

RESOLUTION NO. 537

A RESOLUTION ADOPTING FINDINGS ON THE MATTER OF APPEAL OF THE PLANNING COMMISSION'S ACTION ON 85PC30; UPHOLDING SAID APPEAL AND OVERRULING THE COMMISSION'S ACTION RE-ALIGNING THE NORTH INTERSECTION OF THE SQUARE '76 STREET PLAN WITH WILSONVILLE ROAD, AND CONDITIONALLY REAFFIRMING THE REMAINING MASTER STREET PLAN AS APPROVED BY RESOLUTION 83PC26.

WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 3rd day of February, 1986, and filed with the Wilsonville City Recorder this same date.



A. G. MEYER, MAYOR

ATTEST:



DEANNA J. THOM, City Recorder

SUPPLEMENTAL FINDINGS

The following Findings are hereby adopted by the City Council and entered into the public record in consideration of the Appeal as heard in a de novo hearing.

1. The City Council has held a de novo hearing on the matter appealed from the Planning Commission 85PC30, attached hereto as Exhibit 5. During the hearing the Council received new information that is significantly different than that considered by Commission. The new information raises compelling concerns whether any new intersection or access to Wilsonville Road, between the Freeway ramps and Boones Ferry Road should be allowed. Significant impacts on existing businesses have also been raised.

The Council further finds, however, that the new information only affects the proposed street connection to Wilsonville Road and not the overall street plan to the south of Tax Lots 402 and 403, T3S-R1W, Section 23AB.

2. Reconsideration of the northern street connection to Wilsonville Road will not and should not interfere with the orderly development of the remaining road system. These roads are necessary to support development and will function with access to Boones Ferry Road.
3. On November 21, 1985, Ben Altman, Planning Director, and Steve Simonsen, City Engineer, met with ODOT officials in Salem, including Ed Hardt, Metro Regional Engineer, Bruce Boyd, Right-of-Way Manager and Ed Hunter, Assistant State Highway Engineer. Access control and future interchange improvements were discussed. The following conclusions were reached:
 - A. Year 2006 traffic volumes were projected showing 111,000 ADT on I-5 and 29,000 ADT on Wilsonville Road. Current volumes are 65,000 ADT on I-5 and 10,600 through the interchange area on Wilsonville Road. Given these future volumes, major street and interchange improvements will be required within the next 15 to 20 years.

No final future ramp design has been developed to date. Under the State's six-year Plan update, the Wilsonville interchange is proposed for preliminary design funding for 1990. At this time, based solely on projected traffic counts, the State anticipates a need for additional right-of-way and access control well beyond the existing control line. Thus, future ramp configuration could significantly impact existing developments and accesses in this area.

- B. The City has received a copy of a letter from E. S. Hunter of ODOT, to Camilla Belleville of Mr. Robert's Restaurant, dated January 14, 1986 (see Exhibit 12). The letter indicates the State has been monitoring traffic flow at the Wilsonville /I-5 ramps since the signals have been energized, including access and ingress for Mr. Robert's Cafe. They have concluded that with present volumes the existing curb cut is functioning in a reasonable and safe manner.

Mr. Hunter further indicates that given anticipated future interchange improvements, the State cannot justify a limited access acquisition at this time. Such access control would be most appropriate coupled with any necessary right-of-way acquisition to accommodate future ramp configurations. They, therefore, do not intend to move forward with acquisition of the access to Mr. Robert's Cafe. They will allow the entrance to continue to operate, until full future interchange access control is acquired.

4. The new findings and conclusions developed by ODOT significantly alter the conditions under which the Planning Commission reviewed and approved both the current action under appeal (85PC30) and their prior action on (83PC26).

Based on this new information, implementation of the Square '76 Street Plan connecting to Wilsonville Road is now found to be inappropriate.

5. ODOT's decision as set forth in Finding 2.B. will allow for the interim continuation of all existing business fronting on Wilsonville Road. Therefore, the proposed new collector street is not necessary to support existing development.

However, the conclusions set forth in Findings 1, 2 and 3 herein will require a re-evaluation of the Wilsonville Square Street System and Development Plan, prior to any further development of this area as it relates to accessing Wilsonville Road.

6. The matter before the Council involves definition of street access from Wilsonville Road, in accordance with the Wilsonville Square Master Plan. Therefore, this is a quasi-judicial action of approving a Master Street Plan (Stage I), defining right-of-way alignment and width for the north/south collector. The specific alignments of the east/west collectors are not part of this review. They remain as approved by the Planning Commission by Resolution 83PC26.
7. By Code there is a one-year expiration date on approved plans if significant development has not occurred. The Council's action on the Appeal will constitute a new date of final approval. Therefore, the approved plans will be valid for one year from the date of final action by the Council.
8. Based on the testimony from Staff, property owners and the City's consulting engineer, the City Council remains concerned that ODOT continue to monitor the safe operation of the access to Mr. Robert's as currently delineated. The City, in this regard, is relying heavily on ODOT as the agency primarily responsible and liable for the traffic operations at the interchange.

In order to insure orderly development of Wilsonville Square '76 as master planned, and to protect the public interest for safe and convenient traffic circulation, the City Council attaches the following conditions or limitations on the reversal of the Planning Commission action.

- A. No street construction shall be allowed north of Tax Lots 402 and 403, prior to reconsideration of this portion of the Square '76 street alignment and intersection with Wilsonville Road, by the Planning Commission, through public hearing with appropriate notice. This does not prohibit any on-site improvement of any existing driveways with established curb cuts to Wilsonville Road, provided, however, this is not meant to limit the City from generally restricting access to Wilsonville Road in the future (see attached map).
- B. The property owners may proceed without delay, with construction in accordance with 83PC26 for any or all of the streets lying south of Tax Lots 402 and 403.
- C. The Planning and Public Works Directors are directed to work with ODOT on final striping layout for stop bars and pedestrian crossings at the interchange, to maximize safety relative to the access to Mr. Robert's Restaurant.

EXHIBITS

CB-R-186-86

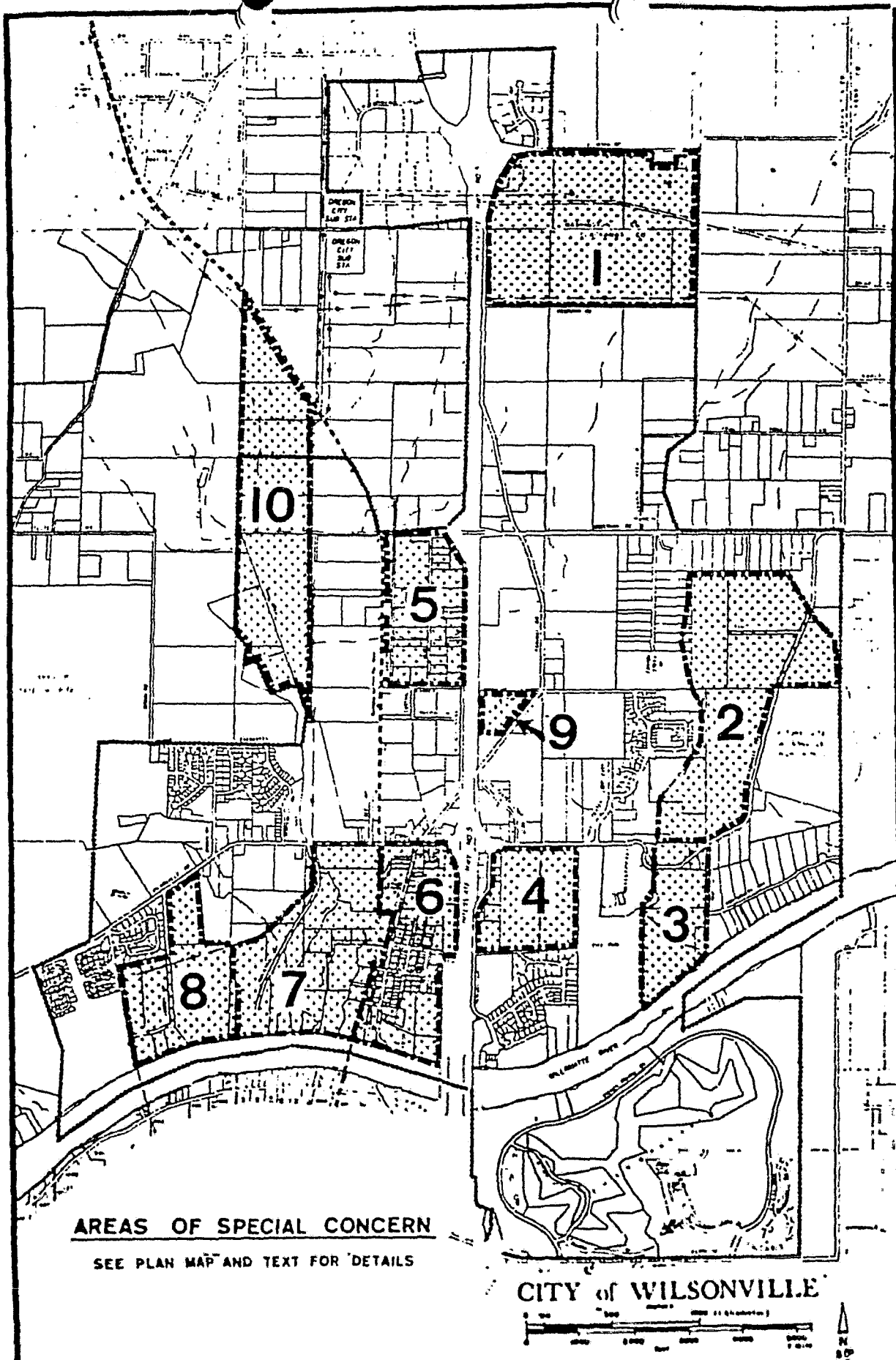
The following Exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the Appeal as presented.

- A. Findings Report prepared by the Planning Director for City Council action on the Appeal of the Planning Commission's action on Resolution 85PC30, dated January 29, 1986.

1. City of Wilsonville Comprehensive Plan.
 - A. Area of Special Concern No. 6.
2. Chapter 4 of the Wilsonville Code.
 - A. Section 4.130 - 4.132, Planned Development Regulations.
 - B. Section 4.167, Street Improvement Standards.
 - C. Section 4.120, Subdivision Regulations, Section 4.230, Major Partitions, and Sections 4.240, 4.242, 4.244, 4.262 and 4.270.
3. Ordinance 66, Wilsonville Square Master Plan.
4. Applicant's submittal documents (included in Exhibit 5).
5. Planning Commission Resolution 85PC30, Minutes of September 9, 1985, hearing and Exhibits.
6. Letter of Appeal, dated September 19, 1985.
7. Traffic analysis Wilsonville Square, by CRS Sirrinc, Inc., dated February, 1984.
8. Report from CRS Sirrinc on modified street alignment, dated September 9, 1985.
9. Design Diagram, Wilsonville Square Proposed Access right-turn-in, right-turn-out control.
10. Wall displays of alternative intersections at Wilsonville Road and the net lotting patterns.
 - a. 1984 alignment (83PC26)(Exhibit 7).
 - b. Proposed north-end alignment (Exhibit 8).
 - c. Planning Commission approved alignment, north end, 85PC30.
11. Letter from Van Beek & Co. dated October 31, 1985.
12. Letter from E. S. Hunter, ODOT, to Camilla Belleville, dated January 14, 1986.
13. Letter from Richard Ligon, dated January 9, 1986.
14. Testimony received by Council as outlined in the Minutes of the hearing.

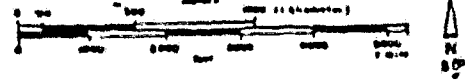
Previously distributed to Council for January 21, 1986, continuance of hearing, in record, and not redistributed for final action.

- B. Minutes of City Council Meeting of October 7, 1985. and October 21, 1985.
- C. Minutes of City Council Meeting of November 4, 1985.



AREAS OF SPECIAL CONCERN
 SEE PLAN MAP AND TEXT FOR DETAILS

CITY of WILSONVILLE



3. Any location of high density development should be sensitive to the visual image from the Freeway and Wilsonville Road. Buildings should not be designed in barracks-like manner which creates a wall effect along Wilsonville Road.
4. The heavy stand of fir trees along the southern portion of the property should be maintained providing continuity in the vegetation line extending west from the City Park.

Area 5

This is the industrial area between Boeckman Road and Barber Street from Boones Ferry Road to the railroad tracks. The primary concerns for this area are related to continuity in design and in protection of the existing mobile home park.

The area has been previously parcelled into numerous small lots, many of which are in separate ownerships. For this reason, the opportunity to design development under a common master plan is minimized. Therefore, there is a potential for an uncoordinated patchwork development pattern to occur.

The Walnut Park mobile home park is also located in the middle of this area. While economics may ultimately force redevelopment of the park to industrial use, the life of the park can be prolonged through careful design considerations of surrounding development.

Design Objectives

1. Encourage consolidation of smaller lots to allow for master planning of large areas.
2. Provide buffers adjacent to the mobile home park, e.g., increased landscaped setbacks, or complementary uses.
3. Minimize traffic (truck) conflicts with residential activities, including pedestrians.

Area 6

This is the Old Town area of the City and includes the properties which have been master planned under the Wilsonville Square '76 Plan. Primary concerns for this area are related to coordination of facility planning, particularly streets, traffic impacts on Wilsonville Road and compatibility of design and function with Old Town residential development.

Design Objectives

1. Provide a facilities master plan coordinating Wilsonville Square with Old Town. The alignment

and improvement of proposed and existing streets should be carefully planned and scheduled prior to further extensive development of this area.

2. Maintain the integrity of the Old Town area and preserve its historic nature. Protection and enhancement of the existing residential character is a priority concern.
3. Minimize the disruptive and incompatible nature of the railroad tracks which abut this area.
4. Minimize non-residential traffic impacts on Boones Ferry Road south of 5th Street and reduce the adverse impacts created by the American Hardwoods operation on adjacent residential development.
5. Capitalize on the recreational potential of the Willamette River access.

Area 7

This is an industrial area located west of the railroad tracks and south of Wilsonville Road. A portion of this property was previously designated residential. However, noise and traffic conflicts created by adjacent industrial activities and railroad operations were considered too great to justify a residential designation. A portion of the area adjacent to Wilsonville Road was also previously designated commercial. This designation conflicted with Plan policies to avoid strip commercial development along Wilsonville Road. Therefore, the entire area was designated as industrial park.

The City Council finds that during Plan hearings the primary objections to this area were regarding the industrial designation versus a commercial designation desired by the property owners. The industrial designation protects against strip commercial development west of the railroad tracks on Wilsonville Road. It also protects the abutting residential areas to the west from conflicts with commercial traffic extending west of the tracks. The Plan adequately provides for commercial development in other areas of the City deemed more appropriate for such uses.

Design Objectives

1. Encourage master planning of large areas to provide continuity of design and coordination of uses.
2. Provide common industrial access which minimizes conflicts with adjacent residential areas and minimizes congestion on Wilsonville Road.

promote and provide traffic safety, noise and nuisance abatement, and the compatibility of different users permitted on adjacent lots of the same zone and on adjacent lots of different zones.

(11) Corner Vision: As provided in Section 4.167(1)(1).

(12) Prohibited Uses:

(a) Uses of structures and land not specifically permitted in Section 4.121 are prohibited in all R Districts.

(b) The use of a trailer, travel trailer or mobile coach as a residence.

(c) Outdoor advertising displays, advertising signs or advertising structures except as provided in Section 4.151.

(13) Notwithstanding the provisions of Section 4.121, an owner or his authorized agent of a lot of the size of two (2) acres or less may apply for a PDR zone, under the planned development zoning regulations set forth in this Code.

4.122 Zones - PDR Planned Development Residential Zone. (1)

The requirements of PDR Zone shall be governed by Sections 4.130 to 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

4.123 Zone - PDC - Planned Development Commercial Zone. (1) The

requirements of a PDC Zone shall be governed by Sections 4.130 to 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

4.124 Zone - PDI - Planned Development Industrial Zone. (1)

The requirements of a PDI Zone shall be governed by Sections 4.130 to 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

4.130 Planned Development Regulations - Purpose. (1) The

provisions of Sections 4.130 to 4.140 shall be known as the PLANNED DEVELOPMENT REGULATIONS. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

(2) It is the further purpose of Sections 4.130 to 4.140:

(a) To take advantage of advances in technology, architectural design, and functional land use design;

(b) To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

(c) To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

(d) To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other natural or man-made hazards;

(e) To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

(f) To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

(g) To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

(h) To allow flexibility and innovation in adapting to changes in the economic and technological climate.

4.131 Planned Development Regulations - Intensity of Use. (1) The intensity of use shall be governed by the City of Wilsonville Comprehensive Plan. For residential developments, the intensity shall be governed by density designated in each range.

4.132 Planned Development Regulations - Lot Qualification. (1) Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Sections 4.130 to 4.140.

(2) For those Planned Development Residential lots which are located in a residential zone, the site shall include not less than two (2) acres of contiguous land unless the Planning Commission or City Council find that the property of less than two (2) acres be suitable by virtue of its unique historical character, or other natural features, or by virtue of its qualifying as a special interest area.

4.133 Planned Development Regulations - Permitted Uses.

(1) Planned Development Residential:

(a) Any use permitted together with accessory uses permitted in an R Zone, Section 4.121.

(b) Mobil or manufactured homes, provided that such homes are located within subdivisions or parks which are exclusively dedicated to such use.

(c) Open Space.

(d) Public and semipublic buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.

(e) Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.

(f) Churches, public, private and parochial schools, public libraries and public museums.

(g) Neighborhood Commercial Centers limited to the

for proper-maintenance by the Board, may be required.

2. At a minimum, a hose bib or snap valve system shall be provided with valves placed -100 feet on center and on both sides of travel lanes and parking areas.

4.167 Street Improvement Standards (1) Except as specifically approved by the Planning Commission, all street and access improvements shall conform to the Street System Master Plan, together with the following standards:

(a) All street improvements shall conform to the Public Works Standards and shall provide for the continuation of principal streets through specific developments to adjoining properties or subdivisions.

(b) All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

1. Within a Planned Development the Planning Commission may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.

(c) **Intersections of streets**

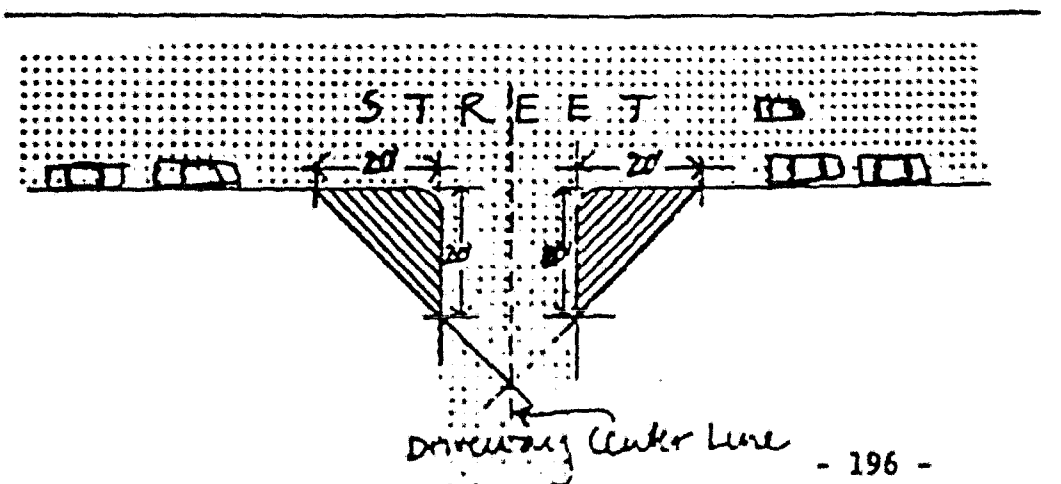
1. **Angles:** Streets shall intersect one another at right angles, unless existing development or topography make it impracticable. The minimum inside curb line radius shall be 25 feet.
2. If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a (30) foot centerline radius and said angle shall not be less than (60) degrees. Any angle less than (60) degrees shall require approval by the Planning Commission and Fire District.
3. **Offsets:** Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections on arterial streets should be separated by at least 500 feet; and in no case shall there be an offset of less than:
 - a. (250) feet on a minor arterial street. To the greatest extent possible, the City shall also encourage consolidation of curb cuts and access points on arterial streets.
 - b. (100) feet on collector streets.

(d). Street grades shall be a minimum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate

grades in excess of 8%, but not more than 12%, may be permitted for short distances.

- (e) The minimum centerline radius street curves shall be as follows:
- - Arterials and industrial collectors 600 feet, but may be reduced to 400 feet in commercial areas.
 - Residential collectors 100 feet
 - Local streets 75 feet.
- (f) 1. Rights-of-way. Prior to issuance of Building permits or recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Plan. All dedications shall be recorded with the County Assessor's Office. The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the City's Lien Docket, prior to issuance of a Building Permit or recordation of a final Plat.
2. In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.
- (g) Dead-end Streets. Dead-end streets or cul-de-sacs shall not exceed 600 feet in length, unless the end is visible from the intersection or from an adjacent or intersecting street, or an emergency vehicle access is provided as approved by the Fire District. All such streets shall end in a turn-around with a minimum center line radius as follows:
- 50 feet if curb parking allowed.
 - 42 feet if curb parking prohibited and posted as a towaway zone.
 - The minimum return radius shall be 25 feet.
- (h) 1. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions for a minimum width of 15 feet for one-way traffic and 24 feet for two-way traffic. A minimum additional width of eight feet shall be provided on each side where parking is allowed.
2. Access travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load. Improvement width shall be:
- a. 12 feet for one-way traffic.
 - b. 20 feet for two-way traffic.

3. Secondary or emergency access lanes may be improved to a minimum 12 feet with a gravel or better all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
 4. Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
- (1) Corner or clear vision area.
1. A clear vision area shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. No structures, plantings or other obstructions that would impede visibility between the height of 30 inches and 10 feet shall be allowed within said area. Measurements shall be made from the top of the curb, or, when there is no curb, from the established street center line grade. However, the following items shall be exempt:
 - a. Light and utility poles with a diameter less than 12 inches.
 - b. An existing tree, trimmed to the trunk, 10 feet above the curb.
 - c. Official warning or street sign.
 - d. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.
 2. Vision clearance areas shall be established by the triangular area formed by the intersection of the driveway or street, the street right-of-way line, and a straight line adjoining said line through points twenty (20) feet from their point of intersection. However, said area may be adjusted as follows:
 - a. Single-family driveways - 10 feet
 - b. Alleys - 10 feet
 - c. Railroad crossing (unsignalized) - 30 feet



- (j) Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.
- (k) Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, Unless otherwise specified by the Planning Commission, the following interim standards shall apply.
1. Arterials - 24 foot paved, with standard subbase and a tapered rural or turnpike shoulder. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
 2. Half-streets are generally considered unacceptable. However, where the Planning Commission finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the following standards:
 - a. Minimum pavement width:
 - Arterial 24 feet
 - Collector 24 feet
 - Local 20 feet
 - b. Intersection improvements adequate to provide turn lanes shall be provided as follows:
 - [1] Arterials and industrial collectors - 40 feet paved for 250 feet beyond the center line of intersecting streets.
 - [2] Residential collectors - 36 feet paved for 150 feet beyond the center line of intersecting streets.
 - c. A reserve or access control strip shall be established adjacent to and paralleling the half-street improvement to insure proper participation by adjoining properties in completion of the required street improvements.
 3. When considered appropriate in conjunction with other anticipated or scheduled street improvements, the Public Works Director may approve street improvements with a single asphalt lift. However, adequate provision

must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

4.168 Sidewalk and Pathway Standards. (1) Sidewalks

(a) All sidewalks shall be concrete and a minimum of five feet in width, except where the walk is adjacent to commercial store fronts. In such cases, they shall be increased to a minimum of ten feet in width.

