

RESOLUTION NO. 1152

RESOLUTION ADOPTING THE PLANNING COMMISSION RECOMMENDATIONS TO AFFIRM AND ADOPT THE PLANNING COMMISSION'S INTERPRETATION, FINDINGS AND CONDITIONS REGARDING PRIMARY OPEN SPACE LOCATED ON TAX LOT 1903, T3S-R1W, SECTION 11, MR. JACK MARTIN, APPLICANT.

WHEREAS, Mr. Jack Martin has submitted an application for a planned development in accordance with the procedures set forth in Sections 4.008 and 4.138 of the Wilsonville Code; and

WHEREAS, the Wilsonville Planning Commission held a public hearing on November 14, 1994, to review the Staff Report, consider planning exhibits prepared by the applicant and to gather public testimony; and

WHEREAS, all interested and affected parties have had an opportunity to offer testimony and be heard on this subject after public notice had been posted, legal notice was published, and surrounding property owners were notified; and

WHEREAS, the Commission duly considered all reports, exhibits and testimony and approved Stage II Site Development plans for a warehouse/distribution building on November 14, 1994; and

WHEREAS, the applicant demonstrated that an actual conflict existed between the Comprehensive Plan map and the Comprehensive Plan text and policies concerning designated Primary Open Space on the subject property; and

WHEREAS, the Planning Commission found that the Comprehensive Plan text and policies govern when such an actual conflict exists and that the proposed development would be in conformance with the Comprehensive Plan text and policies regarding open space; and

WHEREAS, the City Council has the final authority for the interpretation of conflicts between the Comprehensive Plan text and/or map and the Planning Commission is recommending that its interpretation, findings and conditions in this regard be adopted by the City Council.

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

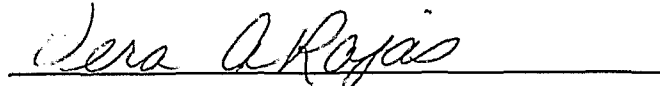
1. Based on a review on the record and testimony and exhibits received at its public hearing of December 5, 1994, and that any trees, shrubs and/or planting improvements to the open spaces areas be native species, and that a knowledgeable consultant in native species be used, if possible, the Wilsonville City Council does hereby affirm and adopt the interpretation of the Planning Commission regarding the Primary Open Space shown to be located on Tax Lot 1903, T3S-RIW, Section II, along with the findings and Conditions of Approval as modified by the Planning Commission.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 5th day of December, 1994, and filed with the Wilsonville City Recorder this same day.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC/AE, City Recorder

SUMMARY OF VOTES:

Mayor Krummel	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Benson	<u>AYE</u>
Councilor Hawkins	<u>ABSENT</u>
Councilor Sempert	<u>ABSENT</u>

AFFIDAVIT OF MAILING NOTICE OF PUBLIC HEARING
JACK MARTIN
APPROVAL OF STAGE II, PHASE II, SITE DEVELOPMENT PLANS
FOR A WAREHOUSE/DISTRIBUTION BUILDING
94PC41
FOR THE CITY OF WILSONVILLE

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

I, Vera A. Rojas, CMC/AAE, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Public Hearing - Jack Martin, Approval of Stage II, Phase II, Site Development Plans for a Warehouse/Distribution Building, 94PC41, is a true copy of the original Notice of said Public Hearing; that on November 23, 1994, I did mail copies of such notice of said hearing in the exact form hereto attached to the property owners so noted on the list accompanying the notice.

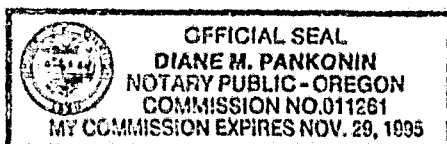
Witnessed my hand this 23rd day of November, 1994.

Vera A. Rojas
VERA A. ROJAS, CMC/AAE, City Recorder

Subscribed and sworn to before me
this 23 day of November, 1994

Diane M. Pankonin
NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 11/29/95



**CITY OF WILSONVILLE
CITY COUNCIL**

NOTICE OF PUBLIC HEARING

94PC41

Notice is hereby given that the **WILSONVILLE CITY COUNCIL** will hold a **PUBLIC HEARING** on **MONDAY, DECEMBER 5, 1994 at 7:00 P.M.**, at 8445 S.W. Elligsen Road, City Hall Annex, Wilsonville, Washington County, Oregon, or to such other place to which the Planning Commission may adjourn.

The application, submitted by **MR. JACK MARTIN** requests **APPROVAL OF STAGE II, PHASE II, SITE DEVELOPMENT PLANS FOR A WAREHOUSE/DISTRIBUTION BUILDING. THE CITY COUNCIL WILL INTERPRET THE LIMITS OF PRIMARY OPEN SPACE TRAVERSING THE PROJECT SITE.** The site is located along Freeman Road near 95th Avenue on Tax Lot 1903, Map and Section 11, Clackamas County, Oregon.

Applicable criteria for this review is set forth in

Section 4.125	Planned Development Industrial Zone
Section 4.138 to 4.168	Planned Development
Section 4.150	Parking
Section 4.161	Protection of Natural Features
Subsection 4.139(2)	Preliminary approval, Stage I
Subsection 4.139(3)	Final approval, Stage II
Subsection 4.139(4)(c)	Public Facilities
Subsection 4.139(4)(b)	Traffic
Subsection 4.163(2)	Buffering and Screening
Subsection 4.168	Sidewalks and Bikeways
<u>Comprehensive Plan:</u>	
Policy 4.5.1	Primary Open Space and Secondary Open space

of the Wilsonville Code and Comprehensive Plan. Copies of the criteria are available from the Planning Department located at 8445 SW Elligsen Road. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to this application.

A complete copy of the application, including the staff report and recommendations, is available for inspection seven days prior to the hearing. Copies may be provided at the cost of ten cents per page.

Inquiries pertaining to this hearing may be made by contacting Blaise Edmonds, Associate Planner, at 682-4960. Public testimony, oral and written, regarding this application will be accepted at the hearing. Written statements are encouraged and may be submitted prior to the hearing date.,

Schneider National Inc
PO Box 2545
Green Bay, WI 54306

Bonneville Power Admin
905 NE 11th
Portland OR 97232

CP Wilsonville Properties Inc
444 Market St #2160
San Francisco CA 94111

Larry J. Lynn, Robert Hick,
Terry R. While
HLW Assoc
PO box 635
Wilsonville OR 97070

Jack Martin
PO Box 1
Medina WA 98039

Rollins Leasing Corp
PO Box 1791
Wilmington DE 19899

Greg Specht
Stafford Ltd Partnership
15400 SW Millikan Way
Beaverton OR 97006

Douglas A Kiersey Jr
Security Capital Industrial
46750 Fremont Blvd
Fremont CA 94538

Robert C. Thompson
Mackenzie/Saito & Assoc
PO Box 69039
Portland OR 97201

Three Angels Broadcasting
C/O Herald Follett
13455 SE 97th Av
Clackamas OR 97015

Fred Van Domlen
3933 SW Kelly Av
Portland OR 97201

INDEX -

MR. JACK MARTIN
REVIEW OF PRIMARY OPEN SPACE
CASE FILE NO. 94PC41

1. Planning Memo
2. City Council Resolution with attachments:
 - Planning Commission's Notice of Decision (Recommendation to City Council)
 - Planning Commission's Resolution No. 94PC41
 - Planning Department Staff Report to City Council including Findings (Exhibit A)
3. Letter submitted by Mr. Fred Van Domlen dated November 28, 1994
RE: Primary Open Space (POS)/Martin Development and map showing
Primary Open Space added/Primary Open Space deleted
4. Planning Department Conditions of Approval amended and adopted on
November 14, 1994 by the Planning Commission
5. Exhibit list of items reviewed by the Planning Commission
6. City Engineering Department Conditions of Approval (Exhibit E)
7. City Building Department Conditions of Approval (Exhibit F)
8. DKS Associates Traffic Study (Exhibit G)
9. Transportation Advisory Commission comments (Exhibit H)
10. Letter from Oregon Department of Transportation (Exhibit I)
11. Letter from PGE (Exhibit J)
12. Memo from Glenn Milnor, Recreation Coordinator (Exhibit K)
13. Letter from Oregon Division of State Lands (Exhibit L)
14. Letter submitted by Mr. Fred Van Domlen dated November 14, 1994 (Exhibit P)
15. 10 photos of site submitted into record as Staff Photos (Exhibit N)
16. Air photo of site (Exhibit R)
17. Planning Commission Minutes of November 14, 1994 meeting and Motion
(Exhibit S)

MEMORANDUM

December 5, 1994

To: Honorable Mayor Jerry Krummel and City Council.

From: Blaise Edmonds, Associate Planner.

Subject: Case file 94PC41. Mr. Jack Martin, proposed warehouse and distribution building. Interpretation of Primary Open Space boundary.

The staff report (Exhibit A) includes revised findings and conditions of approval adopted by the Planning Commission for Stage II, site development plans, Phases II warehouse/distribution (building B). The developer is seeking a final interpretation from Council to reduce or modify the extents of the Primary Open Space area shown next to the project site. In this interpretation, the Comprehensive Plan Text governs over the Comprehensive Plan Map. The Comprehensive Plan at page 3 under "Procedures" recognizes a procedure to resolve conflicts between Plan Policies and the Plan Map. The Planning Commission has conducted the full Stage II site development review of the project so the Council should limit their review to interpreting the extents of the Primary Open Space area.

City of
WILSONVILLE
In OREGON



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

NOTICE OF DECISION (RECOMMENDATION TO CITY COUNCIL)

Project Name: Jack Martin File No. 94PC41

Applicant/Owner Mr. Jack Martin

Recommended Action: Approve Stage II, Phase II, Site Development Plans for
warehouse/distribution Building "B" and approve an adjustment to a primary
open space.

Property Description:

Map No: 11 Tax Lot No: 1903 Site Size: 7.19 acres

Address: _____

Location: Freeman near 95th Avenue

On November 14, 1994 at the meeting of the Planning Commission
the following recommendation and 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 Annex this N/A day of N/A and is available for public inspection. The date of filing is the date of the decision. The City Council will publish Public Hearing Notices and hold further Public Hearings on this matter.

XX Written decision is attached

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

For further information, please contact the Wilsonville Planning Department at Community Development Building, 8445 S.W. Elligsen Rd or phone 682-4960.

PLANNING COMMISSION

RESOLUTION NO. 94PC41

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF STAGE II, PHASE II, SITE DEVELOPMENT PLANS FOR WAREHOUSE/DISTRIBUTION BUILDING "B" AND APPROVE AN ADJUSTMENT TO A PRIMARY OPEN SPACE AREA THAT TRAVERSES THE SUBJECT PROPERTY.

MR. JACK MARTIN, APPLICANT.

THE SUBJECT PROPERTY IS IDENTIFIED AS TAX LOT 1903, SECTION 11, T3S-R1W, CLACKAMAS COUNTY, OREGON.

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 Comprehensive Plan Policy 4.5.1, 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 meeting conducted on November 14, 1994 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 recommendations(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 with the findings, recommendations(s), and Conditions of Approval contained therein and further authorizes the Planning Director to forward to the City Council a recommendation to approve Stage II Site Development for Building B and approve an interpretation of a primary open space area that traverses the property.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 14th day of November, 1994, and filed with the Planning Secretary on November 18, 1994.


