

**RESOLUTION NO. 858**

**A RESOLUTION ADOPTING THE PLANNING COMMISSION'S FINDINGS AND RECOMMENDATION TO APPROVE THE ALIGNMENT OF CANYON CREEK NORTH AND MODIFICATION OF THE STAGE 1 MASTER PLAN FOR PARKWAY CENTER; BURNS-WESTERN, INC., APPLICANT; TAX LOT 1500, SECTION 1, T3S-R1W, WASHINGTON COUNTY AND TAX LOTS 300 AND 400, SECTION 12, T3S-R1W, CLACKAMAS COUNTY, OREGON.**

WHEREAS, an application, prepared by David Evans and Associates, Inc., on behalf of Burns-Western, Inc., had been submitted for the Planning Commission's consideration and review at their regularly scheduled meeting held on September 10, 1990; and,

WHEREAS, the Planning Commission's recommendation and findings were presented to the Wilsonville City Council at their regularly scheduled meeting held on November 5, 1990; and,

WHEREAS, the City Council, after hearing testimony from the applicant(s), City staff and the Planning Commission Chairman, adopted a motion to remand the issue of the Primary Open Space back to the Planning Commission after directing that further studies be conducted; and,

WHEREAS, the applicant, in cooperation with City Staff, undertook an extensive study of the wetland/Primary Open Space area and determined that an alignment for Canyon Creek North would have minimum impact if it were constructed as shown on Exhibit 1, PARKWAY CENTER, Revised: 15 May 1991; and,

WHEREAS, the revised and modified Parkway Center Master Plan was presented to the Planning Commission and received their approval on June 10, 1991; and,

WHEREAS, the Wilsonville City Council finds that the Planning Commission's action and recommendation regarding the Parkway Center Master Plan (Revised) is both reasonable and appropriate.


NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES that the City Council of the City of Wilsonville does hereby adopt the recommendation(s) and findings

of the Planning Commission and APPROVES the Parkway Center Master Plan (as Revised on 15 May 1991), subject to the Conditions of Approval recommended and adopted by the Planning Commission. The City Council notes that all or a portion of this property has been identified as a "wetland" on the state-wide inventory. If the site is a jurisdictional wetland, development actions in this area may require a State and/or Federal permits.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of July, 1991 and filed with the Wilsonville City Recorder this date.

  
GERALD A. KRUMMEL, Mayor

ATTEST:

  
VERA A. ROJAS, CMC, City Recorder

SUMMARY Of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>ABSENT</u>



City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

## NOTICE OF DECISION

Project Name: PARKWAY CENTER File No: 90PC34

Applicant / Owner: Burns-Western, Inc.

Proposed Action: Modification of Stage I Master Plan and Major Land Partition

Property Description:

Map No: 1 Tax Lot No: 1500 Site Size: \_\_\_\_\_  
                  12                                  300 and 400

Address: \_\_\_\_\_

Location: North of Wiedemann Road and east of Parkway Avenue

On June 10, 1991, at the meeting of the Planning Commission  
the following decision was made on the above-referenced Proposed Development Action:

       Approval    XX Approval with Conditions           Denied

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 14th day of June, 1991, and is available for public inspection. The date of filing is the date of the decision. Any appeal(s) must be filed with the Planning Department by 5:00 p.m. on June 28, 1991.

XX Written decision is attached

       Written decision is on file and available for inspection and/or copying.

This action, if approved, will expire on \_\_\_\_\_ unless development commences prior to the expiration date.

For further information, please contact the Wilsonville Planning Department at City Hall, Community Development, or phone 682-4960.

PLANNING COMMISSION  
RESOLUTION NO. 91PC11

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL FINDINGS APPROVING FINAL ALIGNMENT OF CANYON CREEK NORTH, APPROVING COMPREHENSIVE PLAN MAP AMENDMENT TO SHOWADJUSTMENTS TO THE INDUSTRIAL, PRIMARY OPEN SPACE, SECONDARY OPEN SPACE AND RESIDENTIAL 12-20 DU/AC USE DESIGNATIONS TOGETHER WITH ZONE MAP AMENDMENTS ADJUSTING PLANNED DEVELOPMENT INDUSTRIAL AND PLANNED DEVELOPMENT RESIDENTIAL ZONE DESIGNATIONS - BURNS-WESTERN, APPLICANT. THE AFFECTED PROPERTY CONSISTS OF TAX LOT 1500, SECTION 1, T3S-R1W IN WASHINGTON COUNTY AND TAX LOTS 300 AND 400, SECTION 12, T3S-R1W, CLACKAMAS COUNTY

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Sections 4.008(4) and 4.187(1)(C) of the Wilsonville Code, and Section 1 of the Comprehensive Plan, and

WHEREAS, the Planning staff 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 meetings conducted on June 10, 1991, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

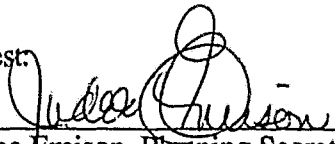
WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

WHEREAS, all 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 and recommendations contained therein and further authorizes the Planning Director to forward the Planning Commission's recommendation for approval of said Resolution to the City Council

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof, this 10th day of June, 1991, and filed with the Planning Secretary this same day.

Attest:

  
\_\_\_\_\_  
Judee Emison, Planning Secretary

  
\_\_\_\_\_  
Chairman, Planning Commission

PLANNING COMMISSION  
RESOLUTION NO. 91PC11

**A RESOLUTION ADOPTING FINDINGS APPROVING A TWO-PARCEL  
MAJOR LAND PARTITION FOR PROPERTY AFFECTING TAX LOT 1500  
OF SECTION 1, T3S-R1W, WASHINGTON COUNTY AND TAX LOTS  
300 AND 400 OF SECTION 12, T3S-R1W, CLACKAMAS COUNTY -  
BURNS-WESTERN, APPLICANT**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Sections 4.008(4) and 4.230 of the Wilsonville Code, and Section 1 of the Comprehensive Plan, and

WHEREAS, the Planning staff 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 meetings conducted on June 10, 1991, 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, all 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 and recommendations contained therein and further authorizes the Planning Director to issue a

Major Land Partition

consistent with said recommendations.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof, this 10th day of June, 1991, and filed with the Planning Secretary this same day.

  
Chairman, Planning Commission

Attest:

  
Judee Emison, Planning Secretary

**MOTIONS FROM PLANNING COMMISSION MEETING OF JUNE 10,  
1991:**

**PARKWAY CENTER - Modified Stage I Master Plan and Major Land  
Partition**

Mike Williams moved to accept the land partition carving out Parcel II and approving the right-of-way for Burns Way. Helen Burns seconded the motion which passed 5-0.

Mike Williams moved to accept the general alignment of Canyon Creek Road North as shown on Exhibit 3, and to provide, as shown on Exhibit 3, that Parcels I and II, located west of Canyon Creek Road North and west of the Primary Open Space be zoned Industrial. Weldon Sloan seconded the motion which passed 5-0.

Mike Williams moved, based on Exhibit 3, to accept Parcel III, which would be both sides of Canyon Creek Road North, as Residential - 12 to 20, with the Commission recognizing that because of the gross acreages involved, it appears that it would have to come in and come before the Planning Commission as a Planned Development Residential application, either singularly or cumulatively. Arland Andersen seconded the motion which passed 3-1-1 with Marian Wiedemann voting against and Helen Burns abstaining.

**PLANNING DEPARTMENT  
STAFF REPORT**

**DATE: June 10, 1991**

**TO: Planning Commission**

**PREPARED BY: Blaise Edmonds**

**REQUEST: 90PC34 Parkway Center - Request for approval of a modified Stage I Master Plan and a major land partition. This request also involves a revised alignment for Canyon Creek North where it will cross the Parkway Center site and an Ash wooded wetland that is designated in Primary Open Space.**

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**BACKGROUND**

David Evans and Associates, Inc., representing Burns - Western, Inc., submitted an application to modify the Parkway Master Plan on June 2, 1990. The application, according to the Planning Director's memorandum to the City Council, included a request to partition property located within Parkway Center and to replace the Primary Open Space (as designated on the Comprehensive Plan) with Secondary Open Space. As part of the request, certain roads would be realigned to provide right-of-way for what has been identified as Canyon Creek North and an east - west road to connect Parkway Center Drive with a new arterial street and to provide access to other land located east of Canyon Creek North.

The Wilsonville Planning Commission conducted a public hearing on September 10, 1990 to consider this request. The Planning Commission decided to recommend approval of the modified Stage I Master Plan and the preliminary partition. However, the Commission did not recommend that any change be made to the Primary Open Space designation that is depicted on the Comprehensive Plan Map. The Planning Commission's decision was in the form of a recommendation to the City Council.

The City Council held a public hearing to consider the Planning Commission's recommendation and essentially rendered no decision and remanded the request back to the Planning Commission. The remand has allowed the applicant additional time to perform an environmental impact analysis of the POS area for the purpose of establishing an alignment for the Canyon Creek North right-of-way with the least environmental impact on the existing wetland and significant trees. The revised plan includes a wetland mitigation proposal for wetland displaced by street right-of-way. The proposed alignment is delineated on applicant's Exhibits 1 to 4. City staff met on site with the applicant and with Mr. Parks of the Oregon Department of State Lands, and walked the entire length of the Primary Open space area. The Canyon Creek North alignment was tentatively agreed upon to follow a course that would minimize impact on the identified Ash wooded wetland.