(2) Pathways

(a) All primary pathways shall be two-way Class I paths, unless topography, physical barriers or adjacent development patterns will not permit such separation. However, a Class II path may be constructed as an interim improvement, i.e., Wilsonville Road.

(b) Secondary pathways, designed within individual developments may be Class II. Class III paths shall only be permitted by specific approval of the Planning Commission.

(3) Pavement surface

(a) All bike paths shall be paved with asphalt to provide a smooth riding surface. Where pathways are adjacent to and accessible from improved public streets, the Public Works Director may require a concrete surface.

(b) To increase safety, all street crossings shall be marked and should be designed with a change of pavement such as brick or exposed aggregate. All arterial crossings should be signalized.

(c) All pathways shall be clearly posted with standard bikeway signs.

(d) Pedestrian and equestrian trails may have a gravel or sawdust surface if not intended for all weather use.

(4) The minimum bike path pavement width shall be eight feet except as follows:

(a) 10 feet through commercial districts or where designed for emergency or maintenance vehicle access.

(b) 15 feet where adjacent to commercial store fronts.

(c) 10 feet on slopes from 12% to 18%.

(d) 12 feet on slopes greater than 18%.

(e) Directionally separated pathways may be permitted provided each lane is a minimum of four feet in width.

(5) All Class I paths and sidewalks shall be set back a minimum of five feet from the street curb except at intersections, bus stops and street crossings. In these cases, they shall be aligned adjacent to the curb and designed with wheelchair ramps. Pathways alignments shall be allowed to meander on easements outside of the public street right-of-way.

(6) Pathway Clearance

(a) Vertical clearance of at least 8 feet 6 inches shall be maintained above the surface of all pathways. The clearance above equestrian trails shall be a minimum of ten feet.

(b) All landscaping, signs and other potential obstructions shall be set back at least (1) foot from the edge of the pathway surface. No exposed rock should be permitted within two

(2) feet of the path pavement and all exposed earth within two (2)

SUBDIVISIONS

4.200 General - Purpose. (1) The City Council hereby finds and deems that it is reasonably necessary in order to accomplish the orderly development of land within the corporate limits of the City, and in order to promote the public health, safety and general welfare of the City, to enact these sections, to be hereinafter known as the "Subdivision Regulations of the City of Wilsonville, Oregon," in order to provide rules, regulations and standards to govern the approval of plats for subdivisions, and also the partitioning of land by creation of a street or way, to carry out the development pattern and plan of the City and to promote the public health, safety and general welfare thereof, and in order to lessen congestion of streets, secure safety from fires, flood, pollution and other dangers and to provide adequate light and area, and to prevent overcrowding of land and to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people of the City, and to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval by the City.

4.202 General - Authorization. (1) Pursuant to ORS 92.010 through 92.090, approval of plans and plats must be approved by the Planning Commission before a plat for any statutory subdivision may be filed in the county recording office for any plat within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the preliminary plat approved by the Commission.

(2) The Planning Commission shall be given all the powers and duties with respect to procedures and action on preliminary and final plans and maps of subdivisions specified by law and by this Code.

(3) Approval by the Planning Commission of subdivisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.046 and 92.048.

(4) No person shall sell any lot in any subdivision, or any lot created by a partitioning of a larger parcel until a final plat, and a major or minor partition has been approved by the Planning Commission or Planning Director as set forth in this Code. No development permit shall be issued for any lot that is not legally created in accordance with this Code.

4.210 Application Procedure. (1) Pre-application conference. Prior to submission of a preliminary plat a person proposing to subdivide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.008(3).

The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed streets, roads and public utilities. On reaching conclusions informally as recommended, regarding the general program and objectives, the subdivider shall cause to be prepared a Preliminary Plat, together with improvement

plans and other supplementary material as specified in the Preliminary Plat. The Preliminary Plat shall be prepared by an Oregon licensed, professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.

(2) Preliminary Plat Submission. The purpose of the Preliminary Plat is to present an early study of the proposed subdivision to the Planning Commission and to receive its approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan shall meet the guidelines and requirements set forth in Sections 4.240 to 4.244 of this Code. The Preliminary Plan shall be submitted to the Planning Department with the following information:

- (a) Application form completed and signed by the owner of the land or a letter of authorization signed by the owner.
- (b) Preliminary subdivision fees.
- (c) Ten (10) copies and one (1) sepia or suitable reproducible tracing of the Preliminary Plat shall be submitted with the application. Preferred paper size is eighteen inch by twenty-four inch.
- (d) Name of the subdivision. This name must not duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Name may be checked through the county offices.
- (e) Names, address and telephone numbers of the owners or subdividers, and engineer or surveyor.
- (f) Date, northpoint and scale of drawing.
- (g) Location of the subdivision by Section, Township, and Range.
- (h) Legal road access to subdivision shall be indicated as City, County, or Public Roads.
- (i) Vicinity map showing the relationship to the nearest major highway or street.
- (j) Lots: Approximate dimensions of all lots, minimum lot size, and proposed lot and block numbers.
- (k) Gross acreage in proposed plat.
- (l) Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.
- (m) Existing uses of the property, including location and use of all existing structures and their disposition.
- (n) Existing zoning of the property.
- (o) Water: State the source of the domestic water supply.
- (p) Method of sewage disposal proposed.
- (q) Drainage statement: Water courses on and abutting the property. Approximate location of areas subject to inundation by storm water overflow, or all areas covered by water, and the appropriate location, width, and direction of flow of all water courses. Direction of drainage on proposed streets shall be indicated.
- (r) Ground elevations as specified in 4.008(4).
- (s) Streets: Location, name, width, surface conditions, alleys, gradient, and corner curb radii shall be

indicated on an abutting tract.

(t) Improvements: Statement of the subdivision improvements to be made or installed including streets, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.

(u) Utilities such as electrical, gas, telephone, on and abutting the tract.

(v) Easement: Approximate width, location, and purpose of all existing easements on, and known easements abutting the tract.

(w) Deed Restrictions: Outline and proposed deed restrictions, if any.

(x) Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Preliminary Plat.

(y) If the subdivision is to be a "Planned Development" a copy of the Home Owners Association By-Laws must be submitted at the time of preliminary submission. The plat shall be considered as the Stage I Preliminary Plan.

(z) Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.162.

(3) Approval of Preliminary Plat:

(a) Consideration of Preliminary Plat. The Planning Commission shall consider the preliminary plat and the reports of the Health Department and the City Engineer at a regular Planning Commission meeting no more than sixty (60) days after preliminary plat application has been accepted by the City. The preliminary plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the preliminary plat conforms in all respects to the requirements of Sections 4.200 to 4.280.

(b) The Commission shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.

(c) Effect of Approval. After such approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Commission within such time, the preliminary plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist.

4.220 Final Plat Approval. (1) Submission of the Final Plat. Any time within two (2) years after tentative approval of the preliminary plat, the subdivider may have the subdivision or any part thereof surveyed and the final plat prepared in conformance with the preliminary plat as tentatively approved. When the final plat is in order, the subdivider will submit the following items to the City offices for final approval of the plat.

(a) Plat board, tracing, and five (5) blueprint copies of the plat.

(b) The signatures of owner(s), surveyor or engineer shall all be properly acknowledged by a notary public. All

4. Obtain the signature on the final plat of the County Tax Department if/or when all taxes on the property are paid.
5. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that ownership is correct and pro-rate and collect taxes if plat is to be recorded after July 1.
6. After the above items have been completed, the final plat shall be delivered to the office of the County Clerk and may be recorded.

(7) Recording Final Plat. In addition to the requirements authorized and provided in ORS 92.120, upon offering the final plat for records the subdivider shall furnish one black line or blue print copy of the final plant to the County Assessor, the City Engineer, the County Surveyor, and the Health Department.

4.230 Major Land Partitions. (1) Preliminary Plan

Application: A person proposing to partition land which includes the creation of a road or street shall prepare a preliminary plan application for such major land partition, and shall submit it to the Planning Department in accordance with the requirements set forth in Section 4.210. In preparing an application for a major partition, a sepia copy or suitable reproducible tracing of the proposal shall be submitted, together with ten (10) prints of the Plan and the required application fee.

(2) Upon receipt of a complete application and Preliminary Plan, the partitioning shall be scheduled for review by the Planning Commission in accordance with Section 4.210(3).

(3) A final plan for a major partition may be approved by the Planning Director in accordance with the final plat approval procedures set froth in Section 4.220.

4.231 Minor Land Partition. A tract of land or contiguous tracts under a single ownership within the City shall not be partitioned into two or more parcels for transfer of ownership, development or for any other purpose so as to conflict with the requirements of this title. Minor land partitioning shall not be undertaken except as herein provided.

(1) Application for a Minor Partition. A person proposing to partition land into two or three parcels, not including the creation of a road or street, within a calendar year shall prepare a minor partition application and plan, and shall submit them to the Planning Department for approval prior to division of the land. In preparing an application for a minor partition, a sepia copy or suitable reproducible tracing of the proposal shall be submitted, together with four (4) prints of the plan.

(2) Sketch Map - required contents. There shall be submitted four (4) copies of a sketch map eight and one-half by eleven inches, or eighteen by twenty-four inches in size with the following information:

(a) The date, northpoint, scale and sufficient description to define the location and boundaries of the parcel to be partitioned and its location;

specifically authorized following tentative approval may take place prior to issuance of the Development Permit.

4.233 When Full Compliance with Subdivision Regulations Required. If the parcel of land to be partitioned exceeds two acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre, full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided into small parcels.

4.240 General Requirements - Streets. (1) Conformity to the Master Plan or Map: the subdivision shall conform to and be in harmony with the Master Plan, the Official Plan or Map and especially to the Major Street Plan.

(2) Relation to Adjoining Street System.

(a) A subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical exception may be made. In cases where the Planning Commission itself adopts a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan.

(b) Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

(c) Where a tract is subdivided into lots of an acre or more, the Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street and other requirements specified in these regulations.

(3) All streets shall conform to the standards set forth in Section 4.167.

(4) Creation of Easements: The Planning Commission may approve an easement of way to be established without full compliance with these regulations provided such an easement is the only reasonable method by which a portion of lot large enough to warrant partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to partition into more than two (2) parcels, a street must be dedicated. Also, within a Planned Development, cluster settlements may have easement driveways for any number of dwelling units when approved by the Planning Commission.

(5) Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.

(6) Reserve Strips: The Planning Commission may require the subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission

determines that a strip is necessary:

(a) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or

(b) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the Comprehensive Plan; or

(c) To prevent access to land abutting a street of the subdivision but not within the tract or parcel of land being subdivided; or

(d) To prevent access to land unsuitable for building development.

(7) Future Expansion of Street: When necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objective of street extension.

(8) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Circulation Master Plan.

(9) Streets Names: No street names will be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the Planning Commission.

(10) Street Standards: See Comprehensive Plan.

4.242 General Requirements - Blocks. (1) The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic, and recognition of limitations and opportunities of topography.

(2) Sizes: Blocks shall not exceed twelve hundred and sixty (1,260) feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation.

(3) Easements:

(a) Utility lines. Easements for sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards. All the utility lines shall be installed with underground services within the street and to any structures.

(b) Water courses. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to water courses may be required.

(4) Pedestrian ways. In blocks over seven hundred and fifty (750) feet in length, a pedestrian way with a minimum width of

six (6) feet with fence or screen and pavement shall be dedicated to the public through the middle of the block when desirable for public convenience. When desirable for public convenience, pedestrianways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks. Long blocks parallel to arterial streets may be approved without pedestrianways if desirable in the interests of traffic safety.

(5) Tree planting. Tree planting plans for a subdivision must be submitted to the Design Review Board and receive its approval before the planting is begun.

4.244 General Requirements - Lots. (1) Size and shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall meet the Zoning District requirements.

(a) In areas that are not served by public sewer a Septic Tank Permit is required from the City. If the soil structure is adverse to sewage disposal by septic tank, no development shall be permitted until sewer service can be provided.

(b) Where property is zoned or deeded for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(c) All lots within Planned Developments may waive the requirements of this section and lot size, shape, and density shall conform to the Planned Development regulations.

(2) Access. The subdividing of the land shall be such that each lot shall have a minimum of sixty (60) feet of frontage on a public street. This minimum frontage requirement shall apply with the following exceptions:

(a) A lot of the outer radius of a curbed street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty-five (35) feet upon a street, measured on the arc.

(b) The Planning Commission may in its discretion waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the project is developed under the Planned Development Regulation.

(3) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no righted access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred twenty (120) feet.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

(5) Large lots subdivision. In subdividing tracts which at some future time are likely to be re-subdivided, the location of

lot lines and other details of the layout shall be such that re-subdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Planning Commission considers it necessary.

(6) Building line. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat.

(7) Land for public purposes. The Planning Commission may require the reservation for public acquisition, at a cost not to exceed values in the area prior to subdivision, of appropriate areas within in the subdivision for a period not to exceed one year providing the City has an interest or has been advised of interest on the part of the public school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken for such acquisition.

(8) Corner lots. Lots on street intersections shall have a corner radius of not less than ten (10) feet in the property line.

4.250 Lots of Record. (1) All lots of record created prior to the adoption of this Code as metes and bounds or within a recorded subdivision on file with County Clerk's office and which meets the requirements of Sections 4.100 to 4.199 shall not need approval by the Planning Commission.

4.260 Improvements - Procedures. (1) In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of Sections 4.200 to 4.280 and improvement standards and specifications followed by the City. The improvements shall be installed in accordance with the City's Public Works Standards.

4.262 Improvements - Requirements. (1) Streets. Streets within the subdivision and streets partially within the subdivision shall be graded for the entire right-of-way width, constructed and surfaced in accordance with the Street Master Plan and Public Works Standards of this Code. Existing streets which abut the subdivision shall be graded, constructed, reconstructed, surfaced or repaired as determined by the Planning Commission with the advice of the City Engineer.

(2) Curbs. Curbs shall be constructed in accordance with standards adopted by the City.

(3) Sidewalks. Sidewalks shall be constructed in accordance with standards adopted by the City.

(4) Sanitary sewers. When the subdivision is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot in accordance with standards adopted by the City. When the subdivision is more than two hundred (200) feet from an existing public sewer main, the Planning Commission with the advice of the City Engineer may approve an alternate sewage disposal system.

(5) Drainage. Drainage and surface water shall be

provided as determined by the Planning Commission with the advice of the City Engineer.

(6) Underground utility and service facilities. All new utilities lines including, but not limited to, those required for electrical, communication, lighting and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electrical and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services.

(7) Streetlight standards. Streetlight standards shall be installed in accordance with regulations adopted by the City.

(8) Street signs. Street name signs shall be installed at all street intersections and dead-end signs at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required upon the recommendation of the City Engineer.

(9) Monuments. Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size and length as required by State Law. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced to conform to the requirements of State Law.

(10) Water. Water mains and fire hydrants shall be installed to serve each lot in accordance with standards by the City.

4.264 Improvements - Assurance. (1) A certificate shall be signed by the City Engineer certifying that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat, or

(b) A bond satisfactory to the City Council or a certified check, equal to one and one-half (1 1/2) times the City Engineer's estimate of the cost of such improvement, has been posted with the City to assure completion of all required improvements, or

(c) Deed restriction to the effect that no lots may be sold until improvements are in, a bond satisfactory to the City Council or a certified check is posted, or other means approved by the Planning Commission giving full assurance that the improvements will be completed.

(d) If at the termination of one year the work has not be completed, and no extension has been granted, the certified check or bond may be forfeited and the improvements constructed by the City Engineer. If the work has been completed to the satisfaction of the City Engineer, the certified check or bond shall be released.

4.270 Modification. (1) The Commission may authorize a modification of any requirement set in forth in these standards.

(2) The basic reason for granting a variance will be

proof that:

(a) Special conditions or circumstances peculiar to the property under consideration make modification necessary.

(b) The modification is necessary for the proper development of the subdivision and the preservation of property rights and values.

(c) The modification will not at present or hereafter be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed subdivision.

(3) Consideration for a modification from these regulations shall be based upon a written statement by the subdivider in which is given complete details of conditions and reasons why a specific modification should be granted. A request for a modification from these regulations shall be filed with the Commission prior to presentation of the final plat. No modification will be considered after a plat has been recorded.

4.280 Appeals. Appeals may be made as set forth in Section 4.017.

4.290 Penalties. (1) Any person who violates or fails to comply with any provisions of Sections 4.200 to 4.280 shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

UNDERGROUND UTILITIES

4.300 General. (1) The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new subdivisions.

(2) After the effective date of this Code, the approval of any plat or subdivision of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground.

4.310 Exceptions. (1) Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or above.

4.320 Requirements. (1) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services described in Section 4.200 (including cost of rearranging any existing overhead facilities). All such underground electric and communication facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commissioner of the

ORDINANCE NO. 66

AN ORDINANCE APPROVING A CHANGE IN THE DEVELOPMENT PLAN OF "WILSONVILLE SQUARE 76"; AMENDING THE CITY'S COMPREHENSIVE DEVELOPMENT PLAN MAP; AND DECLARING AN EMERGENCY.

WHEREAS, the Comprehensive Development Plan Map for the City of Wilsonville designates for commercial development a certain plot of land, consisting of 33 acres, commonly designated as "Wilsonville Square 76"; and

WHEREAS, said property received its original zoning August 23, 1973, from the Planning Commission, and on October 15, 1973, the City Council approved the Plan Commercial and Industrial (P.C. and I.) Zone; and

WHEREAS, the applicant, Martin Witt, Jr. and Associates requested a plan change within Wilsonville Square 76 from six categories which include community commercial, service commercial, office, apartment, civic and park, to five categories consisting of traveler's retail, retail equipment, service shops, general commercial and multi-family; and

WHEREAS, the Wilsonville Planning Commission, before taking final action on said Application for plan change, conducted a public hearing on the matter, and said hearing was held on April 12, 1976, and notice of the time, place and purpose of said hearing was duly and regularly given by publication in the Tigard Times, a newspaper of general circulation in the City of Wilsonville, not less than five days prior to the date of hearing, and the newspaper's Affidavit of Publication is on file in the City Recorder's records and file of this matter; and

WHEREAS, the City Council on May 3, 1976, approved the following findings of the Planning Commission of April 12, 1976:

1. There is a change in the Comprehensive Plan, but the change is only within the designated boundaries of Wilsonville Square 76 on the Comprehensive Development Plan Map.

2. There is a public need for the change. During the Comprehensive Plan revision hearings, it was requested that the City be reduced in total population. The applicant's request is to convert some multi-family, high density areas to commercial use which would therefore eliminate part of the residential area, and therefore reduce population.

3. The area converted from multi-family to commercial development is best placed in the area as opposed to other available property. Wilsonville Square 76 is in the "old town" area of the City. It is better suited for commercial development than for residential development. The property is bordered by an industrial area to the north and west, freeway on the east, and residential to the south.

4. The proposed change enhances the health, safety and general welfare of the residents. The proposed change is an improvement of road alignment, planning control and development within the area; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The Comprehensive Development Plan Map of the City of Wilsonville dated December 22, 1975, as previously amended shall be and the same is hereby amended and changed again to conform to the revised map, a copy of which is attached hereto marked Exhibit "A" for identification purposes and expressly made a part of this Ordinance.

Section 2: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's Comprehensive Development Plan Map to conform to Exhibit "A" and for the area of Wilsonville Square 76, the boundaries of which are described in the attached Exhibit "B".

Section 3: The Planning Commission shall first approve all uses of property in the Wilsonville Square 76, which is an area of

the City now designated by this Ordinance for PLANNED DEVELOPMENT. The uses of property shall follow as closely as possible the following RECOMMENDED USES for each of the various areas in the district, and developments within the area shall be governed by the PLANNED DEVELOPMENT REGULATIONS of ARTICLE 12 of Zoning Ordinance No. 23, the requirements of the Design Review Board Ordinance No. 38, and all other applicable Ordinances and Resolutions of the Wilsonville City Council. Any change of Recommended Use or similar type of Recommended Use from one area to another in the Wilsonville Square 76 shall first be approved by the Planning Commission.

RECOMMENDED USES

"GC" - "GENERAL COMMERCIAL"

Dept. stores	Hardware
Retail stores	Sporting goods
Financial institutions	Variety
Florist	Shoe repair
Pet shop	Art supplies, retail
Film exchange	Interior decorating shop
Photo shop	General offices
Photographer	Professional clinics
Business machines sales & Serv.	Professional offices
Cleaning & pressing establishments.	Paint store, retail
Custom tailoring & dressmaking	Optometrist & Optician
Furniture store	Health salon
Household machines, sales & serv.	Radio & t.v. studio
Watch & clock repair	Restaurant
Bakery, retail	Tavern, bar, lounge
Barber	Theater
Beauty Parlor	Food lockers
Bookstore	Jewelers
Confectionary	Gift shop
Delicatessen	Millinery
Drug store	Music shop
Dry goods	Apparel
Groceries, meat, fruit, veg.	Stationery

"TR" - "TRAVELERS RETAIL"

Motels
Restaurants
Fast food
Gas stations
Auto repair garage
Car wash
Offices

"SS - "SERVICE SHOPS"

Printers shop
Upholstery shop
Sign shop
Laundry & cleaners
Appliance repair shop
Power equip. sales & serv.
Gunsmith or locksmith
Heating & air cond. shop
Plumbing shop
Cabinet shop
Contractors & subcontractors
Boat & trailer storage
General or mini-storage

"RE" - "RETAIL EQUIPMENT"

Automobile sales & serv.
Truck sales & serv.
Motorcycle sales & serv.
Boat sales & serv.
Tire sales
Travel trailer sales & serv.
Camper sales
Farm implement sales & serv.
Garden supplies & equipment
Building materials, retail
Feed sales, retail
Rent-all

"MF - "MULTI-FAMILY"

Townhouses
Apartments
Condominiums

Section 4: Retail equipment utilization shall be contingent upon the user having satisfied the Planning Commission and Design Review Board that buildings will be appropriately sited and that adequate planning and landscaping will be installed to present a pleasing and harmonious appearance from public ways and streets.

Section 5: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Wilsonville and to comply with statutory directives to maintain the legislative integrity of the City's Comprehensive Plan, an emergency is hereby declared to exist, and this Ordinance shall be effective immediately upon its final reading and passage by the Council.


Passed on first reading of the Wilsonville City Council at a regular meeting of the Council on the 7th day of September, 1976;

ordered posted as provided by the Wilsonville City Charter; and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on Monday, October 4, 1976, at the hour of 7:30 p.m. at the Wilsonville Grade School.