Wilsonville Planning Commission

Attest:


Sally Hartill, Planning Secretary

Exhibit A

**PLANNING DEPARTMENT
STAFF REPORT**

DATE: December, 1994

TO: City Council

PREPARED BY: Blaise Edmonds

**REQUEST: 94PC41 - Review Stage II, Phase II, Site
Development Plans for a warehouse distribution
building (Building B).**

SUMMARY AND RECOMMENDATION

The applicant seeks approval for Stage II, site development plans for Phases II (warehouse/distribution building B). Building A, which is the larger warehouse/distribution building is under construction and occupies the east side of the property. On November 14, 1994, the Planning Commission voted to approve the Stage II site development plans together with a recommendation to Council to revise the boundaries of the Primary Open Space area as submitted by the developer.

Primary Open Space includes the Basalt Creek drainage way that extends through Tax Lot 1903, and between proposed building sites A and B. This is 190' to 230' in width. Basalt Creek will not be altered or realigned to create a larger building pad for building B. The developer is seeking a final interpretation from Council to reduce or modify the extents of Primary Open Space.

The Comprehensive Plan Text governs over the Comprehensive Plan Map. The Comprehensive Plan at page 3 under "Procedures" recognizes a procedure to resolve conflicts between Plan Policies and the Plan Map.

The Planning Commission found that taken together, there is a significant stand of trees that are in and out of the current Primary Open Space area.

The Planning Commission found that the preservation of the total area of open space is not in balance, based on the following;

- a) That a significant part of the Primary Open Space is being preserved.
- b) That the remaining portion is offset by economic considerations of job creation, efficient uses of infrastructure and the current Planned Development Industrial (PDI) zone.
- c) That the project site does not have historic or social significance.

The developer needs to provide the City Engineering Department a survey showing BPA property and easements relative to the west side of the subject property and proposed building B. This is necessary to help determine the alignment of

Kinsman Road extension. Road dedication may severely impact proposed parking on the west side of the property.

The original site development plans presented to the Planning Commission showed Building B as having 91 spaces above minimum code and 47 spaces more than what was approved for Building A. Given the fact that Buildings A and B are similar warehouse/ distribution facilities, it was not clear to the Planning Commission why the smaller Building B requires considerably more parking than what was approved for Building A. At the Planning Commission public hearing, the developer proposed to convert 70 parking spaces into tractor and trailer parking. This adjustment still provides 21 automobile parking spaces above minimum code for a total of 121.

The developer has provided a letter from the Oregon Division of State Lands demonstrating that Basalt Creek is not a water of the state, and that the area does not meet the wetland criteria nor does it provide aquatic values for food or game fish. Nevertheless, the developer is enhancing the POS area by removing dense blackberry vines and replanting with more compatible, natural vegetation. Though the developer has produced a letter demonstrating that the project site does not have identified wetlands, the proposed off-site driveway on BPA property adjacent to the site may encroach a wetland. If this is the case, then it is the developer's responsibility to coordinate with Oregon Division of State Lands for fill and removal permits.

This application was submitted after the adoption of Ordinance CB-O-197-93 of which amended the Traffic Level of Service Criteria applied to the review of planned developments set forth in Chapter 4, Section 4.139(4)(b) of the Wilsonville Code. The City requires a traffic study for new development to appraise trip generation, capacity and level of service. The City's traffic consultant, DKS Associates, has prepared a detailed traffic report investigating traffic conditions during PM hours from the project site up through the most probable intersection. In this case, the Stafford Interchange. The anticipated impact from increased automobile and truck traffic on existing public roads within the City of Wilsonville is very significant. Nevertheless, the scheduled reconstruction of the Stafford Interchange together with traffic mitigation measures proposed by DKS Associates should bring the project in conformance with CB-0-197-93.

RECOMMENDATION:

The Planning Commission recommends approval of Stage II site development plans for Phase II (building B), with Conditions of Approval attached herein. Modify the extents of the Primary Open Space shown on the Comprehensive Plan Map to reflect the revised POS boundary on the developer's site development plan.

94PC41

Stage II, Phases II
Site Development Review

Applicant/Developer: Mr. Jack Marten
Civil Engineer: Van Domelen / Looijenga / McGarrigle / Knauf
Landscape Architect: Janet Otten

Development Review Criteria:

Section 4.125 -	Planned Development Industrial zone.
Subsection 4.163(2):	Buffering and screening.
Section 4.138 to 4.168:	Planned development
Section 4.150:	Parking
Subsection 4.139(2):	Preliminary approval, Stage I.
Subsection 4.139(3):	Final approval, Stage II
Subsection 4.139(4)(c):	Public facilities
Subsection 4.139(4)(b):	Traffic
Subsection 4.168:	Sidewalks and bikeways
Section 4.161:	Protection of Natural Features

Comprehensive Plan:

Policy 4.5.1 Primary Open Space and Secondary Open space.

PROPOSED FINDINGS

Proposal:

1. The applicant seeks approval for Stage II, site development plans for Phase II (warehouse/distribution building B). Building A, which is the larger warehouse/distribution building is under construction and occupies the east side of the property.

Site Analysis Data (Site Master Plan):

2. Site Area:

Building A, Phase I:	407,867 SF (9.36 acres)
RV Storage, Phase I:	250,122 SF (5.74 acres)
Building B, Phase II:	313,298 SF (7.19 acres)

Building Area:

Building A, Phase I:	162,600 SF
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RV Manager Apartment, Phase I: 800 SF
Building B, Phase II: 118,125 SF

There is no maximum lot coverage in the PDI zone save and except as shall be consistent with the other provisions of the zoning code (e.g. landscaping, parking, etc.). Landscaping:

Building A, Phase I: (27%)
RV Storage Phase I:
Building B, Phase II: (23%)

Building B does shows adequate landscape coverage consistent with the minimum 15% requirement in Section 4.166.

Parking and Drives:

Building A, Phase I: 133,490 SF
RV Storage, Phase I: -
Building B, Phase II: 124,034 SF

Landscaping:

Building A, Phase I: 111,777 SF (27%)
RV Storage, Phase I: 64,946 SF (26%)
Building B, Phase II: 71,139 SF (23%)

Site Description:

3. The subject property comprises the westerly portion of Tax Lot 1903 in Section 11. The subject property is situated west of 95th Avenue and proposed building A, and it abuts the north side of Freeman Road. Two BPA power transmission easements traverses the property, one on the west side of the property and the other on the north side. The Burlington Northern rail line is also next to the west property line. The property is in natural setting with rolling topography comprising significant stands of douglas firs, cedars and apples. The property was mowed of Himalayan blackberry. An intermittent water way named Basalt Creek bisects Tax Lot 1903 in a northeast/southwest direction which divides buildings sites A and B.

Land use:

4. The subject property is designated Industrial on the Comprehensive Plan Map. The Bonneville Power Administration transmission power line easement that traverses the west and north sides of the property is designated Secondary Open Space. The BPA, Oregon City Chemawa transmission line No.3 traverses the west side of Tax Lot 1903. This easement is 125 feet wide. Development within the easement is generally limited to parking and drives. Basalt Creek shown bisecting Tax Lot 1903 is designated Primary Open Space. The balance of the property is designated Industrial on the Comprehensive Plan Map. The entire property is zoned Planned Development Industrial (PDI). The applicant does not propose commercial uses within Building B.

Primary Open Space and Secondary Open Space

5. Within the Comprehensive Plan, a number of goal and policy statements address Open Space that applies to the subject property. The major ones are:

- Goal 3.2 Conserve and create open space throughout the City for specified problems.*
- Goal 3.3 Identify and encourage conservation of natural, scenic and historic areas within the City.*
- Goal 4.5 Conserve and create open spaces throughout the City for specified objectives.*

Primary Open Space Analysis:

6. The Comprehensive Plan Map designates a drainage swale (Basalt Creek) on the property as Primary Open Space. The location of the open space designation hinders the developer's ability to develop the building B. The developer intends to demonstrate that the Plan map designation next to the west and east boundaries of the POS area is not in conformance with the Plan policy regarding Primary Open Space. Policy 4.5.1: b., of the Comprehensive Plan, defines the types of areas that constitute POS:

- Policy 4.5.1 a. The major natural drainage ways, environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary or 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.*

7. The Comprehensive Plan Text governs over the Comprehensive Plan Map. The Comprehensive Plan at page 3 under "Procedures" recognizes a procedure to resolve conflicts between Plan Policies and the Plan Map.

"When any ambiguity or conflict appears to exist, Goals shall take precedence over objectives, policies, text and map; Objectives shall take precedence over policies, text and map; Policies shall take precedence over text and map. The land use map is only a visual illustration of the intent of the Plan."

This procedure acknowledges the ability of the City to resolve conflicts through the interpretation of the text and map, and allows adjustments when the policies of the plan are in conflict with the map. As a result, this procedure authorizes resolution through an interpretation and does not require an amendment to the Comprehensive Plan when a conflict exists. The Planning Commission would consider the above application and resolve the conflict at a public hearing. If the PC approved the proposed development and resolved the conflict through an interpretation, this would be forwarded to the City Council and be considered by them at a public meeting. This needs to occur since the Plan provides that the City Council shall have final authority for the interpretation of the Plan text and map. The above procedure provides an efficient resolution to the apparent conflict that presently exists without the necessary time and delay associated with the Plan amendment process.

8. Criterion:

100-year floodway:

Response Finding:

Basalt Creek is not identified in a 100-year floodway.

9. Criterion:

Slopes greater than 20%.

Response Finding:

Some slopes greater than 20% exist along the banks of Basalt Creek. Areas proposed to be removed from POS do not have slopes greater than 20%.

10. Criterion:

Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.

Response Finding:

The developer has provided a tree survey showing species, size and tree location within the current POS area and on the building B site. It is clearly evident from the tree survey that there is well defined groups of significant douglas firs, cedars and maples in the current POS area. The 15" diameter douglas fir is isolated from the main tree groups does not define the edge of the westerly POS boundary. This tree and the immediate westerly area is proposed to be removed from POS. Though this staff report limited the scope of review to the existing POS area, the Planning Commission considered applying the above Plan policy to existing 42 trees on the building B site. After lengthy deliberation, the Commission did not interpret the 7 plus acre building site as being POS.

11. Criterion:

Major natural drainage channels.

Response Findings:

Basalt Creek is an intermittent creek in a drainage channel that intercepts storm water from several industrial properties in the northern vicinity including property along 95 th Avenue, Edward's Business Industrial Park and storm diversion from Stafford Park. Approximately 50% of Basalt Creek takes a jog outside the east boundary of the current Primary Open Space area. The creek bed is basalt that quickly percolates surface water. It's meandering course in and out of the current POS area points to an apparent mapping error on the Comprehensive Plan Map. The current POS boundary is 190' to 230' in width. Land requirements for the building pad and parking and drives would shift the POS area in an easterly direction. Thus the developer seeks final interpretation from Council to confirm the adjusted POS area. The City Council interpretation would also include an adjustment to POS next to the northwest corner of the recreational vehicle storage facility to create space for an additional 30 recreational vehicle parking spaces.