## PROPOSED FINDINGS

1. The Planning Commission, on September 10, 1990, modified and incorporated affirmative findings that were submitted by David Evans and Associates in their recommendation to the City Council. The Planning Commission deleted the following paragraph:

"A. The Planning Commission finds that the statement regarding secondary open space (Exhibit B, page 10) is inconclusive, there are several areas (which may not be protected as 'primary open space') that still deserve some measure of protection under City ordinances and the Comprehensive Plan. In such cases, it is appropriate and necessary to apply a designation that affords some measure of protection until a more detailed site analysis is performed. This is an acceptable and recommended use for the 'Secondary Open Space' Comprehensive Plan designation."

The Planning Commission made this paragraph "A":

- A. The Commission finds that the area generally depicted as 'primary open space' has been designated as a 'wetland' by the United States Department of the Interior. The Commission notes that a detailed on-the-ground and/or historical analysis may result in a revision of the wetland boundaries which were established through photographic interpretation. Therefore, a plan designation of Primary Open Space is appropriate to protect the resource until a more detailed, on-site analysis is completed. At the time the wetland designation is made, the applicant shall have the right to return to the Planning Commission to have the issue reviewed.
2. That Planning Commission finds that the City's traffic consultant, Carl Buttke, has identified Canyon Creek North proposed between Elligsen Road and Boeckman Road as a necessary arterial for access to the subject master planned property. At the time of writing this staff report, the City Council voted in the first reading of the transportation ordinance, to adopt revisions to the City of Wilsonville Transportation Plan. The Transportation Plan, as revised, delineates a general alignment for Canyon Creek North. The subject application further refines this alignment to be more responsive to an existing wetland and to preserve significant roses.
  3. The Planning Commission finds that the previous Conditions of Approval are applicable to this request and they are as follows:
    1. That this zone change will expire within two years of final approval by the City Council if substantial development has not occurred.



2. That within a period of one year from the date of adoption of the Ordinance amending the Zoning Map, the applicant submit to the Planning Commission Stage II Final Development Plans for the first phase of development.

Stage II documents shall be consistent with the conceptual Master Plan and identify the specific alignment and street standard sections for Parkway Avenue and the north-south collector to Boeckman Road (extension of Canyon Creek Road).

3. That the phasing of this development be consistent with the City's growth management policies and Capital Improvement programming. Adequate primary facilities as defined in the Comprehensive Plan shall be available to serve each respective phase of development. If adequate facilities do not currently exist, at the time of submittal for Stage II Plan approval they must be planned, scheduled and funded for improvement prior to issuance of Building Permits. Occupancy Permits will be withheld until such time as the needed public facilities have been constructed and area available to service development.
4. That the applicant waive right of remonstrance against any proposed local improvement district which may be formed to construct public improvements which would serve the subject property.
5. That the applicant or respective property owner within the established zoned districts submit at Stage II appropriate CC&Rs or Homeowners' Association By-Laws to insure orderly development of the property consistent with the Parkway Center Master Plan and to insure proper maintenance of any common areas proposed.
6. That Stage II Development Plans identify appropriate dedication of public rights-of-way for street improvements, detailed pedestrian pathway plans and appropriate dedications for designations of common open space areas, together with a proposed method of maintenance for any common areas.
7. That Stage II documents include a proposed Transportation System Management program which has been coordinated with the City, Tri-Met and ODOT.
8. That the applicant's Stage I submittal documents including Land Use Master Plan, design objectives and standards as set forth in the report entitled "The Parkway Center Development Study" dated February 12, 1981, prepared by Zimmer, Gunsul, Frasca Partnership, et al., for Burns Bros., et al., and the slide presentation be adopted as Conditions of Approval.
9. The Conditions in this approval and Stage I commitments will endure to subsequent property owners.
10. The applicant will build roads to the current Public Works Standards or to any alternative standard as may be approved by the City Council.

11. Deleted
12. The applicant submit a detailed Storm Drainage Plan and Concept Master Path Plan with the first phase of Stage II.
13. Deleted
14. Full road right-of-ways must be dedicated by Stage II unless requested earlier by the City.

An additional Condition of Approval was imposed in 1982 when the Parkway Center Plan was modified at the request of Western International Properties. The City Council affirmed the modified Plan in April, 1982, by a 5-0 vote.

15. That all Conditions of Approval adopted under the provisions of Ordinance 187 shall continue to apply save and except the expiration date of the zone change shall follow two years after the date of the adoption of the Boundary Amendment by the City Council and that the one-year submittal deadline for the Stage II Final Development Plans for Phase I of the proposed development shall be submitted within one year following the date of adoption of the Boundary Amendment by the City Council.

The Commission recommends that the City Council modify the original Conditions as follows:

Condition 5 shall be deleted and reworded to state:

5. The applicant shall submit and reword CC&Rs and/or Homeowners' Association By-Laws at the time of filing the plat for the major partition or for the subsequent Stage II review, whichever occurs first.

Condition 8 shall state the following:

8. That the applicant's Stage I submittal documents including Land Use Master Plan, design objectives and standards as set forth in the report entitled "The Parkway Center Development Study" dated February 12, 1981, prepared by Zimmer, Gunsul, Frasca Partnership, et al., for Burns Bros., et al., and the slide presentation be adopted as Conditions of Approval, except that the Land Use Master Plan may be revised and/or modified by the City Council. Whenever the City Council approves a modification to, or revision of, the Parkway Center Master Plan, then that shall supersede all previous Plans. Such modification and/or revision may occur only after the Council first receives the recommendation and findings of the Planning Commission. Changes to the Master Plan may be enacted by a Zone Order adopted by the City Council.

### Primary Open Space:

4. The area of the site shown in Primary Open Space on the Comprehensive Plan Map, is a general representation of that area. Policy 4.5.1:

"Primary Open Space is intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:

1. 100 year floodplains
2. Slopes greater than 20%.
3. Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
4. Major natural drainage channels."

Based upon Policy 4.5.1(3) and field investigations of the site performed City Planning and City Engineering staff, the applicant, representatives of David Evans and Associates and Mr. Parks of the Oregon Division of State Lands, the subject area identified in Ash wooded wetlands is appropriately classified in Primary Open Space.

5. The proposed Canyon Creek North right-of-way shown to traverse the POS/wetland area is consistent with the Comprehensive Plan. The transportation map in the Comprehensive Plan recognized and intended a north-south street (Canyon Creek North) to traverse the POS area on the site.

**RECOMMENDATION:** The applicant is seeking approval of the application as revised. The applicant has demonstrated through site engineering and environmental mitigation, that Canyon Creek North could follow an alignment to traverse the Primary Open Space/wetland area and still preserve the natural integrity of that special area. I recommend that the Planning Commission forward a recommendation to the City Council for approval of the modified Master Plan, major land partition and Canyon Creek North road alignment.

### Conditions of Approval:

1. This approval grants a tentative major land partition approval for the creation of three lots delineated on the Preliminary Plan.
2. The approval for the major partition shall become final upon recording of the partition map together with any required documents with the County Recorder. Approved subdivision plats shall become void within one year after issuance of the development permit if they are not recorded.

## 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.

- A. Findings and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents

May 15, 1991

BBIX0005

Mr. Wayne Sorenson, Planning Director  
City of Wilsonville  
8445 S.W. Elligsen Road  
Wilsonville, Oregon 97070

**SUBJECT: Revisions to 90PC34 Burns Western, Inc. - Request for modification of Stage I Development Plan for Parkway Center and Major Partition**

Dear Wayne:



Enclosed are 13 copies of revised plans for the modification of the Stage I Development Plan for Parkway Center and Major Partition. The plans show a revised alignment for the proposed Canyon Creek North roadway where it crosses the Parkway Center site. The revised alignment for Canyon Creek North is based on recommendations from the City Engineer and staff of the Oregon Division of State Lands and a survey of large trees in the vicinity of the proposed roadway by the City Surveyor. The proposed roadway is located to minimize impact on existing vegetation and the wetland area.


In the proposed Master Plan (Exhibit 1), the wetland area serves as a buffer between the industrial area to the west and the residential area to the east. In the Adopted Master Plan (Exhibit 2) the roadway served as the dividing line between the industrial and residential areas. Since the wetland area will be left largely as open space, it is preferable to use the open space as a buffer between the different land uses rather than maintaining an industrial designation for the small area between the roadway and the wetland at the southern part of the site.

Burns Western would like to have the City Planning Commission hearing on this revised plan scheduled at the earliest available date.

Thank you for the opportunity to provide a revised plan for this application. Please give me a call if you have any questions

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

  
Richard T. Leonard, AIA, AICP  
Director of Planning Services

RTL:dlh

cc: Dan Griffith, Burns Western



DAVID EVANS AND ASSOCIATES, INC.  
ENGINEERS SURVEYORS PLANNERS LANDSCAPE ARCHITECTS SCIENTISTS  
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PORTLAND, OREGON 97201-4840  
(503) 224-6663 FAX (503) 224-2701

EXHIBIT D

**PARKWAY CENTER MASTER PLAN MODIFICATION  
AND MAJOR PARTITION**

**WILSONVILLE, OREGON**



Prepared for:

Burns-Western, Inc.  
516 S.E. Morrison, Suite 1200  
Portland, Oregon 97214

Prepared by:

David Evans and Associates, Inc.  
2828 S.W. Corbett Avenue  
Portland, Oregon 97201

June 22, 1990

DAVID EVANS AND ASSOCIATES, INC.  
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EXHIBIT D

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## PARKWAY CENTER MASTER PLAN

### I. Requested Action

Two actions are being requested at this time:

1. A modification of the Stage I approval of the Parkway Center Master Plan. See Exhibits 1 and 2. The modification is being requested to:
  - a. realign the proposed north/south industrial-commercial collector street (Canyon Creek North);
  - b. adjust land use and zoning designation boundaries to reflect the realigned street and maintain the street separation of residential and non-residential land uses; and,
  - c. clarify the status of the open space shown on the Wilsonville Comprehensive Plan but not on the adopted Parkway Center Master Plan.
2. A major partition of Tax Lot 400, Section 12, T3S, R1W in Clackamas County including dedication of right-of-way for an east/west collector street which will connect Parkway Avenue and the realigned Canyon Creek North. The major partition will create three lots, shown as Parcels 1, 2, and 3 on Exhibit 3. The parcels comprise the following acreages:

Parcel 1 = 12.00 acres

Parcel 2 = 11.07 acres

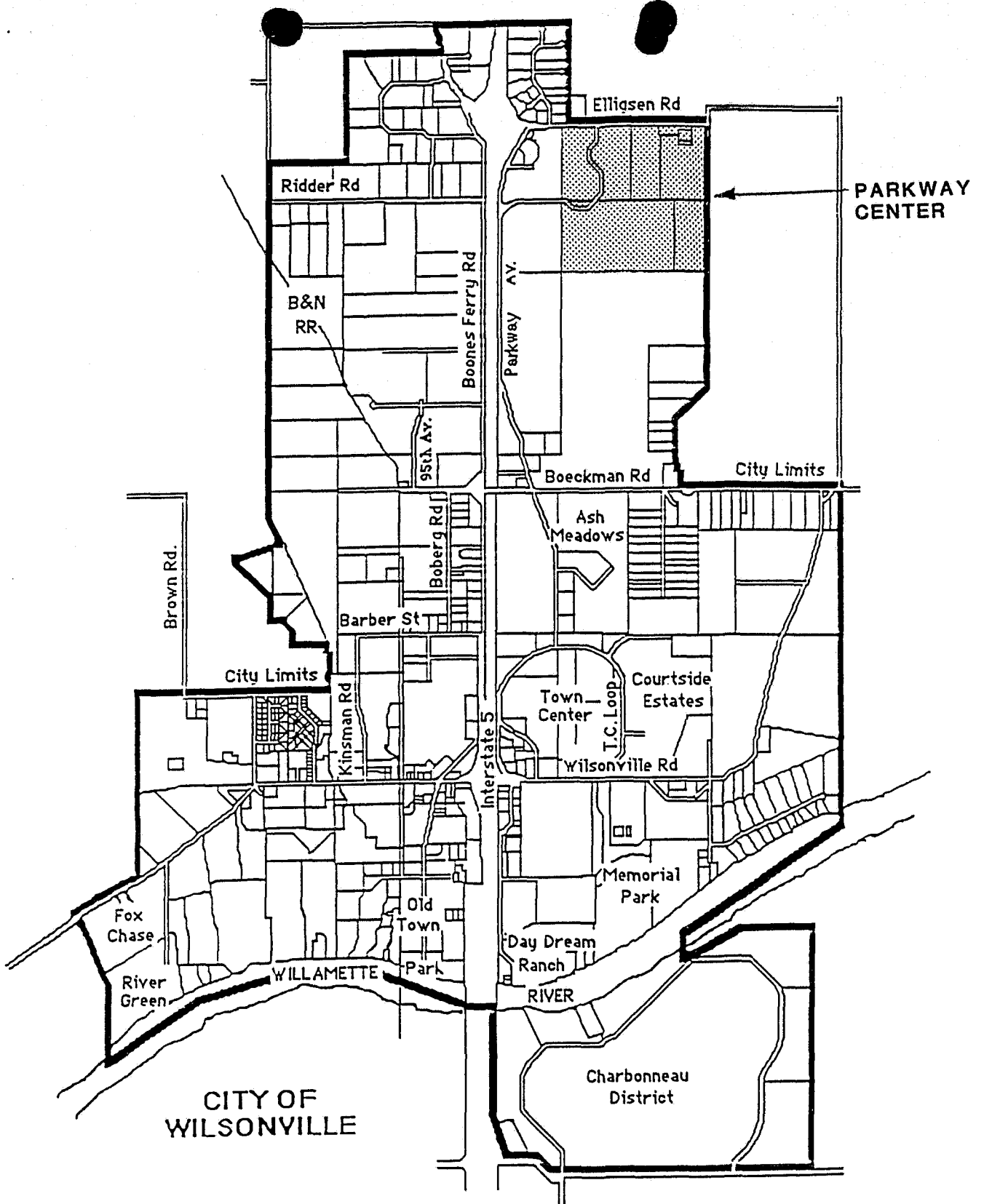
Parcel 3 = 9.28 acres

Parcel 1 will have access to both the east/west collector and to the realigned Canyon Creek North, when constructed. Parcel 2 will have access to the realigned Canyon Creek North and to Wiedemann Road. Parcel 3 will have access to Canyon Creek North, Wiedemann Road, and the east/west collector.

### II. Site Location and Surrounding Uses

The area included in the Parkway Center Master Plan is located in the northeastern portion of the City of Wilsonville, between Elligsen Road and the Tektronix campus. The regional location of the master plan area is shown on the following figure.





To the north of the master plan area are a variety of commercial, industrial and public facilities, and some remaining undeveloped land. Land immediately to the east of the site is rural and outside of the Urban Growth Boundary. South of the site is the Tektronix campus, and west of the site is Interstate 5 (I-5).

The area that is the subject of the major partition request is located in the south central portion of the Parkway Center Master Plan. The Parkway Center Master Plan permits a mixture of industrial, commercial, and multi-family residential development. To date, the development that has occurred has been industrial or commercial in nature.

### III. Background for the Request

In 1981, the City of Wilsonville adopted a Stage I Master Plan for certain property located east of Interstate 5, between Elligsen Road and Wiedemann Road, in the northeastern part of the city. The Parkway Center Master Plan applied to five parcels under four separate ownerships. The master plan permits a mixture of industrial, commercial, and residential uses on the site, with the residential development located to the east, and the industrial/commercial uses nearer the freeway.

In 1982, a modification to the Stage I Master Plan for Parkway Center was approved to reconfigure some of the proposed commercial/industrial lots to create a marketable site, and to realign the proposed north/south road through the area (Canyon Creek North). Realignment of the north/south road on the east side of the plan area resulted in a change to the zone boundaries of the Planned Development Industrial (PDI) and Planned Development Residential (PDR) zones to ensure "better separation by street right-of-way of the residential and non-residential developments."

One of the conditions of approval of the Parkway Center Master Plan was the creation of a Local Improvement District (LID) to realign Parkway Avenue so that its intersection with Elligsen Road would be farther away from the interchange of I-5 and Elligsen Road. LID No. 9 was created in 1983 to accomplish this realignment and extend sewer service to the participating properties.

In 1989, the city approved a minor partition to create two parcels in the western part of the master plan area, adjacent to the realigned Parkway Avenue. Also in 1989, as a result of the Mentor Graphics development, city staff determined that the proposed curvilinear and discontinuous alignment of Canyon Creek North would not be adequate to accommodate full development and use of Parkway Center, Tektronix, and the Mentor Graphics site. An alignment running north/south between Boeckman Road and Elligsen Road parallel to I-5 would better serve the expected traffic.



4. Provide for commercial development near the I-5/Stafford Road interchange to serve regional freeway-oriented needs.
5. Maintain compatible relationships between industrial, commercial, and residential land uses.

Development in the Parkway Center area has complied with the objectives of the master plan and the Wilsonville Comprehensive Plan. The modified Parkway Center Master Plan also responds to these land use objectives as discussed below.

1. The majority of the project site is designated for planned industrial uses which will permit a variety of industrial, warehouse, and commercial activities. The range and intensity of industrial uses has been and will continue to be regulated by public review of the Stage II master plan approvals. These land uses provide employment opportunities for Wilsonville residents and an expanding tax base for the city.
2. Housing will be developed at sufficient densities to permit the construction of affordable units for moderate- and middle- income families which are employed in the area. Housing will be developed within the city's medium-density range of 12 to 20 dwelling units per acre. This density of development provides support for public transit and rideshare programs while minimizing traffic generation. Because a small area of residentially designated land will be lost to the realignment of Canyon Creek North, this modification proposes permitting a transfer of the development rights from the land used in the street right-of-way to the remaining residentially designated land adjacent to it.
3. The development of commercial activities near the I-5/Stafford Road Interchange is consistent with established city land use and transportation objectives for the area.
4. The master plan included landscape design criteria. These design criteria will insure that adjacent land use activities share complementary relationships.



### Transportation Objectives

1. Reduce congestion at the I-5/Stafford Road interchange, including conflicts between the Freeway on and off-ramps and Parkway Avenue.

### Environmental Resources and Community Design Objectives

1. Capitalize on special development opportunities provided by existing topography and natural vegetation. Concentrate sensitive residential uses in areas where privacy may be provided by natural vegetation and topographic variety.
2. Minimize the disruptive and incompatible impacts of the high voltage power lines which traverse the area. Housing should be located away from the power line easements and assign less sensitive uses (e.g., short term parking and storage or open space) which may effectively utilize areas adjacent to and within the power line easements.
3. Future development should be designed and located so as to soften the intense appearance of the existing truck stop.

The adopted Parkway Center Master Plan responded to the transportation objective by realigning the intersection of Parkway Avenue to the east of the truck stop and away from the I-5/Stafford Road interchange.

The adopted Parkway Center Master Plan and the proposed modification respond to the environmental objectives by locating proposed residential development to the east of the master planned area where natural features can provide privacy and natural separation from the industrial and commercial development to the west. Both the adopted master plan and this proposed modification maintain the Secondary Open Space designation on the high voltage power line easements which cross the area.

