange be deleted from the public facilities plan map and project list and that the project be referenced in the Comprehensive Plan as an "Area of Special Concern".

ODOT formally objected to the Final Order in December, 1987, based on the inclusion of an interchange at I-5 and Boeckman Road. The City objected to ODOT's standing to object to the Final Order in March, 1988. Everything appeared to be stalemated until Jim Sitzman (our Field Representative) met separately with ODOT and the City and suggested that the Boeckman Interchange project be included in the Comprehensive Plan as an "Area of Special Concern" and removed from the public facilities plan map and project list.

Since July, the City and ODOT staffs have agreed to Jim's proposal and worked out specific language to describe the "Area of Special Concern". The Ordinance that is proposed will accomplish the following:

1. Boeckman Interchange will be deleted from the public facility project list and plan map as shown by Attachments 1 (project list) and 2 (project map) to the Ordinance.
2. All references to an interchange at Boeckman Road and I-5 in the Comprehensive Plan will refer the reader to "Areas of Special Concern - Area 11" which is the Boeckman Interchange project, and
3. The Comprehensive Plan will be amended to include a new "Area of Special Concern - Area 11". The language used to describe this Area of Special Concern sets forth the relative positions of the City and ODOT.

Upon adoption of the Ordinance, ODOT will withdraw its objection to the Final Order and, hopefully, the City will be able to conclude Periodic Review.

In closing, I would like to express my appreciation to Jim Sitzman for his role in achieving the compromise between ODOT and the City and I recommend that the City Council adopt the Ordinance.