PHILLIP R. BALSIGER - Mayor

ATTEST:




DEANNA J. THOM - City Recorder

Passed on final reading of the Wilsonville City Council at a regular meeting thereof held on the 5th day of October, 1976, by the following vote: Yeas 5. Nays 2

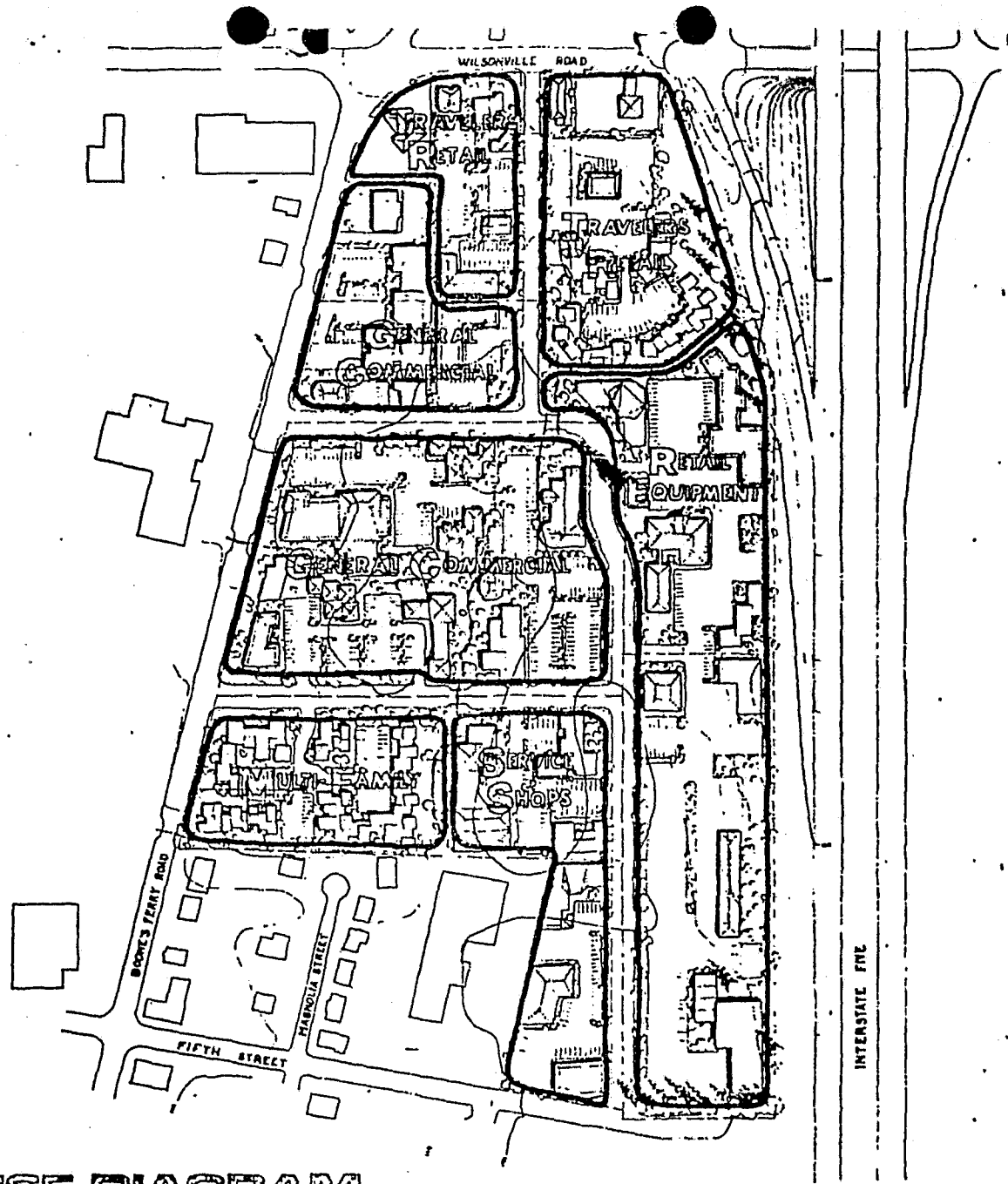


PHILLIP R. BALSIGER - Mayor

ATTEST:



DEANNA J. THOM - City Recorder



USE DIAGRAM

WILSONVILLE SQUARE 76



PREPARED BY
 CHARLES EGGY JR. AIA, S.A.S.C.

Exhibit "A"

EXHIBIT "B"

WILSONVILLE SQUARE 76

Description

A parcel of land being in the Northeast one-quarter of Section 23, T.3S., R.1W., Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at a point that is North $89^{\circ}57'50''$ West, 1072.50 feet, South $0^{\circ}07'50''$ West, 1072.50 feet and South $89^{\circ}50'$ West, 341.2 feet from the Northeast corner of said Section 23, said point being on the westerly right of way of Pacific Highway (Interstate Hwy. No. 5), and also being the Northeast corner of that parcel described in Book 531, Page 444, Clackamas County deed records;

Thence along said right of way and the East line of said Book 531, Page 444, South $0^{\circ}03'30''$ East, 825 feet more or less to the Southeast corner of said parcel described in Book 531, Page 444;

Thence along the South line of said Book 531, Page 444, South $84^{\circ}15'$ West, 272.15 feet to the East line of the Thomas Bailey D.L.C. #45 and the Southwest corner of said Book 531, Page 444;

Thence along the East line of said D.L.C. #45, North $0^{\circ}28'$ West, to the Southeast corner of that parcel of land recorded in Book 304, Page 540, said point also being at the intersection of the northerly right of way of Fifth Avenue and the East line of said D.L.C. #45;

Thence along the northerly right of way of said Fifth Avenue, and the westerly line of said Book 304, Page 540, to the easterly line of Block "B" of the plat of Wilsonville as recorded in Book 7, Page 27, Clackamas County deed records, said point also being on the westerly line of the vacated portion of Fir Avenue as recorded in Book 656, Page 859, Clackamas County deed records;

Thence along the easterly line of Block "B" of said Wilsonville plat and the westerly line of said vacated Fir Avenue, North $11^{\circ}45'$ East, 405.85 feet to the northerly line of said Wilsonville plat;

Thence along the North line of said Wilsonville plat, West 586.65 feet to the easterly right of way line of Boones Ferry Road, (Market Road No. 27) and the Southwest corner of that tract of land recorded in Book 467, Page 484, Clackamas County deed records;

Thence along the easterly right of way of said Boones Ferry Road, North $11^{\circ}55'$ East, 286.30 feet to the northerly line of that tract of land recorded in Ordinance No. 74-10413;

Thence continuing along said easterly right of way North $13^{\circ}15'$ East, to the beginning point of a 161.09 radius curve to the right, as recorded in Book 185, Page 421, said point also being on the westerly line of that parcel recorded in Ordinance No. 74-30872 Clackamas County deed records;

Thence along said 161.09 foot radius curve to the right through a central angle of $76^{\circ}46'$ a distance of 215.83 feet to a point on the southerly right of way of Market Road No. 12, said point also being 30 feet, when measured at right angles, from the centerline of said Market Road No. 12;

Thence along the southerly right of way of said Market Road No. 12 to a point on the West line of that parcel of land recorded in Book 432, Page 230, Clackamas County deed records, said point being 30 feet from the centerline of said Market Road No. 12, and on the westerly right of way of Pacific Highway (Interstate Hwy. #5);

Thence along the West line of said Book 432, Page 230, and the West line of said Pacific Highway, South 10.0 feet to a point as recorded in Book 613, Page 645, Clackamas County deed records;

Thence continuing along the West line of said Pacific Highway right of way, southeasterly to a point which is 80 feet southerly of the southern most point of that parcel recorded in Book 452, Page 485, Clackamas County deed records, said point also being on the West line of said Pacific Highway;

Thence continuing along the West line of said Pacific Highway right of way South $0^{\circ}03'30''$ East, to the Northeast corner of that parcel recorded in Book 531, Page 444, Clackamas County deed records and the point of beginning.

CITY OF



PLANNING DEPARTMENT
SUMMARY STAFF REPORT

TO: Planning Commission

DATE: September 5, 1985

SUBJECT: Wilsonville Square Access onto Wilsonville Road

MEETING DATE: September 9, 1985

ACTION REQUIRED: Approval or denial of a Resolution approving or denying the proposed amendment to the Wilsonville Square Master Plan to consolidate and provide access to Wilsonville Road.

PREVIOUS ACTION TAKEN:

August, 1983 (83PC26) - Planning Commission consideration of Wilsonville Square street alignment.

April, 1984 (83PC26) - Planning Commission review of traffic analysis for proposed street alignment for Wilsonville Square '76.

CONCLUSIONARY FINDINGS:

1. In April of 1984 the Planning Commission adopted a Master Plan for access to Wilsonville Square.
2. The State is proposing to eliminate the existing access to Mr. Roberts in conjunction with the Wilsonville Road street improvements.
3. The proposed amendments to the adopted access plan provide a better plan than the existing plan because it is more acceptable to a majority of the property owners involved, and does not require the City or the State to go through the condemnation process.

RECOMMENDATION:

Approve the proposed revisions to the access plan based on the findings and with the conditions as proposed in the Staff Report.

PLANNING COMMISSION
RESOLUTION NO. 85PC30

A RESOLUTION ADOPTING FINDINGS AND APPROVING, WITH CONDITIONS, AN AMENDMENT TO THE WILSONVILLE SQUARE MASTER PLAN TO PROVIDE A REVISED CONSOLIDATED ACCESS FROM WILSONVILLE SQUARE TO WILSONVILLE ROAD, ODOT AND CITY OF WILSONVILLE, APPLICANTS.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on September 9, 1985, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to issue a:

Site Development Permit
Subdivision Permit

consistent with said recommendation(s).

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 9th day of September, 1985, and filed with the Wilsonville City Recorder this same day.

Chairman, Planning Commission

Attest:

FINDINGS

The following findings are hereby adopted by the Planning Commission in consideration of the request for a revision to the Wilsonville Square Master Plan.

1. The Planning Commission has previously reviewed the access to Wilsonville Square question. On January 16, 1984, the Planning Commission approved the access plan which is attached as Exhibit 1. The major issues relating to that Planning Commission action are summarized in the Minutes of the January 16, 1984 meeting which are attached as Exhibit 2.
2. The proposed revision to the Master Plan is attached as Exhibit 3. This plan is proposed jointly by the City and ODOT in part to alleviate the access problem created by the improvements to Wilsonville Road and the subsequent elimination of access to Mr. Roberts. Under the proposed plan, the State will buy the Young property, and provide the street improvement as the alternate access to replace the current access which will be closed.
3. The revised plan, as proposed, does not eliminate the other existing access points on the south side of Wilsonville Road between the southbound I-5 on-ramp and Boones Ferry Road.
4. The City and the State have studied three alternative locations for the access and have concluded that the proposal as shown in Exhibit 3 is the best. Refer to Exhibit 5 (Interoffice Memo dated June 18, 1985) and Exhibit 6 (July 8, 1985 letter from Larry Blanchard to Jim McClure) for a discussion relating to the three alternatives.
5. The plan as proposed will leave a portion of Tax Lot 500 (owned by Young) as an undeveloped, non-conforming tax lot.
6. The plan, as proposed, will require that the majority of the parking for Tax Lot 400 (the Burda property) be relocated to the south end of the tax lot (south of the existing building).
7. This street plan provides an opportunity to revise the circulation for the Pete Norris property (Tax Lot 600, JB's and Squirrel Cage), by providing a southern outlet from the parking lot to the new road. The southern access could be across the remainder of Lot 500. Further, a right turn-in, right turn-out access restriction could be imposed to Wilsonville Road or a one-way traffic pattern through Lot 600 could be created. This may be accomplished through the State selling the surplus land (remainder of Tax Lot 500) to Mr. Norris, or by an access easement to the new road across this lot. This traffic pattern would then be consistent with the original conditions attached to the JB's/Squirrel Cage development permit.

8. The plan also proposes to re-locate the second east/west access road which connects the interior of Wilsonville Square to Boones Ferry Road. On the current plan, this road is located through Tax Lot 1000. On the revised plan, the road goes on the southern 50 feet of Tax Lot 900 and bisects Tax Lot 1100. In the case of both tax lots, the remaining land results in non-conforming, unusable lots, unless the property owners agree to certain land transfers or buy-outs to create a new consolidated lotting pattern.

In order to promote orderly development of the Wilsonville Square Plan, the Commission finds it necessary to establish both an adequate circulation plan and a net usable lotting pattern.

9. The formal creation of the proposed road right-of-way requires filing of a major partition plat. The Commission finds it appropriate to acknowledge the desired circulation pattern by approving the Master Plan, and authorize hard plat filing as an administrative function, with conformance to the Master Plan.

CONDITIONS OF APPROVAL

The following conditions are hereby adopted by the Wilsonville Planning Commission to assure completion of the project in compliance with the Comprehensive Plan, Wilsonville Code and Wilsonville Square Master Plan.

1. Street naming shall be established prior to filing of the hard plat for the major partition for the three new streets shown on the Master Plan. The street names shall be coordinated at the staff level and shall not duplicate names within the Tualatin Fire District.
2. A major partition plat shall be filed with the Planning Director to create the proposed street rights-of-way. The platting may be phased, but must include a consolidation of both to create a net buildable lotting pattern with appropriate access to the new road system as defined in Findings 7 and 8 herein. The primary lots of concern as shown on Exhibits 1 and 3 are as follows:

- 26 - Pete Norris
- 21 - Stan and Richards
- 19 - Lockyear
- 28 - Lewis
- 29 - Lewis and Lockyear
- 30 - O'Callaghan

EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. Existing access plan (adopted April, 1984).
2. Planning Commission meeting Minutes of April 9, 1984.
3. Proposed access plan.
4. Current tax lot map.
5. State of Oregon Interoffice Memo dated June 18, 1985.
6. Letter to Jim McClure from Larry Blanchard dated July 8, 1985.

PACIFIC

INTERSTATE

HIGHWAY

E

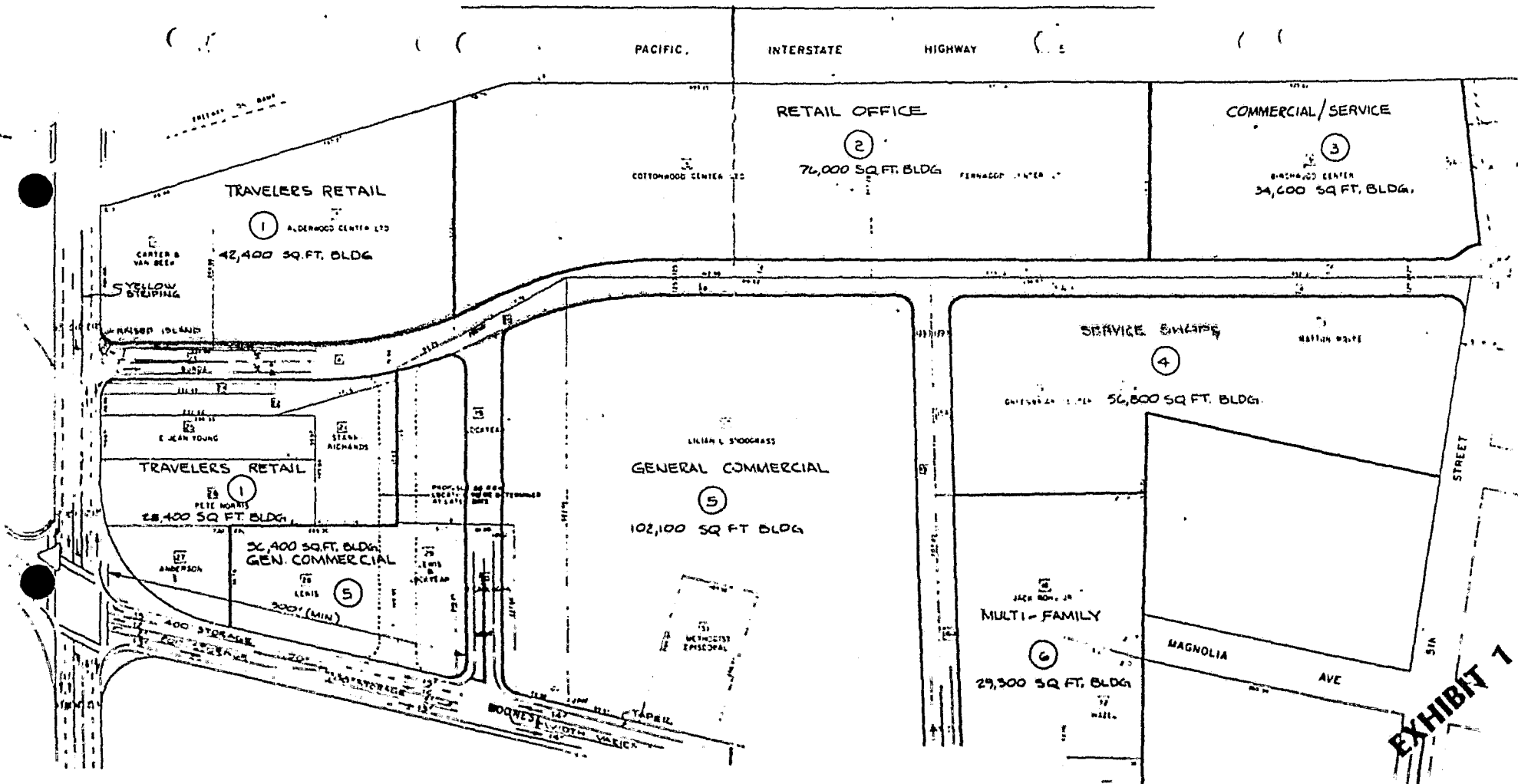


EXHIBIT 7

Steve Winstead presented the staff report explaining that the house which Kidhouse has been using has been sold and they have been requested to leave by May 1. They have tentatively decided to use Faith Baptist Church on Boeckman Road now. Because of the time frame for public notice, staff has extended the time to April 19. Staff found that the church has 42 parking spaces and are only required to have six. It is a good use for the church as it is vacant throughout the days.

Mike Williams noted that he did not know if it was a conflict of interest or not, but one of his children attends the child care center one or more days a week. No one felt it was a conflict of interest. Mike Kohlhoff noted he organized the corporation.

Acting Chairman Williams opened the public hearing asking for proponents. Eldon Edwards noted in the interest of time he would forego speaking about the center, but would answer questions if there were any. Acting Chairman Williams asked for opponents or questions. Hearing neither, he closed the public hearing.

Lew Hendershott suggested the hours be changed from 6 a.m. to 6 p.m. to 6 a.m. to 7 p.m.

Mike Williams moved to accept the staff report and approve the Conditional Use Permit for the Kidhouse with the condition that the hours be changed on page 2, second paragraph in Finding 5, from 6 a.m. to 7 p.m.; and that the word "pacify" be changed to "satisfy" in paragraph 6, page 2. Stan Maves seconded the motion. Arland Andersen called for the question. The motion was voted on and passed 5-0.

B. Wilsonville Square '76 - Continued public hearing for review of the Traffic Analysis for the proposed Street Alignment

Mike Williams questioned when the first public hearing was held. Steve Winstead noted under "Previous Action Taken" in the Summary Staff Report that a preliminary review was held on August 11, 1983, and continued for a Traffic Analysis.

Ben Altman noted that CRS was not present and presented the staff report. He was not at the August 11, 1983 meeting, but noted that the request for the traffic engineer's analysis was made after that meeting. Staff has since been working with CRS, and the State also, regarding the design of the interchange signalization project. When CRS completed its report, their original recommendation focused around a restricted access to the Square where it would be right turn in, right turn out only. After reviewing this, staff went back to CRS and advised them it would not work. There is direct commercial access there which needs some way of accommodation as the right turn - left turn prohibition would landlock those commercial properties. The revised sheet which was handed out tonight is the preliminary design which both staff and CRS have come up with. This will accommodate

a left turn maneuver into the site, but would restrict a left turn out. This can be accommodated by adding a lane on the north side of Wilsonville Road which will be a right turn pickup lane from the off ramp from the Freeway. The new lane would allow for a short left turn pocket to get into the new access road. A stop line will be created at the intersection of the off ramps with Wilsonville Road for east-bound traffic. When that light is red, cars will back up across the existing access. There are curb cuts to the Chevron station which will create conflict and cars will not be able to get through.

Mike Williams questioned how many cars can stack up to turn left. Ben Altman noted the distance between Boones Ferry Road and the stop bar at the interchange is only 500 feet - the left turn is about in the middle which is 250 feet. However, half of this is taken up with the median taper striping to create the left turn pocket. The storage lane for the cars is about 150 to 200 feet. When a truck is in this lane there will be problems.

Mike Williams questioned the width on Wilsonville Road. Ben noted our records show there is a 60-foot right-of-way, 30 feet from center line. The County plans show 37 feet from center line. This does create a problem for the outside island at the Shell station.

Mike Williams questioned what would happen if the Boeckman interchange is not built. Then a greater problem would exist because the no-build analysis for the Boeckman interchange is that Wilsonville Road would become a 7-lane section. Then the whole program would have to be re-evaluated.

Mike Kohlhoff questioned where the center of the road runs. Ben Altman noted we are not sure of this. However, one of the County's drawings shows a wider right-of-way than we thought we had. If we do have 74 feet, this design will work, if we don't have the 74 feet, it won't work.

Lew Hendershott questioned what kind of problems the City is setting up for itself if we allow left turn access into the new street, but do not allow left turns into Mr. Roberts, the Standard station, J.B.'s Short Stop, etc. Ben replied that going back to the original design, the concept was for a flow of traffic as in Town Center. The missing link is the access road from north to south to allow a circulation pattern other than to Wilsonville Road. The location of the intersection would allow an indirect left turn onto the collector street and another left into Mr. Roberts or the Chevron station. The existing building with Vern Burda's office would have to be removed to the south. When Mr. Roberts and the Squirrel Cage building was built, the idea was with a secondary outlet out the back. Since they did not own the property, it never happened. The only curb cut the existing Plan would close off would be the one at the eastern corner of the Chevron station next to the ramp.

Acting Chairman Williams asked for proponents.

Vern Burda noted he felt the present plan was a vast improvement over the original Plan.

Jack Kohl stated he felt this was a good Plan and hoped the Planning Commission would adopt same.

Ben Altman noted, for the record, that it was 250 feet from the center line of the intersection back to the stop bar at the ramp and 225 feet to the end of the taper. The standard design for a left-turn pocket is 350 feet which makes us 150 feet short of the standard design. It will function, but not ideally.

Maston Wolfe noted there is a technique whereby if you have a storage area which is not adequate, a storage emptying device can be installed.

Don Mala, 30150 S. W. Wilsonville Road, noted he was representing the properties south from Wilsonville Road to 5th Street, plus the Greenbriar property and they were all in agreement with the present road pattern.

Mike Williams questioned if this all could be done without a left turn off Wilsonville Road.

Don Mala noted he felt that there would not be a viable commercial use of the property without a left turn off Wilsonville Road. He also noted the truck traffic going into Mr. Roberts would be eliminated through the redevelopment of the property.