The adopted Parkway Center Master Plan identified five community land use objectives contained in the Wilsonville Comprehensive Plan which were relevant to the master plan area:

1. Support the stable economic growth of the City.
2. Provide for a range of industrial and commercial uses which will increase and diversify employment opportunities for area residents.
3. Provide for the development of housing in sufficient number which will meet the economic and physical needs of area employees. The number of housing units should be consistent with comprehensive plan goals.



Neither the adopted nor modified Parkway Center Master Plan addresses the area designated as "Primary Open Space" on the Wilsonville Comprehensive Plan which extends northward into the plan area. An interpretation of whether or not this is primary open space needs to be made.

#### IV. Master Plan Modification

Section 4.139 (7) of the Wilsonville Development Code governs modifications to adopted master plans. It states that all modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. Section 4.139 (4) lists three findings which the Planning Commission must make in order to approve a planned development. These criteria are addressed below.

- (a) **The location, design, size and uses, both separately and as a whole are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.**

The adopted Parkway Center Master Plan identified three planning elements as being of primary concern: land use, transportation, and environment. This master plan modification requests changes to all three elements.

Land Use. The adopted master plan specifies a mix of industrial, commercial, and residential land uses to permit residents to live, work, and shop in the community. The intent is to thereby encourage bicycle and pedestrian travel and reduce traffic congestion, protect sensitive environmental resources, and provide housing for the employees of the industrial and commercial developments in the area. The adopted master plan locates industrial uses in the south and west of the plan area, adjacent to I-5 and the Tektronix campus. Residential uses are located in the eastern part of the plan area, where they can be separated from the industrial and commercial uses by streets, utility easements, and the natural slope of the land.

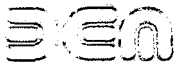
The area covered by the Parkway Center Master Plan is shown as an Area of Special Concern on the Wilsonville Comprehensive Plan. The Comprehensive Plan specifically supported the development of a master plan for the entire area. In addition, the Comprehensive Plan requires that any development in the area shall be consistent with or complementary to the following objectives.

The proposed modification maintains the same mix of land uses, in substantially the same percentages.

Adopted Plan: 89.4 acres industrial/commercial  
60.4 acres residential

Proposed Modification: 94.0 acres industrial/commercial  
55.6 acres residential

The proposed redefinition of land use boundaries is the result of the realignment of Canyon Creek North. In order to maintain the separation of residential and non-residential land uses on either side of this street, the land use boundaries must be redrawn to reflect the new alignment.




Transportation. The adopted Parkway Center Master Plan included a street network to serve the proposed mix of uses and serve as boundaries between uses. The modification requests an adjustment to the alignment of Canyon Creek North to better serve Parkway Center development and integrate with nearby development at Tektronix and Mentor Graphics. The adopted master plan identified five objectives contained in the Wilsonville Comprehensive Plan as relevant to the project site:

1. Reduce traffic congestion at the I-5/Stafford Road interchange.
2. Limit or divert commuter traffic generated south of Weidemann Road from the I-5/Stafford Road interchange.
3. Encourage use of alternative modes of travel, i.e., public transit, bus pool, van pool, car pool, bicycle, etc.
4. Reduce the number of home-based automobile-oriented trips.
5. Reduce the length of home-based automobile-oriented trips.

To fulfill these objectives, the modified Parkway Center Master Plan contains the following features.

1. Development in the Parkway Center has resulted in the realignment of Parkway Avenue so that the intersection with Elligsen Road is east of the I-5/Stafford Road interchange. This has reduced congestion at that interchange.

- 
2. The proposed realignment of Canyon Creek North will create a continuous industrial/commercial collector parallel to and east of the freeway to (1) reduce the number of local trips using the freeway and therefore travelling through the congested interchanges, and (2) provide easier access to the freeway for the Tektronix and Mentor Graphics campuses, as well as businesses in Parkway Center. Canyon Creek North will have 48 feet of improvements in a 60-foot right-of-way.
  3. The mix of industrial, commercial, and medium density residential uses will encourage the consolidation of trips and a shift to other travel modes. The provision of sidewalks and bike paths encourages changes in travel behavior as well.
  4. Full development of Parkway Center will provide a diversity of employment and housing opportunities which will encourage people to live and work in Wilsonville, thereby reducing transportation impacts on the regional road system.

Environment. The adopted Parkway Center Master Plan addressed protection of natural resources by assigning the less intensive residential uses to the eastern portion of the site where privacy could be provided by preserving existing natural vegetation and topography. The master plan maps did not include the open space resources identified in the Wilsonville Comprehensive Plan as existing in the planning area.

The Wilsonville Comprehensive Plan shows two types of open space resources in the Parkway Center area. The first is the secondary open space represented by the high-voltage power easements which cross the property in an east/west direction. These areas have been designated open space in recognition of the need to maintain access for the utilities which own the lines, and of the potential hazard to human health represented by the high-voltage power lines.

The second type of open space is the primary open space located along the drainageway in the southeastern portion of the site. Biologists with David Evans and Associates, Inc. (DEA) surveyed the area in May, 1990, to determine whether the area meets the criteria for primary open space established in the Wilsonville Comprehensive Plan. Policy 4.5.1(b) and (c) list the criteria for primary and secondary open space.

- b. **Primary open space is intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:**

- (1) 100 year floodway
- (2) slopes greater than 20%
- (3) Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
- (4) Major natural drainage channels.

c. Secondary open space is intended to serve as a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use and design review process, except when the proposal is a part of a planned development.

These areas include the following:

- (1) Land within the Willamette River Greenway Boundary, but beyond the 150-foot line.
- (2) High voltage powerline easements.
- (3) The 100 year flood plain fringe.
- (4) Slopes between 12% and 20%.
- (5) Designated historic sites.
- (6) Small stands of trees and heavily vegetated areas adjacent to primary open space.

Based on their survey, the biologists concluded that the existing resources do not qualify as primary open space because:

- (1) None of the site is located in a 100-year floodway, as shown on federal Flood Insurance Rate Maps for the area.
- (2) Slopes on the open space designated area do not exceed 20 percent.
- (3) Although the subject area includes brush and some trees, considering the species, diameter, approximate age, and habitat value, this vegetation is not considered to be a significant stand of trees.
- (4) The drainage swale along which the trees are located experiences only intermittent flow and has no natural channel. Based on its small size, lack of sustained flow, and lack of a natural channel, this swale is not considered to be a major natural drainage channel.



According to the criteria, secondary open space buffers primary open space areas. Therefore, without primary open space there can be no secondary open space under the City criteria.

While the wooded area at the southeast corner of the site does not meet the standards for primary or secondary open space, there are three environmental objectives contained in the Wilsonville Comprehensive Plan which are relevant to the development of the Parkway Center site. These are:

1. Natural vegetation and topography should provide special opportunities to enhance the planned development concept.
2. Protect life and property from natural disasters and hazards. The disruptive and incompatible impacts of major power line easements on sensitive residential land uses should be minimized.
3. Ensure that open space conforms to the characteristics of the land, type of land use, adjacent land uses, and City needs.

To respond to these environmental goals and to be responsive to community planning objectives, the development plan includes the following features:

1. Residential uses are concentrated in areas where privacy may be provided by preserving natural vegetation and topographic variety.
2. In accordance with state and city regulations, no residential structures may be built in the high-voltage power line easements, but less sensitive uses such as parking and recreational open space may be located there.
3. Landscape design criteria were established with the adoption of the Parkway Center Master Plan.
4. The wooded area at the southeast part of the site must be studied and incorporated into the detailed site design of the Stage II plan for each development parcel. This process will offer appropriate protection of the vegetation resource while allowing full development of Parkway Center and development of the Canyon Creek North along the preferred alignment.



The second criteria for approval of a master plan or master plan modification is:

- (b) **That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level of service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.**

DEA

No changes are proposed to the types, densities, or intensities of land uses from those contained in the adopted Parkway Center Master Plan. Overall residential densities remain at 12 to 20 units per acre. Industrial/commercial uses are expected to generate an average of 20 to 30 employees per acre, although employment intensities will range between a low of approximately six per acre for warehouse uses and a high of up to 70 per acre for office-related uses. The Wilsonville City Engineer indicates that currently the level of service (LOS) at the intersection of Parkway Avenue and Elligsen Road east of I-5, is LOS D during the afternoon peak hour.

The recently-approved Sysco development on Parkway Avenue south of the east/west collector has been conditioned on the construction of improvements to this intersection which are expected to improve its functioning so that LOS D or better will be maintained.

The street system planned for Parkway Center, including the planned but not completed Canyon Creek North and the east/west collector connecting Canyon Creek North with Parkway Avenue will improve traffic flow in the area by reducing traffic through the Parkway Avenue-Elligsen Road intersection. The proposed realignment of Canyon Creek North is intended to insure that the street system in the area will adequately serve traffic destined to or originating from locations within Parkway Center. Both roads are proposed to be industrial collectors with 60-foot rights-of-way.

The proposed realignment of Canyon Creek North is also intended to improve regional circulation -- particularly for employees of Tektronix and Mentor Graphics. The realigned Canyon Creek North will separate residential and industrial/commercial development in the eastern part of Parkway Center and provide direct arterial access to the designated industrial and commercial parcels thus reducing the need for this traffic to travel on local streets.

In order to further improve traffic flow through Parkway Center, access to individual parcels (driveways) from Canyon Creek North will be prohibited within 250 feet of the centerline of all street intersections.

The third criteria for approving a master plan or master plan modification which the planning commission must consider is:

- (c) **That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.**

Approval of Stage II development plans is contingent on provision of adequate water and sewer service to the Parkway Center area. Parcels on the west side of the plan area have participated in Local Improvement District No. 9 to extend sewer and water service as well as to realign Parkway Avenue. Parcels on the east side of the development are expected to take sewer service through extension of the line from its current terminus at Boeckmann Road along the east side of the Canyon Creek North right-of-way. Water service will also extend along this street, but in a utility easement on the west side of the street. The Wilsonville City Engineer has provided the conceptual alignment shown on Exhibit 4. Dedication of right-of-way for extension of these utilities as well as construction of Canyon Creek North will be required prior to Stage II approval of development of parcels abutting the street.