wcs:jme

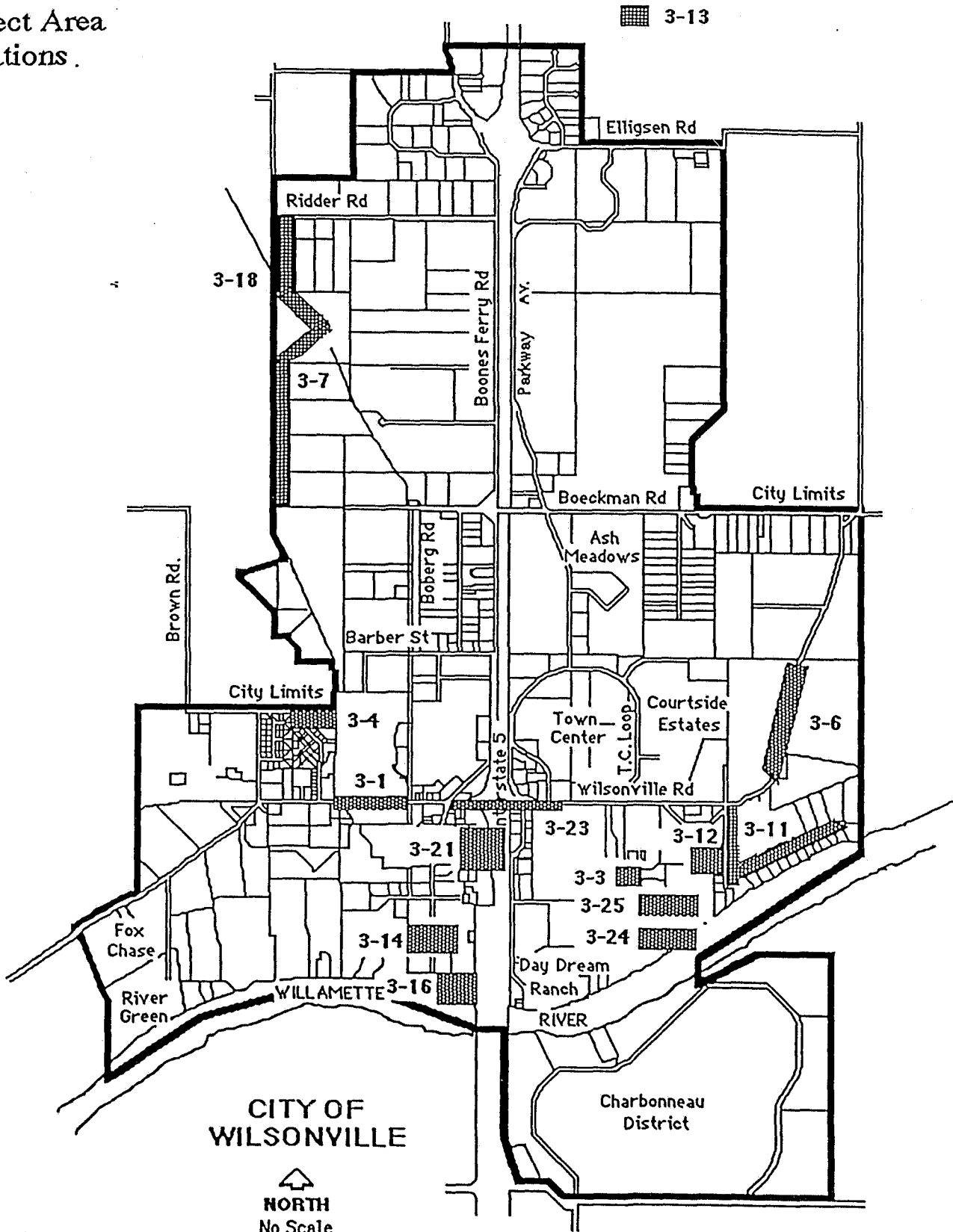
PUBLIC FACILITY PROJECT TITLES

<u>Project #</u>	<u>Project Name</u>	<u>Status</u>	<u>Map#</u>
1-1	Wilsonville Bike Path	Complete	1
1-2	LID #4	Complete	1
1-3	LID #6	Complete	1
1-4	Wilsonville Road Waterline I	Complete	1
1-5	Wilsonville Road Waterline II	Complete	1
1-6	Gesellschaft Well	Complete	1
1-7	Boeckman Interchange Study	Underway	1
1-8	LID #9	Complete	1
1-9	LID #5	Complete	2
1-10	River Village Lift Station	Complete	1
1-14	Parkway Master Drainage Plan	Complete	1
2-1	Wilsonville Stafford Interchange (ODOT)	1991-92	3
2-3	Parkway from Town Center to Boeckman		
2-4	Boeckman to Parkway Center	1992-93	3
2-6	LID #7	Complete	3
2-8	Wilsonville Road Storm Sewer	Complete	1
2-10	Nike Well	Complete	1
3-1	Wilsonville Road	1989-90	4
3-2	Boones Ferry Road Improvement	Complete	4
3-3	Boeckman Creek Lift Station	1988-89	4
3-4	Kinsman Waterline Extension	1989-90	4
3-6	Wilsonville Road Waterline	Complete	4
3-7	Boeckman to Ridder Waterline	Underway	4
3-8	Parkway Sewer Bypass	1991-92	4
3-11	Montgomery Improvements	1992-93	4
3-12	Nike Well Pump Station	1991-92	4
3-13	North Wilsonville Reservoir	1988-89	4
3-14	Old Town Improvement	Complete	4
3-15	Traffic Count Analysis	Underway	
3-16	Wastewater Plan Analysis	Complete	
3-17	Water Quality Analysis	On-going	

<u>Project #</u>	<u>Project Name</u>	<u>Status</u>	<u>Map#</u>
3-18	Seely Ditch Lift Station	1990-91	4
3-21	Wilsonville Square	?	4
3-23	Wilsonville Road Improvement	Complete	4
3-24	Memorial Park Shelter	Complete	4
3-25	Memorial Park Barn Improvement	1988-89	4
4-1	Water Well Development (3)	1987-88	Varies
4-3	Seely Ditch Improvement	1993-94	5
4-4	Kinsman Boeckman Waterline	1993-94	5
4-5	Riverfront West Waterline	1993-94	5
4-6	Riverfront West Lift Station	1993-94	5
4-7	Parkway-Boeckman Waterline Loop	1988-89	5
4-8	Boeckman-Elligsen 20" Waterline	1988-89	5
4-10	Sacajawea Water Main	Complete	5
4-11	Edwards Industrial Park Sewer	Complete	5
4-12	Street & Storm Sewer User Fee	1987-88	
4-13	Memorial Park Road Re-Surface	1989-90	5
4-14	Boones Ferry Park II	1987-88	5
4-15	Memorial Park Master Plan	1987-88	5
4-16	Memorial Park Library	1987-88	5
4-18	Boones Ferry Road	1990-91	5
4-19	Wilsonville Road Improvement	1992-93	5
5-1	Boones Ferry Road Improvement	1991-92	6
5-2	Boones Ferry North Improvement	?	6
5-3	Memorial Park Sewer	Complete	6
5-5	Memorial Park Road II	1989-90	6
5-6	Memorial Park Facilities II	1987-88	6
5-7	Memorial Park Library	1988-89	6
5-8	Boones Ferry Park III	1988-89	6
5-10	Boeckman Road Widening	1991-92	6
5-11	Elligsen Road Widening (ODOT)	1991-92	6
5-12	Wilsonville Road East	1991-92	6
6-1	Parkway Center Truck	1993-94	7
6-3/4	Memorial Park Facilities	1990-91	7
6-5	Memorial Park Swim Center	1992-93	7
6-7	Boeckman Road East	1990-91	7
6-8	Wilsonville Road	1990-91	7
6-9	Town Center Loop East	1998-89	