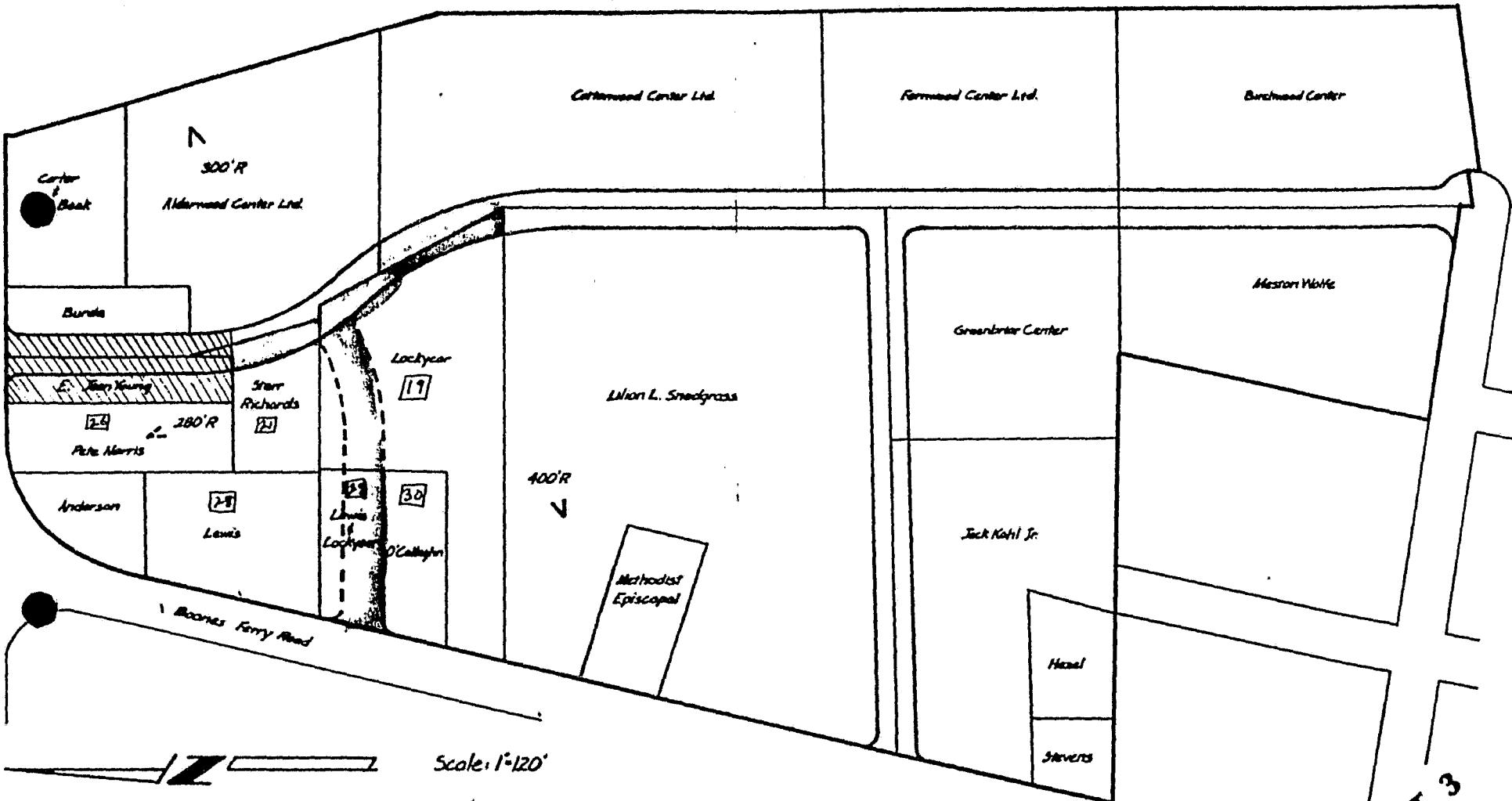
Don Richards stated he objected to the Plans presented last August and again to the ones in January. He felt very strongly that the left turn off Wilsonville Road was necessary. He noted that he and his partner, Roger Starr, were happy with the present Plans.

Acting Chairman Williams asked for opponents.

Jean Young, 29855 S. W. Brown Road, Wilsonville, noted they bought their small piece of property because it did not have an entrance onto Wilsonville Road, but yet did front onto Wilsonville Road. She asked if her curb cut had been eliminated. Ben Altman replied at this point that the design does not envision eliminating her curb cut.

Acting Chairman Williams closed the public hearing and questioned where this goes from here. Ben noted this project would have to go back in the form of a minor partition to Planning Commission. If Planning Commission agrees with the Engineer's Report on the preliminary design, then a major partition could be formed to create the street alignment.

Arland Andersen moved to approve the Street Plan revision for the proposed Wilsonville Square as presented. Stan Maves seconded the motion which passed 5-0.



DeHoas & Associates
 July 24, 1985

EXHIBIT 3

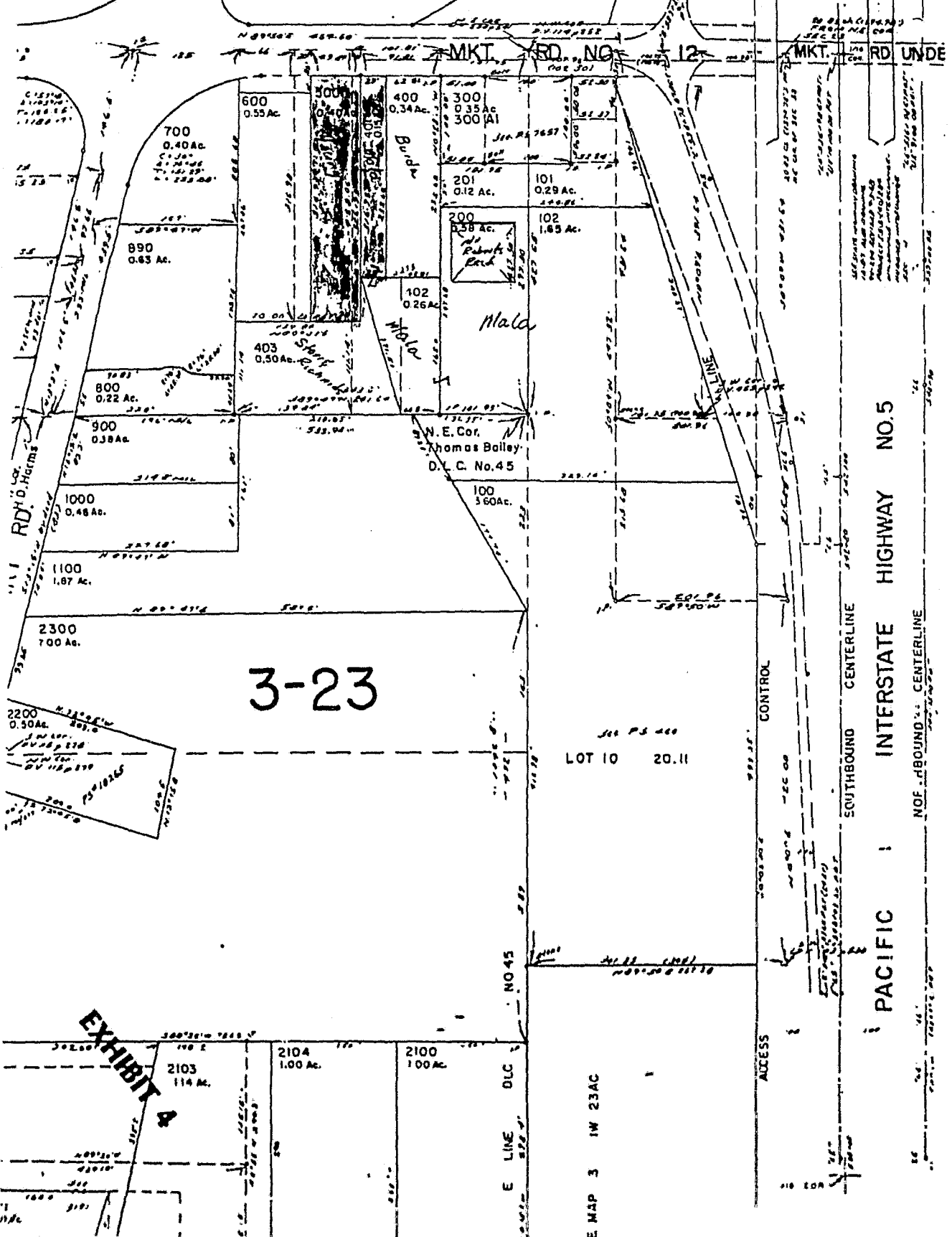
N.W.1/4 NE.1/4 SEC. 23 T.3S. R.1W. W.M.
CLACKAMAS COUNTY

D. L. C.
THOMAS BAILEY NO. 45

HIGHWAY 3 1
WILK

1"=100'

SEE MAP 3 1W 14 D



3-23

LOT 10 20.11

PACIFIC INTERSTATE HIGHWAY NO. 5

EXHIBIT A



STATE OF OREGON

INTEROFFICE MEMO

TO: FILE

DATE: June 18, 1985

FROM:

Pat O'Brien for Jim McClure
JIM McCLURE
Project Development Engineer

SUBJECT: Access/Mr. Robert's Restaurant
Wilsonville Interchange
Pacific Highway (I-5)
Clackamas County

RECEIVED
JUN 19 1985
CITY OF WILSONVILLE

Several alternatives to provide alternative access to Mr. Robert's Restaurant in Wilsonville have been identified as outlined in Rod Henry's June 11 letter attached. Alternatives #1 and #3 would allow the State to condemn for the access while Alternative #2 would require a willing seller and the owner willing to accept the private driveway approach.

I contacted Larry Blanchard, City Manager of Wilsonville, to determine the best location for the 50-foot public street (Alt. #3). To implement this alternative, a 21-foot strip from tax lot 400, or tax lot 500, would be connected to the purchase of the 29-foot wide tax lot 401 owned by Don Mala who owns the Mr. Robert's Restaurant property but not the business. Larry was not in favor of a fixed location for the new street as the City's preferred primary access to this property is from Lower Boones Ferry Road. Only a right-turn in and right-turn out access road is being planned from Wilsonville Road. Larry favored the 40-foot private driveway access alternative since it would not fix the location of the dedicated public street alternative. I also prefer this alternative since it would be the most cost-effective and least expensive to the State.

At my request, Larry Blanchard arranged a meeting with the various property owners involved, to discuss the access and what would be the most acceptable location and alternative for the property owner and the adjacent property owners.

On Friday, June 14, Ken Rolfe and I attended a meeting at the Wilsonville City Hall with the majority of the property owners. Attached is a list of the property owners who were in attendance at the meeting.

I advised the group that the State would consider providing access to the restaurant property and that we were looking at two different alternatives. I also advised the group that the State did not want to go through the condemnation process to provide access and would like to have a general agreement on the most acceptable solution for providing an access. Generally, alternatives #2 and #3 were discussed with a consensus that Alternative #3 providing a 50-foot dedicated public street would be the most acceptable solution. How-

EXHIBIT 5




STATE OF OREGON

INTEROFFICE MEMO

TO: Jim McClure
Project Development Engineer

DATE: June 11, 1985

FROM: 
Rod Henry, Assistant
Right of Way Manager

SUBJECT: Mr. Roberts' Restaurant
Wilsonville Interchange
Pacific Highway
Clackamas County

OM MRE OE PPM CE
TOS
US JUN 13 1985 ME
CSA Motro Region TAM
SO PA EM BUD LM

During our telephone conversation regarding Mr. Roberts' Restaurant access at Wilsonville, we outlined several alternatives for curing the access problem. In order to clarify our position I would like to set out the various alternatives as we see them.

1. One alternative would be to close the existing 50' access and not provide an alternate means of accessing the restaurant. We would then pay damages to the property; this would probably result in a condemnation case and the damage to the remaining property would probably run between \$200,000 and \$300,000.
2. We could acquire an 11' strip from either tax lot 400 or tax lot 500 to provide a 40' private roadway to serve the property. This would only work if the property owner was willing to accept the 40' private approach and if we could negotiate a settlement with either of the abutting property owners for the 11' strip. We could not condemn the property needed for a private approach.
3. Acquire a 21' strip from either tax lot 400 or tax lot 500 through negotiations or condemnation and develop a 50' public roadway to serve the property. We would not only have to acquire the additional right-of-way, but we would also have to construct a street to city standards.

Even if a road is developed into the property we would still be faced with the question of whether or not there was additional damages to the restaurant. An access road on the west side of the restaurant will not adequately replace the 50' easement that now serves the property and it is very likely the owner would demand additional damages.

Alternate two would be the least expensive method of accessing the property, but it would probably also be the least desirable from the owner's standpoint. It is very unlikely that he would accept a private approach without additional compensation.

Before proceeding with any proposal I think someone should discuss this with the owner and determine exactly what problems we're facing and what alternatives the owner would be willing to accept.

RH:mk
cc: Ken Rolfe

Meeting
Wilsonville Square

2:00pm
6-14-85

<u>Name</u>	<u>Representing</u>	
Larry R Blanchard	City of Wilsonville	City Mgr.
Steve Simonson	CRS Serrine	City Eng. Consultant
Jim Mc Clure	ODOT	
Donald P. Richards	Buta & Richards atty's	T.L. 400
Ken Rofe	O.D.O.T. RW	
Lemilla + Bev Belkville	Mr. Roberts	Restaurant Business
Dan Mala	30150 SW Parkway Hidenwood Center, LTD	T.L. 401, 402 200-102
Richard J. Lugin	P.O. Box 660 - City	Atty for Mala
Mrs Jean Young		T.L. 500



CRS SIRRINE

Steven E. Simonson, P.E.
Sr. Civil Engineer
Asst. Vice President

Northwest Division
CRS Serrine, Inc.
P.O. Box 02201
5505 S.E. Milwaukie
Portland, Oregon 97202
503-234-0721

EGGY MALA
proprietor

Phone
682-3833

Dan Mala

DATA-STAT

COMPUTER SERVICES
Word Processing
Accounting

WILSONVILLE 15 INTERCHANGE
30150 SW Parkway Avenue
Wilsonville OR 97070

CITY OF



Wilsonville

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

July 8, 1985

Mr. Jim McClure
Project Development Engineer
9002 SW McLoughlin Blvd.
Milwaukie, OR 97222

SUBJECT: ACCESS/MR. ROBERTS RESTRAINT
WILSONVILLE INTERCHANGE

Dear Jim:

Attached with this letter you will find a report from Mr. Steve Simonson CRS/Sirrine, the City's Transportation Engineer. After review with Mr. Simonson of the alternatives for access to the proposed Wilsonville Square area, it was determined that Alternative #1 would best accomplish the traffic requirements. The City feels the location is suitable for both ingress and egress right and left turn. It is also apparent that at some time in the future the street would require modifications to right turn in-right turn out traffic patterns.

The City also looked at a secondary ingress/egress which although is not as suitable as Alternative #1, would allow State to purchase only one piece of property. In any event, the City would like the opportunity to discuss with you any final decision you may make regarding which alternative you may choose. The primary reason for this request is due to the Wilsonville Road Improvement Project which will be under construction in August-September. The final choice for the ingress/egress location will result in reducing the amount of curb and sidewalk to be rebuilt as a result of Mr. Roberts access location.

If you should require any further information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Larry R. Blanchard".

Larry R. Blanchard
Public Works Director

cc: Wilsonville Square LID
Ken Rolfe

Enc.

EXHIBIT 6

CRS SIRRINE

June 28, 1985

City of Wilsonville
P.O. Box 220
Wilsonville, Oregon 97070

Attention: Mr. Larry Blanchard
Public Works Director

Subject: Interchange Modifications and Revisions to
Wilsonville Road Access
CRS SIRRINE Job No. N01141

Dear Larry:

Pursuant to the June 14, 1985 meeting with property owners and the Oregon Department of Transportation, we have looked at possible locations for access replacement south off of Wilsonville Road between the west I-5 interchange and Boones Ferry Road. Our recommendations are based on the best apparent resulting traffic pattern on Wilsonville Road.

We are enclosing figures to illustrate our recommendations. The first recommendation, Alternate 1, is to locate the access on the Mala property (T.L. 401) and the westerly 21 feet of the Young property. This alternate allows approximately 120 feet of left turn lane for vehicles turning into the new access and leaves approximately 180 feet of left turn lane for vehicles turning onto Boones Ferry Road. This is the preferred alternate because it appears to offer the best balance of separation from nearby intersections and stacking lengths for vehicles making left turns.

The second recommendation, Alternate 2, is to locate the access all on the Young property. This alternate allows approximately 150 feet of left turn lane for each left turn maneuver. This is a backup alternate in case ODOT right-of-way acquisition requires such an alternate.

An access further east is not recommended because it reduces the easterly left turn lane length to less than 100 feet, which is considered undesirable.

All accesses are assumed to be 50 feet wide.

If you have any questions about our recommendations, please contact us.

Very truly yours,

CRS SIRRINE, Inc.

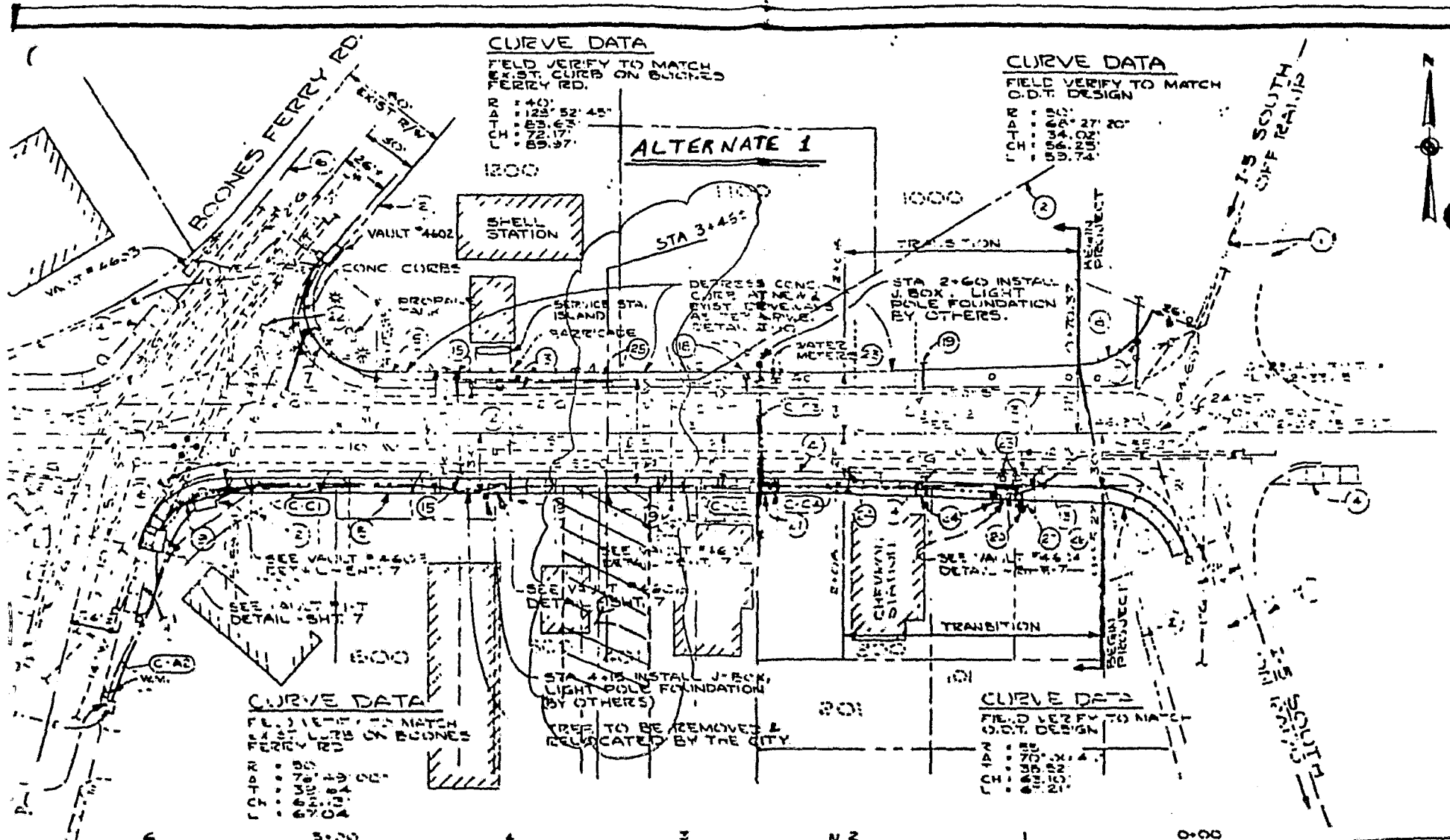


Steven E. Simonson, P.E.
Assistant Vice President

SES:kpw

Enclosure

CRS SIRRINE, Inc.
5505 SE Milwaukie Avenue
Portland, Oregon 97207
503 446 0721



CURVE DATA

FIELD VERIFY TO MATCH EXIST. CURVE ON BUENOS FERRY RD.

R : 140.
 Δ : 125° 52' 45"
 T : 83.63
 L : 72.17
 C : 89.97

CURVE DATA

FIELD VERIFY TO MATCH C.D.T. DESIGN

R : 180.
 Δ : 84° 27' 20"
 T : 84.28
 L : 86.28
 C : 83.74

CURVE DATA

FIELD VERIFY TO MATCH EXIST. CURVE ON BUENOS FERRY RD.

R : 50.
 Δ : 78° 49' 00"
 T : 38.84
 L : 38.04

CURVE DATA

FIELD VERIFY TO MATCH C.D.T. DESIGN

R : 70.
 Δ : 85° 20' 00"
 T : 45.96
 L : 45.96

0+00
 SAW CUT & REMOVE AC TAPER JOINT



CURVE DATA

FIELD VERIFY TO MATCH
EXIST. CURVES ON BRONNES
FERRY RD.

R = 400
PI = 128.52 45°
LC = 68.17
EC = 89.97

1200

ALTERNATE 2

1100

1000

CURVE DATA

FIELD VERIFY TO MATCH
O.D.T. DESIGN

R = 850
PI = 88.40 27° 20'
LC = 88.40
EC = 100.00

CURVE DATA

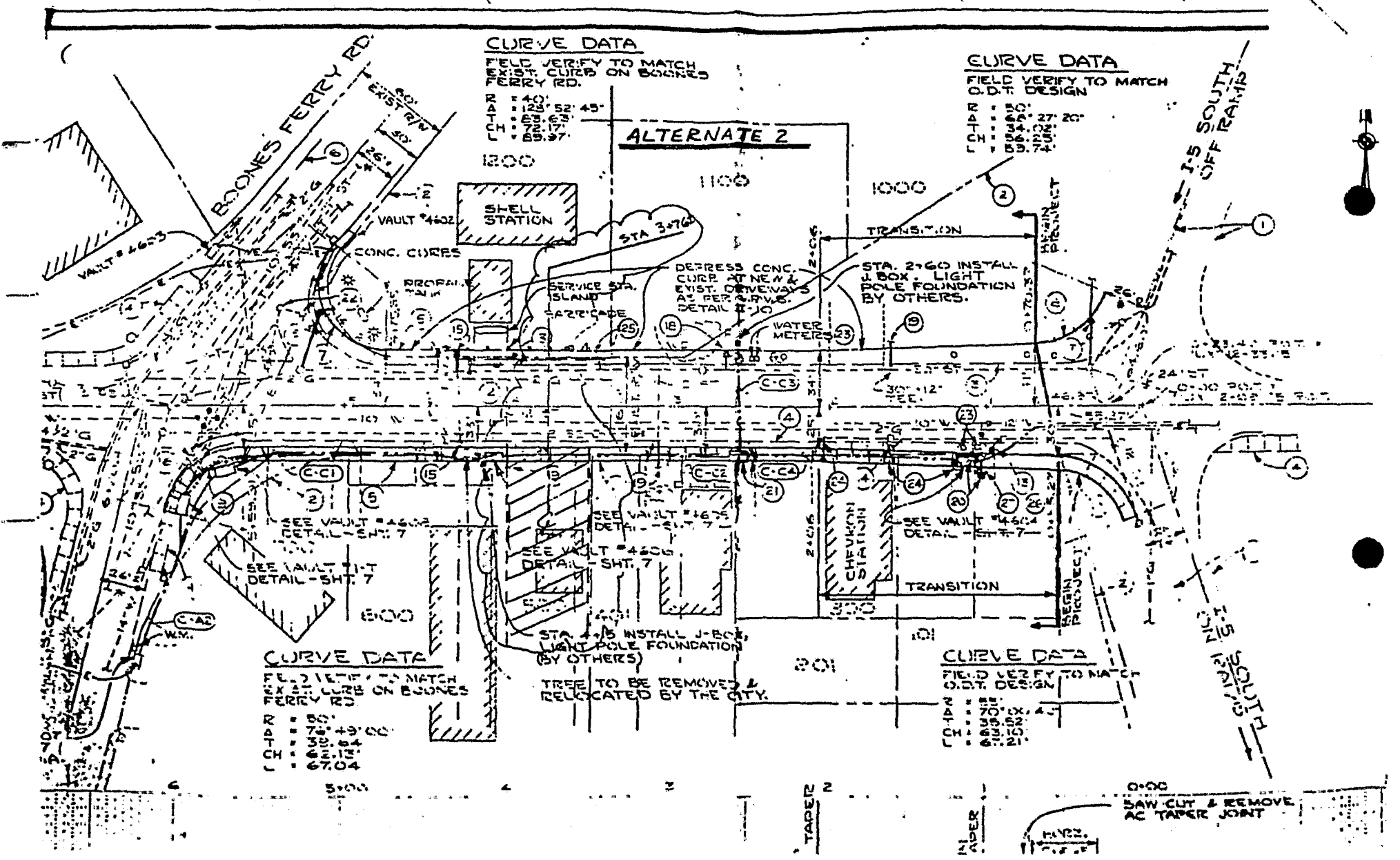
FIELD VERIFY TO MATCH
EXIST. CURVES ON BRONNES
FERRY RD.