#### V. Major Partition

In addition to the master plan modification described above, Burns-Western is requesting a partition of Tax Lot 400, T3S R1W in Clackamas County to create three lots. Because approval of the partition requires dedication of right-of-way for two streets (the east/west collector and Canyon Creek North) and associated utility easements, the partition is a major partition rather than a minor partition. The requested major partition (shown on Exhibit 3) will create three parcels from the existing 34.86 acre parcel.

Parcel 1 = 12.00 acres  
Parcel 2 = 11.07 acres  
Parcel 3 = 9.28 acres

Dedication of the Canyon Creek North right-of-way will come entirely from Parcel 3, the residentially-designated parcel to the east. In order to avoid the loss of residential units which could serve the employees of the planned industrial development, the applicant is requesting that the development rights from this land (approximately 1.8 acres) be transferred to the remainder of the parcel.

Total Parcel 3 acreage:	11.08 acres
Canyon Creek ROW:	1.80 acres
Net Parcel 3 acreage:	9.28 acres
Density permitted with TDR:	14 to 24 units per acre



Section 4.230 of the Wilsonville Development Code states that a major partition is to be treated as a preliminary subdivision plat. The submittal must comply with all the requirements for a preliminary plat and include the following information.

- (a) **Application completed and signed by the owner of the land or a letter of authorization signed by the owner.**

This application has been prepared on behalf of Burns-Western, the owner, of the property. A representative of the owner has signed the application, indicating the owner's consent.

- (b) **Preliminary subdivision fees.**

Application fee of \$750.00 is submitted with the application. This fee includes \$250.00 for the major partition and \$500.00 for the master plan modification.

- (c) **Ten copies and one sepia or suitable reproducible tracing of the preliminary plat shall be submitted with the application.**

A major land partition map has been prepared according to the requirements set forth in Section 4.210, and ten copies and one reproducible have been included in this submittal.

- (d) **Name of the subdivision. This name must not duplicate or resemble the name of any other subdivision in Clackamas or Washington County.**

Since the proposed project is a major partition, not a subdivision, the name shown on the plan map is Preliminary Partition Plat for Burns-Western.

- (e) **Names, address and telephone numbers of the owners or subdividers, and engineer or surveyor.**

Applicant/property owner: Burns-Western  
516 S.E. Morrison, #1200  
Portland, Oregon 97214

Planners and surveyors: David Evans and Associates, Inc.  
2828 S.W. Corbett Ave.  
Portland, Oregon 97201  
(503) 223-6663



- (f) **Date, northpoint, and scale of drawing.**

This information is included on the preliminary major partition map.

- (g) **Location of the subdivision by Section, Township, and Range.**

The request is to partition Tax Lot 400 of Section 12, Township 3 South, Range 1 West. This information is included on the preliminary major partition map.

- (h) **Legal road access to the subdivision shall be indicated as City, County, or public roads.**

Access to the two new parcels will be taken from public roads. The roads are the east/west industrial collector connecting Parkway Avenue and Canyon Creek North, and Canyon Creek North, a north/south industrial collector connecting Boeckmann Road and Elligsen Road. These streets are shown on the preliminary major partition map. As explained in the request for a Modification of the Parkway Center Master Plan, within Parkway Center driveway access is prohibited within 250 feet of the centerline of all street intersections along Canyon Creek North.

- (i) **Vicinity map showing the relationship to the nearest major highway or street.**

A regional location map is included on page 2 of this narrative.

- (j) **Lots: Approximate dimensions of all lots, minimum lot size, and proposed lot and block numbers.**

This information is shown on the preliminary major partition plan. The three proposed new tax lots conform to the requirements of the Planned Development Industrial (PDI) and Planned Development Residential (PDR) zones in which they are located. Each lot is a minimum of 160 feet wide and 160 feet deep.

**(k) Gross acreage in the proposed plat.**

This information is shown on the preliminary major partition plan. The total acreage in the existing Tax Lot 400 is 34.86 acres. The proposed new parcels will have the following acreages.

Parcel 1 = 12.00 acres

Parcel 2 = 11.07 acres

Parcel 3 = 9.28 acres

**(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.**

The property is designated for industrial and residential use, with Canyon Creek North as the dividing line. This land use pattern is proposed to continue.

**(m) Existing uses of the property, including location and use of all existing structures and their disposition.**

The property which is the subject of the major partition request is currently vacant.

**(n) Existing zoning of the property.**

The western portion of Tax Lot 400 is designated for industrial development and zoned Planned Development Industrial (PDI). The eastern part is designated for residential development and zoned Planned Development Residential (PDR), with Canyon Creek North serving as the dividing line between the two uses. The master plan modification (discussed above) proposes that the street remain the dividing line between residential and non-residential uses. This requires redrawing the zone boundaries to reflect the realignment of Canyon Creek North. Therefore, both new Parcels 1 and 2 created by the accompanying major partition would be designated for industrial use and zoned PDI, and new Parcel 3 would be designated for residential use and zoned PDR (12 to 20 units per acre, or 14 to 24 units per acre with the transfer of development rights).

**(o) Water: State the source of the domestic water supply.**



Water service to the site originates by gravity from a reservoir north and east of the site. It flows through a 14-inch line in Elligsen Road to a 12-inch line adjacent to Parkway Avenue. There is a 12-inch stub in the stub of the east/west collector. This water line will be extended when the east/west collector is completed.

In order to adequately serve full development of the industrial and residential portions of the Parkway Center and future development at Mentor Graphics and Tektronix, the city is proposing to extend a new water line from the proposed new reservoir to be located adjacent to the existing reservoir north and east of the site. This line would run adjacent to the proposed alignment of Canyon Creek North. Exhibit 4 shows the conceptual location of this new water line as well as the proposed alignment of Canyon Creek North.

DEA

**(p) Method of sewage disposal proposed.**

There is an 8-inch sanitary sewer stub in the stub of the east/west collector. Tax Lot 400 which is the subject of this major partition, participated in Local Improvement District No. 9 to realign Parkway Avenue and extend sewer service to this area. If flow tests indicate that there is sufficient capacity in the line, the proposed parcels could be served by extending the 8-inch sewer line when the east/west collector is constructed. However, there have been reports of problems with this line downstream of the site in the past. To relieve this problem, the adopted Sewer System Master Plan calls for a 12-inch diverter to be constructed to take sewage from this area under the freeway to the proposed 12-inch line located on the west side of I-5. Construction of this diverter line is proposed to occur with the construction of the Wiedemann Road overpass over I-5. The city is also proposing the extension of a 12-inch sanitary sewer line adjacent to the proposed Canyon Creek North alignment to serve the eastern portion of Parkway Center, including the three parcels which will be created by this major partition. Exhibit 4 also shows the proposed sewer alignment.

**(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).**

Topographic information is shown on the accompanying exhibits. There are no areas of Tax Lot 400 which are subject to inundation by storm water overflow.

- (s) **Streets: Location, name, width, surface conditions, alleys, gradient, and corner curb radii shall be indicated on an abutting tract.**

Tax Lot 400 currently has access from the stub of the east/west collector and Parkway Avenue. Parkway Avenue is fully improved and has a 62-foot right-of-way. The right-of-way is bordered by 15-foot utility easements on both sides. When completed, the east/west industrial collector will have 40 feet of improvements in a 60-foot right-of-way. Dedication of half of this right-of-way (a 30-foot strip along the northern property line) is a part of the major partition request. Canyon Creek North will also be an industrial/commercial collector with 48 feet of improvements in a 60-foot right-of-way. In order to improve traffic circulation, driveway access to Canyon Creek North will be prohibited 250 feet from any street or intersection. A similar restriction has been included in the Parkway Center Master Plan Modification.

- (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.**

The proposed project is a major partition, not a subdivision. Although right-of-way for the east/west collector and Canyon Creek North and utility easements will be dedicated as a result of this action, construction of these public improvements will not occur immediately. The city is considering formation of a local improvement district or creation of an urban renewal project area to pay for the infrastructure necessary to support full development of the industrial and commercial property on the east side of town, including Canyon Creek North and the associated water and sewer lines. Landscaping will be installed as a part of the development of individual lots. Landscape design will be restricted by the CC&Rs governing development in Parkway Center.

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

A natural gas line is located in the utility easement on the northern and western side of the Parkway Avenue right-of-way.

An underground telephone line and an underground electrical line are located in the utility easement on the southern and eastern side of Parkway Avenue.

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



A 15-foot utility easement is located on both sides of Parkway Avenue (Document 86-3023, Washington County and Document 86-2523, Clackamas County). An east-west water line easement is located within Tax Lot 1500, the property adjacent to that being partitioned here (Document 86-20028). Tax Lot 1500 also includes a 100-foot BPA easement (Book 197, page 580 and a 125-foot Pacific General Electric (PGE) easement (Book 484, page 315). A 250-foot BPA easement is located in Tax Lot 400 (Book 496, Page 694). These existing easements will not be affected by the proposed major partition.

**(w) Deed Restrictions: Outline any proposed deed restrictions.**

A set of CC&Rs on development of property in the Parkway Center Master Plan area has been submitted as required by the initial approval of the master plan.

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

This application together with its attached exhibits, constitutes the written statement accompanying the preliminary major partition plan.