<u>Project #</u>	<u>Project Name</u>	<u>Status</u>	<u>Map#</u>
7-1	Overlay Program	On-Going	8
8-2	Miley Road Improvement	1993 -?	8
8-3	Miley Road East	1991-92	8
8-4	Miley Road East (Eilers Connector)	1992-93	8
8-5	Wilsonville Interchange (ODOT)	1991-92	8
8-6	Wilsonville-Brown Road	?	
8-7	Stafford Interchange (ODOT)	(See Project 5-11)	
9-2	Ridder Road Extension	1990-91	9
9-3	Kinsman Road Extension	1992-93	9
9-4	Brown Road Extension	1989-90	9
9-5	Canyon Creek Road Extension	1994-95	9
9-6	65th Avenue By-Pass	1995-96	9
9-7	Boberg Road Extension	1993-94	9
9-8	Wastewater Treatment Expansion	2005	9
9-9	Willamette River Water Source Development	2000+	9

Project Area
Locations .

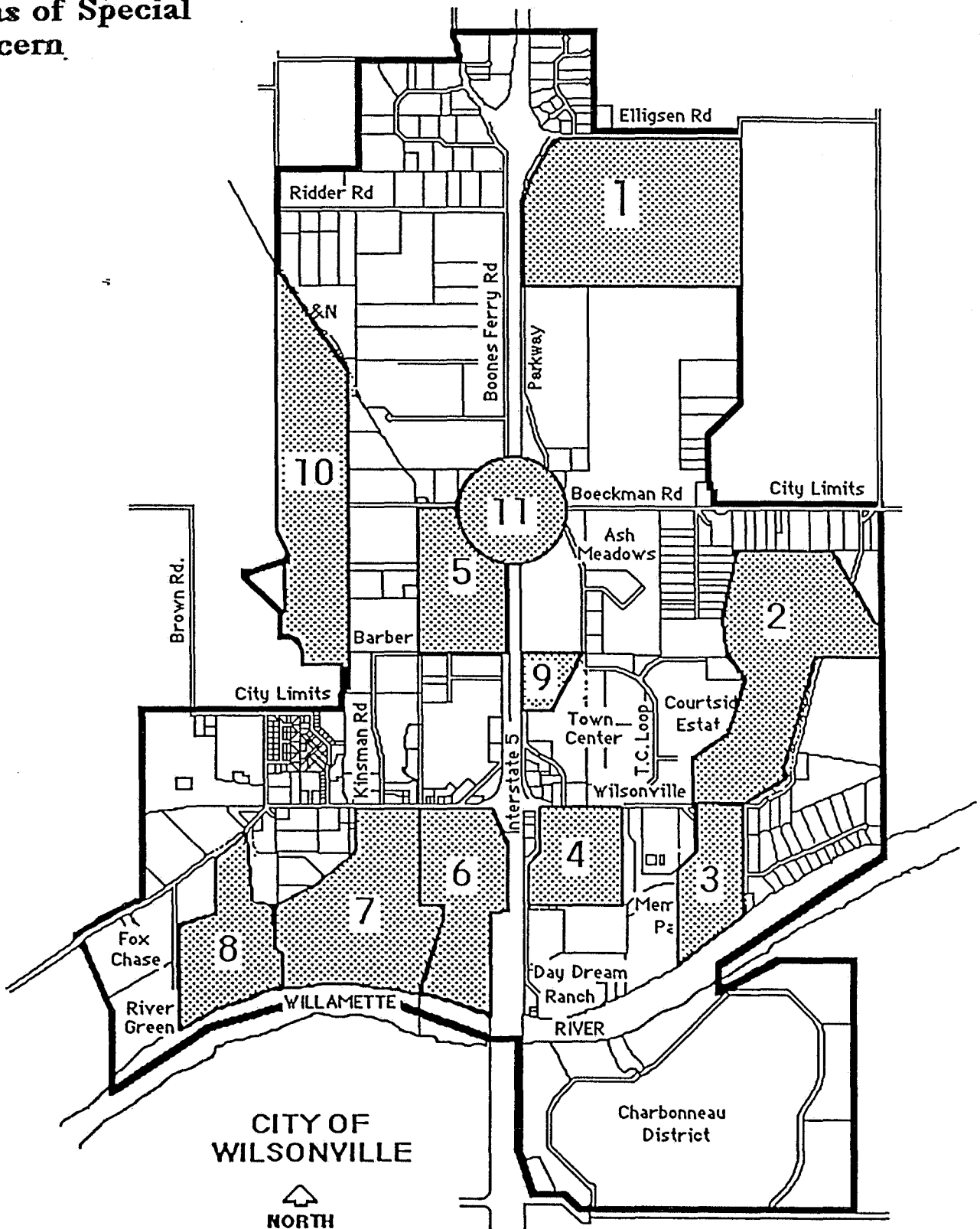


ATTACHMENT 2
PAGE 1 OF 1
ORDINANCE NO. 318
CB-0-85-87

Legend
 Project Area

Map 4


Areas of Special Concern



CITY OF WILSONVILLE

▲
NORTH
No Scale

Legend

 Areas of Special Concern



Department of Transportation

TRANSPORTATION BUILDING, SALEM, OREGON 97310

DEC 7 1987
CITY OF WILSONVILLE

In Reply Refer To
File No.: PLA

December 3, 1987

James Ross, Director
Department of Land Conservation and Development
1175 Court Street
Salem, OR 97310