The developer has provided a letter from the Oregon Division of State Lands stating that Basalt Creek is not a water of the state, and that the area does not meet the wetland criteria nor does it provide aquatic values for food or game fish. Though the developer has produced a letter demonstrating that the project site does not have identified wetlands, the proposed off-site driveway on BPA property adjacent to the site may encroach a wetland. If this is the case, then it is the developer's responsibility to coordinate with Oregon Division of State Lands for appropriate permits.

On the basis of POS criterion 2, 3 and 4, Basalt Creek is Primary Open Space. However, the developer has submitted substantial evidence demonstrating that a conflict exists on the immediate west and east sides of the current POS boundary to warrant shifting the POS area west to create a bigger building site and to bring in Basalt Creek. The proposed POS area depicted on the developer's site plan is a more accurate description of the POS area.

Secondary Open Space Analysis:

12. 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 power line easements.*
3. *The 100-year flood plain fringe.*
4. *Slopes between 12% and 20%.*
5. *Designated historic sites.*

Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

Criterion:

13. *Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.*

Response Finding:

The subject property is not within the Willamette River Greenway.

14. Criterion:

High voltage power line easement.

Response Finding:

BPA high voltage power line easements traverse the north and west sides of the subject property.

15. Criterion:

The 100 year flood plain fringe.

Response Finding:

The Federal Emergency Management Agency Flood Mapping indicates that the property is not within a 100-year flood hazard.

16. Criterion:

Slopes between 12% and 20%.

Response Finding:

Property outside POS does not exceed 12% slope.

17. Criterion:

Designated historic sites.

Response Finding:

The property is not a designated historic site.

18. Criterion:

Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

Response Findings:

The project site is proliferated with deciduous and conifer trees in groups and single stands. The developer has provided a tree survey showing species, size (greater than 6" caliper) and location. Given the design requirements for building B, nearly all of the most trees that are outside the designated Primary Open Space area will be removed. Nonetheless, conifers and deciduous trees will be preserved in Basalt Creek.

The developer is in the process of enhancing the POS area by removing the dense blackberry vines and replanting with more compatible, natural vegetation.

Special Area of Concern:

19. In reviewing and updating the Comprehensive Plan several areas of special concern were identified. The subject site is not identified in a Special Area of Concern.

Planned Development Criteria:

20. The purpose of the Planned Development regulations found in Section 4.13 of the Wilsonville Code are:

"To encourage development of tracts of land large to allow for comprehensive development of tracts of land sufficiently 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 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."

Subsection 4.139 (4)WC stipulates:

"A planned development permit may be granted by the Planning Commission only if it is found that the development conforms to Subsections 4.139(4)(a), (b) and (c), as well as to the Planned Development Regulations in Sections 4.130 to 4.140WC. Subsection 4.139 (4)(a) reads as follows:

"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."

21. Findings under "Public Facilities" reveals the availability of public utilities including streets. The following findings respond to the above subsections:

Traffic Impact

22. This application was submitted after the adoption of Ordinance CB-O-197-93 of which amended the Traffic Level of Service Criteria applied to the review of planned developments set forth in Chapter 4, Section 4.139(4)(b) of the Wilsonville Code. The City requires a traffic study for new development to appraise trip generation, capacity and level of service. The

City's traffic consultant, DKS Associates, has prepared a detailed traffic report investigating traffic conditions during PM hours from the project site up through the most probable intersection. In this case, the Stafford Interchange. The anticipated impact from increased automobile and truck traffic on existing public roads within the City of Wilsonville is very significant. Furthermore, comments from the Transportation Advisory Committee were not made available in time for inclusion in this staff report. Nevertheless, the Stafford Interchange is scheduled for reconstruction in 1995 together with the recommendations proposed by DKS Associates should bring the project in conformance with CB-0-197-93.

23. Subsection 4.130(2)(c) states:

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

This subsection centers on buffering and screening requirements, building architecture, landscaping, signs and the overall appearance of site development, in this case, along 95th Avenue. The Design Review Board reviews site design plans relative to the above criterion.

Building Height:

24. The PDI zone does not set a maximum height limit for buildings and structures. Building B will be approximately 32'-6" high.

Lot Coverage:

25. The PDI zone does not set a maximum lot coverage save and except as shall be consistent with landscaping, parking, and other provisions.

Building Setbacks:

26. Within the PDI zone, 30 foot minimum yard setbacks are established for side, front and rear yards, except when the yard abuts a more restrictive district. When the yard abuts a more restrictive district, setbacks shall be the same as the abutting district. Building B will observe minimum 30 setbacks. The developer needs to provide the City Engineering Department a survey showing BPA property and easements relative to the west side of the subject property and proposed building B.

Required Parking:

27. Section 4.150WC sets forth minimum parking standards for off-street parking. Key subsections of the parking code that most commonly occur in site development review are as follows:

Subsection 4.150 (1)(k): All areas used for parking and maneuvering of cars shall be surfaced with screened gravel, asphalt, or concrete, and shall provide for suitable drainage.

Subsection 4.150 (2)(a)(3)(b): Tree and/or shade planting areas of a minimum eight feet in width and length and spaced 7 to 10 parking spaces or an aggregate amount.

Subsection 4.150 (2)(4): *Be designed for safe and convenient handicapped access.*

Definitions 52 and 53 of the Wilsonville Code specifies the dimensions of standard at 9 feet wide by 18 feet long, compact parking space at 8 1/2 feet wide by 17 feet long.

Subsection 4.150 (1)(n): *When the parking standards require ten (10) or more parking spaces, up to 30% of these may be compact car spaces as identified in Section 4.005 and shall be appropriately identified.*

Minimum Parking:

28. As set forth in Section 4.150 of the Wilsonville Code, minimum parking for the different uses are:

Building Area:

Building B, Phase II: 118,125 SF

Parking (Phases I and II)

Minimum

A.	Building 'A'	One space/ 2,000 SF =	73 spaces
	Office @10% =	One space/ 250 SF =	65 spaces
B.	Building 'B'	One space/ 2,000 SF =	53 spaces
	Office @10% =	One space/ 250 SF =	47 spaces

Approved and Proposed Parking
Parking (Phase II)

A.	Building A	144 spaces approved
B.	Building B	121 spaces proposed

The original site development plans presented to the Planning Commission showed Building B as having 91 spaces above minimum code and 47 spaces more than what was approved for Building A. Given the fact that Buildings A and B are similar warehouse/ distribution facilities, it was not clear to the Planning Commission why the smaller Building B requires considerably more parking than what was approved for Building A. At the Planning Commission public hearing, the developer proposed to convert 70 parking spaces into tractor and trailer parking. This adjustment still provides 21 automobile parking above minimum code. Parking spaces and drives proposed on the west side of building A are setback from the designated Primary Open Space.

Furthermore, there may be a need to dedicate property for Kinsman Road extension which would severely impact the proposed westly parking area. Parking spaces and drives proposed on the east side of building B would encroach the current Basalt Creek/Primary Open Space area.

Parking For The Disabled :

29. Section 4.150 of the Parking Code requires parking for the disabled with close and convenient access to main building entrances. The Americans with Disability Act (ADA) sets forth parking standards. Regarding this, the parking plan shows parking for the disabled.

Parking Area Surface:

30. Section 4.150(k) states:

"All areas used for parking and maneuvering of cars shall be surfaced with screened gravel, asphalt, or concrete, and shall provide for suitable drainage."

Parking areas and drives surrounding building B will be paved.

Access:

31. Building B shows three driveways at Freeman Road. Freeman Road connects to 95th Avenue which is a major arterial. On the adjoining BPA property, the developer is obtaining an 30' wide easement for secondary roadway access between Buildings A and B. This drive will traverse the Primary Open Space area at a point where it would have the least impact on trees. This drive would further improve on site traffic circulation especially accessibility for fire apparatus. The City Engineering Department has reviewed the proposed driveways relative to adjoining driveways. (Exhibit E). This access drive is part of the developer's proposal and is not a City requirement.

Sidewalks:

32. Subsection 4.167(b) Wilsonville Code stipulates:

"(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."*

The Statewide Transportation Planning Rule further mandates that local jurisdictions update or adopt bikeway and pedestrian plans. Reading this, in December of 1993, the City Council updated the Bikeway and Pedestrian

Way Master Plan. The updated plan requires new development to install bicycle racks.

33. A five-foot wide, concrete sidewalk is required along Freeman Road. In LID No. 10, shoulder side bike lanes were constructed along both sides of 95th Avenue. Freeman Road is also identified on the City of Wilsonville Bicycle and Pedestrian Master Plan as being an on-street bikeway route that will ultimately connect 95th Avenue to the future Kinsman Road extension. However, Freeman Road has inadequate right-of-way for bicycle lanes. Thus the Planning Commission did not condition the developer to widen Freeman Road for bicycle lanes. Such is the case for Building B.

Public Facilities:

34. To assure orderly and efficient development of the subject property, each respective development must be provided with adequate public facilities i.e.; sanitary sewer, storm drainage water and streets. These facilities must be available prior to or simultaneous with each respective phase of development. Regarding this, sanitary sewer, water and storm sewer trunk lines were extended or improved in the construction of 95th Avenue under LID No. 10. The Site Plan shows primary public facilities relative to the subject site. The applicant's information verifies that the location, design and size of public utilities are such that the project is adequately served.

Storm Drainage:

35. The Public Works Code requires storm drainage to pass a 25 year storm frequency. Building B, will have expansive parking areas and roof areas that will generate substantial storm water run-off. Storm water is intercepted in Basalt Creek that out falls to the Seely Creek drainage basin.

Streets:

36. Access to project site is via the Stafford Interchange to 95th Avenue and Freeman Road. 95th Avenue is the primary arterial serving this site and surrounding industrial properties. In LID No. 100, Freeman Road was constructed up through the frontage of Shedding Systems or the Building A property. Freeman Road does not extend through the frontage of the subject Building B site. Thus Freeman Road needs to be extended west to cross Basalt Creek and Primary Open Space up through the entire frontage of the subject property.
37. The 1991 Transportation Master Plan shows the future extension of Kinsman Road over and upon the west boundary line of building B property. The TMP shows Kinsman Road as a three lane minor arterial with bike lanes (Design Standard E), from Wilsonville Road north to Ridder Road. The road is Design Standard E, 3 to 5 lanes, 50-66 feet pavement width within a 64-90 foot ROW for design capacity of 10,000 to 32,000 vehicles per day. Year 2010 P.M. peak hour traffic on Kinsman Road extension is projected at 390/210 P.M. peak hour directional traffic volume. Though Kinsman Road extension is identified by the Transportation Master Plan as being a Phase 2: 1995 to 2000 priority, the

schedule for construction can and must be modified to reflect the rapid growth in population and employment. Transportation priorities are based on current need, and the relationship between transportation service needs and the expected growth of the City. In this case, City wide growth and traffic have far out paced the transportation system.

38. The developer needs to provide the City Engineering Department a survey showing BPA property and easements relative to the west side of the subject property and proposed building B. This is necessary to determine the need to dedicate property for Kinsman Road extension. Road dedication would severely impact the proposed parking area on the west side.
39. The 1991 Transportation Master Plan further shows the future extension of Freeman Road as a three lane commercial/industrial collector with side walks (Design Standard D), from 95th Avenue west to Kinsman Road extension. The road is Design Standard D, 2 to 3 lanes, 42-48 feet pavement width within a 60-62 foot ROW for design capacity of 10,000 vehicles per day.
40. Regarding findings 36 to 39, the 1991 Transportation Master plan together with current plus Stage II traffic volumes as determined by DKS Associates, shows traffic to right-of-way proportional relationships to require right-of-way dedications from the developer to meet roadway design standards D and E for Freeman Road and Kinsman Road extension respectfully.