R = 500
PI = 75.00 49° 00'
LC = 68.17
EC = 67.04

CURVE DATA

FIELD VERIFY TO MATCH
O.D.T. DESIGN

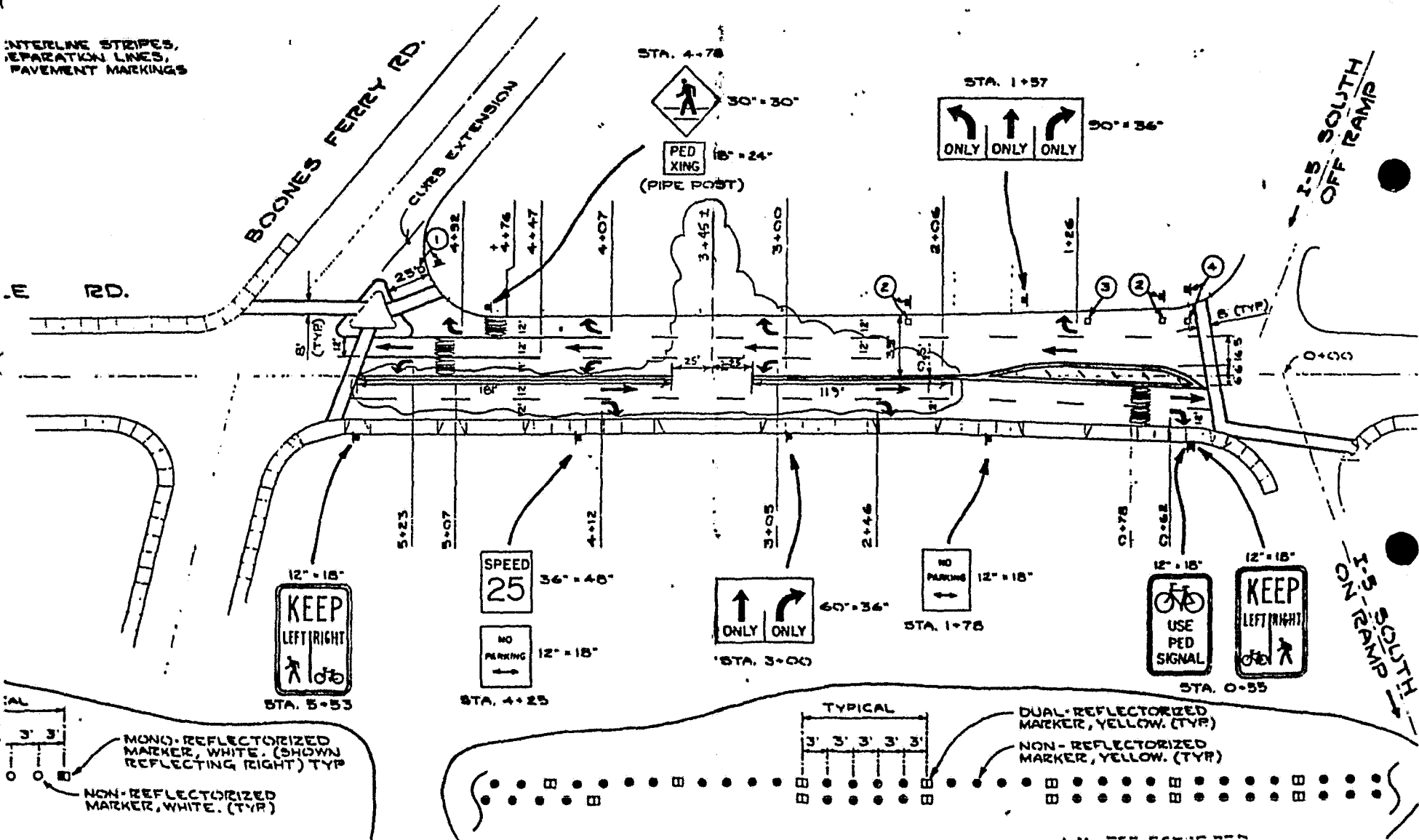
R = 750
PI = 70.00 45°
LC = 68.17
EC = 70.00



TREE TO BE REMOVED &
RELOCATED BY THE CITY.

0:00
SAW CUT & REMOVE
AC TAPER JOINT

INTERLINE STRIPES,
SEPARATION LINES,
PAVEMENT MARKINGS



I-B SOUTH
OFF RAMP

I-B SOUTH
ON RAMP

3' 3'
MONO-REFLECTORIZED
MARKER, WHITE. (SHOWN
REFLECTING RIGHT) TYP
NON-REFLECTORIZED
MARKER, WHITE. (TYP)

TYPICAL
3' 3' 3' 3' 3'

DUAL-REFLECTORIZED
MARKER, YELLOW. (TYP)
NON-REFLECTORIZED
MARKER, YELLOW. (TYP)

CITY OF



Wilsonville

30000 S.W. Town Center Loop E
P.O. Box 220 / Wilsonville, Oregon 97070-0220
503 / 682-1011

PLANNING COMMISSION MINUTES

September 9, 1985
Wilsonville City Hall

Members present: Bob Dant, Lew Hendershott, Arland Andersen, Marian Wiedemann, Mike Williams, Stan Maves and Helen Burns
Staff present: Ben Altman, Sharon Kelly-Meyer and Judee Emison
Legal Counsel: Beth Marks

Chairman Williams called the meeting to order at 7:04 p.m.

PUBLIC HEARINGS

A. Naming new street section - LID No. 9 and initiating development of a Master Street Naming Policy

Ben Altman presented the Staff Report noting the new section of road (LID No. 9) built through Parkway Center needs to be named.

Chairman Williams opened the public hearing asking for proponents or opponents. Hearing none, he closed the public hearing.

Bob Dant moved that the new section of road be named Parkway Center Drive. Arland Andersen seconded the motion which passed 7-0.

Chairman Williams noted the second part of the hearing was regarding the general street naming policies and procedures

Altman noted that Ed Davis had presented a policy in the form of a Memo to the Planning Commission several years back. His Memo was never adopted by the Planning Commission or the City Council.

Altman also suggested tying in some addressing information for the benefit of the motorists and the Fire District. He noted the City has stayed with the Portland grid for addressing to eliminate confusion.

Chairman Williams suggested re-reading the Ed Davis Memo regarding naming of City streets and then schedule a public hearing in several months or set aside a portion of the regular meeting, and look at our system of naming City streets.

B. Wilsonville Square Access onto Wilsonville Road

Ben Altman presented the Staff Report, noting that Planning Commission reviewed this quite a while ago, and based on a traffic analysis, agreed to a certain location for the north/south access collector to access Wilsonville Square. Subsequent to that, the City just installed the signals at the interchange of Wilsonville Road. This is creating some access problems for Mr. Roberts. The curving will close off their access at the east edge of the Chevron property. The State Highway Division is now involved in the process through their funding of the signal project and are now proceeding on the basis of condemning whatever access is necessary to replace the access they are taking away by the signal project. The City has come up with an alternative alignment which moves the road slightly to the west of the last alignment. Planning Commission is considering that alignment tonight.

Altman also addressed the issues relating to the lotting pattern that are affected by the creation of the street. He recommended that the Planning Commission acknowledge the street alignment, but link it back to the requirement for filing of the hard plat major partition to create the street. As a condition for the major partition, which would be administered at the staff level, the lotting pattern would have to be adjusted so there will not be small unbuildable parcels abutting the road. The property owners will need to get together and sort out the lotting pattern by land transfers, buy and sell, or whatever it takes to accomplish an appropriate relotting of that area.

Chairman Williams questioned the placement of the street connecting to Boones Ferry Road. Altman replied part of the thinking was to create a better lotting pattern on the lots. The placement of the street farther south would break up Lot 30, the O'Callaghan property, and leaves tiny pieces of land on either side of the road. The other alignment splits the property between the Lewis property (U.S. Bank) and allows a better net lotting pattern if 29 and 30 were combined.

Larry Blanchard, Public Works Director, noted the first Wilsonville Square access road was developed prior to the State's plans for the Wilsonville interchange. There was some confusion on the City's part as to what the final proposal would look like as far as ingress and egress off Wilsonville Road to Wilsonville Square. Once the Wilsonville interchange plans were developed, they started asking questions as to the feasibility of the ingress and egress. At one time there were three alternatives as to where the ingress and egress point should be. There were meetings with the property owners and the State.

Blanchard noted stacking should be looked into. Chairman Williams asked what had changed between the meetings of August, 1983 and April, 1984, when the original CRS plan was presented to Planning

Commission, that the access has to be moved now. Blanchard replied that final construction plans were not provided until early, 1985. The as-builts they were using were from 1963 and were inaccurate. The State will be paying for the installation of the access road. In two of the three alternatives, two buildings have to be removed.

Blanchard further noted the access road is being moved approximately 30 feet to the west with a left turn in and left turn out until a point when Wilsonville Square is between 50% and 60% developed.

Lew Hendershott noted Exhibit 1 shows left turns in, but no left turns out. He questioned if that would change. Blanchard replied once the 50% to 60% of development is reached, then only right turn in and right turn out will be allowed. Chairman Williams noted at the April, 1984 meeting, it was decided left turn in, but right turn only out. Blanchard replied he would have Steve Simonsen answer the technical questions.

Lew Hendershott noted in previous discussions, there were problems with the I-5 southbound off-ramp crossing lanes of traffic to make a left turn into this property, and asked if there was a solution to this. Blanchard again referred this question to Steve Simonsen.

Blanchard noted the off-ramp has been moved 30 feet to the west. Altman noted the State is only extending the new road in far enough to access Mr. Robert's. It is not building the whole street on south. When the street is installed, the current curb cut at the interchange will be curbed off. Initially, Wilsonville Road will be striped - if there is a problem, then a median might have to be installed. The design is for a curb radius of 35 feet which is more than adequate for truck turning radius for curbs.

Altman noted, for the record, that in initial talks with the State, they were considering buying all access rights between the ramp and Boones Ferry Road and they decided they could not afford to do so.

Helen Burns noted she remembered the Planning Commission looking at great length over the outlet which comes out on Boones Ferry Road from Wilsonville Square. There was great concern that no small slivers of some of the parcels be left after the road was installed.

Steve Simonsen, CRS Sirrine, stated they had prepared a report, dated February, 1984, which described the traffic analysis for Wilsonville Square. They recommended right turns in and right turns out only for the new road. For full development and the year 2000 traffic, the 400-foot stacking length will be required to handle the proposed volume of traffic.

This will effectively block any left turns into the access. Some intervening events have occurred since the writing of the report. The main event being the State eliminating the access to Mr. Robert's and being obligated to replace the access. The replacement method is not yet condemnation - they are attempting to acquire right-of-way. The State asked CRS to recommend a location. CRS recommended two

locations. Their first recommendation is 50 feet to the west rather than 30 feet. A majority of that access is on Don Mala's property. The alternative is to locate all of the access on the Young tax lot.

Simonsen further stated if a left turn is allowed into the access road as an interim measure, then a left turn storage to make the turn and a left turn storage to make the turn at Boones Ferry Road must be considered. Thus, the reason for the move 50 feet to the west - to enable both storage maneuvers.

Simonsen noted the other alternative of moving it further to the west onto the Young property results in two storage lanes of 150 feet each.

Helen Burns questioned the amount of square footage between Vern Burda's property and the Chevron station.

Vern Burda replied the area between the State Highway Department's corner and the Chevron station which is not owned by Chevron, is the area which is to be closed. He pointed out the City needs to obtain Chevron's permission to go through their property. He questioned if Planning Commission was going to have much to say regarding the road going in as far as Mr. Robert's, but noted they would have a lot more control of the road from Mr. Robert's on south. He felt Chevron would not give permission to allow the trucks to use the land between the Chevron station and Burda's house.

Blanchard clarified, for the record, that the State is looking at Don Mala's 29 feet and all of the Young property.

Altman noted his major concern was that Planning Commission not hard plat, by a major partition, and create the right-of-way without correcting the lotting pattern.

Don Mala noted the plan was started in 1976 and the access road proposed now is almost identical to what was approved in 1976. The road pattern to the south is somewhat different than what was approved in 1976, but the location of the road is almost identical to where it was planned. He stated they have been dealing with the State Highway Department in Salem. They presented the State with a number of alternatives - the primary one being put in a four-way traffic signal at the interchange, build a frontage road directly south of the signal, move the on-ramp down several hundred feet and create a road from Boones Ferry east to the on-ramp. This was rejected by the State based on the fact that they would have to go to the Federal Highway Administration to get approval to change the on-ramps and the project faced a seven-year time frame. The property owners rejected that idea.

The existing access on the 50-foot easement which Mala retains across the property was negotiated between the Chevron ownership and the buyers of that property. A hallmark station was to go in on the Chevron property approximately two years ago. Chevron changed their mind and is now leasing the station. The lease runs for two more years, during which time the owners are deciding what to do with the property. The State decided to eliminate the access to Mr. Robert's along with any development which would take place to the south of the access. This

brought protests and approximately six meetings with the State. The State wanted to pay to eliminate the access without providing another access. Mr. Mala rejected the offer on the basis that the State has the ability to develop right-of-ways through properties.

Mr. Mala noted the ownership map was not correct. The O'Callaghan property and the Lewis-Lockyear property are in various ownerships between Lewis, Lockyear and Burda. Mala further noted they hired DeHaas & Associates to assist the State in implementing the plan at a faster rate. He spoke with the State Engineer who indicated by the end of the week he should know the status of the Federal funding. When this is known, an appraiser will be hired. By November the State should be able to make an offer. The State will be building the street in the spring. They only plan to build the street and install a drainage system. Other utilities will have to be extended. They plan to start a local improvement district.

Mr. Mala noted the street to be built will include street, curbs and drainage, but no sidewalks.

Chairman Williams opened the public hearing, asking for proponents.

Vern Burda noted the O'Callaghan property is owned one-fourth by Frank Lockyear, one-fourth by Bill Burda and one-half by Theodore Lewis. The tract which is marked Lewis-Lockyear is owned by the same three people. The "sewing house" and the U.S. Bank building are owned by Theodore Lewis. He noted the four of them did not care where the road was located and suggested putting it where the traffic pattern was best.

Jean Young, owner of Lot 500, noted she did not want to sell her property or have it condemned. She questioned why the restaurant took precedence over the people renting her building. Suggested coming in from Boones Ferry Road and not Wilsonville Road. She expressed concern over the trucks going between the buildings.

Don Richards questioned Condition of Approval 2 and what was being decided tonight.

Ben Altman stated that the alignment of the road off Wilsonville Road would affect the alignment down to the Snodgrass property. To create any right-of-way requires filing of a hard plat major partition under the City's Subdivision and Partitioning Code. To get to the point where the City can actually file a hard plat, the Planning Commission must come to a consensus, based on the testimony of the property owners, on where the road will be placed. He pointed out he was defining the perimeters within which the road system is laid out and the net lotting pattern will result from same so the City can administratively file the major partition and create the street.

He further noted the State preferred using the combination of the Mala and Young property because of the stacking room on Wilsonville Road. They are asking the Planning Commission to make the decision so they know what to buy. The State does not have the authority to impose a right-of-way on the City, the Planning Commission does have that authority.

Chairman Williams stated he felt the only reason the Planning Commission was involved in this project was because the property owners cannot agree and they feel the Planning Commission should resolve this. He felt the best proposal was not to have any access onto Wilsonville Road at all, but this did not seem to be a consideration that anyone had talked about.

Chairman Williams asked for further proponents.

Vern Forrest noted he was leasing part of the Jean Young building. He felt that putting in an access road in the middle of the strip between Boones Ferry Road and the Freeway on-ramp meant more problems down the road. By stacking the trucks, the road is constantly busy and putting in another access would mean tying up more traffic.

Richard Filonczuk noted if the building is removed, he will probably have to leave town as there are no other reasonable places to rent. He, too, noted the amount of congestion on Wilsonville Road.

Ben Altman noted he agreed that it was not the best place to put a street. He pointed out that, rather than separate curb cuts all along Wilsonville Road, having people turn in at one point and access the various properties from that point, was the better of the two. In the future, if the new street is not put in, the curb cuts would become non-functional because they would all be blocked by left turn lanes.

Larry Blanchard noted he hoped the Commission understood the process the City has to go through before it determines it will buy any right-of-way.

Lew Hendershott questioned if it would be practical to move the Young house back onto the Starr-Richards property, turning it around and facing it onto the new street. Altman noted this building was currently a non-conforming building, but if it was relocated, major upgrading would be necessary which would be costly.

Don Mala stated the State Highway Department would pay for the relocation of the people in the Young building.

Chairman Williams closed the public hearing.

Chairman Williams pointed out in the Minutes of April 9, 1984, if the Boeckman interchange is not built, Wilsonville Road will become a seven-lane section and there will be no access allowed at all.

Ben Altman questioned if the Wilsonville Square plan is even appropriate to try to implement.

Bob Dant pointed out the State is going to take 71 feet and 50 feet used for street improvements other than sidewalks - questioned what would happen to the 21 feet remaining. Altman replied they talked to the State about this and they would make an effort to try to transfer the ownership to the adjacent property owners so that they could use it

and access back to the street. Another answer would be for the State to maintain ownership or transfer it back to the City and we could use it for a landscape strip.

Bob Dant asked what was recommended regarding when to restrict a left turn access onto the new street and close the left turn access off and make a right turn only. Ben Altman replied when Wilsonville Square is built out 50% to 60%. Altman further noted Blanchard was referring to reaching a certain number of left turn maneuvers before this happens. Blanchard stated when we reach 100 left turn maneuvers per hour, then we start to look closely at changing it to a right turn in, right turn out.

Bob Dant noted he would feel better if there was some measurement of knowing when the median would be built and when the left turn access would be taken out. He felt it should go as far west as possible. Altman stated the road could be moved as far west as possible to come up with an appropriate lotting pattern and look at traffic maneuvers when the count hits 80 rather than 100 for the purpose of closing the left turn.

Mike Williams moved to approve the Staff Report, with the exception of the lotting pattern process at this point, with the recommendation that the north/south access road be located ten to fifteen feet further west from its present location, and that the staff provide the Commission, at the October 14 meeting, some numbers on what the criteria would be for the closing of the left turn in, left turn out on the Wilsonville Square access road in terms of left turns either onto Boones Ferry Road or on the access road.

Bob Dant amended the motion to reflect that at the point in time when the LID has completed the interior access roads on Wilsonville Square '76 that there be medians built on Wilsonville Road to restrict access into and out of Wilsonville Road. Mike Williams seconded the amendment. The amendment was voted on and passed 6-0.

Ben Altman questioned if the amendment would supersede the previous number - if the LID comes prior to the trigger count, it would still happen. Mike Williams replied yes.

Helen Burns seconded the motion which passed 6-0.

Lew Hendershott noted, for the record, that the Conditions of Approval as shown in the Staff Report were not approved.

GENERAL PLANNING

LCDC Periodic Review

Chairman Williams suggested that this be placed on the next Agenda and a general hearing be held.

CC&R's Memo

The question was raised as to whether the City really wants to enforce them.



RECEIVED
SEP 19 1985

September 19, 1985

CITY OF WILSONVILLE

The City of Wilsonville
P.O. Box 220
Wilsonville, Oregon 97070

Dear Sirs:

This letter is an appeal regarding the recent Planning Commission decision on September 9, 1985 regarding the new access road which is proposed to enter Wilsonville Road and cut through Tax Lot 500; E. Jean Young property.

We as affected parties feel further discussion, a public hearing and review by Wilsonville City Counsel would be appropriate. Our concern is the overall plan of this area of town and the dangerous, detrimental effects of a road being placed in this location.

Thank you.

Richard Filonczuk
Richard Filonczuk
Ye Olde Cobbler
9210 S.W. Wilsonville Rd.
P.O. Box 482
Wilsonville, Oregon

Jean Young
Jean Young
29855 S.W. Brown Road
Wilsonville, Oregon

Vern Forest
Vern Forest
Ace Glass Co.
9210 S.W. Wilsonville Rd.
P.O. Box 978
Wilsonville, Oregon

Kim Beyers
Kim Beyers
Ace Glass Co.
9210 S.W. Wilsonville Rd.
P.O. Box 978
Wilsonville, Oregon

WILSONVILLE SQUARE DEVELOPMENT
WILSONVILLE ROAD ACCESS REVISION

RECEIVED
SEP 09 1985
CITY OF WILSONVILLE

In February of 1984, CRS Sirrinc submitted a report documenting traffic analysis for Wilsonville Square. Some of the recommendations of the report addressed treatment of the access to Wilsonville Road. Due to an estimated 400 foot storage requirement for westbound left-turn traffic on Wilsonville Road, for the year 2000 and full development, restriction of access to right turns only and appropriate traffic controls were recommended. The location of the access was as proposed in the developer's plan.

Establishment of this access to Wilsonville Road has become a priority because of Oregon Department of Transportation (ODOT) I-5 interchange modifications and traffic signal improvements on Wilsonville Road. The ODOT project, coupled with the City's current improvements to Wilsonville Road, will eliminate access to the Mr. Roberts establishment. The refusal of ODOT to accept remarking of the I-5 southbound interchange to allow access to Mr. Roberts, or to accept future access from the east to the Wilsonville Square area, has required ODOT to intervene in locating this access. As we understand the situation, ODOT will acquire Wilsonville Road access right-of-way, which will also be used as interim access to Mr. Roberts.

In our June 28, 1985 letter, we recommended that the access to Wilsonville Road be located as shown in Figure 1. The location recommendation was based on the following considerations:

1. Allowing a left turn maneuver off of Wilsonville Road as an interim measure. (It appears that such a maneuver should only be allowed until Wilsonville Square reaches 50 to 60 percent of full development).
2. Balancing separation from nearby intersections with left turn storage requirements.
3. Attempting to locate a majority of the access right-of-way on the Mala property, tax lot 401.