The Oregon Department of Transportation (ODOT) has reviewed the City of Wilsonville's comprehensive plan and public facilities plan as submitted in the final review order--an element of the periodic review process. This agency objects to this plan because of inadequacies to Goal 12. Specifically, ODOT objects to the city's inclusion of a proposed interchange on I-5 at Boeckman Road. Furthermore, it is important that the plan allows improvements to the existing interchanges on Wilsonville and Stafford Roads. These are identified in the Six-Year Highway Improvement Program.

Please find enclosed documentation that demonstrates our interaction with the City of Wilsonville on this matter.

The City of Wilsonville is served by three interchanges on I-5: Charbonneau, Wilsonville, and Stafford Roads. The City has proposed a new interchange to be built at Boeckman Road, which is halfway between Wilsonville and Stafford Roads.

The Oregon Department of Transportation has repeatedly conducted studies, the latest in April of 1987, that have concluded that the inclusion of an interchange at Boeckman Road will have the following effects:

- (1) The interchange will deteriorate the service level of the freeway and necessitate auxiliary lanes from Stafford Road to Wilsonville Road. (Even with the auxiliary lanes, there would be undesirable weave patterns on the freeway.)
- (2) The construction of a Boeckman Road interchange would not reduce the need for major improvements at Wilsonville or Stafford Roads.
- (3) The projects now being developed for Wilsonville and Stafford interchanges will provide adequate access to accommodate the growth Wilsonville has projected in the Comprehensive Plan.

James Ross
Page 2
December 3, 1987

- (4) An interchange at Boeckman Road will concentrate development in that vicinity. Experience has shown that this will cause further deterioration in the level of service on the freeway.

Although these arguments have been expressed repeatedly to City officials, the City Council has adopted the Boeckman Road interchange as part of its Public Facilities Plan and its Comprehensive Plan.

On page 7 of the Periodic Review Final Order (item 4), the City states in a resolution that "the feasibility for Boeckman will be available January 1988." This would indicate that the City has made a decision to include the project in the plan before the feasibility study and subsequent findings are complete.

The City further states that all aspects of the design and development of the interchanges are being closely coordinated with the Department of Transportation. While it is true that there has been extensive interaction between the City and ODOT, it is not true that "coordination," in the sense that both sides are accommodated, has taken place in the case of Boeckman interchange.

In conclusion, ODOT cannot build a new interchange on the freeway system that will knowingly lead to the deterioration of service on Interstate 5. The project would have negative impacts on the citizens of the State and the Portland region. In the case of Wilsonville, the existing interchanges, with the upgrading already programmed, are adequate to accommodate the growth Wilsonville and Metro have projected.

We thank you for the opportunity of reviewing this plan. We are available to assist your agency and the City concerning this issue. For more information, please call Leo Huff, our Highway Planning Representative, at 653-3242, or Chuck Stevens, our Land Use Coordinator, at 378-4548.

Gary A. Potter
Director of Administration

cc: ✓ The Honorable William Stark, Mayor
City of Wilsonville



Department of Land Conservation and Development

Portland Field Office:
320 SW STARK, RM 530, PORTLAND, OR 97204-2684

PHONE (503) 229-6068

December 28, 1987

Main Office:
1175 COURT STREET NE
SALEM, OREGON 97310-0590
PHONE (503) 373-0050

Wayne Sorenson
City of Wilsonville
PO Box 220
Wilsonville, OR 97070


Dear Wayne:

Enclosed is a draft of language regarding the proposed Boeckman Road interchange project. If you prefer, use this to develop your own version. Unless, of course, you already have the perfect solution already completed.

My suggestion is to place this either in the comprehensive plan transportation section or in the text of the public facilities plan. If the public facilities plan is used, you will want to be sure it is included in the material that is adopted by the city as part of the comprehensive plan. With this alternative, the city should also remove the project from the list of projects in the public facilities plan.

Let me know, please, at your early convenience what you and Pete currently think of this approach. Thanks.