Buffering and Screening:

41. Subsection 4.163(2) WC stipulates:

"All outdoor storage and garbage collection areas shall be screened from off-site view with fencing and/or landscaping."

Subsection 4.136(12)(c) further states:

" open storage visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height. Screening and buffering is usually accomplished with earth berms, landscaping and/or fencing."

The above standards requires truck parking areas be screened and buffered to off-site view. Final screening and buffering plans is reviewed by the Design Review Board. Screening and buffering is usually accomplished with earth berms, landscaping and/or fencing. Building B is a proposed warehouse/distribution structure to be constructed with tilt-up concrete walls utilizing pre-finished, metal store fronts with glass windows and doors at office entrances. The south side of building B is dominated by a repetitious row of dock high, truck doors. The developer intends to construct a 4-5 foot high berm with shrub plantings along the south side of the building, similar to the landscape plan approved for Building A, to partially screen trucks and trailers. Though the Planning Commission generally does not review landscape and architectural plans, the developer has prepared detailed landscape plans, cross sections through Primary Open Space, and building elevations.

Natural Vegetation:

42. As previously stated, building B site is proliferated with large douglas firs, cedars and apples in groups and single stands. The developer has provided a tree survey showing species, size (greater than 6" caliper) and location. Given the massive size of building B, most of the trees identified outside the designated Primary Open Space area will be removed.

Tree Inventory:

DF= Douglas Fir C= Cedar AP= Apple

<u>ID</u>	<u>Species</u>	<u>Size</u>	<u>Preserved</u>	<u>Removal</u>
1	AP	18"		X
2	DF	32"		X
3	DF	32"		X
4	AP	20"		X
5	DF	26"		X
6	DF	22"		X
7	DF	30"		X
8	DF	36"		X
9	DF	8"		X
10	DF	6"		X
11	DF	16"		X
12	DF	34"		X
13	DF	34"		X
14	DF	30"		X
15	AP	16"		X
16	AP	18"		X
17	DF	8"		X
18	DF	36"		X
19	AP	18"		X
20	DF	46"		X
21	AP	14"		X
22	AP	16"		X
23	DF	26"		X
24	DF	36"		X
25	DF	24"		X
26	AP	18"		X
27	DF	24"		X
28	DF	24"		X
29	DF	40"		X
30	DF	16"		X
31	C	48"		X
32	AP	14"		X
33	AP	18"		X
34	DF	32"		X
35	DF	24"		X
36	DF	16"		X
37	DF	26"		X
38	DF	34"		X
39	DF	24"		X

40	AP	18"		
41	DF	36"		x
42	C	12"	x	

Trees in the revised Primary Open Space area on the subject property:

1	DF	22"		x
2	DF	36"		x
3	DF	32"		x
4	DF	30"		x
5	DF	32"		x
6	DF	34"		x
7	DF	38"		x
8	DF	36"		x
9	DF	40"		x
10	M	46"		x
11	C	14"		x
12	M	20"		x
13	M	20"		x
14	M	16"		x
15	C	16"		x
16	C	16"		x
17	C	14"		x
18	C	8"		x

43. The Planning Commission found that taken together, there is a significant stand of trees that are in and out of the current Primary Open Space area.
44. The Planning Commission found that the preservation of the total area of open space is not in balance, based on the following;
 - a) That a significant part of the Primary Open Space is being preserved.
 - b) That the remaining portion is offset by economic considerations of job creation, efficient uses of infrastructure and the current Planned Development Industrial (PDI) zone.
 - c) That the project site does not have historic or social significance.



#3
VAN DOMELEN / LOOIJENGA / MCGARRIGLE / KNAUF

Consulting Engineers

3933 SW KELLY AVE. / PORTLAND, OREGON 97201-4393 / (503) 222-4453 / FAX 248-9263

PRINCIPALS

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ROGER W. MCGARRIGLE
JAMES E. KNAUF

ASSOCIATES

CHRIS C. VAN VLEET
GARY J. LEWIS
GORDON VAN TYNE

November 28, 1994

City Council
City of Wilsonville
30000 Town Center Loop East
Wilsonville, Oregon 97070

RE: Primary Open Space (POS)/Martin Development

Honorable Mayor and City Councilors:

This letter addresses the issue of the redefinition of the primary open space that passes through the Martin parcel. The map identifying the primary open space in the comprehensive plan was at a very large scale, and in this area does not appear to have properly identified the property that meets the primary open space criteria. The areas proposed to be removed from the mapped POS meet none of the stated criteria (see Staff Report). It appears that the intent was include the location of Basalt Creek. Criteria no. 4 for POS is "major natural drainage channels". Our proposal is to move the POS to where Basalt Creek is actually located.

The southwest portion proposed to be removed from the POS is nearly one acre and contains one tree (16 inch diameter fir). The small piece at the northwest corner of the RV storage until recently was farmed and is now vegetated by volunteer grasses and blackberries. It is not a wetland and only the east/west ditch constructed by the City flows across it.

The areas proposed to be added to the POS include two much larger fir trees and Basalt Creek. It is proposed to add considerable landscaping (see plans).

We concur with the findings of the City Staff and Planning Commission and would be pleased to answer any questions.

Sincerely,

Alfred H. Van Domelen, P.E.

Enclosures



MEMBER

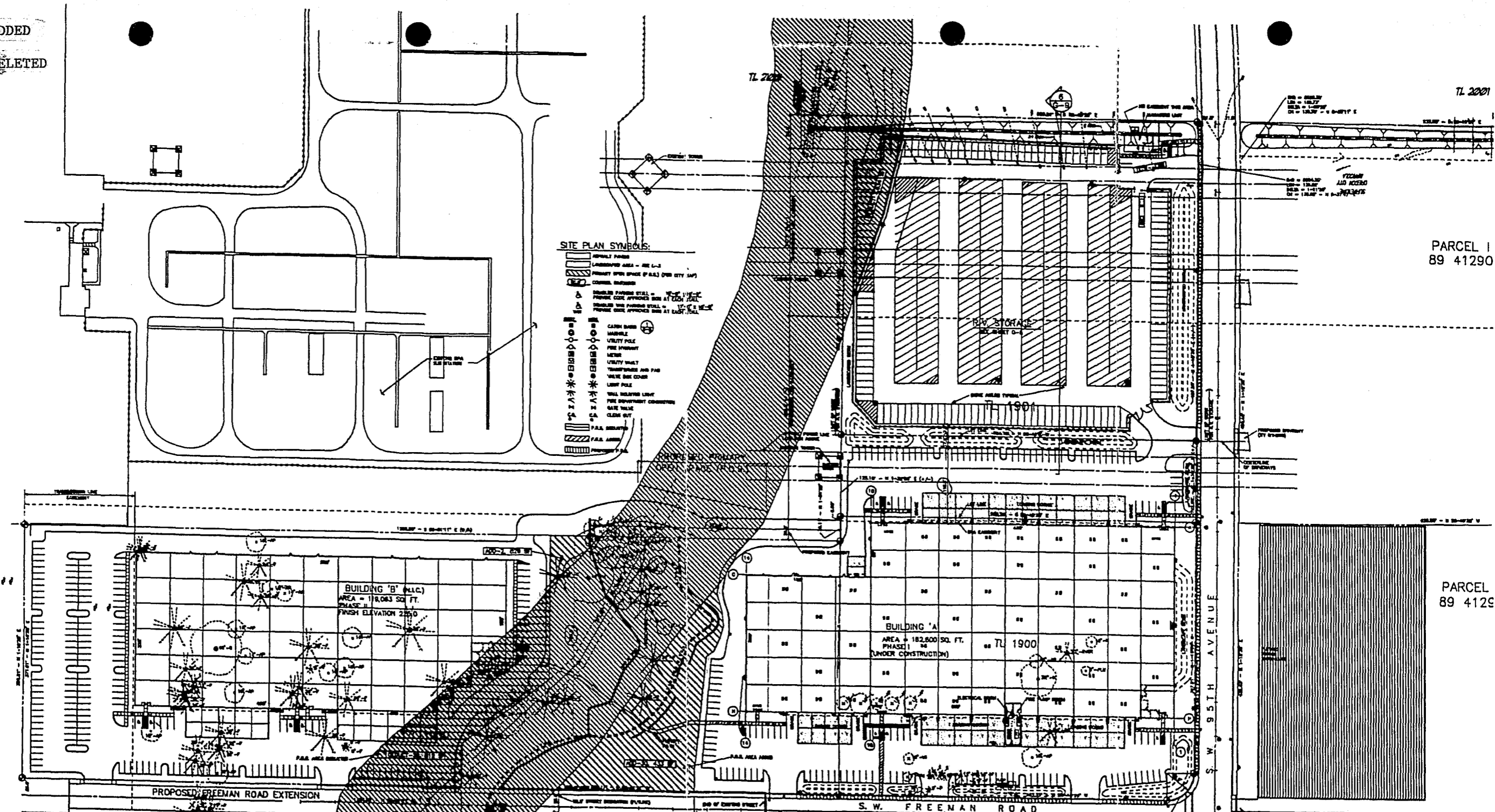
POS ADDED
POS DELETED

TL 2001

PARCEL 1
89 41290

PARCEL
89 4129

- SITE PLAN SYMBOLS:**
- ASPHALT PAVING
 - ▨ LANDSCAPED AREA - SEE L-3
 - ▤ PRIMARY OPEN SPACE (P.O.S.) (SEE CITY MAP)
 - ▧ CONCRETE DRIVEWAY
 - DOUBLE PARKING STALL - PER FIRE CODE APPROVED SIGN AT EACH END
 - △ DOUBLE VAN PARKING STALL - PER FIRE CODE APPROVED SIGN AT EACH END
 - CATCH BASIN
 - MANHOLE
 - UTILITY POLE
 - FIRE HYDRANT
 - METER
 - UTILITY VALVE
 - TRANSFORMER AND PAD
 - VALVE BOX COVER
 - LIGHT POLE
 - WALL MOUNTED LIGHT
 - FIRE DEPARTMENT CONNECTION
 - GATE VALVE
 - CLEAN OUT
 - P.A.A. AREA
 - ▨ P.A.A. AREA
 - ▤ P.A.A. AREA
 - ▧ P.A.A. AREA



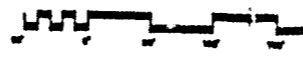
NEW PROJECT SUMMARY: (AREAS SHOWN ARE FOR DESIGN PURPOSES ONLY)

TYPE	PHASE 1 - 1/2 ACRES	PHASE 2 - 1/2 ACRES	U.S. FEDERAL HIGHWAY 30-0
STY AREA	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
LANDSCAPED AREA	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
PRIMARY OPEN SPACE	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
CONCRETE DRIVEWAY	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
DOUBLE PARKING STALL	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
DOUBLE VAN PARKING STALL	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)

OLD PROJECT SUMMARY: (AREAS SHOWN ARE FOR DESIGN PURPOSES ONLY)

TYPE	PHASE 1 - 1/2 ACRES	PHASE 2 - 1/2 ACRES	U.S. FEDERAL HIGHWAY 30-0
STY AREA	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
LANDSCAPED AREA	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
PRIMARY OPEN SPACE	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
CONCRETE DRIVEWAY	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
DOUBLE PARKING STALL	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)
DOUBLE VAN PARKING STALL	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)	10,000 SQ. FT. (2.3 ACRES)

PROPOSED PRIMARY OPEN SPACE (P.O.S.)