Figure 2 shows how the recommended access location works with the remainder of Wilsonville Road improvements.

In terms of its ultimate restricted function, we view the location of the Wilsonville Road access as flexible. When left turns are allowed in the interim, left turn storage requirements necessitate a change in location as described by the attached figures.

FIGURE 1

30' STORAGE

TRAVELERS RETAIL

3. ALDERWOOD CENTER LTD.

1. 42,400 SQ. FT. BLDG.

1. CARTER & VAN BEEK

YELLOW STRIPING

RAISED ISLAND

100.00 52.54 201.40 249.88 186.66 0.00 340.27 249.88 266.99

BURDA

22. REVISED ACCESS LOCATION

2. STARR-RICHARDS

E. JEAN YOUNG

TRAVELER'S RETAIL

26. 1. PETE NORRIS

28,400 SQ. FT. BLDG.

PROPOSED 50' ROAD LOCATION TO BE IN EFFECT AT LATER DATE

19. LOCKYER

500 149.96 59.92 171.97 181.01 181.01 181.01 181.01 181.01

27. ANDERSON

30,400 SQ. FT. BLDG. GEN. COMMERCIAL

28. LEWIS

5. 500' (MIN.)

29. LEWIS & LOCKYEAR & BURDA

30. CALLA

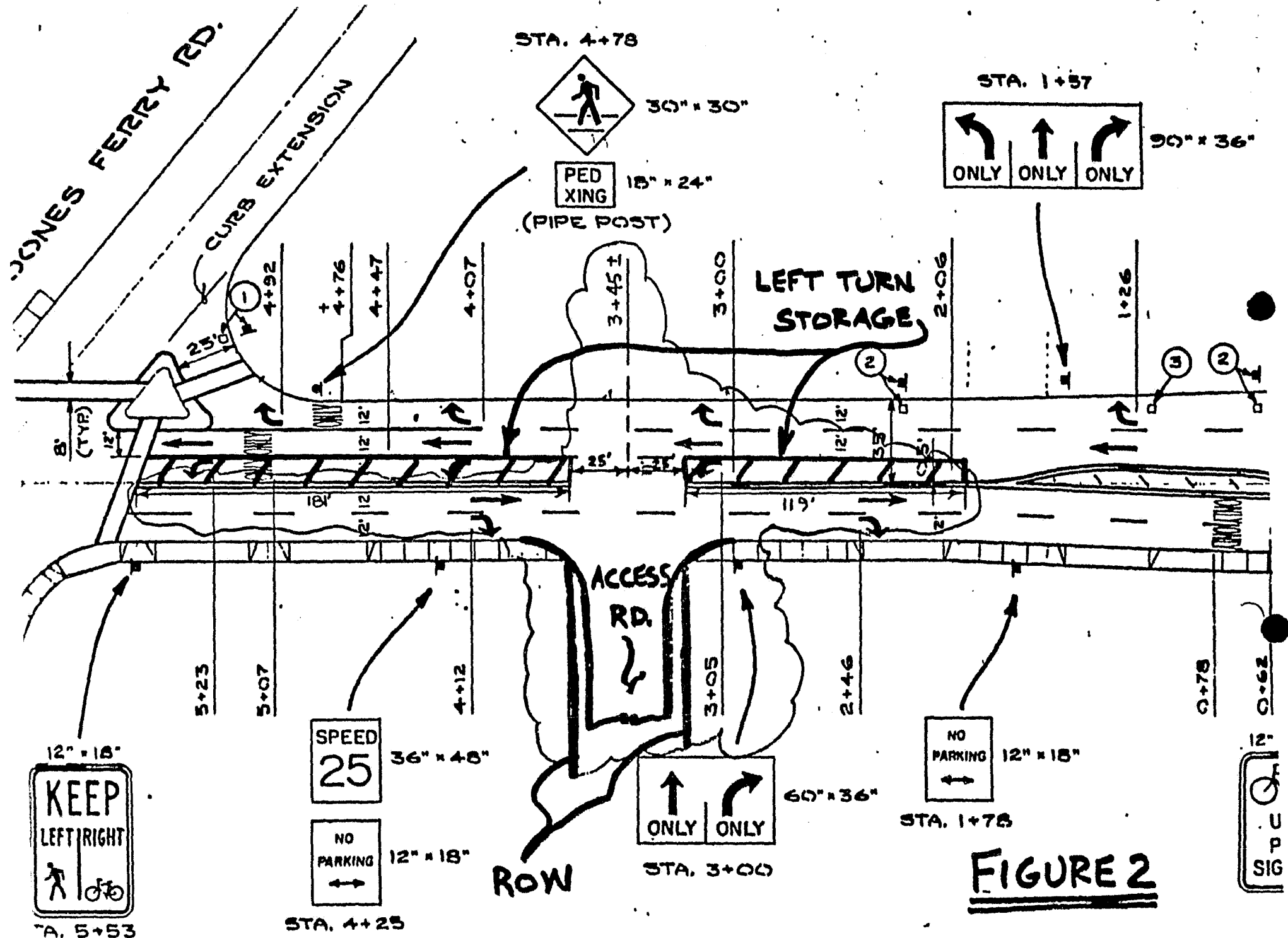
400' STORAGE

200' STORAGE

200' STORAGE

13' 12' 12' 13' 13' 15' 12' 12' 13'

700 890 225.00 500 81.00 189.50 210.25 141.4



STA. 5+53

STA. 4+25

ROW

STA. 3+00

STA. 1+78

FIGURE 2

12" P U SIG

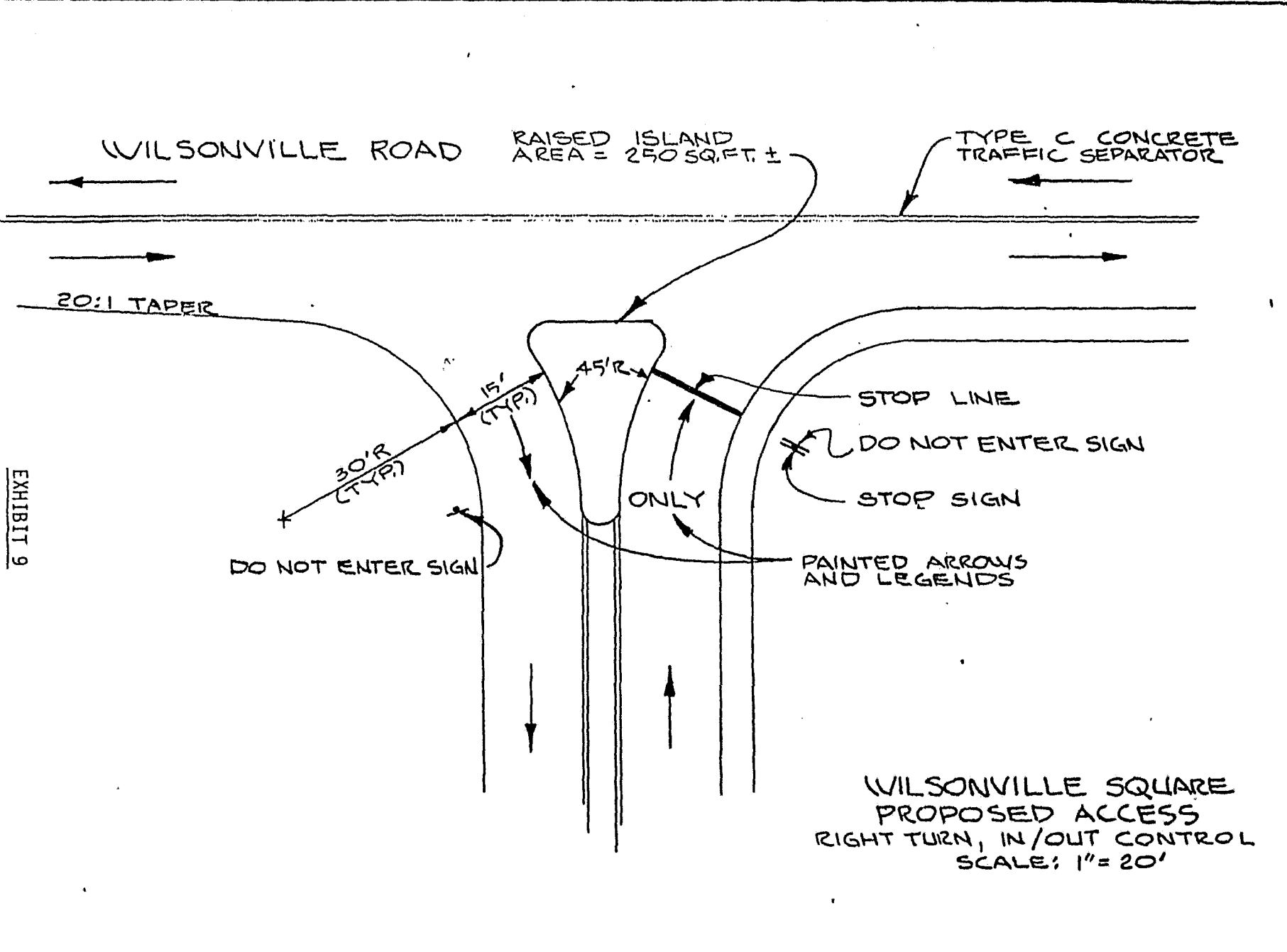


EXHIBIT 9

VAN BEEK AND COMPANY
CERTIFIED Public ACCOUNTANTS
1221 S. E. MADISON
PORTLAND, OREGON 97214
503-232-2106

October 31, 1985

CERTIFIED MAIL

Mr. William Stark, Council President
Ms. Marina Gardiner, Council Member
Ms. Shirley Souser, Council Member
Mr. Eldon Edwards, Council Member
City Council of Wilsonville
P.O. Box 220
Wilsonville, Oregon 97070

Re: Proposed changes affecting Wilsonville Road

Dear Council Persons:

It has recently come to my attention that several meetings have been held by the planning commission and/or city council to consider traffic pattern changes on Wilsonville Road and to consider the establishment of a new road from the Wilsonville 76 Planned Unit Development onto Wilsonville Road.

I am an owner of the Chevron station property located at the intersection of Interstate 5 and Wilsonville Road. Through some apparent oversight, I have not previously been notified of any of the meetings to consider the abovementioned changes. It is my understanding that a council meeting is scheduled on Monday, November 4, to take action on these matters. It is also my understanding that no further testimony will be allowed at the November 4 hearing and that the council intends to take action based upon prior testimony and recommendations of its staff.

Since I will be unable to introduce testimony at this upcoming meeting, I wish to provide you with my feelings regarding the matters to be considered at the meeting:

1. I believe the proposal to eliminate left hand turns when traveling in a westerly direction on Wilsonville Road would have disastrous effects upon all retail businesses operating on the south side of Wilsonville Road. This would apply not only to the Chevron station on my property, but also to all retail business on the south side. I am very strongly opposed to any such action and hope that the council would at least delay any action on this matter until a proper study can be completed to determine just what effect this would have on retail businesses.

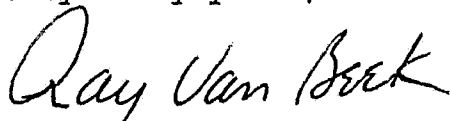
2. It is my understanding that the city council will consider approving the relocation of the proposed new road from its originally approved site (which ran through the Burda property). It is also my understanding that Jean Young has filed some type of a suit protesting any new road which provides ingress and/or egress from Wilsonville Road.

Since traffic flow on Wilsonville Road has apparently become a fairly serious problem, I am in strong agreement with Jean Young that a new road providing any type of ingress or egress from Wilsonville Road would merely compound traffic flow problems for the city and would be detrimental to existing businesses. Accordingly, I strongly support Ms. Young's contention that the council should seriously reconsider the establishment of any new road at this time.

I apologize for the serious delinquency in providing my views on these matters; however, the delay resulted strictly from my lack of knowledge of activities and meetings which were occurring. I am presently attempting to contact my legal counsel to advise me in these matters. Hopefully, the city council will delay any final decisions in this matter and reopen hearings so that all property owners can be heard on the matter and so that proper studies of the impact of these proposals can be completed.

Please feel free to contact me at 232-2106 if you have any questions.

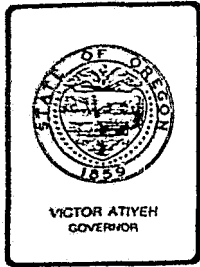
Very truly yours,



Ray Van Beek

RVB:dkr

cc: Ron Carter (co-owner)
15381 S.E. Hartnell Ave.
Milwaukie, Oregon 97222



Department of Transportation

HIGHWAY DIVISION

TRANSPORTATION BUILDING, SALEM, OREGON 97310

January 14, 1986

In Reply Refer to
File No.:

Camilla Belleville
Mr. Robert's Restaurant
9150 SW Wilsonville Road
Wilsonville, OR 97070

TRA

This is in response to your December 5, 1985 letter regarding vehicle access to Mr. Robert's Restaurant in Wilsonville. I am sorry about the delay in answering, but we took time to make vehicle counts of traffic entering and leaving the restaurant access so that we would have an accurate picture of the situation.

During the first week of January 1985, we made counts of all the vehicle moves in the intersection in front of the driveway of Mr. Robert's Restaurant. Then, in response to your letter, we made the same counts on December 16 and 17, 1985. After reducing the January 1985 vehicle counts to reflect the fact that your operating hours are now reduced, we found there was a reduction in traffic of 16 percent. This does not appear to be an unreasonable reduction considering the enhanced safety of the traffic signal. We often find that when a traffic signal is installed, some of the businesses located very near the intersection suffer some business loss due to the queuing of traffic. Incidentally, our people making the traffic counts did not observe any problems with vehicles accessing the restaurant. The only negative observation made was that the traffic counter thought some traffic was not entering the restaurant due to the fact that the parking lot was full.

It may be that most of the reduction in business you have noticed was a result of the confusion on Wilsonville Road when actual construction was underway last summer. Now that construction is virtually complete, and things have "settled down," it would appear that access to your restaurant has not been significantly affected by the Highway Division's traffic signal.

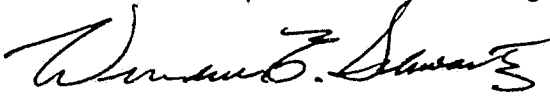
At one point, the Highway Division had decided to purchase the restaurant's access rights to Wilsonville Road. However, we have recently reversed that decision because: (1) traffic seems to be moving safely with the signals operating and the driveway in place and (2) since at some point in the future we will do a complete reconstruction of this interchange, it would be

EXHIBIT 12

Camilla Belleville
January 14, 1986
Page 2

imprudent to buy only the restaurant's access at this time without actually acquiring any property. Unfortunately, we are constrained from purchasing property until we go through the design and environmental analysis process, which will take several years.

I have attached copies of our vehicle counts taken in January and December of 1985. If you have any questions about any of this data, I would suggest you contact Region Traffic Operations Supervisor Ron Failmezger at our Milwaukie office (653-3100), who was responsible for having these counts made.


for F. S. Hunter
Assistant State Highway Engineer

Attachments

cc: A. G. Meyer
Ben Altman ✓
Larry Blanchard

WOODARD & LIGON
ATTORNEYS AT LAW

D. ERIC WOODARD
RICHARD T. LIGON

503-682-7272

January 9, 1986

Mr. Michael E. Kohlhoff
Attorney at Law
P.O. Box 706
Wilsonville, OR 97070

Re: Appeal of E. Jean Young

Dear Mr. Kohlhoff:

I am concerned with the legal procedure being utilized by the City of Wilsonville in the above-noted matter. The City indicates the appeal is a land use "quasi-judicial" action. However, the issue is in danger of being expanded into a large scale "legislative" comprehensive plan amendment.

As you know the Planning Commission in 1984 approved Wilsonville Square 76 roadways based on the CRS Serrine traffic study. Thereafter my client submitted an LID petition consistent with the CRS Serrine road design.

The location of the traffic signals and representation to my client that the Mr. Robert's restaurant access would be condemned by the State caused the City to review the right-of-way location of the north leg of the Square 76 road system which connects to Wilsonville Road. The only purpose of the review was to see if that right-of-way should be moved slightly to the west. As you know, the Planning Commission determined it should, and that decision was appealed by Mrs. Young. The Planning Commission only reviewed whether the road should be moved slightly, not whether it should be eliminated entirely. The issue was limited to that specific question.

The City has only three options in this procedure, to-wit: affirm the Planning Commission decision regarding a specific location; modify the decision by choosing a new location; or reverse the Planning Commission and return the location to where it was established by the 1984 action.

There is no authority to eliminate roadways under this procedure. The matter was advertised in a specific fashion as a minor quasi-judicial roadway modification and major partition. It was not advertised as a legislative map change. Perhaps the City can eliminate roads through comprehensive plan amendments. However that is a unique process and must first be advertised as such so that those affected will get notice. If the City were to eliminate the Wilsonville Road connection it would have a major impact on all of the properties in the Square. None of the property owners were notified the northerly connection might be eliminated.

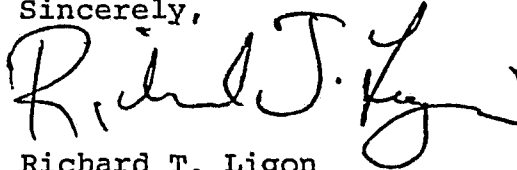
Mr. Michael E. Kohlhoff
January 9, 1986
Page 2

I note also that Mr. Mala is not the petitioner in this case. He has signed no application requesting any change to the 1984 Planning Commission decision. It is true he supported moving the road to the west by a few feet. However, he also would support the existing location. In fact it is our position that the City or State is the petitioner in the case! Mr. Mala should have no burden of proof in this case, as he would support the status quo location if that is what the City wants.

In conclusion, I am concerned that the City Council easily could expand this quasi-judicial action into an ordinance amendment. This can not be done unless and until a specific process is implemented. If the City determines to consider a possibility of eliminating roadways in the Square and thereby amending Ordinance 66, we respectfully request to be notified immediately.

I very much appreciate your consideration of my viewpoint.

Sincerely,



Richard T. Ligon

RTL/mfw

cc: Mr. Donald F. Mala
Mr. Ben Altman

MOTION ON WILSONVILLE SQUARE ACCESS (85PC30)

Councilman Edwards moved to adopt the findings of the memorandum staff report of January 21, 1986 as follows: (1) The City Council has held a de novo hearing on the matter appealed from the Planning Commission 85PC30. During the hearing, the Council received new information that is significantly different than that considered by Commission. The new information raises compelling concerns whether any new intersection or access to Wilsonville Road, between the freeway ramps and Boones Ferry Road should be allowed. Significant impacts on existing businesses have also been raised.

The Council further finds, however, that the new information only affects the proposed street connection to Wilsonville Road and not the overall street plan to the south of Tax Lots 402 and 403, T3S-R1W, Section 23AB.

(2) Reconsideration of the northern street connection to Wilsonville Road will not and should not interfere with the orderly development of the remaining road system. These roads are necessary to support development and will function with access to Boones Ferry Road.

Councilman Fouser seconded the motion.

Councilman Edwards amended motion to include letter from E. S. Hunter of ODOT dated January 14, 1986 as the third finding. There was no seconded to the motion.

Mayor Meyer moved to amend the original motion to include findings 2A, 2C, 2D, 3 and 4 of the Planning Department summary staff report of November 21, 1985, finding 2C as amended to include the Department of Transportation letter of November 14, 1986, which addresses the fact the state has monitored the current situation of the signals and the curb cut and has concluded that the present volumes and existing curb cuts function in a reasonable and safe manner, with specific reference to Exhibit 11. Councilman Edwards seconded the motion which carried 5-0.

Kohlhoff suggested a finding be added that this matter involves a quasi-judicial hearing and not a legislative matter and that Council has been discussing a modification of a Master Plan, Stage I. Mayor Meyer so moved, with Councilman Fouser seconding the motion, which carried 5-0.

Councilman Stark moved to extend the time to commence with the adoption of this resolution. Mayor Meyer seconded the motion which carried 5-0.

The original motion to adopt findings 1 and 2 of the Staff Report of January 21, 1986, carried 5-0.

Kohlhoff suggested Council make motion, based on the findings just adopted by the City Council, that staff be directed to prepare a resolution, whereby Council adopts the following action that the appeal filed by Jean Young is allowed, based on the City Council finds it prudent and necessary to overrule the Planning Commission's action(Taken from Altman's memorandum of January 21, 1986 as the recommended motion.) And directed staff to place as part of the Resolution, those exhibits Council received during the process of these hearings.

Councilman Gardiner so moved. Councilman Fouser seconded the motion which carried 5-0.

Mayor Meyer suggested that all property owners affected be made aware of Council's action and that copies of the resolution be made available.

MINUTES OF OCTOBER 7, 1985 MEETING

OF THE

WILSONVILLE CITY COUNCIL

A regular meeting of the Wilsonville City Council was held at said city at the hour of 7:30 p.m. on Monday, October 7, 1985. At the meeting, the following members of the Council were present:

Mayor Gregg Meyer
Councilman Eldon Edwards
Councilman Shirley Fouser
Councilman Bill Stark

Councilman Marina Gardiner was absent.

Staff present were:

Dan Potter, City Administrator
Dee Thom, City Recorder-Treasurer
Vera Rojas, City Council Secretary
Ben Altman, Planning Director
Ray Shorten, Finance Director
Larry Blanchard, Public Works Director
Jim Long, Public Works Superintendent

Also present was:

Michael Kohlhoff, City Attorney

I. CALL TO ORDER

Mayor Meyer called the meeting to order followed by Roll Call and the Flag Salute.

II. PUBLIC HEARINGS

A. Willamette Village Phase D Plat

1. Ordinance CB-0-39-85 - An Ordinance Declaring the Willamette Village Phase D Plat, Blocks 1, 2 and 3 T3S-R1W, Section 22, Undeveloped, Authorizing Vacation of Said Plat and Authorizing Replatting of Said Properties in Accordance with the Preliminary Plat for Wheatland Subdivision as Approved by Council Resolution No. 492.

VII. NEW BUSINESS

A. Set Public Hearing Date for Appeal of Planning Commission Approval of Location for Wilsonville Square Access Road, Resolution 85PC30.

Councilman Edwards asked what the Planning Commission approved and what kind of formal action did the Planning Commission take that's being approved. Asked if this was a normal way of appealing issues.

Mr. Kohlhoff stated, as he understands the issue, there was an access way through another property that had always been where the access way had been. Apparently, there is some cost considerations involved in this appeal as well as some location considerations. This was reviewed by the Planning Commission, with an amendment, which was approved. The next step would be to appeal to the Council.

Mr. Altman pointed out this was related to a major partitioning to authorize the creation of a right-of-way. This is identifying where the right-of-way would occur and the intersection with Wilsonville Road.

There followed discussion of what the appeal actually consists of. Mr. Altman pointed out the only thing that could be addressed in the appeal is the location of the access road as this was the last decision made. The appeal period for previous actions has long since passed.

Councilman Edwards suggested this public hearing be held de novo in order to hear testimony, as recommended by Mr. Altman, as there are a number of items Councilman Edwards would like to have clarified.

Upon conclusion of discussion, Councilman Edwards moved to set the public hearing date for the Appeal of Planning Commission Approval of Location of Wilsonville Square Access Road for October 21, 1985 and to declare the hearing to be a de novo hearing. Councilman Fouser seconded the motion which carried 4-0.