Regards,


Jim Sitzman
Field Representative

cc. Ted Spence, O-DOT
Chuck Stevens, O-DOT

RECEIVED

DEC 29 1987

CITY OF WILSONVILLE

PROJECT OF SPECIAL INTEREST

The city has long viewed the Boeckman Road crossing of I-5 as a suitable location for construction of a four-way interchange with I-5. The potential for an interchange at this location is at least threefold. 1.) Interchange congestion might be reduced by distributing the number of trips among three rather than two interchanges. 2.) Traffic associated with development allowed by the Wilsonville comprehensive plan in the vicinity of Boeckman Road might be expedited more effectively. 3.) Options for the layout of other roadways serving the city of Wilsonville might be improved.

Because of these, and perhaps other, benefits to the city, the city council has chosen to highlight the city's interest in this potential project by including this special section in the comprehensive plan. The council has also authorized a feasibility study involving the proposed Boeckman Road interchange. That study is underway, with completion anticipated early in 1988. Following receipt of the study results from the city's contract consultant, the city staff, planning commission and city council will conduct their reviews and hold public meetings on the available options. During these reviews and meetings the city will continue to coordinate with the Oregon Department of Transportation in order to integrate their expertise and proprietary interests into the city's decision-making.

Following these studies, reviews and public deliberations, the city will determine whether or not to proceed with an amendment to add the Boeckman Road Interchange to the project list in the transportation element of the city's public facilities plan. In the event this project is to be included in the city's plan, the city will prepare amendments necessary to include in the plan the other roadways required to complete the city's transportation network.

RECEIVED
DEC 29 1987
CITY OF WILSONVILLE

CITY
OF
Wilsonville

30000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011

Wilsonville, Oregon 97070

March 1, 1988

Mr. James Ross, Director
Department of Land Conservation and Development
1175 Court Street, SE
Salem, OR 97310-0590

Dear Mr. Ross:

Please accept this letter as a formal challenge by the City of Wilsonville of the Oregon Department of Transportation's (ODOT's) standing to object to the city's final periodic review order. Given the chain of events and the Oregon Administrative Rules on periodic review, we challenge both ODOT's standing and their procedures utilized in taking that action. We believe that if ODOT's objection is given credence, a dangerous precedent will be set not only for Wilsonville but other Oregon cities and counties as well. This objection has the unanimous endorsement of the Wilsonville City Council.

The essence of ODOT's objection is the inclusion in our public facility project list of an additional interchange on I-5, commonly referred to as the Boeckman interchange. For years the city has contended that an interchange at Boeckman Road is necessary for a proper transportation system in Wilsonville. The city has spent thousands of dollars on traffic studies, and each has found Boeckman to be a viable project. Currently, a third study is underway which will cost in excess of \$40,000 and is being funded jointly by the city and major corporations.

The city is well aware of ODOT's objections to a Boeckman interchange. We believe that ODOT is well aware of the city's support of a Boeckman interchange. Over several years the city and ODOT have had a number of meetings and a great deal of correspondence over this issue. To summarize this situation, very frankly, we disagree and I am not sure that we will agree on this issue for a long time to come. Both ODOT and the city have been very consistent in their respective positions for several years. However, our disagreement over this issue is not the basis for the city's challenge to ODOT's objection to our final period review order. As I mentioned previously, we challenge their standing and we challenge their procedures.

The concept of a Boeckman interchange was acknowledged as part of the city's comprehensive plan in 1981. ODOT was very much involved in that process and Comprehensive Plan Policy 3.314 (page 30 attached) was adopted as a result of ODOT's input. ODOT was well aware that Wilsonville was going through period review through normal notice procedures. During the periodic review process they chose not to participate in our local hearings or any other step along the way. Instead, they waited until the City Council adopted the final periodic review order and then later chose to object to DLCD. Their failure to participate at any other step appears to be a blatant violation of requirements of OAR 660-19-080 (3)(c). Based on this, we challenge ODOT's standing to object to our final periodic review order.

In addition, we believe that ODOT did not follow established process and, therefore, did not file a valid objection to our final periodic review order. Mr. Potter's letter of objection to our order complained about the inclusion of a Boeckman Interchange. He failed to specify the alleged grounds by which he believes the final order fails to satisfy the periodic review factors pursuant to OAR 660-19-055(2). He in no way addresses how the inclusion of the interchange conflicts with the periodic review factors. It appears quite unreasonable to require cities and counties to address the various periodic review factors and then allow a state agency to completely ignore them.