SITE PLAN

- GENERAL NOTES:**
- ALL NOTES AND DIMENSIONS ARE (1:1) AND ARE TO BE SHOWN WITH SPECIFIED DIMENSIONS.
 - ALL DIMENSIONS ARE FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.
 - ALL DIMENSIONS ARE FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.



EXISTING SHREDDING SYSTEMS INC.

LOT 6

LOT 5
VAN DOMELEN/LOOIJENGA
McGARRIGLE/KNAUF
3933 S.W. KELLY AVENUE
PORTLAND, ORE (503) 222-4453
95th AVE. DEVELOPMENT
S.W. 95th AVE. AND FREEMAN DRIVE
WILSONVILLE, OREGON 4

#4
94PC41

**PHASE II, STAGE II,
SITE DEVELOPMENT
PLANNING COMMISSION**

CONDITIONS OF APPROVAL
AMENDED AND ADOPTED ON NOVEMBER 14, 1994

1. This Stage II approval for site development is for Phase II , comprising Building B. Stage II approval is contingent upon the City Council approval of the interpretation of Primary Open Space.
2. The developer shall develop the site, buildings, parking and drives, in substantial compliance with the approved site development plans. It's understood that minor revisions in the development will occur prior to and during the construction phase. Minor site development revisions may be reviewed by the Planning Director under a Class I administrative review.
3. All areas designated in parking and drives shall be paved in asphalt concrete or concrete surface.
4. The developer shall construct a five (5) foot wide concrete sidewalk, to follow along the entire length of the southerly property line of the project site fronting Freeman Road. The developer shall construct the sidewalk prior to building occupancy.
5. Exhibits on Pages 26, 27, 28, and 29 (the DKS report, the Building Official's exhibit and the City Engineer's exhibit) are adopted. The area wide mitigation recommended by the Traffic Engineer is eliminated. The specific site-mitigation measures are retained, Page 66 of 77. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
6. The developer shall install a minimum of one bicycle rack to accommodate two (2) bicycles per rack near the main building entrances of each tenant in buildings B, and if possible, under covering. The bicycle racks shall be of the design that bicyclists can provide their own locking device to secure the frame and both wheels.
7. The developer shall construct parking for the disabled in accordance with ADA standards. Furthermore, the developer shall construct a five (5) foot wide sidewalk linking tenant entrances of building B to a public sidewalk in Freeman Road as required by the Building Official.
8. The developer shall provide a letter to the Planning Department from the Bonneville Power Administration approving the proposed roadway easement over and upon the BPA property and to allow the proposed parking on the west side of the building. The developer shall apply for an administrative review of a grading and/or fill permit on the BPA property prior to grading the Building B site.

9. The developer shall provide the Design Review Board design details showing sight obscuring screening and/or landscaping next to the truck loading and unloading areas.
10. All construction workers and job shacks associated with this project shall be parked and located on site.
11. The applicant / owners waive right of remonstrance to any proposed land for a local improvement district which may be formed to construct public improvements which would serve the subject property.
12. Prior to construction, (i.e. streets, installing utilities, excavation) the applicant shall install temporary fencing along the boundaries of the Primary Open Space so that the POS area is not disturbed. The developer shall provide all of the precautions required in Subsections 4.161(4)(a)and(b) and 4.161(5)(a) of the Wilsonville Code (Protection of Natural Features).
13. The developer previously agreed to dedicate the property for the dedication of Kinsman Road as part of the applicant's approval for Building A, the dedication to be at the time of applying for Phase II project application (recital 16, Conditions of Approval 94PC26, Sept. 12, 1994). However, further survey determinations are needed to establish the extent of the road dedication. Therefore, the developer shall provide the City Engineering Department a survey showing BPA property and easements relative to the west side of the property and proposed Building B. This condition is necessary to determine the extent of the property to be dedicated for Kinsman Road extension. The developer's previous agreement to dedicate the necessary right-of-way for the future improvement of Kinsman Road extension along the west side of the Phase II, project site and for Freeman Road, is hereby extended to occur prior to occupancy approval.
14. The developer shall provide the Planning Department with the employment and wage information required by the City's contract with Oregon Economic Development Department. (NOTE: The City will supply the necessary form.)

BUILDING DEPARTMENT CONDITIONS:

1. Provide fire hydrant within 250' in hose-lay fashion of all exterior walls.
2. Provide an approved fire department roadway turnaround at the west end of the north and south roadways of Building 'A'.
3. All proposed tenant spaces shall be accessible by an accessible route from the public sidewalk to all main entries of the building.
4. The minimum fire sprinkler design rate for spec warehouses is Ordinary Group 3. High-piled storage would require a higher density.

ENGINEERING DEPARTMENT CONDITIONS:

- PF1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer services will be obtained either from line or stub extensions that currently exist in Freeman Drive and/or easements immediately adjacent to the subject project. If it is determined that the line or stub extensions do not exist to the subject site, separate Engineering Drawings reflecting the installation of these utilities will be required.

No connection to any existing public utility will be permitted until all necessary permits have been obtained and the applicant notifies the Engineering Division a minimum of 24 hours in advance.

- PF2. The Engineering Division reserves the right to inspect the completed improvements to decide if additional modifications or expansion of the site distance is required.

- PF3. If required, all public improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville's Public Works Standards. A title page will be required with a space in the lower right hand corner for an 8 1/2" x 11" informational sheet to be provided to the applicant by the City and affixed to the final as-built plans before acceptance.

No construction on any public improvement shall begin until the applicant's plans, if required, are approved by the Engineering Division, all necessary fees have been paid, and any required permits, right-of-way and easements are obtained and approved by the Engineering Division.

- PF4. As-built drawings, if required, are to be furnished by the applicant for all public improvements and shall be provided to the Engineering Division on 3 mil. mylar. The as-builts must be submitted and approved by the Engineering Division before the final Punch List Inspection will be performed.

- PF5. All survey monuments on the subject site, subject to disturbance within the construction area or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.

- PF6. The final Utility Plans, if required, and submitted for review shall meet the following general format:

- A. Composite Utility Plan
- B. Detailed Utility Plan and Grading Plan.
- C. Public Utilities that are not contained within any public street shall be provided a maintenance access acceptable to the City and shall be centered in a 15ft. wide public utility easement and shall be conveyed to the City on standard dedication form.
- D. Final design of any public utilities shall be approved at the time of the City's issuance of a Public Works Permit.
- E. All proposed on and off-site utilities shall comply with the State of Oregon and the City of Wilsonville's requirements and any other applicable codes.

- F. Street design plans for public improvements shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utilities.
 - G. All new public improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.
- PF7. Sidewalks shall be installed adjacent to all public streets.
 - PF8. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public and private improvements until such time as permanent vegetative materials have been installed.
 - PF9. Applicant shall install City approved energy dissipaters and pollution control devices at all storm outlet points.
 - PF10. The applicant shall dedicate the necessary right-of-way and easements.
 - PF11. The applicant shall construct a 36' wide concrete street fronting the development from the present terminus west to the west property line. Improvement shall be complete with curb and gutter and a 5' wide curbside sidewalk behind the north curb line.
 - PF12. Applicant shall extend all existing and required utilities within the right-of-way of Freeman Drive to the west property line of the subject property.
 - PF13. Applicant shall not place any fill within the high water limits of the existing ditch located on the east side of the subject property.
 - PF14. Applicant shall submit a plan and description of the easements associated with the properties involved. It is apparent that the applicant intends on using portions of these easements for the proposed project. The applicant shall demonstrate that the firm or person holding such easement has approved the proposed use along with conditions, if any, placed on the applicant for use of the easement area.
 - PF15. Based on the information requested in Item #14 above, additional items not limited to right-of-way or easements for the future extension of Kinsman Road may be requested, but at this time are unknown.

DKS ASSOCIATES PROJECT-SPECIFIC MITIGATION MEASURES

1. The improvement identified for the I-5/Stafford interchange are scheduled within two years. However, should the proposed project be completed and occupied prior to completion of interchange construction, a transportation management plan would be needed. The plan must address routing of traffic away from Elligsen Road and potential to allow less than full buildout of the site prior to completion of the roadwork
2. Project driveways must align with adjacent driveways across the street or be offset to meet city of Wilsonville Transportation Master plan guidelines. Placement of driveways (or potential future driveways) across

the street (both on 95th Avenue and on Freeman Court) should be assessed prior to determining final project access locations.

3. If land use for the RV storage site changes to a greater trip generator in the future, access consolidation will be necessary.
4. Pedestrian linkages direct from the front doors of each building to public sidewalks and adjacent buildings with commercial use should be provided which minimize vehicle conflicts. This could include use of raised pedestrian crossings.
5. Bicycle racks should be provided convenient to the building entrances along 95th Avenue, to accommodate employees wishing to commute by bicycle.
6. The number of accessible parking spaces required for the project site is six. One of these spaces must be designated van accessible. Design and placement shall follow Uniform building Code requirements.
7. Stop blocks should not be used in the vehicle parking area where curbs are provided since they can conflict with pedestrian movement.
8. Employees should be informed of their transit commute options. In particular, employees who are residents of Wilsonville should be knowledgeable of the direct dial-a-ride service available to them without charge.
9. The project should develop a demand management program. Elements can include flexible work hours to encourage off-peak hours of travel to and from work, special carpool parking stalls reserved close to building entrances to encourage employees to share rides to work and scheduling all deliveries outside peak hours.

EXHIBITS

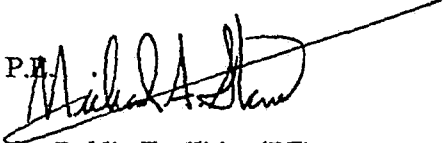
The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

- A. Findings and Conditions of Approval.
- B. City of Wilsonville Comprehensive Plan.
- C. Chapter 4 of the Wilsonville Code.
- D. Applicant's submittal documents.
- E. City Engineering Department.
- F. Building Department Comments.
- G. DKS Associates Traffic Study.
- H. Transportation Advisory Committee comments.
- I. Letter form Laurie Nicholson, Oregon Department of Transportation, dated: June 17, 1994.
- J. Letter from Jim Ryan, PGE, dated: June 10, 1994.
- K. Memo, Parks and Recreation Department, dated: June 15, 1994.
- L. Letter, Emily Roth, Wetlands Program, DSL, dated: June 30, 1994.
- M. Planning Commission Stage I master plan conditions of approval. (94PC26)
- N. 10 - 5x7 photo color prints showing building B site presented by planning staff.
- O. 10 - Color negative slides provided by Mr. VanDomelen.
- P. Letter from Mr. VanDomelen dated November 14, 1994.
- Q. 3 - 24"x 36" illustration boards; site plan, buidling perspective and landscape plan.
- R. Air photo of site.
- S. **PLANNING COMMISSION MEETING MINUTES
NOVEMBER 14, 1994.**

6

City of
WILSONVILLE
In OREGON

ENGINEERING DEPARTMENT 6000 SW Town Center Loop E
MEMO Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

DATE: November 4, 1994
TO: Blaise Edmonds
Associate Planner
FROM: Michael A. Stone, P.E.
City Engineer 
RE: *Engineering Division Public Facilities (PF)*
Conditions of Approval for the Proposed Building "B"
Van Domelen Development - 95th Avenue at Freeman Drive

Based on a review of the materials submitted to this office, the following Conditions of Approval are presented. These conditions are applicable to the subject project applied for and listed above.