VIII. MAYOR'S BUSINESS

Mayor Meyer noted there will be another workshop of the Council on Saturday, October 12th, at 10:00 a.m. at the Catholic Church in Old Town. This will be with the Old Town Residents and a walk around has been planned for the workshop.

MINUTES OF OCTOBER 21, 1985 MEETING
OF THE
WILSONVILLE CITY COUNCIL

A regular meeting of the Wilsonville City Council was held at said city at the hour of 7:30 p.m. on Monday, October 21, 1985. At the meeting, the following members of the Council were present:

Mayor Gregg Meyer
Councilman Marina Gardiner
Councilman Eldon Edwards
Councilman Bill Stark
Councilman Shirley Fouser

Staff present were:

Dan Potter, City Administrator
Dee Thom, City Recorder
Vera Rojas, City Council Secretary
Ben Altman, Planning Director
Larry Blanchard, Public Works Director
Jim Long, Public Works Superintendent

Also present was:

Michael Kohlhoff, City Attorney

I. CALL TO ORDER

Mayor Meyer called the meeting to order followed by Roll Call and the Flag Salute.

II. PUBLIC HEARINGS

A. Appeal of Planning Commission Approval of Location for Wilsonville Square Access Road Resolution 85PC30

Ben Altman, Planning Director, pointed out this was scheduled to be a de novo hearing, therefore, gave a brief background on the issue as per his staff report of October 16, 1985. Mr. Altman noted the property involved is on the west side of town, south of Wilsonville Road, west of the freeway and east of Boones Ferry Road.

Mr. Altman stated the zoning designation had been changed from PC&I to be replaced by the new PDC zoning. The Master Plan

was also reinstated as Stage I PDC for a period of two years. Mr. Altman noted that under the Planned Development regulations, the zoning on property within a Planned Development zone is secure as there is no expiration on it if there is any substantial development within that zone at any point in the first two years.

During the early stages, between 1976 and 1980 when the new code was adopted, there was development within the Square area. The U. S. Bank building was constructed as was JB's Short Stop building. Under these two development plans, the overall zoning and Master Plan for the Wilsonville Square was secured. Mr. Altman was of the opinion this was an important element in this case as the Master Plan included a land use pattern and a generalized street system for that entire development area. This plan is a valid guideline for development of this area.

The issue that came up before the Planning Commission at two different points was what would be considered an implementation of the Master Plan. That is the specific location of the collector road system that is to serve the Square area. This plan originally identified a major north/south collector street with two east/west collector streets as well as a cul-de-sac connection to Fifth Street. This was not considered an amendment to the plan, rather it was considered an implementation of the plan with a specific alignment of the street system.

That plan was proposed based on a traffic study, to go through the Burda property which is aligned adjacent to the Carter/Van Beek property which is the Chevron Station. The location, based on the traffic study, was set based on the separation of the access road and the off ramp for the interstate freeway at Wilsonville Road. This was considered based on the minimum separation between those two ramps to get a stacking lane for left turns. The design was approved, at that time, with a restriction on left turns exiting from the Square area and with

an intent at some point in the future, to restrict left turns into the Square area. This due to the short distance between the freeway ramps and the Boones Ferry Road intersection.

Mr. Altman noted there were discussions with the highway department in which a proposal was made that the state would get involved in helping implement, at least, a portion of the collector street in order to replace the access for Mr. Robert's that would be closed adjacent to the south-bound on ramp.

That discussion moved forward to a point of considering some alternative alignments, essentially between the JB/Squirrel Cage building and the Chevron station. In reviewing these proposals, the state opted for an alignment in the middle that moved it away from the Burda, but moved it over to a portion of property owned by Don Mala and part of the Jean Young property. This was based on two factors. One, moving the street west to replace the distance that was lost by the relocation of the off ramp. And, two, it was considered it probably would be a more economical acquisition on the state's part. However, the primary criteria was that the loss of the twenty-six feet created additional problems in minimum stacking lane for the left turn. Were trying to compensate for that by moving the street to the west.

As a result of this discussion, the issue went to the Planning Commission for approval to re-align the street, which would move the street thirty feet to the west of the alignment approved in 1984. The Planning Commission reviewed this information along with some up-dated traffic information, discussed the issue relative to left turn maneuver and also relative to a net lotting pattern that resulted from the creation of that right-of-way.

The Planning Commission reviewed three alternatives. Exhibit 10A was the one approved in 1984; Exhibit 10B was the one being proposed in coordination with the State Highway Department; and 10C, which was adopted by the Planning Commission, moved the

street another thirty feet to the west, essentially putting it entirely on the Young property. Mr. Altman noted that one of the Planning Commission's criteria was the net lotting pattern and trying to get better access to the JB/Squirrel Cage building. In its original approval, there was an intent at some point when the collector system through Wilsonville Square was available, that that property would access that street and alleviate the problems at the current curb cut with left turn maneuvers.

This alignment was appealed by Mrs. Young and tenants of her building and is the issue before Council this evening. In setting the hearing tonight, the Council did declare this to be a de novo hearing. Thus, it is as if the Planning Commission has not heard this matter. It does open the door somewhat than if it was an issue strictly on the record of Commission. However, it does not open it beyond the point of the Master Plan as the Master Plan is not being amended by an action tonight. The action is related to an implementation of that plan as adopted. In consideration of the issue, that is one of the major guidelines. The other guidelines Council must rely on are the General Comprehensive Plan language, the subdivision regulations as related to major partitioning and the Wilsonville Square '76 Master Plan.

Mr. Altman pointed out he had outlined the general issues in the staff report that flag some areas where the proposal did not specifically meet the standards set forth in the major partitioning portion of the code, one being related to Street Standards. The proposal is based on a fifty-foot wide right-of-way. The standard actually calls for a collector street to be a sixty-foot right-of-way with a forty-foot pavement section. This is proposed with a thirty-two foot pavement section within a fifty-foot right-of-way. The logic behind the reduced standard is that there will be some left turn restrictions on this, thereby reducing the overall volumes that the street will carry. It was considered that the thirty-two foot was enough for normal traffic

circulation. Ultimate traffic would have to be transferred to the east/west collectors over to Boones Ferry Road.

Mr. Altman stated the other issue would be the lotting pattern with a primary concern in the lotting pattern in any one of the three alternatives discussed, is the net affect of creating a right-of-way and what kind of a lotting pattern results from that related to access and frontage abutting the new street. Mr. Altman pointed out that in all cases, there is not an alignment that would actually provide direct access to every property within this area.

The alignment approved in 1984 by the Commission, because the right-of-way has shifted to the east side of the area adjacent to the Chevron station, would then provide direct access to the Chevron station and the Mr. Robert's properties and the Lockyear properties. It would not provide direct access to Starr/Richards, the Jean Young property or the Squirrel Cage property. Therefore, there would have to be easements or access rights created across these three parcels to that right-of-way.

The alignment the Planning Commission actually approved, which move the street farther to the west, still did not provide direct access to the Squirrel Cage property. It would also not provide access from the service station or the Burda property directly to the right-of-way without additional transfer of land or access easements. From a net lotting pattern, this alignment did not create a very logical pattern.

The alignment that was proposed would require the best fit to the existing ownership patterns. It would require easements granted for the Squirrel Cage property and the Chevron station property back to the right-of-way. This alignment did provide direct access to the Burda property, the Alderwood Center property, the Starr/Richards property and Lockyear property. However, this only leaves forty foot section of the Young property that is 270 feet in length. Mr. Altman pointed out this

is not a standard commercial lot but it is possible to develop a forty foot lot.

The proposed alignment is the one staff would recommend, as it is the best bet, not only for a net lotting pattern but for a street system pattern as it moves it from the interchange at least the same distance that was lost by relocating the off-ramp. Mr. Altman stated the only other issue of real concern of the staff was what kind of control number should be imposed on this action relative to the ultimate restriction of left turn maneuvers.

In reviewing the traffic volumes on Wilsonville Road, there were two major factors staff was trying to protect, both related to the traffic flow on Wilsonville Road as a arterial street. One of those factors is with the off-ramp on the east side and Boones Ferry Road on the west side of the development, need to allow for normal travel turn lane maneuvers in that 500 foot distance. It was determined that when traffic volumes and left turn maneuvers at Boones Ferry Road met or exceeded 150 left turns per hour, the queue lane would back up and block the left turn storage lane and would begin to conflict with the access into Wilsonville Square. In the most recent traffic counts, the left turns had reached the 130 range and have increased since then.

With this additional information which the Planning Commission did not have, staff is recommending, at this point, that any action relating to creating a street in this area would carry with it an imposition of immediate left turn restrictions, both in and out. However, regardless of which alignment is decided upon, there is still a conflict of the Boones Ferry Road turn lane backing into the turn lane for Wilsonville Square.

No matter which alignment is chosen, it will affect acquisition of property and the loss of or relocation of a building. Mr. Altman pointed out there is some immediate

concerns relative to carrying on of existing businesses in the area. However, there is also a concern of development of Wilsonville Square as planned. To some extent, those two goals seem to be inconsistent relative to traffic patterns. The ultimate development of Wilsonville Square is going to have to rely on access other than from Wilsonville Road. The alignment, even with only right turns in and out, does provide for an overall increase in the traffic circulation and would ultimately relieve some action at the Boones Ferry intersection.

Councilman Edwards asked if there was any set-back adjacent to the JB building or could one build right up to the wall. Mr. Altman stated that within a commercial zone, could build to the property line.

Councilman Edwards asked if there had not been discussion at some point in time, about getting an access out onto the on-ramp. Mr. Altman stated there was discussion on this issue, however, it is not a part of the Wilsonville Square plan at this point. If that kind of a decision is to be made or followed, it has to go through a process of amending the Master Plan to state that is where the access is being designed. What Council is doing tonight, is implementing a plan that is in effect. Are not in a position, based on the original application, to amend this plan.

Mr. Altman stated the key to deciding what is to be done about Wilsonville Square is the left turn restrictions. At the present time, there are people on Wilsonville Road that do have curb cuts with existing business and do have access rights. Then, there are some properties that do not have direct access rights. This was partly created by the signalization project. Mr. Altman pointed out that not only from a traffic standpoint, but also from a plan implementation standpoint, it was staff's feeling that it is essential to create that restriction that puts everyone in the same situation. That being to look for a long

term access for Wilsonville Road. However, that would be a separate action from that being considered this evening.

Mayor Meyer noted the third paragraph of Mr. Altman's Scope of Review, item 1, states "The current application was submitted by ODOT on behalf of Don Mala and with the cooperation of city staff." The Mayor clarified this statement by pointed out the city staff, in this case, cooperated in that they assisted in the people filing the application. However, it does not mean the city was a co-applicant. Mayor Meyer stated the second point of clarification is this whole matter came up because the state decided to close off an access point and were going to purchase another access point. The Mayor asked Mr. Altman for the status of the state's position in all this.

Mr. Altman stated it was correct that the stated did get involved in this relative to trying to replace the access for the Mr. Robert's restaurant. Their intent was to apply for federal funding under the signalization project of cost incurred additional cost to that project for the replacement of that access. The state filed an application with the Federal Highway Administration which was subsequently denied. The city received this information following the submittal of the letter of appeal on the matter the Planning Commission approved. Essentially what the Federal Highway Administration said was that the acquisition and construction of a new road did not fall into the criteria of a cost incurred addition to a project and was a whole separate project.

Mr. Altman noted the state had at this time, re-applied to the Federal Highway Administration for a cost incurred project related to acquisition of access rights. This would deal strictly with the loss of access to Mr. Robert's restaurant and the effect of that loss as direct compensation. Then it would be up to the property owner to do whatever the property owner sees fit in terms of replacing that access. At this time, the state

has backed out of the actual proposal to build a new street and is in a position, now, of acquiring the access rights. It is Mr. Altman's understanding if the state's application for funds is denied again, it probably would not participate in the purchase of that right-of-way.

Mayor Meyer asked who would be responsible for this, in that event. Mr. Altman stated he was not sure what would happen then. The state is under an obligation in that in order to close the access the state would have to purchase an access right. If the state is denied funds under the Federal Administration, the state would then have to come up with the money from its own budget. It is Mr. Altman's understanding the state would be obligated. Either that or the access could not be closed. However, the problem with maintaining the current access is that it conflicts with the signalization project.

Mayor Meyer noted that the minutes of a Planning Commission meeting indicated that Mr. Mala indicated the Mr. Roberts' restaurant is of a temporary nature and eventually will be moved or displaced. Asked if Mr. Altman held the position that Council should address the situation of entry for a temporary use by selecting a route of a permanent street.

Mr. Altman stated he did not know the status of the restaurant but thought it had been comments made the restaurant may be a temporary activity or with ultimate development of the Square, the restaurant may be replaced. Mr. Altman was of the opinion the ultimate issue is, in order to implement the plan that was adopted in 1976, it created the concept of a collector street to serve Wilsonville Square. Mr. Altman noted this is what needs to be decided at this meeting that there has to be a circulation system for Wilsonville Square regardless of what development it is serving.

Mayor Meyer asked if this should not be done under an LID application and suggestion and engineering by the applicants for

general street and circulation plan. Mr. Altman stated this was in the process in 1984, then looking at an alternative alignment at the very north end. The only change in the concept was in the very north end. Regardless of how the improvements are funded, the procedure to create the street right-of-way still falls under the subdivision regulation as a major partition. This has to be approved before a street can be created. This process has to occur, no matter who pays for it or how it is paid for.

Mr. Altman pointed out Council is only addressing the regulations that allow for the creation of a street, at this point. That decision is guided by the Master Plan and the Major Partitions Standards in the city's code. Mr. Altman stated the ultimate decision is how to access and circulate traffic through Wilsonville Square.

At this time, Mayor Meyer opened the public hearing on this issue, stating Council will hear from proponents of the appeal followed by testimony from opponents with a rebuttal period for each. The Mayor called for proponents of the appeal.

Richard Ligon, PO Box 660, Wilsonville, stated he was an attorney representing Don Mala. Mr. Ligon noted that Mr. Mala is a representative of several of the properties in Wilsonville Square, however, is not an owner of any of these properties. Mr. Mala represents Alderwood, Cottonwood, Birchwood and Fernwood. Mr. Robert's restaurant is located on the Alderwood property, with the other properties located to the south.

Mayor Meyer asked Mr. Ligon if he was agreeing with the appeal. Mr. Ligon replied he agreed with the Staff Report except for a couple of points. Mr. Ligon stated he has prepared packets which he distributed to Council. The Mayor pointed out that he had called for proponents of the appeal at this time. Mr. Ligon apologized and stated it was his understanding staff had requested that Mr. Mala testify first as he was the original applicant. And even though Mrs. Young had filed the appeal, the

burden was still on Mr. Mala to go forward with the evidence. Mayor Meyer stated he had not been apprised by the staff this was their recommended procedure. Therefore, called for proponents to the appeal.

Kim Byers, Ace Glass Co., 9210 Wilsonville Road, approached Council, stating he was one of the owners of the Ace Glass Co. Mr. Byers noted he agreed with the appeal for two reasons. Pointed out the traffic was very hectic from three o'clock on and in the morning rush hour. Cannot see any large trucks making the turn into Wilsonville Square from Wilsonville Road. Mr. Byers also noted this was a good business location and there is a lack of other facilities on the main thoroughfare near any residential area which is essential to this business to be highly visible.

Mayor Meyer asked Mr. Byers if he had access for his business for his customers during the peak hours. Mr. Byers replied he did have. The Mayor asked if this created a safety problem in that area. Mr. Byers stated his business generated fairly light traffic, with a maximum of fifteen cars on an average day for two businesses.

Richard Filonczuk, Ye Olde Cobbler, 9210 SW Wilsonville Road, expressed concern of continued construction of new dwellings on Wilsonville Road. Felt the traffic reports presented at this meeting, are not accurate in that they were based upon a plan that was proposed in 1976. Pointed out there has been a large increase of traffic in that area. Also noted there are three times the traffic is very difficult in this area, in the early morning, the evening, and, just lately, there is starting to be a back-up of noon-time traffic. Mr. Filonczuk was of the opinion any left hand turn, even a right hand turn access, by a large vehicle will create a problem as the truck would have to swing out into the other lanes of traffic to make the turn.

Mr. Filonczuk noted that many of the other properties already have access into the Square area. Felt the access to Mr.

Robert's should be on the east side of the Chevron station. Mr. Filonczuk asked if the location of the access road adopted by the Planning Commission, beneficial to the businesses in that area. Noted this was not beneficial to his business as his business would have to be relocated. Also was of the opinion other businesses in this area would be affected. Pointed out the Shell service station traffic would be hampered by access into and out of Wilsonville Square as would traffic into and out of JB's Short Stop Market.

Mr. Filonczuk was of the opinion there are two points the Council is considering at this time. Number one is the access to the road a safe situation for the overall area for traffic flow and left hand turns, etc. And, number two, what is going to happen to the businesses that are in that area and who will pay for the relocation of these businesses if the access road eliminates them?

Deputy Dean Hartley, resident sheriff for the City of Wilsonville, next approached Council. Deputy Hartley pointed out the City of Wilsonville has been made a truck town, with many truck terminals within the city limits and more developing. These could affect this area of the city as Wilsonville Road is used as a truck route. Noted there will be a lot more trucks in the very near future and truck traffic will increase on Wilsonville Road at Boones Ferry Road, going both east and west. With the new truck terminals being developed, Deputy Hartley was of the opinion traffic would be stacked up even more in the left turn lanes on Boones Ferry Road and Wilsonville Road.

Deputy Hartley pointed out if there is no left turn anywhere anywhere into this area, tourists will have a problem getting to the Chevron station. They might go down Wilsonville Road, cut through Lowrie's Market parking lot to turn around and come back. This is a violation of one of the city's ordinance in that it is not permissible to cross private property to avoid a traffic

control device.

Vern Forest, co-owner of Ace Glass, 9210 SW Wilsonville Road, stated he does not feel this access is fair to him or the other business that would be eliminated. If the access is approved, two businesses will be eliminated right away. Mr. Forest is not certain if these two businesses would be able to relocate in the city. Pointed out if Mr. Robert's is only on a temporary basis, then three businesses will be eliminated and possibly out of Wilsonville. Mr. Forest expressed concern of the fact that no definite plans have been made to develop Wilsonville Square, yet there is the possibility that three on-going businesses will be eliminated.

Mr. Forest also expressed concern of the uncertainty of when his business might be eliminated. Felt it was difficult to conduct any kind of business in this type of circumstances.

Mr. Forest also felt Wilsonville Road will not be sufficient to take care of all the traffic generated by the increased development in this area.

Jean Young, 298523 SW Brown Road and owner of some of the property involved, stated if an access has to be put in for Wilsonville Square, favors the one that would not eliminate the businesses on her property which is the access that was decided upon in 1984. Mrs. Young stated she has been told repeatedly there would be no access from Wilsonville Road due to the traffic situation. Mrs. Young pointed out the trucks would create a problem in getting in and out of the Wilsonville Square area, no matter where.

Mrs. Young noted she had been told by the State Highway Department it would pay any renters she had, so much money to find another location for business. Found it interesting the state department now has no funding and will pay nothing to have these businesses moved. Agreed with her renters in their testimony this evening.

Mayor Meyer called for other proponents. As there were none, the Mayor called for opponents of this issue.

Richard Ligon, P. Box 660, Wilsonville, approached Council to state his opinion of what the issue is tonight. Referred to Ordinance No. 66, adopted by Council in 1976, which includes a map detailing the collector streets onto Wilsonville Road from Wilsonville Square. Mr. Ligon pointed out the alignment adopted by Ordinance No. 66 is almost identical to the one proposed by the Planning staff. Mr. Ligon stated his clients favor moving the 1984 Planning Commission decision back to the road alignment stated in the Master Plan.

At this time, Mr. Ligon reviewed the packet of materials he handed out to the Council earlier. These documents are labeled P-1 through P-15 for identification purposes. Mr. Ligon noted that all those involved in the Wilsonville Square in 1984 agreed there should be access into the Square from Wilsonville Road.

Mr. Ligon pointed out the staff report of April 4, 1984 noted the action required would be confirmation of the location, lane configuration and traffic controls for the access road from Wilsonville Road to Wilsonville Square. Thus, a site specific request as far as where the roadway should be.

Mr. Ligon continued with his historical background on this issue. Mr Ligon pointed out a synopsis shows the scenario of what happened. This is that the state met with Mr. Ligon and Mr. Mala trying to determine what should be done. At first the state wanted to condemn property and let everyone fend for themselves. Ultimately, it was decided that, instead of condemning, why not try to identify where the access alternate should be. Instead of condemning the property, paying the damages and destroying a business, try to find out what a value of building an alternate road would be and pay that money and build it. Mr. Ligon pointed out this was a theory that was being utilized.

As a result of this process, Steve Simonson of CRS Serrine

suggested Alternate 1, or 10B - access on the Mala property, would be preferred as it appears to offer the best balance of separation from nearby intersections and stacking lengths for vehicles making left turns. Mr. Simonson also felt moving the access to the east, across the Burda property, would not be desirable. Therefore, Mr. Ligon would prefer the alternate suggested by Mr. Simonson be approved.

Mr. Ligon pointed out the Planning Commission meeting in September of this year, had one issue before it, that being a quasi-judicial issue with a very limited point. This is "should the road stay over the Burda property or should it be moved?" Staff recommended 10B alternative, which would be to move it over Mr. Mala's twenty-nine feet and take twenty-one feet of the Young property. Mr. Ligon pointed out it had already been decided, in the 1976 Master Plan, that a road should be in this area. It also has been specifically affirmed by the quasi-judicial approval of the Planning Commission in 1984 which has a two year time period in which to be implemented. Mr. Ligon was of the opinion the Planning Commission only considered whether or not the Burda alternative was still best, or should it be reviewed one more time.

Mr. Ligon was of the opinion the appeal from that Planning Commission decision should be limited to was the Planning Commission right? Should they have kept the road over Burda's property? Should they have followed staff's recommendation to go with 10B? Or were they correct going even further to the west and taking, essentially, all of the Young property?

Mr. Ligon feels the staff recommendation is the best as it is supported by objective engineering facts and makes the most sense based on engineering facts. Mr. Ligon was of the opinion the commercial development in Wilsonville Square will be inhibited for some time if there is no access off Wilsonville Road. Also, by eliminating the left turns into Wilsonville

Square, would be forcing all the traffic to go through the Boones Ferry intersection, including all the traffic that comes off the freeway. Mr. Ligon stated he and his client were of the opinion the left turn lane should be continued.

Councilman Edwards asked Mr. Ligon, on a scale of 1 - 100 what would be the possibility of doing a frontage road on the east side of this area. Mr. Blanchard stated the process has to go through the State Highway six year plan in order to do an engineering study. The Wilsonville interchange project is on that six year highway plan, submitted to Clackamas County. However, do not know when it could be funded.

Mayor Meyer pointed out this would be provided the south-bound ramp were used. The Mayor questioned whether this would have to be approved by the state if the frontage road were placed just inside the Wilsonville Square area. Mr. Blanchard stated this would be a frontage road that is basically within access onto an interstate highway. The state does have jurisdictional control over that area as would still be taking access.

Councilman Edwards questioned why the state would have to be involved if the frontage road would be parallel to the freeway on ramp but not on the state right-of-way, rather in Wilsonville Square. Mr. Altman stated this would still impact the interchange as creating a five-way intersection. The state would oppose this proposal from an engineering design standpoint. It is not consistent with any state or federal highway design standard.