I believe that there is a final, more fundamental issue involved in ODOT's objection to our final periodic review order. Having worked directly in the land use planning area early in my career and then more recently as a City Manager, it has always been my understanding that state agencies and local governments were required to coordinate their respective plans. It was designed to be a two-way street. I do not believe that Oregon's land use process was ever intended to allow any state agency the authority to dictate that a specific project be included in or excluded from a local comprehensive plan. We are not dealing with a required law or mandate here, we are dealing with a state agency attempting to impose its judgement on a local government. That goes far beyond "coordination." We have had very good coordination over the years with ODOT staff, in my opinion. We have found their staff to be extremely knowledgeable and professional. We have an honest disagreement which may or may not be resolved in the future. I do not have a problem with a state agency disagreeing with a local government. That happens quite frequently. I do, however, have a problem with a state agency substituting its judgement for that of local officials. The city and Jim Sitzman of your staff worked together to develop some compromise language on this issue. We are now informed by Mr. Sitzman that even the compromise language is unacceptable to ODOT. A copy of that compromise language is attached for your review.

The City of Wilsonville has consistently attempted to preserve the option of a Boeckman Interchange in the city. From a practical standpoint, we know that without the blessing of ODOT, Boeckman is probably impossible. However, we are not convinced nor ready to eliminate the possibility of this interchange entirely and, as a result, do not want to eliminate it from our project list. Once it is removed from the list, it would be extremely difficult, if not impossible, to bring it back to life.

Please accept this letter as a formal request to reject ODOT's objection to Wilsonville's final periodic review order. We believe that they failed to follow the OAR's as specified earlier in this letter and have violated the intent and spirit of planning coordination efforts under Oregon's land use program. If I may provide any additional information regarding this issue, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Wall". The signature is fluid and cursive, with the first name "Pete" and last name "Wall" clearly distinguishable.

Pete Wall
City Manager

cc: Honorable Mayor & City Council
Dick Townsend, Executive Director, League of Oregon Cities.
Jim Sitzman
Leo Huff
Wayne Sorensen

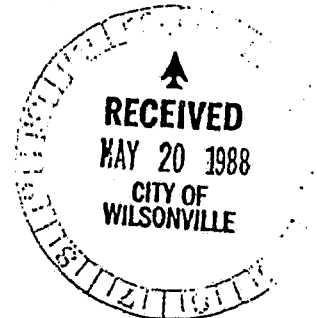
pw:lb



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050

May 19, 1988



Gary A. Potter
Director of Administration
Department of Transportation
Transportation Building
Salem, OR 97310

Re.: Letter of April 19 Regarding Wilsonville Period Review/
Boeckman Road Interchange

Dear Mr. Potter:

The DLCD would like to proceed with termination of the Wilsonville periodic review. The issue of the proposed Boeckman Road Interchange remains the last matter to resolve. We have reviewed the planning facts, correspondence, and the procedural steps of both ODOT and the city, with the following result.

On the question, did ODOT properly file its objection, we conclude that ODOT did properly file their objection to including the Boeckman Road project in Wilsonville's public facilities plan. Our reasoning is that city substantially amended the proposed period review order when the final order was submitted. This occurred by adding to the final order the required public facilities list, which did not appear in the proposed order. Because of this addition, a new opportunity to object was made available to ODOT under the rules for periodic review.

According to OAR 660-19-080 (3)(c), an objection must "be limited to those issues raised by the objector in the proceedings before the local government unless the final local review order has been substantially amended from the proposed local review order so that the notice provided under OAR 660-19-070(3) did not describe the nature of the local government's final decision..." (emphasis added). Added to this circumstance is the fact that ODOT informed the city on several occasions, including during periodic review, of its opposition to the proposed Boeckman Road Interchange.

On the question, does the ODOT objection comply with the standards for a periodic review objection, we conclude that it does. In keeping with OAR 660-19-080, it is in writing, filed within 30 days of Wilsonville's final decision, limited to a

matter which was substantially amended in the final order and it specifies the alleged grounds upon which the periodic review factors are not met. Regarding the latter consideration, we find as follows.

- * The periodic review rule includes a statement of purpose, which is to insure that local comprehensive plans and land use regulations "are in compliance with the Statewide Planning Goals and are coordinated with the plans and programs of state agencies" (660-19-000). This purpose statement is included in the rule in order to convey the coordination objective of Goal 2 to the public facilities planning process. The ODOT letter of objection addresses this coordination purpose by asserting that "it is not true that "coordination," in the sense that both sides are accommodated, has taken place in the case of Boeckman interchange". The letter describes further the lengthy but inconclusive interaction that has occurred between ODOT and the city.
- * The ODOT letter is specific about the substantive matter that is not coordinated, namely, the conflict between a project of local significance and an interstate freeway designated for state and national purposes. The result of this conflict is described as deterioration of the freeway. The ODOT letter (with the attachments) elaborates on this conflict. It notes that programmed improvements at two other Wilsonville interchanges adequately provide for planned growth. And it questions the decision to add the project to the plan before the city has verified feasibility and completed findings.
- * The letter of objection is directed specifically to "Wilsonville's comprehensive plan and public facilities plan as submitted in the final review order--an element of the periodic review process". It is evident therefore that ODOT was objecting in line with the city's periodic review.