**(y) If the subdivision is to be a "Planned Development" a copy of the Homeowners Association By-Laws must be submitted at the time of preliminary submission.**

The proposed major partition is located in the Parkway Center Master Plan area. The CC&Rs discussed in section (w) above govern development of this industrial area.

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

This property does not border a stream or river.

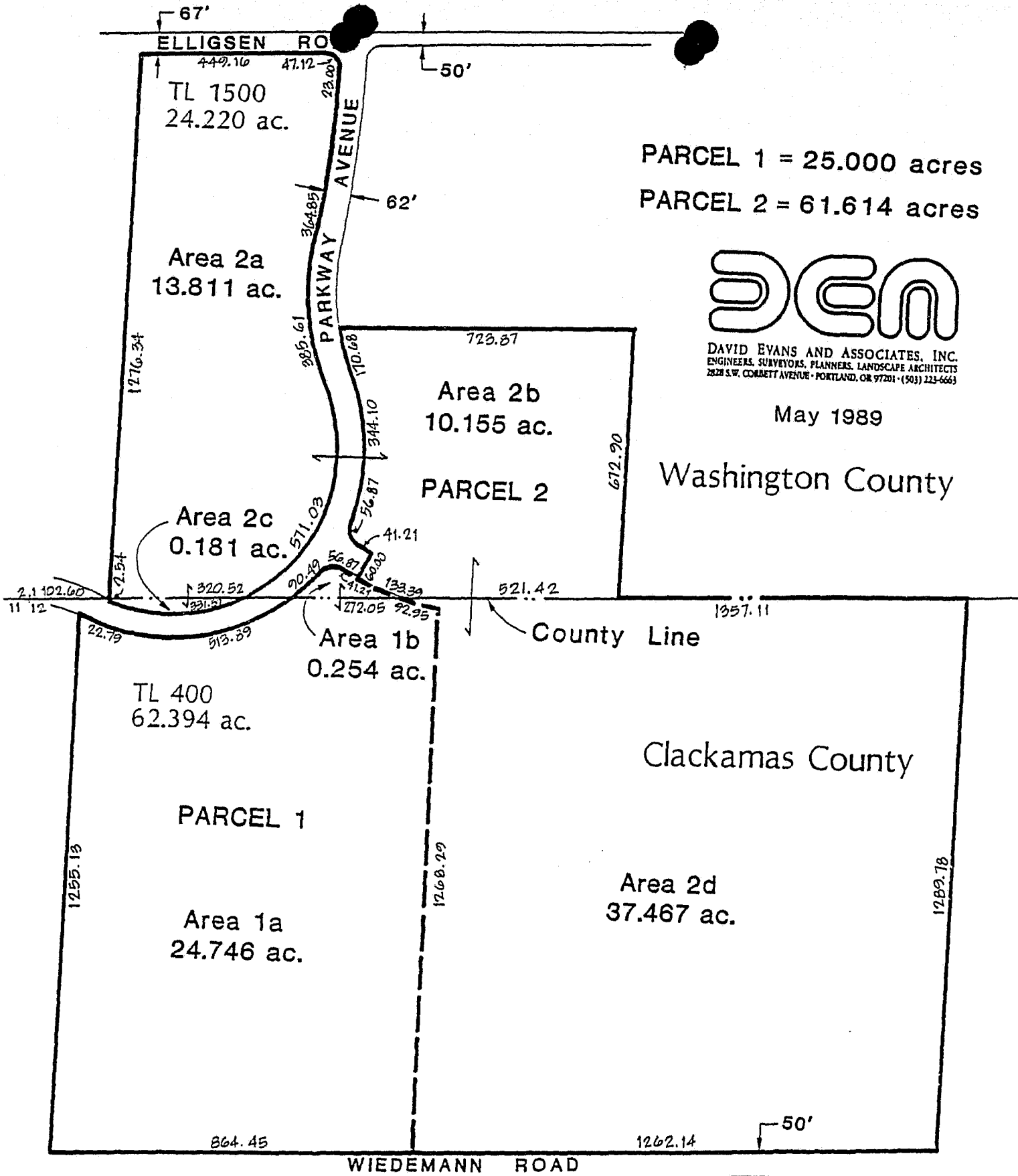
## VI. Conclusion

Two separate actions are requested with this application:

1. Modification of the Parkway Center Master Plan to
  - a. realign Canyon Creek North
  - b. adjust land use designation boundaries to follow the realigned street, and
  - c. interpret and clarify the significance of the open space resource in the area.
2. A Major Partition to create three parcels, including one of 12.00 acres from Tax Lot 400 Section 12, Township 3 South, Range 1 West. Parcel 1 will contain 12.00 acres, Parcel 2 will contain 11.07 acres, and Parcel 3 will contain 9.28 acres.

This application has been coordinated with City of Wilsonville planning and engineering staff. A pre-application conference with Wayne Sorenson, Blaise Edmonds, and Dick Drinkwater was held on Tuesday May 22, 1990, when preliminary plans and instructions for processing the application were reviewed.

The discussion in Section IV describes how the master plan modification complies with relevant provisions of the Wilsonville Development Code and is consistent with the goals and objectives contained in the Wilsonville Comprehensive Plan. Section V contains a similar discussion for the major partition request. Approval of these two requests will facilitate appropriate development of the area and result in improved access and infrastructure service to the eastern portion of the city.



PARCEL 1 = 25.000 acres  
 PARCEL 2 = 61.614 acres



DAVID EVANS AND ASSOCIATES, INC.  
 ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS  
 2828 S.W. CORBETT AVENUE - PORTLAND, OR 97201 - (503) 225-6663

May 1989

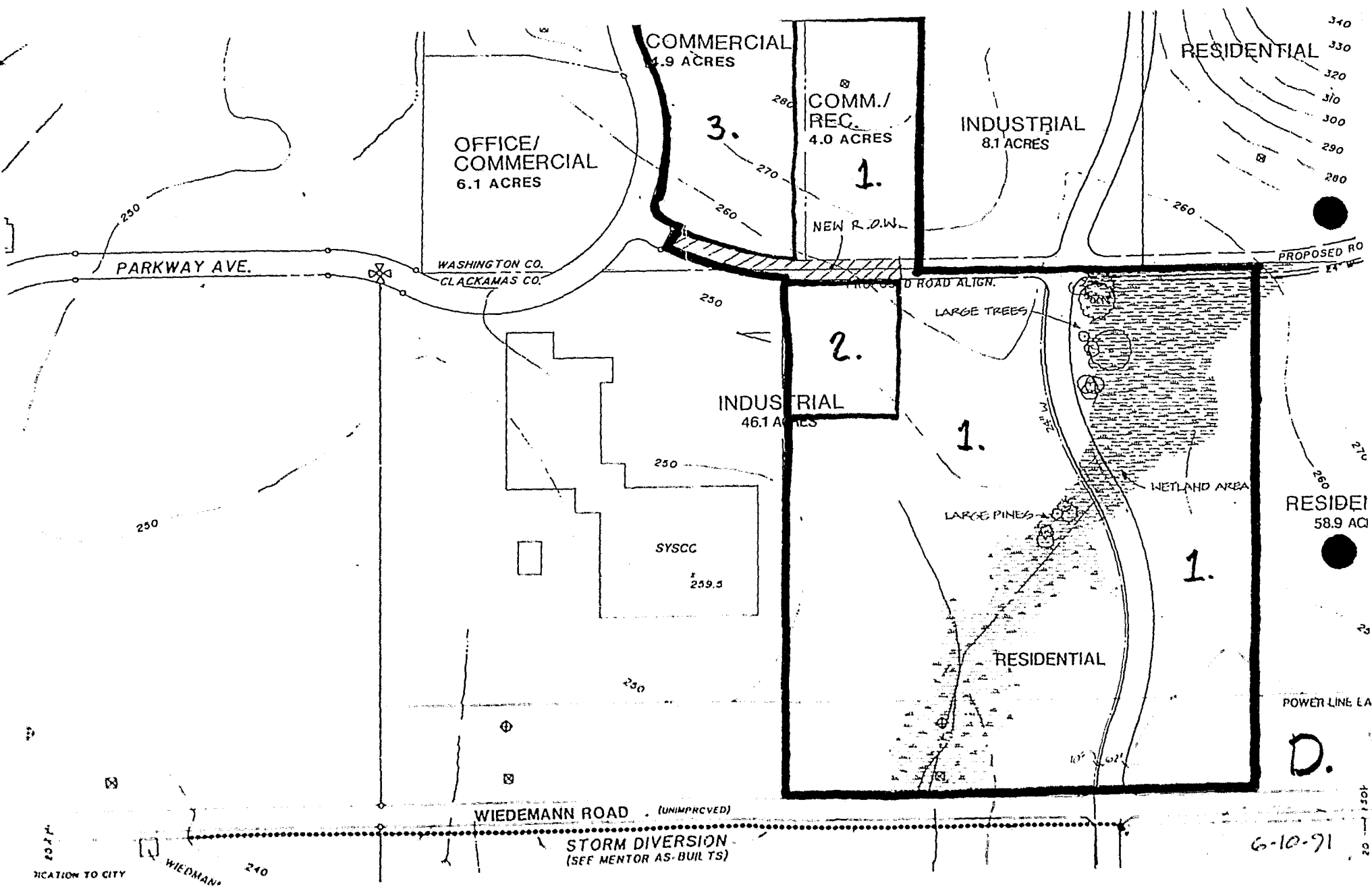
Washington County

Clackamas County

Approx. Scale. 1" = 300'



**EXHIBIT 2**  
**BURNS-WESTERN PROPERTY**  
**MINOR LAND PARTITION**



340  
330  
320  
310  
300  
290  
280

PROPOSED ROAD ALIGN.  
R.O.W.

RESIDENTIAL  
58.9 ACRES

POWER LINE EA

D.