Any modifications or revisions to the initial application may require amendments and/or additions to the conditions as set forth and outlined below:

PF1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer services will be obtained either from line or stub extensions that currently exist in Freeman Drive and/or easements immediately adjacent to the subject project. If it is determined that the line or stub extensions do not exist to the subject site, separate Engineering Drawings reflecting the installation of these utilities will be required.

No connection to any existing public utility will be permitted until all necessary permits have been obtained and the applicant notifies the Engineering Division a minimum of 24 hours in advance.

PF2. The Engineering Division reserves the right to inspect the completed improvements to decide if additional modifications or expansion of the site distance is required.

PF3. If required, all public improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville's Public Works Standards. A title page will be required with a space in the lower right hand corner for an 8 1/2" x 11" informational sheet to be provided to the applicant by the City and affixed to the final as-built plans before acceptance.

No construction on any public improvement shall begin until the applicant's plans, if required, are approved by the Engineering Division, all necessary fees have been paid, and any required permits, right-of-way and easements are obtained and approved by the Engineering Division.

PF4. As-built drawings, if required, are to be furnished by the applicant for all public improvements and shall be provided to the Engineering Division on 3 mil. mylar. The as-builts must be submitted and approved by the Engineering Division before the final Punch List Inspection will be performed.

Exhibit E

- PF5. All survey monuments on the subject site, subject to disturbance within the construction area or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.
- PF6. The final Utility Plans, if required, and submitted for review shall meet the following general format:
- A. Composite Utility Plan
 - B. Detailed Utility Plan and Grading Plan.
 - C. Public Utilities that are not contained within any public street shall be provided a maintenance access acceptable to the City and shall be centered in a 15ft. wide public utility easement and shall be conveyed to the City on standard dedication form.
 - D. Final design of any public utilities shall be approved at the time of the City's issuance of a Public Works Permit.
 - E. All proposed on and off-site utilities shall comply with the State of Oregon and the City of Wilsonville's requirements and any other applicable codes.
 - F. Street design plans for public improvements shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utilities.
 - G. All new public improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.
- PF7. Sidewalks shall be installed adjacent to all public streets.
- PF8. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public and private improvements until such time as permanent vegetative materials have been installed.
- PF9. Applicant shall install City approved energy dissipaters and pollution control devices at all storm outlet points.
- PF10. The applicant shall dedicate the necessary right-of-way and easements.
- PF11. The applicant shall construct a 36' wide concrete street fronting the development from the present terminus west to the west property line. Improvement shall be complete with curb and gutter and a 5' wide curbside sidewalk behind the north curb line.
- PF12. Applicant shall extend all existing and required utilities within the right-of-way of Freeman Drive to the west property line of the subject property.
- PF13. Applicant shall not place any fill within the high water limits of the existing ditch located on the east side of the subject property.

- PF14. Applicant shall submit a plan and description of the easements associated with the properties involved. It is apparent that the applicant intends on using portions of these easements for the proposed project. The applicant shall demonstrate that the firm or person holding such easement has approved the proposed use along with conditions, if any, placed on the applicant for use of the easement area.
- PF15. Based on the information requested in Item #14 above, additional items not limited to right-of-way or easements for the future extension of Kinsman Road may be requested, but at this time are unknown.

MS MMO/Building "B" 110494

#7

**CITY OF WILSONVILLE
BUILDING DEPARTMENT
MEMORANDUM**



TO: Blaise Edmonds, Associated Planner
FROM: Martin Brown, Building Official
SUBJECT: DEVELOPMENT REVIEW
DATE: June 14, 1994

The following is a list of concerns for the proposed Wilsonville Corporate Center, and 95th Avenue Multi-Tenant Warehouse/Distribution/RV Storage Facility. Actual working drawings may expose additional code concerns.

Wilsonville Corporate Center

1. Every proposed tenant space shall be provided with a sidewalk or approved crosswalk which connects the main entry to a public sidewalk.
2. Provide a fire hydrant within 250 feet in hose lay fashion of all exterior walls.
3. The fire apparatus access roadway along the west side of Building 'E' shall be not less than 20 feet in width with "No Parking" signs at both ends of the roadway.
4. The inside turning radius shall be not less than 25 feet. See Building 'C' east side.
5. All fire department connections shall be located at least 40 feet from any building and be approved by the fire chief.
6. Provide not less than one domestic water meter per building and not less than one irrigation water meter for the project.
7. Unoccupied spec building shall have a fire sprinkler design of Ordinary Group 3. High-piled storage would require a higher density.
8. Building 'E' is over area assuming that it is a V-N construction and three yards over 60 feet in width. A two-hour area separation wall would be required to justify the proposed square footage.

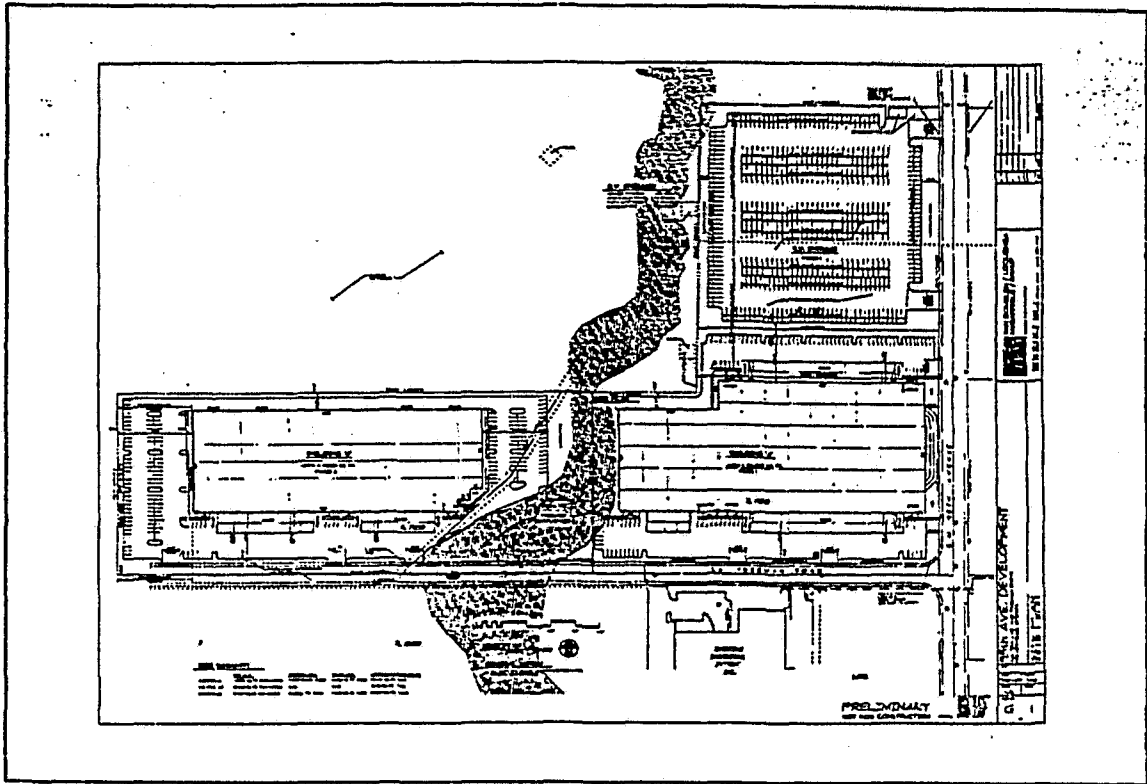
95th Avenue Development/RV Storage

1. Provide fire hydrant within 250' in hose-lay fashion of all exterior walls.
2. Provide an approved fire department roadway turnaround at the west end of the north and south roadways of Building 'A'.
3. All proposed tenant spaces shall be accessible by an accessible route from the public sidewalk to all main entries of the building.
4. The minimum fire sprinkler design rate for spec warehouses is Ordinary Group 3. High-piled storage would require a higher density.

/srf

EXHIBIT F

#8



**Wilsonville Industrial/Warehouse/RV Storage
 Transportation Impact Study
 Final Report**

For
 City of Wilsonville

By
DKS Associates

EXHIBIT G.



Chapter 4 Mitigation

The proposed project alone could significantly affect operating conditions on Elligsen Road at Commerce Circle and Boones Ferry Road without roadway improvements. With cumulative development including the proposed project and Stage II approvals, mitigation at some study area intersections would be required. Measures can be taken to reduce the project's local impact. The most significant mitigation measures for this type of project, a light industrial/warehouse facility with multiple users, are transportation demand measures to reduce the peak period impact of project traffic.

PROJECT ORIENTED TRANSPORTATION MITIGATION

Measures Included in Project Design

- Adequate parking supply to meet the estimated demand.
- Adequate driveway width (30 feet plus) providing room for trucks and emergency vehicles.
- Sidewalks along project frontage of 95th Avenue. Internal sidewalks near buildings are provided, but do not provide direct connections from front doors to public right-of-way. This would be needed to meet the requirement of the Transportation Planning Rule and the Uniform Building Code.³⁹
- Provision of Traffic Impact Fees to address citywide circulation improvements.

Project-Specific Mitigation Measures

- The improvement identified for the I-5/Stafford interchange are scheduled within two years. However, should the proposed project be completed and occupied prior to completion of interchange construction, a transportation management plan would be needed. The plan must address routing of traffic away from Elligsen Road and potential to allow less than full buildout of the site prior to completion of the roadwork.
- Project driveways must align with adjacent driveways across the street or be offset to meet city of Wilsonville Transportation Master Plan guidelines. Placement of driveways (or potential future driveways) across the street (both on 95th Avenue and on Freeman Court) should be assessed prior to determining final project access locations.

³⁹ Uniform Building Code, International Conference of Building Officials, 1991, Section 3103 (a), page 604.

- If land use for the RV storage site changes to a greater trip generator in the future, access consolidation will be necessary.
- Pedestrian linkages direct from the front doors of each building to public sidewalks and adjacent buildings with commercial use should be provided which minimize vehicle conflicts. This could include use of raised pedestrian crossings.
- Bicycle racks should be provided convenient to the building entrances along 95th Avenue, to accommodate employees wishing to commute by bicycle.
- The number of Accessible Parking spaces required for the project site is six. One of these spaces must be designated van accessible. Design and placement shall follow Uniform Building Code requirements.⁴⁰
- Stop blocks should not be used in the vehicle parking area where curbs are provided since they can conflict with pedestrian movement.
- Employees should be informed of their transit commute options. In particular, employees who are residents of Wilsonville should be knowledgeable of the direct dial-a-ride service available to them without charge.
- The project should develop a demand management program. Elements can include flexible work hours to encourage off-peak hours of travel to and from work, special carpool parking stalls reserved close to building entrances to encourage employees to share rides to work and scheduling all deliveries outside peak hours.