Although the ODOT letter does not make reference to a periodic review factor, the letter's content clearly is about compliance with the LCDC rule for public facilities planning. This rule was noted in DLCD's periodic review notice to Wilsonville under factor (b), newly adopted goals and rules.

On the question of whether or not the proposed Boeckman Road Interchange should be included in Wilsonville's public facilities plan, the DLCD concludes that it should not be included at this time. The following reasons are given.

1. Projects in the public facilities plan project list, once adopted and acknowledged, have the status of a comprehensive plan policy. In this status, the project is presumed to have priority over other state or regional agencies' policies. It

should not be granted this status while substantial coordination issues remain unsolved. The proper time to eliminate known planning conflicts and inconsistencies is before the local adoption has occurred.

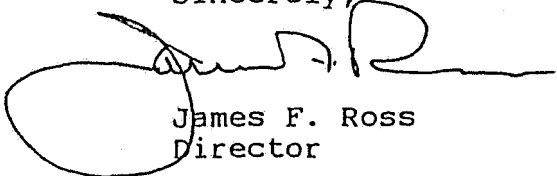
2. Considerable effort has been made by federal, state and local officials to establish a functional classification system for the transportation system. The system approach is explicitly recognized in the rules for Goal 12, Transportation and the Goal 11, Public Facilities and Services. In order for a project to function appropriately within the system, it needs to be designed and maintained according to its classification. We conclude that the interstate freeway function of I-5 has priority over local transportation considerations. The city has not documented that a Boeckman Road interchange will be consistent with the I-5 classification. ODOT has provided some documentation that the two facilities are inconsistent with each other.
3. The proposed Boeckman Road interchange has not been recognized by either the Metro Regional Transportation Plan or the ODOT 6-Year Improvement Program. The city has not shown in its findings that either of these programs would endorse the project.
4. The city has not completed its own feasibility study and analysis. It would be inconsistent with the Goal 2 planning process and the Goal 11 rule to take a binding comprehensive plan action before the technical analysis of need and findings of fact are complete.

There are at least four available courses of action. 1) Do not include the project in the city's project list. (City's agreement required.) 2) Add a narrative section to either the transportation section of the city's comprehensive plan or to the public facilities plan, which discusses the city's interest in a Boeckman Road interchange and describes the conditions under which such a project might be approved. These conditions would need to allow ODOT participation and recognize ODOT's authority over any final decision to modify the interstate freeway. Also, the narrative would need to be in the nature of background information and not a binding land use decision. 3) Elevate the dispute immediately to the LCDC for resolution. 4) Add the project in the city's project list during the current periodic review. (ODOT's agreement required.)

The DLCD views these alternatives to be in priority order as listed. Alternative 4 is not viable in the judgment of the DLCD, based upon our current understanding of the issues. More information and justification supporting this action would be needed by the DLCD.

I would like to request of ODOT and the city that we be notified by June 1, 1988 about which of these alternatives, or another, you jointly agree to follow. The DLCD will then proceed accordingly to conclude the city's periodic review. The Portland area field representative, Jim Sitzman (229-6068), and other DLCD staff are available for consultation on this matter both prior to June 1st and following.

Sincerely,

A handwritten signature in black ink, appearing to read "James F. Ross", written over a large, loopy circular flourish.

James F. Ross
Director

JFR:JS/sp
<metro>

cc. William Stark, Mayor
Peter Wall
Jim Sitzman
Antonia MCMorris



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 378-6926

RECEIVED
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CITY OF
WILSONVILLE

October 14, 1988

Mr. Wayne Sorensen
Planning Director
City of Wilsonville
P.O. Box 220
Wilsonville, OR 97070

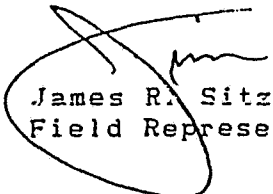
Dear Wayne:

Please find enclosed copies of correspondence which explain the agreements reached between Wilsonville and the Oregon Department of Transportation regarding the Boeckman Road Interchange issue. Included with the enclosures is a letter from ODOT confirming their agreement.

Your efforts in helping to resolve this matter were very helpful. We appreciate your contribution and the concurrence given to the resolution by Pete Wall, the mayor and council. Please relay our thanks and accept the same on your behalf.

I look forward to continuation of our fine working relationship.

Regards,


James R. Sitzman
Field Representative



Department of Transportation
HIGHWAY DIVISION
Region I

9002 SE McLOUGHLIN, MILWAUKIE, OREGON 97222 PHONE 653-3090

September 6, 1988

In Reply Refer To
File No.:

Jim Sitzman, DLCD Field Representative
320 SW Stark, Rm 530
Portland, Oregon 97204

The Oregon Department of Transportation would be willing to withdraw the objection to the Wilsonville Public Facilities Plan if the City removes the proposed Boeckman Road interchange from the project list and map as discussed in your letter of August 16.