6-10-91

LOCATION TO CITY

WIEDEMANN 240

WIEDEMANN ROAD (UNIMPROVED)

STORM DIVERSION  
(SEE MENTOR AS-BUILTS)

OFFICE/  
COMMERCIAL  
6.1 ACRES

COMMERCIAL  
4.9 ACRES

COMM./  
REC.  
4.0 ACRES

INDUSTRIAL  
8.1 ACRES

3.

1.

NEW R.O.W.

PARKWAY AVE.

WASHINGTON CO.  
CLACKAMAS CO.

250

PROPOSED ROAD ALIGN.

LARGE TREES

2.

INDUSTRIAL  
46.1 ACRES

250

1.

SYSCC

259.5

WETLAND AREA

LARGE PINES

1.

RESIDENTIAL

250

⊕

⊗

10' 60'

City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

## NOTICE OF DECISION

Project Name: Parkway Center  
Applicant / Owner: Burns-Western, Inc.  
Proposed Action: Consideration of Stage I Development Plan, preliminary approval for a major partition and interpretation of Primary Open Space.

### PROPERTY DESCRIPTION:

Map No: 12 Tax Lot No: 400  
Address: \_\_\_\_\_  
Location: North of Wiedemann Road and east of Parkway Avenue

On November 5, 1990, at the meeting of the City Council, the following decision was made on the above-referenced Proposed Development Action:

Remanded to Planning Commission for further consideration.

           Approval                 Approval with Conditions                 Denied

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 6th day of November, 1990 and is available for public inspection. The date of filing is the date of the decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197.

  XX   Written decision is attached

           Written decision is on file and available for inspection and/or copying.

For further information, please contact the City Recorder at City Hall or phone 682-1011.

Attachments: Applicable Conditions, if any.

           "Serving The Community With Pride"

City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

**NOVEMBER 5, 1990 MOTION OF THE CITY COUNCIL REGARDING  
PARKWAY CENTER**

Councilor Chandler moved to remand this issue to the Planning Commission to address the issue of Primary Open Space based on additional information supplied by testimony from former staff and the applicant at this meeting and additional information to be supplied by the applicant in regards to better defining the Primary Open Space. Councilor Clarke seconded the motion which carried 5-0.

Mr. Kittelson stated he had no problem with putting in a curb, and would be willing to do so if Council so approved. This would provide 75 feet stacking for each vehicle.

Mayor Ludlow declared the public hearing closed and asked for the wishes of the Council.

Councilor Chandler moved to approve the change of right-of-way and other elements on Town Center Loop East going into City Hall and the Wesleyan Church. Councilor Clarke seconded the motion which carried 3-0.

A brief discussion followed regarding the proposal for Town Center Loop West. Councilor Chandler moved that the planter be taken out on Town Center Loop West and be replaced with a six inch curbing, to be reviewed and accepted by the city's engineer, as shown in Exhibit 2 of the Site Master Plan. Mayor Ludlow seconded the motion.

Councilor Clarke stated he would not vote to remove the planter as he feels there is enough access to the center.

The motion carried 2-1, with Councilor Clarke casting a "No" vote.

B. Parkway Center - Modification of Stage I Development Plans

Mr. Kohlhoff read the criteria for this public hearing into the record pursuant to Oregon Revised Statutes, as follows:

1. Applicable criteria for each item on the Agenda are as follows: Section 4.139 (4) Planned Development, Section 4.136 (l) Planned Development Residential, Section 4.136 (l) (c) Planned Development Commercial, Section 4.136 (l) (d) Planned Development Industrial, Section 4.187 (l) (c) Zone Changes and Amendments, and Section 4.200 Subdivisions and Partitions.

2. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe apply in this case.

3. Failure to be specific about the issues may preclude an appeal to the City Council or to the Land Use Board of Appeals, as the case may be.

4. Unless continued, a party to this proceeding may request to hold the record open for not more than seven days after the hearing. This is to permit additional written material to be entered into the record. If this hearing is reopened to admit new evidence or testimony, any person is allowed to testify. The failure of a property owner to receive notice shall not invalidate this proceeding if the City can demonstrate that such notice was given.

Mr. Sorensen gave the staff report on issue, per his memorandum of November 5, 1990. He then explained the material included in the packet. The recommendation is that the City Council may uphold, modify or reverse the recommendation forwarded to the Council by the Planning Commission. The Commission's recommendations are fully set

forth in its Resolution 90PC34 which it duly adopted on September 10, 1990. Mr. Sorensen pointed out the Planning Commission has deleted Burns-Western, Inc. Supplemental Findings 2-A (printed in italics) and replaced it with a new 2-A (bold text). Mr. Sorensen then reviewed the documentation which has been received since the approval by the Planning Commission which was included in the City Council packet.

Mr. Sorensen stated the city cannot get a north-south arterial without going through some wet lands. Some discussion followed regarding the wet lands located in the area, and wet lands versus primary open space. Wet lands are not defined in any open space classification, either primary or secondary. Mr. Sorensen explained that wet land designation was a relatively new term, and was not used when the City adopted the Comprehensive Plan. Mr. Sorensen stated that the City will see a net change of about .2 of an acre in right-of-way property. The amount of commercial land remains the same. Industrial land will gain 4.6 acres and about 4.8 acres will be lost from residential land. Mr. Sorensen stated that at the request of the Planning Commission the City had videotaped the area around the primary open space. This tape was available for the Council's review this evening.

Councilor Dant had some questions of Mr. Sorensen about the proposed change to Canyon Creek North. Councilor Dant stated that the road needed to be on one side of the Berry property or the other. Councilor Dant asked if Mr. Berry would be willing to dedicate right-of-way for the road change. Mr. Sorensen stated that Mr. Berry has not indicated he will dedicate property at this time, but he does support the road alignment. Burns-Western is the only owner who has indicated a desire to dedicate right-of-way. Mentor Graphics has also come forward in support of the alignment. Some discussion followed regarding the best alignment for Canyon Creek North and the funding for the roadway, possibly in the form of an L.I.D.

Mayor Ludlow declared the public hearing opened and called for proponents of the proposal. Mike Williams, Planning Commission Chairman, 28275 SW Canyon Creek, stated the Planning Commission got hung up on the open space issue. The Commission did not deal with the wet lands issue as it had no authority to do so. Pointed out that none of the criteria defining secondary open space in the Code fit this area. After viewing the open space, Mr. Williams was of the opinion it should be classified as Primary Open Space as it fits that definition. If the land is determined to be Primary Open space, it cannot be built upon. Mr. Williams stated that the Planning Commission is very sensitive towards the open space issue, as the public is very interested in maintaining as much open space as possible.



Mayor Ludlow expressed concern over the possibility of a drainageway being present on that land as well. Mr. Sorensen then presented slides of the area and the video tape of the area to the Council.

There followed extensive discussion of this issue; upon the conclusion of which, Rich Leonard of David Evans and Associates, 2828 S.W. Corbett Avenue, Portland 97201, made a presentation to Council representing the applicant. The driving force behind this project was to provide a more direct north-south route with better capacity through this area. Mr. Leonard was of the opinion this open space does not meet the criteria for primary open space and should be classified as secondary open space which would serve as a buffer to the more fully established drainageway further to the south. This designation would allow construction of the road on the site. Mr. Leonard stated that there would be no development over the wet land area without permit from the necessary state departments. Mr. Leonard stated that constructing over a wet land area would not be allowed without compensating by creating wet land area at another area.

Mr. Leonard stated that the City did not have a definition of "significant stand of trees". The applicant had looked elsewhere in the City for other areas with similar stands of trees, and found several that were not designated as any type of open space. Some discussion followed regarding the size and location of various trees on this site, and possible alternative alignments to Canyon Creek North.

Extensive discussion continued on this issue with Mayor Ludlow expressing concern on not knowing the lay of the land in question, and not having sufficient maps of the site. Councilor Chandler concurred with the Mayor and also expressed concern of the possible elimination of a "significant stand of trees". Felt too many of these had already been eliminated elsewhere in the City, and felt she was not ready to make a decision on this issue without possibly walking the area and really knowing the amount and size of trees located there

Councilor Dant suggested an overhead aerial be provided for the Council in order to better visualize the area in question. Councilor Dant does not want to make a decision on this issue until it is better understood what will be affected.

Extensive discussion followed, upon the conclusion of which Dick Drinkwater, City Engineer, suggested the developer survey the trees on the property and prepare a study for the Council. It would need to be something that shows where the existing alignment is and the location of the wetlands. Councilor Edwards and Mayor Ludlow agreed with Mr. Drinkwater that this study is needed, but expressed concern that this should go to the Planning Commission for approval. Mr. Kohlhoff stated the Council needs to determine

what the difference is between "significant" and "small" in regards to the trees, and need sufficient information to determine the location, number and size of the trees.

Mr. Leonard noted the trees in question are a small stand of trees adjacent to a wooded area, and are very similar to various stands of trees on other properties in the City that are designated as neither primary or secondary. Some discussion followed. Mr. Leonard stated that he felt the property in question was secondary open space rather than primary open space, and would like to see the Council designate it as so.

Dan Griffin, President of Burns Western, Inc., 516 S. W. Morrison, Portland, stated what they have done over the last year and one half is respond to what the City has requested. The applicant has spent thousands of dollars on this project with David Evans and Associates. Mr. Griffin expressed concern over the many delays and found it inappropriate that they have been asked to construct a major concrete roadway that was intended to be a two lane, asphalt road. Mr. Griffin stated that he does not feel Burns Western has been treated fairly by the City. Asked that the Council make a determination on this in order for Burns Western to proceed with the project. Mr. Griffin noted that the Engineering Department has reviewed the proposed location for the roadway and stated that it will work as aligned, and structural problems could present themselves if it is moved especially to the east. Noted that Tektronix was built on Primary Open Space. Council should be consistent in treatment of all developers.