There followed discussion of a frontage road for the Wilsonville Square. Mr. Blanchard noted this was discussed at length with the state highway department and it was totally opposed to the frontage road concept based on not knowing what the ultimate design of that interchange would be. The state department was either unwilling to either approve it or commit to it. The only thing the state department would commit to was an engineering study under the six year plan for the entire Wilsonville interchange.

Mr. Altman noted the added factor to consider was the action the state is currently taking is to acquire the access right which they did not do when they built the freeway. Mr. Altman stated the access would be acquired for at least fifty feet to gain control over this section. If this right-of-way is acquired, the state would then have something to say about what happens in this area. The federal criteria is that you cannot access anything from an interstate ramp; it is to be used only for getting on and off the freeway. Staff had proposed to eliminate the ramp for several hundred feet south and create a new ramp south of the current one. This would alleviate some of the problems, temporarily.

Marlan DeHass, DeHass & Associates, AGC Center, Wilsonville, next approached Council, stating he was retained by Mr. Mala to assist both the city and the state in whatever manner possible to get going with the permanent location of an access into the Wilsonville Square. It was Mr. DeHass' understanding that the real effort of Mr. Mala is to get on with the LID. Also, it was Mr. DeHass' understanding, at this point, that the state is not involved in this matter any more, in the location of the roadway or in buying the property at all. Mr. DeHass stated the state initially thought that perhaps involved with taking away the access to Mr. Robert's that they could get involved and provide a different access and mitigate the problems. However, it was Mr. DeHass' understanding the state took this proposal to the federal government who stated it could not participate in this program because it was really creating a new roadway, it would be a new project and it would have to get into the new six year plan for funding.

Mr. DeHass stated it is the state's position, at this point, that it does not want to get involved in this new project and would just go back to the access situation, buy its way out of it and do whatever it takes. The access has been damaged and the state now needs to compensate the owners for the damage done.

Councilman Edwards asked Mr. DeHass if that is the state's present position. Mr. DeHass stated it was his understanding this is the state's present position. However, he was not certain.

Mr. Blanchard stated staff had had discussion with members of the state highway department and had addressed only the right-of-way. Does not know if this referred to access only or if it was in regards to right-of-way for access. Felt this was a point of clarification that needs to have the state identify. Mr. Blanchard felt the state was very vague in its letter to the city. Discussion continued on the state's position on the acquisition of the right-of-way.

Mr. DeHass pointed out the recommended location balances the distances between Boones Ferry Road and the state's interchange as far as turning movements are concerned. Also, the recommended proposal is going to be the least costly of the three alternates. The proposed recommendation best fits the property lines that exist at this time.

Mayor Meyer asked if the building on the Young property could be moved to the west and continue in business as it is now, if a part of the Young property were used for a roadway. Mr. Altman stated the building was sub-standard as far as the Building Code is concerned for a commercial building. The technical problem would be that upon a relocation, would require full compliance with the current Building Code.

Councilman Edwards asked who would compensate Mrs. Young if Exhibit 10B is approved. Could this be a part of an LID? Mr. Altman stated this could be made a part of an LID.

Mr. Filonczuk stated the building had recently been inspected by the city inspector and it was indicated that only minor changes were required to bring it up to code.

Mr. DeHass stated he believes if the city tried to get the frontage road, it would be turned down by the federal government. Felt the access road would act as a frontage road.

Mr. Blanchard pointed out when the left turn movement is cut, would still reduce the amount of traffic at the Boones Ferry interchange by the right turn out movement. Feels this access is important because if it was eliminated it would create problems with the Boones Ferry interchange.

There followed discussion of the turning patterns for Wilsonville Square. Mr. Altman pointed out there will be a right turn only into Wilsonville Square with a right turn only out of the Square. Staff has concluded that left turns into the Square area should be eliminated now as there is sufficient left turn movements on Boones Ferry Road to conflict with the left turn today. Therefore, should not create a left turn into the Square. The access problem has to be resolved either by Boones Ferry Road or the interchange redesign of a frontage road concept.

Councilman Fouser asked why the Planning Commission approved the plan it did rather than approving the plan recommended by staff. Mr. Altman stated he felt it was on a basis of the discussions of net lotting patterns on Wilsonville Road and were looking at the ramp side turn maneuvers coming off the ramp and getting into the Square access. Staff was looking at what happens from the other side coming back. Mr. Altman stated the Planning Commission also looked at the lotting pattern and there was some discussion about what happens with the forty foot strip of Mrs. Young's property. Would it remain as a potential developable lot or would someone acquire it. Mr. Altman pointed out Mr. Burda had indicated he would purchase all the property in between him and the road if the road were shifted to the west. Mr. Altman felt this may have been a determining factor in the Planning Commission's decision.

At this time, Don Mala, 30150 SW Parkway Avenue, approached Council stating he had been working on this problem over the last two years to implement this roadway. Have been trying to get the road that was approved in 1976, implemented. Mr. Mala made reference to the history of this development. Was of the opinion

the main issue was the land plotting problem, trying to align the road with the best road configurations that would access the most properties.

The situation now is that the State Highway Department decided it wanted to cut access off from Mr. Mala's property which would result in a near land-locked property. This would leave twenty-nine feet which would not satisfy the city requirements for a street and the utilities that are required to go into the Square. Mr. Mala stated he could not agree to restrict left turn lanes at this point, into the Square property because the roads exiting west out of the Square property do not exist. Also, there is no significant development in Wilsonville Square at this time. Mr. Mala was of the opinion it would be some years before there would be significant development in the Square. Also, felt the significant development would not take place without the access to Boones Ferry Road. Mr. Mala pointed out if the state cuts off access to Mr. Robert's restaurant, there will be no access into the Square area which would hurt the current businesses.

Mr. Mala stated he had filed an LID with the city for the development of Wilsonville Square and is prepared to submit another one if the original is not satisfactory.

Mayor Meyer asked what objection there would be to restricting left turns during peak traffic hours. Mr. Mala stated he could not speak for the other property owners, however, believed if the left turns are restricted entirely, the service station would probably go out of business as would the Squirrel Cage. These properties cater to the freeway traffic, primarily.

Mayor Meyer next asked if the left turns were permitted for the present, how much of an impact on those businesses, including Mr. Robert's, would there be if the left turns were prohibited during peak traffic hours when the safety problem occurs. Mr. Mala felt this restriction would hurt the businesses significantly. Also feels if the north/south arterial from 5th

Street to Wilsonville Road is implemented, a lot of the traffic that goes to Boones Ferry Road would be turning left on this new arterial. Believes there would be some relief by having that road through there.

Discussion continued. Councilman Stark asked Mr. Mala what he predicted to be the east/west street off Boones Ferry Road. Mr. Mala stated he had made a recommendation to the Planning Commission on the location of that street on the basis of the other property owners being dealt with on the capability of acquiring the property. Mr. Mala reported the Planning Commission decided it did not want to review that part of the plan. The road was moved a little bit to the north to accommodate some land plats. Mr. Mala stated this recommendation was made based on the fact that land would have to be acquired or agree to a Local Improvement District to implement that.

Councilman Stark asked about the time line for this road. Mr. Mala stated he had already submitted a Local Improvement District and would submit another one as soon as it is known where the road is going to go. Have done most of the engineering and the surveying has been completed. Have also had meetings with the land owners to the east, which would encompass the roadway over to Boones Ferry Road.

Councilman Stark stated he agreed the left turns in and out of Wilsonville Square will have to be prohibited. However, does not feel this should be done until the east/west street has been completed.

Mr. Blanchard pointed out that as far as the relocation of the properties concerned, this is an issue that was brought up by the state in their negotiations with property owners. This is not an issue with the city, at this point.

Mayor Meyer called for other opponents. There were none, therefore, the Mayor asked if the proponents would like to rebut.

Richard Filonczuk pointed out the proposed east/west road would come out in front of the Wilsonville School. Felt this

would create more problems. Mayor Meyer pointed out this road would be moved to the north. Also, the City Council is not addressing this issue tonight.

As there was no further testimony, Mayor Meyer closed the Public Hearing and asked the Council what it wished to do on this issue.

Mayor Meyer asked if Council approves Plan 10B, so the building can be continued to be used, could Council grandfather that building in its present condition and moving it.

Mr. Kohlhoff was of the opinion Council would have to review the code to answer this. However, felt the code would state that if a building is moved, it would have to conform to the current building standards. It could be moved, but would take money to upgrade it.

Mayor Meyer was of the opinion if the building was voluntarily moved by the owner, and not by the city, to another location, he could see where the imposition of the upgrading would occur. However, the city is displacing someone in this instance. The Mayor questioned whether this was fair.

Mr. Kohlhoff stated he had not reviewed that particular code section, however, those types of sections are not written depending on who the cause is. Mr. Kohlhoff stated, that as far as who would pay for this, the city would have to do a condemnation for the right-of-way. This would have to be funded by whatever means it could be, possibly an LID. If it is possible to relocate the building on the property with a minimum of amount of cost to upgrade it, this might be far less than if the a complete removal situation were in effect. In reviewing the alternatives, it appears the building could be moved if Alternate 10B were approved.

Councilman Edwards suggested another way to grandfather this might be to, if Council decides to move ahead on this issue, is to set a very specific length of time in which the building would not have to be moved until the street is completed and develop-

ment is taking place in the Wilsonville Square.

Discussion continued on this issue, upon the conclusion of which, Councilman Edwards moved to table this matter until the next regular meeting. Councilman Gardiner seconded the motion.

Councilman Stark recommended staff be told what Council would like in the form of information, to give them some idea of why this is being held up.

Mr. Altman pointed out the continuation of this matter would be for a decision by Council, only, as the public hearing has been closed.

Mr. Kohlhoff noted if Council is asking for additional information to be presented, would have to reopen the hearing and would have to advertise it as a public hearing. Both proponents and opponents would have to review the material also.

Councilman Edwards stated he wanted the matter table so Council could further study this issue. Does not want any additional information from staff.

Upon conclusion of discussion, the motion to continue this matter for Council decision only, carried 5-0.

III. LEGAL BUSINESS

A. Resolution CB-R-182-85 - A Resolution Adopting a Certain Agreement to Amend the Cable Communications System Franchise Agreement Between the City of Wilsonville and Storer Metro Communications, Inc.

Resolution CB-R-182-85 was read by Mr. Kohlhoff by title only with reference to Mr. Potter's memorandum on the background of this issue. Mr. Kohlhoff noted that all the jurisdictions are going to enter into a resolution in order for this amendment to occur. This format before Council is the format suggested by Storer Metro and has been reviewed by Mr. Kohlhoff and appears to be satisfactory.

At this time, Mayor Meyer introduced Bob Haas, Councilman in Tualatin and chairman of the Metropolitan Area Communications

MINUTES OF NOVEMBER 4, 1985 MEETING

OF THE

WILSONVILLE CITY COUNCIL

A regular meeting of the Wilsonville City Council was held at said city at the hour of 7:30 p.m. on Monday, November 4, 1985. At the meeting, the following members of the Council were present:

Mayor Gregg Meyer
Councilman Marina Gardiner
Councilman Bill Stark
Councilman Shirley Fouser
Councilman Eldon Edwards

Staff present were:

Dan Potter, City Administrator
Dee Thom, City Recorder
Vera Rojas, City Council Secretary
Ben Altman, Planning Director
Larry Blanchard, Public Works Director
Ray Shorten, Finance Director
Jim Long, Public Works Superintendent

Also present was:

Michael Kohlhoff, City Attorney

I. CALL TO ORDER

Mayor Meyer called the meeting to order followed by Roll Call and the Flag Salute.

Mayor Meyer stated he would like to commend four city employees for their outstanding job in a United Way Fund Drive. These employees are: Sue Ross, Judee Emison and Vera Rojas who

instituted a treasure hunt to collect funds for the United Way. Their goal was \$1000 and were able to achieve with a collection of just over \$1100. The Mayor also commended Ben Altman for finding the treasure chest.

II. LEGAL BUSINESS

- A. Resolution CB-R-186-85 - A Resolution Adopting Findings on the Matter of Appeal of the Planning Commission's Resolution 85PC30, Approving a Stage I Master Street Plan for Wilsonville Square, Defining Right-Of-Way Location and Alignment, and Authorizing a Major Partition to Create Said Right-Of-Way.

Mayor Meyer moved to remove this item from the table, which was tabled at the meeting of October 21, 1985. Councilman Gardiner seconded the motion which carried 5-0.

Mayor Meyer noted a Public Hearing had been held on October 21, 1985 and upon closing the Public Hearing, it was suggested the resolution be tabled for further study.

Councilman Edwards stated he had studied this item and did not know how the city got involved in it. It was his feeling there should be some flexibility left with the alignment, which would make it more likely the project would be able to develop. Does not see why Council needs to determine where the alignment should be.

Councilman Stark pointed out the reason this is before Council is that the Planning Commission did make a recommendation where the alignment should be. This decision is now being appealed to the City Council.

Mayor Meyer asked if the intersection, and the engineering

design was done by the City, along with the off/on ramps to the freeway. Mr. Altman stated the ramp system was designed by the state and bids were released by the state. It was the state's construction project.

Mayor Meyer noted the state wanted to close off the east end entrance of the service station to the Mr. Robert's lot. Mr. Altman concurred with this and stated it was the state's intent to do this to protect the signals recently installed. The Mayor pointed out the state had also alluded to possibly paying for a new street, however, have now decided it cannot do this. The Mayor was of the opinion the city did not cause the problems at this intersection, the state did. The Mayor expressed concern that the entrance would be a part of a Master Plan that has been sitting in limbo for nine years. Feels this is a Band-Aide to what the area will look like in the future and also feels the city should not be in the engineering business to design and build the street.

Councilman Edwards was of the opinion if the city did approve an alignment, would be getting into a financial responsibility for making it happen. Does not feel this is the intent of the Council. Councilman Edwards asked Mr. Kohlhoff what the city's alternatives would be in terms of how the city can handle this.

Mr. Kohlhoff pointed out Council was hearing this as a de novo hearing, and if Council was supported by adequate findings, could determine not to make a decision as to which of the three alternatives Council wanted. Need to base this decision on some findings. Councilman Edwards asked what Council could do to establish findings on this issue.

Mayor Meyer noted Council had already held a public hearing

on this issue and were just having a Council discussion at this time. The Mayor asked if Council could establish findings from the presentations of the public hearing. Would there be basis from the previous presentations.

Mr. Kohlhoff stated this would be up to Council, as it would have to make those kinds of determinations. Pointed out if Council feels there was not sufficient evidence presented at the meeting on October 21st, and would like to pursue that area, could re-open the public hearing, ask for additional public testimony and ask staff to prepare additional findings along those lines.

Mayor Meyer pointed out the south side of Wilsonville Road does not have the traffic control situation that the north side has. If it is the intent of the state to correct this, the Mayor was of the opinion this intent should be made prior to the decision of where the street is going to go. Council might be making a decision on an issue that might be deleted by the state's purchase of control lane.

Councilman Edwards stated he would like to have more information on this issue before making any decisions. Therefore, Councilman Edwards moved to table this matter to try to develop information in terms of what the state is going to do and what the Council's position is going to be regarding the necessity of establishing the actual alignment. This would necessitate a public hearing at the time it is removed from the table and would like to have input from state on this issue. Councilman Gardiner seconded the motion.

Mr. Kohlhoff suggested this not be tabled, but continued with the further provision that Council re-open the hearing to address these particular issues.

Councilman Edwards withdrew the motion and Councilman Gardiner withdrew the second.

Councilman Edwards moved to continue the item and re-open it for public hearing at the December 2, 1985 City Council meeting. Councilman Fouser seconded the motion which carried 5-0.

B. Resolution CB-R-187-85 - A Resolution Naming November 15, 1985 As National Free Enterprise Day.

Resolution CB-R-187-85 was read by Mr. Kohlhoff by title only. Mayor Meyer read a letter into the record, from Edwards R. Hargus, Tigard High School student, encouraging the city to promote and support the free enterprise system and the National Free Enterprise Day. At this time, Mr. Kohlhoff read the resolution in its entirety.

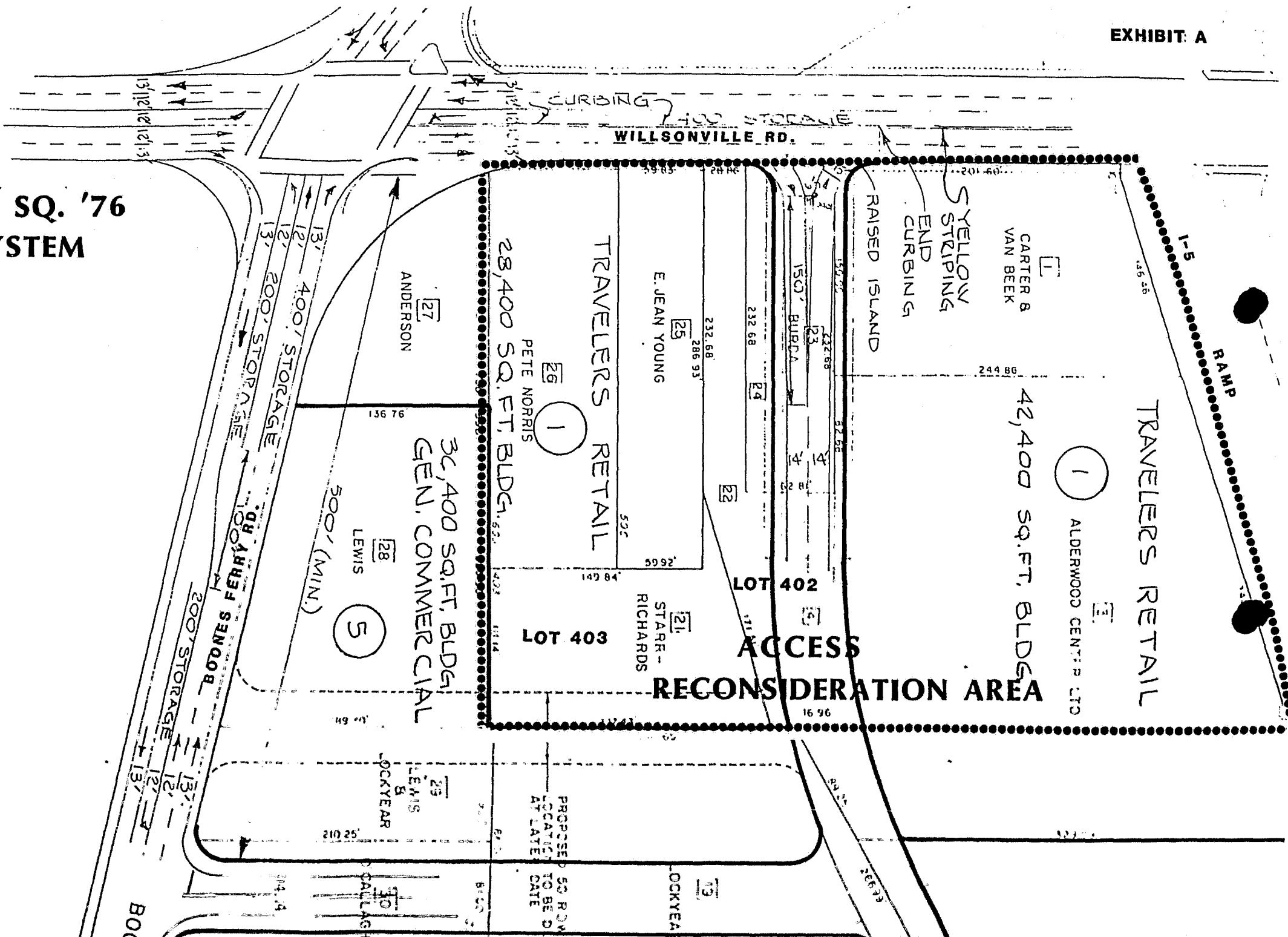
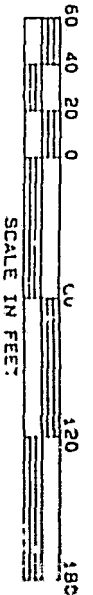
Mayor Meyer asked Mr. Hargus to address the Council and to tell about the free enterprise project.

Edward R. Hargus, 11670 SW Terrace Trails Drive, Tigard approached Council, stating with him was his father, James Hargus and the principal of Tigard High School, Dr. Al Davidian. Mr Hargus stated the project on the Free Enterprise System is a five part project. Mr. Hargus stated the project is sponsored by Decca and is national contest. If Mr. Hargus places first in the State of Oregon, he will win \$100; if he wins first in the nation, will receive ten shares of Phillips Petroleum stock.

Councilman Gardiner moved to adopt Resolution CB-R-187-85. Councilman Edwards seconded the motion which carried 5-0.

C. Resolution C188-85 - A Resolution Inviting Citizens to Light Porch Lights, Candles or Other Lights from Dusk to Dawn on November 19 and 20, 1985 to Express the Desire for World Peace

WILSONVILLE SQ. '76 STREET SYSTEM



BOONES FERRY RD.

WILSONVILLE RD.

TRAVELERS RETAIL

42,400 SQ. FT. BLDG.

ACCESS RECONSIDERATION AREA

TRAVELERS RETAIL

3C, 400 SQ. FT. BLDG. GEN. COMMERCIAL

28,400 SQ. FT. BLDG.

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PROPOSED 50 ROW LOCATED AT LATE DATE

MINUTES OF FEBRUARY 3, 1986 MEETING

OF THE

WILSONVILLE CITY COUNCIL

A regular meeting of the Wilsonville City Council was held at said city at the hour of 7:30 p.m. on Monday, February 3, 1986. At the meeting, the following members of the Council were present:

Mayor Gregg Meyer
Councilman Shirley Fouser
Councilman Edlon Edwards
Councilman Marina Gardiner
Councilman Bill Stark

Staff present were:

Pete Wall, City Administrator
Dee Thom, City Recorder
Vera Rojas, City Council Secretary
Ben Altman, Planning Director
Larry Blanchard, Public Works Director

Also present was:

Michael Kohlhoff, City Attorney

I. CALL TO ORDER

Mayor Meyer called to the meeting to order followed by Roll Call and the Flag Salute.

II. PUBLIC HEARINGS

A. Appeal - Wilsonville Square Access (85PC30) Continued for Final Council Action

1. Resolution CB-R-186-85 - A Resolution Adopting Findings on the Matter of the Planning Commission's Action on 85PC30; Upholding Said Appeal and Overruling the Commission's Action Realigning the North Intersection of the Square 76 Street Plan With Wilsonville Road; and Conditionally Reaffirming the Remaining Master Street Plan as Approved by Resolution 83PC26

Mayor Meyer the continued Public Hearing, calling for proponents of this issue. There were none. Therefore, the Mayor called for opponents. As there were none, Mayor Meyer declared the Public Hearing closed and asked what Council's wishes were on this matter.

Councilman Gardiner moved for the adoption of Resolution CB-R-186-85. Councilman Fouser seconded the motion.

Councilman Gardiner moved that Finding No. 8, as presented this evening, be substituted for Finding No. 8 in the Resolution. Councilman Fouser seconded the motion. Mayor Meyer read the amended Finding No. 8 into the record. Upon the conclusion of which the motion carried 5-0.

Mayor Meyer moved that on page 5 of 5, add items "B" and "C". Item "B" would be the minutes of Council meeting of October 21, 1985. Item "C" would be the minutes of Council meeting of November 4, 1985. Councilman Edwards seconded the motion which carried 5-0