Area-wide Mitigation Measures

- Improvements to Commerce Circle/Boones Ferry-Elligsen Road will be necessary for the City Level of Service standard to be met with full buildout of the proposed project. This would include signalization and the provision of two left-turn lanes westbound on Boones Ferry-Elligsen Road to Commerce Circle-95th Avenue.
- To maintain City level of service standards, ODOT plans for reconstruction of the I-5/Stafford interchange will need to be constructed and operational before the proposed project and Stage II projects are built and fully occupied.
- ODOT's specific design at 95th Avenue-Commerce Circle/Boones Ferry-Elligsen Road should be reviewed for consideration of westbound left-turn lane needs from Boones Ferry-Elligsen Road to 95th Avenue. Widening of 95th Avenue would be needed to accommodate double left turn lanes from Elligsen Road.

⁴⁰ Ibid, Table 31-A.

- An additional approach lane should be reviewed for consideration northbound on 95th Avenue at 95th-Commerce Circle/Elligsen Road to accommodate overlaps with left turns.
- 95th Avenue/Ridder Road (intersection of arterial and collector roadways) will require signalization in conjunction with the ODOT reconstruction project, extension of 95th Avenue and future Stage II development.



City of
WILSONVILLE
In OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

ENGINEERING DEPARTMENT
MEMORANDUM

DATE: AUGUST 19, 1994
TO: WILSONVILLE PLANNING COMMISSION
FROM: MICHAEL A. STONE, P.E. *Michael A. Stone*
CITY ENGINEER
RE: TRAFFIC IMPACT STUDY AND RECOMMENDATION FOR THE
PROPOSED WILSONVILLE INDUSTRIAL/WAREHOUSE/
RV FACILITY

SUMMARY:

The traffic impact study for the above referenced project was presented to the Transportation Advisory Commission on August 18, 1994.

After a brief presentation by city staff along with the recommendations as contained within the staff report, there was some general discussion between the Commission and Mr. Fred Van Domlen representing the applicant. Mr. Van Domlen's concerns centered on, in his opinion, the over-estimation of the amount of vehicle trips generated by the proposed project as contained within the DKS report.

Mr. Van Domlen had conducted his own analysis of the PM peak hour trip generation rate and found that the numbers that he was able to compile were significantly lower from those indicated in the DKS report. Mr. Van Domlen's contention is that the reports do not address realistic trip generation rates and, therefore, are unreliable. The Commission took Mr. Van Domlen's comments into consideration and has subsequently asked that Randy McCourt of DKS address the Commission so that some questions on this issue can be addressed.

The other item expressed by Mr. Van Domlen was the apparent requirement to be presented to the Planning Commission for a bikeway to be constructed along the north side of Freeman Court. Mr. Van Domlen's comments centered on the fact that this was an industrial area and that bicycles would not be a common feature. To construct the bikeway improvements, it would be necessary to widen the

roadway which is approximately two years old. This would undoubtedly lead to unanticipated costs to Mr. Van Domlen which he felt are not warranted because of the lack of bicycles in the area.

The motion was to approve staff's report with the additional recommendation that the bicycle path requirement on Freeman Court be dropped. This motion passed with 4 voting in the affirmative and 1 against.

MS:sh

#10

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To <i>Blaise Edmonds</i>	From <i>Laurie Nicholson</i>	
Co. <i>City of Wilsonville</i>	Co. <i>ODOT</i>	
Dept. <i>Planning</i>	Phone # <i>731-8287</i>	
Fax # <i>682-1015</i>	Fax #	

Oregon

DEPARTMENT OF
TRANSPORTATION

Region 1

FILE CODE:

June 17, 1994

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

Attention: Blaise Edmonds

Subject: Wilsonville Corporate Center

ODOT has reviewed the site development plans for the proposed Wilsonville Corporate Center and has comments regarding this application.

A traffic study should be done to address the impacts of the proposed development to the Wilsonville and Stafford interchange, and the Wilsonville Road interchange.

Thank you for including ODOT in the site development review process. If you have further questions, please call Bob Doran at 229-5002.

Laurie Nicholson
Laurie Nicholson
Region 1 Planning Assistant

cc: Bob Doran

EXHIBIT I



#11



Portland General Electric Company

CITY OF WILSONVILLE

JUN 20 1994

RECEIVED

June 10, 1994

Blaise Edmonds
City of Wilsonville
30000 SW Town Center Loop East
Wilsonville, OR 97070

Dear Blaise,

Development Review

I have reviewed the Site Development Plans for the following projects:

1. Wilsonville Corporate Center.
2. 95th Avenue development.

Each of these is an example of a development which will block easy electrical access for future developments. I think that city should require each of these developements to extend the electrical system across the front of their property. If the city does not require this, and the developer refuses PGE's request to install it, the next development beyond them will be forced to trench across the front of their property to the same electrical source as each of these.

Thanks,

Jim Ryan
Service and Design Consultant
Phone 590-1225

EXHIBIT 5.



#12



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

PARKS AND RECREATION DEPARTMENT
MEMORANDUM

DATE: JUNE 15, 1994
TO: BLAISE EDMONDS, ASSOCIATE PLANNER
FROM: GLENN MILNOR, RECREATION COORDINATOR *GM*
SUBJECT: DEVELOPMENT REVIEW MEMORANDUM OF MAY 23, 1994
*WILSONVILLE CORPORATE CENTER
*95TH AVENUE DEVELOPMENT

As you requested, I have reviewed the above mentioned document, and also brought it before the Parks and Recreation Advisory Board for their review at their June 14, 1994 meeting.

Following a brief discussion, the Board moved that they have no objections to the proposed development as presented; however, if there are significant changes (especially to the area surrounding the open space), they would like to review the plan again.

If you have any questions, please give me a call.

gm:pjm

EXHIBIT K

#13

JUL 0 1 1994

W. J. BULLER / LUIGI JENGA
/ MCGUIRE / SYNAFF

Oregon

DIVISION OF
STATE LANDS

STATE LAND BOARD

BARBARA ROBERTS
Governor

PHIL KEISLING
Secretary of State

JIM HILL
State Treasurer

June 30, 1994

Mirth Walker
Fishman Environmental Services
434 NW Sixth Ave., Suite 304
Portland, OR 97209-3600

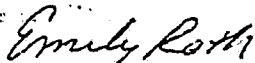
Re: North-South Intermittent Stream ("Basalt Creek") in
Wilsonville (T3S; R1W; Sec.11; Clackamas Co.)

Dear Mirth:

I have reviewed the information for the above reference site and determined that the intermittent stream ("Basalt Creek") is not a water of the state. The area does not meet the wetland criteria nor does it provide aquatic resource values for food or game fish. Since the state does not have jurisdiction over this water, it is not subject to Oregon's Removal-Fill Law .

If you have any questions concerning this response, please contact Ken Bierly at extension 246.

Sincerely,



Emily Roth
Wetlands Program

ER/jap
emf:650

- c: Tami Burness, ODSL
- Ken Bierly, ODSL
- Jim Goudzwaard, Corps of Engineers
- Pam Emmons, City of Wilsonville
- Kim Schoenfelder, Consulting Engineer



EXHIBIT
L

#14

P.2/4



VAN DORNELLEN / LOOIJENGA / MCGARRIGLE / KNAUF

Consulting Engineers

3933 SW KELLY AVE. / PORTLAND, OREGON 97201-4393 / (503) 228-4453 / FAX 248-9283

PRINCIPALS

ALFRED H. VAN DORNELLEN
DAVE N.M. LOOIJENGA
ROGER W. MCGARRIGLE
JAMES E. KNAUF

ASSOCIATES

CHRIS C. VAN VLEET
GARY J. LEWIS
GORDON VAN TYNE

November 14, 1994

Blaise Edmonds
City of Wilsonville
30000 Town Center Loop East
Wilsonville, Oregon 97070

RE: Planning Department Staff Report/94PC41

Dear Blaise:

This letter is provided in advance of the Monday night PC Hearing to address several issues in your Staff Report. If there are any items that warrant further discussion before the meeting, we would appreciate you contacting us by phone. We believe that the most important issue to address is the primary open space and overall project impact.

My comments that follow are in reference to the page numbers of the Staff Report.

Page 1:

Basalt Creek is not being realigned. The flow in Basalt Creek has been substantially increased in recent years when the City diverted storm water from the ditch to the east. All that we are doing in these building projects is bank protection and enhancement of the ditch corridor.

The minimum width of the POS is not being reduced to 60 to 80 ft. The minimum width is 228 ft. in the southern parcel, and 140 ft. at the northwest corner of the RV storage area. The proposed modifications to the primary open space can best be summarized as follows:

1. Relocate the primary open space to the east to include Basalt Creek. (About half of the length of Basalt Creek is not in the POS.)

Eliminate 29,812 sq. ft. from the west side of the POS and add 30,433 sq. ft. to the east side between the two buildings. This relocation places Basalt Creek within the primary open space. The area that is being removed from the open space has no slopes in excess of 20% and has only one 16 inch diameter fir tree. The area that is added has a 32 inch fir plus considerable length of Basalt Creek and some slopes in excess of 10%.



EXHIBIT
P

-Page 2-

RE: Planning Department Staff Report/94PC41

2. Delete 7634 sq. ft. from primary open space at the northwest corner of the RV storage. This area has been continuously farmed. It has no trees. It is not wetland. It has no significant slopes or features.

Parking for building B will be modified to provide automobile parking along the west end of the building only. The rest of the area will be designated truck/trailer parking. There will be a single row of 60 ft. deep truck/trailer stalls along the west property with the entire center area available for maneuvering. You are correct in stating that the project does not need the auto parking shown on the plans. You are probably also aware of the problems that exist in some industrial areas with inadequate trailer storage area with excess trailers parked on the streets. We believe this modification to the plan will provide adequate capacity for truck and auto parking.

Page 9:

Paragraph 6 states, "The comprehensive plan map designates a drainage swale (Basalt Creek) on the property as primary open space." Once again, we would like to point out that most of the Basalt Creek (ditch) is outside the comprehensive plan map location of the POS.

Page 9, 10 and 11, Primary and secondary open space analysis:

The first and second phase of this project proposes to create a significantly enhanced primary open space in excess of 2 1/4 acres (approximately 10% of the total land area). The Basalt Creek drainage way will be improved to accommodate the significantly increased drainage requirements resulting from the diversion of the drainage ditch to the east into this channel. Overall we feel that the proposed construction will provide a well balanced development with significant enhanced open space.

Page 16, Access:

We have obtained verbal approval for locating an access drive on the BPA land as shown on the drawings. BPA currently has an unimproved maintenance road in the area indicated for the proposed easement. We have not received final approval for this easement (we are told) due to the cutback in personnel at BPA. Formal approval is expected momentarily.

Page 17, Public Facilities/Kinsman Road and Freeman Road Dedication:

We understand that the City does not have a location for Kinsman Road. The location of Kinsman needs to be determined by the City of Wilsonville. It seems that it would be unlikely to be within the BPA easement or right of way.