Mayor Ludlow stated that he would like to see this resolved this evening so the developer can proceed with the project.

David Helgesson, 26191 S.W. Stafford Road, stated he is quite familiar with the property in question. Mr. Helgesson stated that the City has looked at potential property in this area for park land and for a possible water tower site. Has a problem with the 55 acres for residential development. Noted that Tualatin now has a noise ordinance in place and would not like to see such an ordinance in the City due to the development of residential on one side of the road and industrial development on the other. Mr. Helgesson felt that the problem could be solved by relocating this 55-acre development. Mr. Sorensen stated that this was designated multi-family residential per the Comprehensive Plan. Is in favor of the Burns Western proposal and welcomes the development. Feels the City will have a problem with the mix of residential and industrial activities.

Mayor Ludlow stated that he felt Tualatin's industrial development was much different than what was being developed in Wilsonville.

Ben Altman, 8445 S.W. Curry Drive, stated he was of the opinion one of the major issues the Council is stumbling over is whether a road can cross over primary open space. Pointed out there are roads all over the city that cross primary open space, for example

Boeckman Road and Wilsonville Road cross Boeckman Creek. As the person responsible for the Comprehensive Plan Map, it was not the intent that primary open space could not have roads built over it. Mr. Altman stated that the property could be developed up to the primary open space.

Mr. Leonard asked that Council not grant the first part of their request without granting the rest of it. The recommendation that came forth from the Planning Commission makes an impossible situation, given the definition of primary open space. Mr. Leonard stated that he felt Mr. Altman was correct in allowing roads over primary open space, but that is not what the plan states. Would like to have the wording clarified. Discussion continued. Mayor Ludlow asked if the developers would object to this being tabled in order for Council to receive a plan for the road crossing over the primary open space. Mr. Leonard stated that he felt it was more important to designate the open space either as primary or secondary. Mr. Leonard stated the developer needs a Master Plan amendment and needs to have the partition approved with certain roads realigned to provide right-of-way for a north-south arterial. Mayor Ludlow stated that possibly the developer needs to go back to the Planning Commission for a final designation of open space. Some discussion followed.

Mayor Ludlow asked Mr. Kohlhoff if Council could approve a crossing subject to a clear definition of what kind of vegetation exists in the area in question. Mayor Ludlow asked if this issue could then go back to the Planning Commission or would it have to come back to Council. Mr. Kohlhoff responded the Council would have to declare findings to remand it back to the Planning Commission such as that the record was inadequate for Council to make a decision. Mr. Kohlhoff stated that testimony from the applicant was that there was not a significant stand of trees, but it is impossible for Council to measure without some sort of a tree survey. Mayor Ludlow stressed that he felt this was a Planning Commission decision.

Mr. Kohlhoff stated that the issue could be remanded to the Planning Commission because the record is inadequate to make the interpretation and decision. The applicant has not proven that there is not a significant stand of trees, and thus the primary open space designation. Need to have an on-site analysis in order to determine what the designation should be. Extensive discussion followed regarding this issue.

Mr. Leonard stated Burns Western would like to withdraw the application if Council approves the road alignment at the south end of the property, which would effectively split the southern portion of the partition. Mr. Leonard stated that they felt there had to be another solution of where that right-of-way could be placed. If the area in question would be designated as primary open space, it would split the property into two

unconnected parcels. Some discussion followed. Mr. Leonard stated that Burns Western wanted to be able to provide the right-of-way the City needed, as well as leaving Burns Western with a workable piece of property.

It was the consensus of Council that staff work with the Planning Commission to resolve this issue.

Mayor Ludlow declared the public hearing closed and asked for the wishes of the Council. Councilor Chandler recommended that they utilize the wet land map with an overlay of the master plan, an evaluation of the trees located on the property, and the right-of-way for the roadway, and bring it back in a package to the Planning Commission or the Council. Would like to walk the land and see for herself what the area looks like. Mayor Ludlow suggested the Planning Commission be the body to address this issue.

Councilor Chandler moved to remand this issue to the Planning Commission to address the issue of Primary Open Space with the additional information supplied tonight and additional information to be supplied later by the applicant to better define the open space. Councilor Clarke seconded the motion which carried 5-0.

#### IV. LEGAL BUSINESS

- A. Resolution CB-R-466-90 - A Resolution Authorizing Special Legal Counsel to Obtain Early Possession of a Parcel of Land for Construction of Water Storage Facilities for the City of Wilsonville  
No. 794

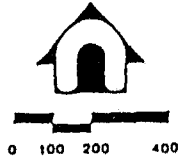
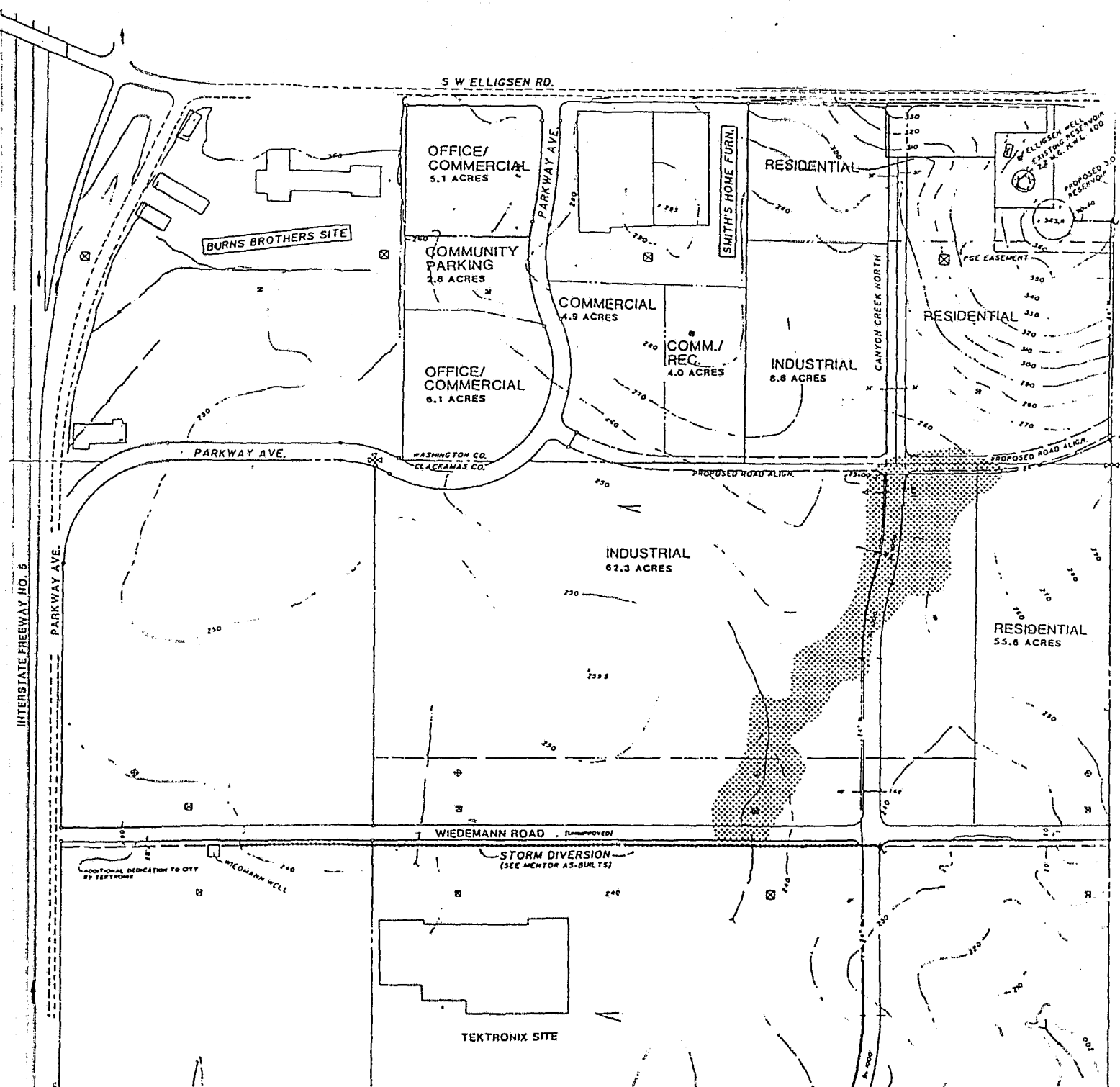
Mr. Kohlhoff read Resolution CB-R-466-90 by title only, with a brief explanation of the resolution. Mr. Kohlhoff also read from the requirements for the bond on the reservoir.

Councilor Edwards excused himself from discussion and voting on this issue.

Mayor Ludlow noted that any discussion regarding litigation should be done in executive session

Mr. Kohlhoff noted a correction to the second whereas clause, "gave" should be "have".

John Stride, Attorney, 888 S. W. 5th Ave., Portland, addressed the Council explaining that he represented the owner of this parcel of land. Mr. Stride asked that Council use discretion in dealing with this resolution. Mr. Stride stated that this would require a court to determine whether or not this proceeding of immediate occupancy is necessary. Consequently, any determination made by the Council that allows immediate occupancy may in fact be reversed once the issue is litigated. Mr. Stride stated that he felt their defenses to condemnation were valid. Any damages occurring to the property due to the immediate occupancy may be irreparable. This would require additional compensation. Feels a more prudent course would be to delay the immediate occupancy, and urges the



# parkway center

wilsonville, oregon



Figure 1  
APPROXIMATE WETLAND AREA