We do not object to a discussion in the plan of a proposed Boeckman Road Interchange in an "Area of Special Concern" as we discussed by telephone during the week of September 29.

We understand that the designation of an "Area of Special Concern" indicates that the City would like to conduct more study and analysis in the Boeckman Road area and does not imply a city policy, at this time, that an interchange should be built.

We appreciate very much your efforts to work out a proposal that meets the needs of all parties in this issue.

Sincerely,

Leo M. Huff, AICP
Planning Representative

cc Spence

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

SEP 8 1988

MEMORANDUM

TO: Jim Ross, Craig Greenleaf, Greg Wolf

FROM: Jim Sitzman

RE.: Wilsonville Periodic Review: Boeckman Road Issue

This memo with the attachments contains the agreements we have reached with the city of Wilsonville and ODOT regarding the Boeckman Road Interchange.

The agreement is for:

1. Wilsonville to amend its comprehensive plan by

A. Inserting the language in Attachment I, titled "Area 11", on page 97, "Areas of Special Concern";

B. Referencing this language on page 97 in the transportation section of the Comprehensive Plan where the Boeckman Road Interchange is mentioned;

C. Referencing page 97 on the Plan map where the Interchange is identified; and

D. Deleting the Interchange from the Public Facilities Plan project list and map.

2. ODOT to withdraw its objection to the Wilsonville Final Periodic Review Order.

Wilsonville is prepared to proceed with notice and public hearing to make these changes.

Attachments II and III to this memo are letters from Wilsonville and ODOT stating their agreement to these terms.

Based on the above agreement the DLCD has removed the Wilsonville periodic review from the Commission's September agenda. Upon completion of the steps agreed to by Wilsonville, the DLCD will proceed toward termination of the Wilsonville periodic review.

With your concurrence on the this agreement, I will forward to Wilsonville and ODOT as confirmation a copy of this memo with attachments and a cover letter from the director.

Area 11

The city has long viewed the Boeckman Road crossing of I-5 as a suitable location for construction of an interchange with I-5. However, we also recognize that I-5, being an interstate freeway, has state and national functions which may not be compatible with local interests. The Oregon Department of Transportation (ODOT) has authority along with the Federal Highway Administration for the design, construction and operation of I-5. It is understood that ODOT may proceed without being inconsistent with the Wilsonville comprehensive plan to make decisions about improvements elsewhere on I-5 that may seriously limit or eliminate the feasibility of the Boeckman Road interchange.

The land around the intersection of Boeckman Road and I-5 depicted as Area 11 has been planned with a transportation system which includes the interchange. However, because the city is still evaluating all aspects of need and feasibility, there is at this time no conclusive evidence that an interchange at this location is or is not needed or feasible. In the event that an interchange is not feasible, the city will redesign the local transportation system. Because of the potential for a substantial change in this special concern area, the city will regulate and condition land uses as necessary to accommodate an interchange.

As viewed by the city, the potential for an interchange at this location is at least threefold. 1.) Interchange congestion might be reduced by distributing the number of trips among three rather than two interchanges. 2.) Traffic associated with development allowed by the Wilsonville comprehensive plan in the vicinity of Boeckman Road might be expedited more effectively. 3.) Options for improving traffic conditions upon other roadways serving the city of Wilsonville may be enhanced. The city recognizes that if item three is verified, then the improvement to I-5 at Boeckman Road may be viewed by ODOT as a local improvement which is inconsistent with the purpose of the interstate freeway. This may be sufficient or additional reason for ODOT to reject the interchange.

Because of these, and perhaps other, benefits to the city, the city council has chosen to highlight the city's interest in this potential project by including this special section in the comprehensive plan. The city will continue to cooperate with other interested parties to conduct feasibility analyses on a Boeckman Road interchange. As appropriate, city consultants, staff, the planning commission and city council will conduct reviews and hold public meetings on the options.

In the event that the city determines, with ODOT's concurrence, the feasibility of the interchange, the city will proceed with a plan amendment to add the Boeckman Road Interchange to the public facilities plan map and project list. In the event this project is to be included in the city's plan, the city will prepare amendments necessary to include in the plan the other roadways required to complete the city's transportation network. In this regard, the city realizes that, because a Boeckman Road Interchange can only be implemented by ODOT, the city will need to obtain agreement from ODOT demonstrating compliance with state and federal regulations pertaining to the addition of new interchanges before the proposed Boeckman Road Interchange can be upgraded in the Comprehensive Plan to a policy and be eligible for inclusion in a future update of the public facilities plan map and project list.