-Page 3-

RE: Planning Department Staff Report/94PC41

Freeman Road, as dedicated and constructed in 1993, has a 50 ft. right of way. Paragraph 39, Page 18 indicates it to be a 60 to 62 ft. right of way, which seems inconsistent with that portion of the road just constructed. Note that the engineering department memorandum, item PF11 (page 27) indicates that the extension of Freeman Road to be a 36 ft. wide concrete street (paved width) which is consistent with a 50' dedication. One-half of this dedication is on the Martin property and one-half is on Freeman's.

We view the major issue to be the resolution of the location and enhancement to the primary open space. The other issues that will affect the development include the final location of Kinsman Road and the BPA easement that we must obtain on the north side of the building. The City has approved a substantial portion of the proposed enhancement to the primary open space with the landscape plans for the Phase 1 building. We hope to work with the City to come to agreement on a plan for the remainder of the area. Rather than proceed immediately with the landscape and building plans, we are waiting until after the P.C. and City Council hearings so appropriate comments can be incorporated.

Sincerely,



Alfred H. Van Domelen, P.E.

AHVD:kmc

#15

VIEW
AT
POS

1.



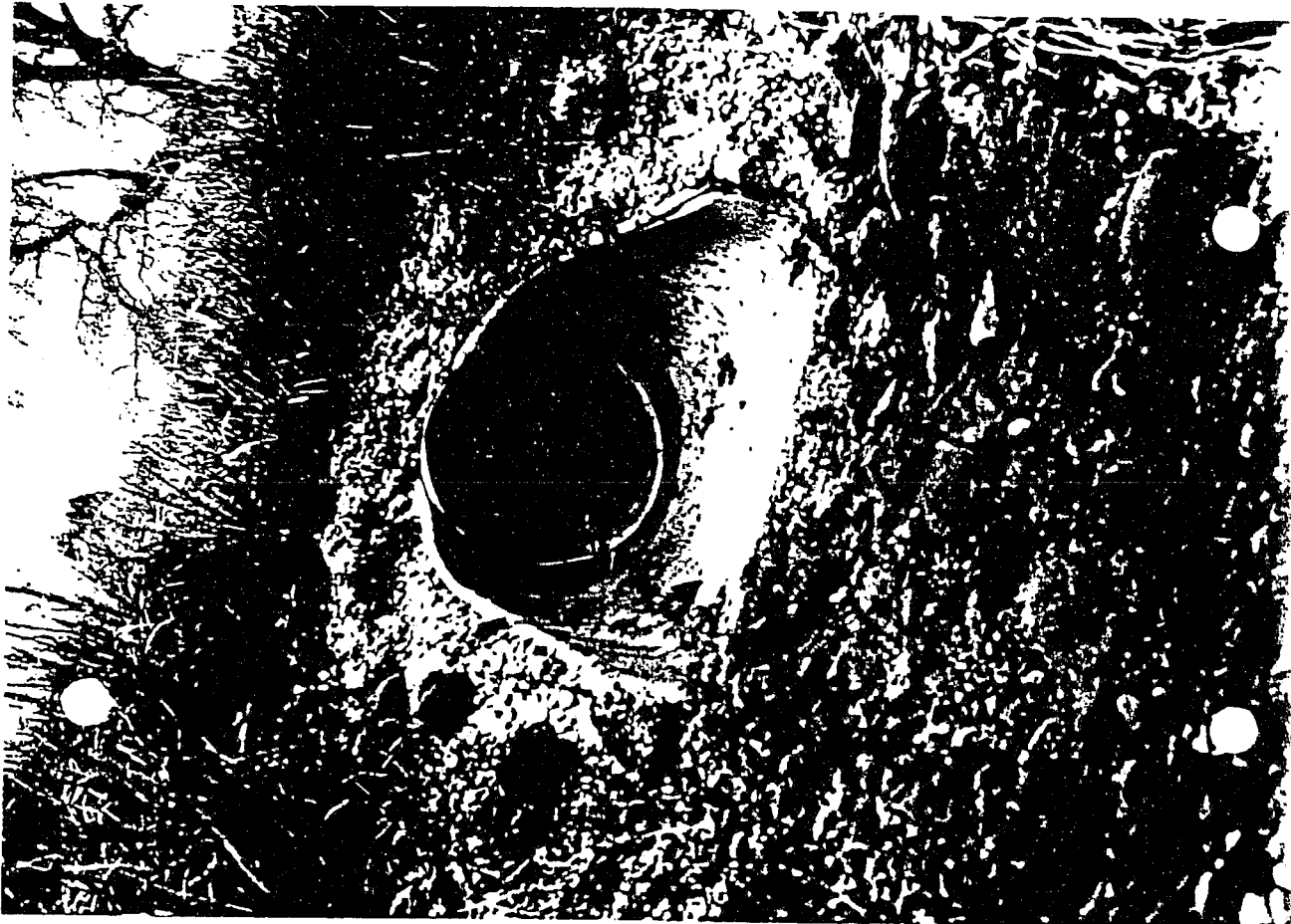
2.
POS



STAFF PHOTOS

EXHIBIT N

3.
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4.
LOOKING
NORTH
TO BPA
SUBSTATION



EXHIBIT
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5
VIEW AT
POS.



6.
LOOKING
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BLDG B
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POS AREA.



EXHIBIT
N

7.
LOOKING
SOUTHWEST
TO BUDG. B.
SITE



8.
TREES
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EXHIBIT
N

9.

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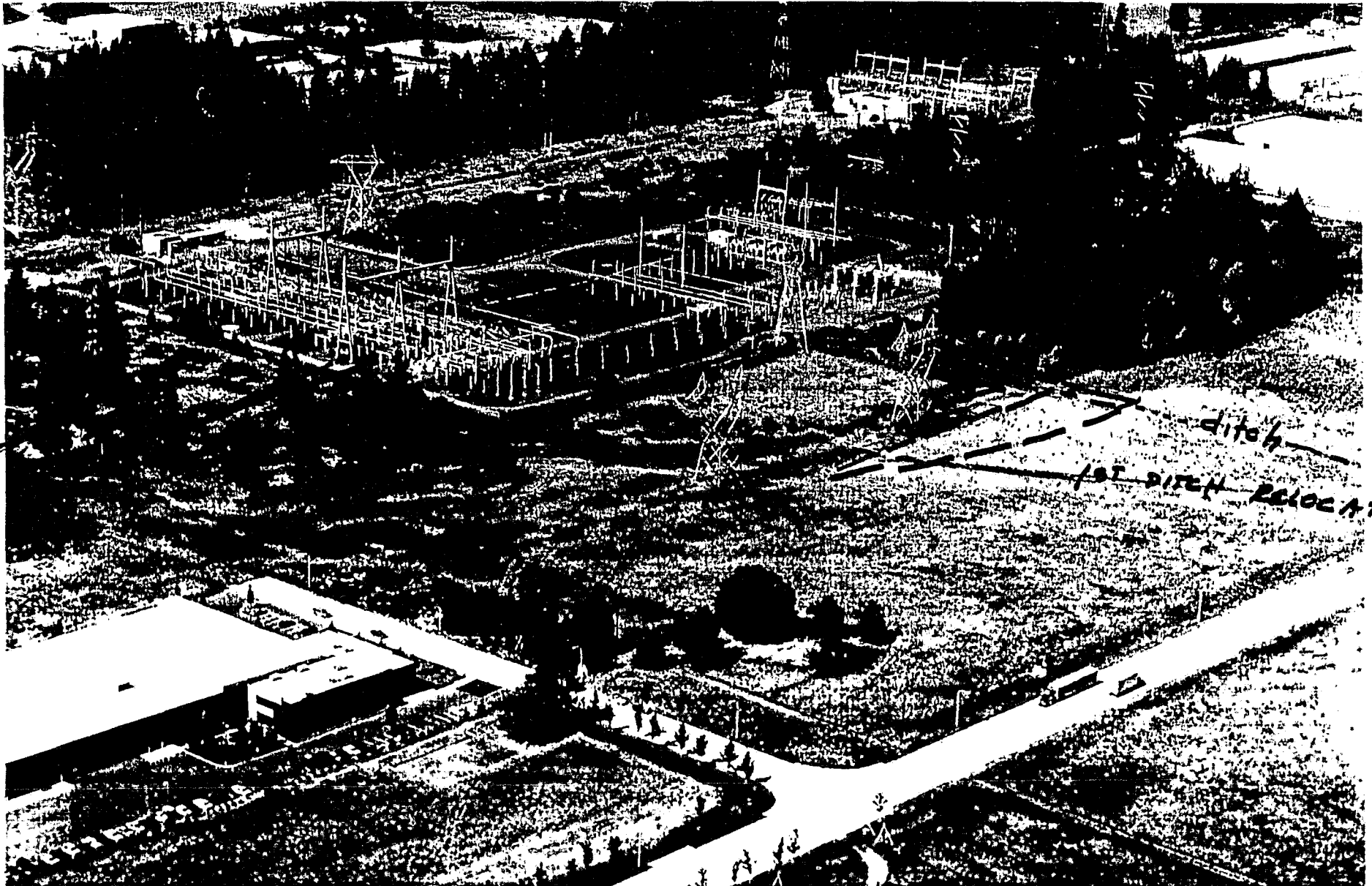


10.



LOOKING WEST WHERE FREEMAN ROAD WILL BE
EXTENDED

EXHIBIT N



#16

McCORMACK PACIFIC

JACK MARTIN Site Bldg's
95th AVE DEVELOPMENT A & B
DATE: 9-15-94
Applicant's Exhibit B
94PC 41

#17

COMMISSIONER SLOAN MOVED TO APPROVE 94PC41 - SUBJECT TO THE PROVISIONS OF THE PLANNING STAFF - ADDING:

1. BUILDING B SITE BE BURMED IN THE SAME MANNER AS BUILDING A.
2. CONDITION #6 SHALL BE AMENDED TO READ "THE DEVELOPER SHALL INSTALL A *MINIMUM OF ONE* BICYCLE....."
3. THE ISSUE OF THE BURMING AND THE ENHANCEMENT OF THE OPEN SPACE WHICH THE APPLICANT HAS INDICATED HE IS WILLING TO DO, BEYOND THE MAINTAINING OF THE EXISTING TREES, SHALL BE SUBJECT TO DESIGN REVIEW.

(COMMISSIONER SLOAN COMMENTED: "OF THE 42 TREES, AND THIS IS SOMEWHAT SIGNIFICANT, 14 OF THEM ARE DEFINATELY EXPENDABLE TREES, EITHER BELOW THE SIZE OF MOST TREE ORDINANCES OR THEY ARE APPLE TREES WHICH ARE WORTHLESS ON THE SITE". THERE IS AN AVERAGE OF FOUR TREES PER ACRE. THAT IS NOT A SIGNFICANT STAND.)

4. CONDITION #13 SHALL READ "THE DEVELOPER PREVIOUSLY AGREED TO DEDICATE THE PROPERTY FOR THE DEDICATION OF KINSMAN ROAD AS PART OF THE APPLICANT'S APPROVAL FOR BUILDING A, THE DEDICATION TO BE AT THE TIME OF APPLYING FOR PHASE II PROJECT APPLICATION (RECITAL 16, CONDITIONS OF APPROVAL 94PC26, SEPT. 12, 1994). HOWEVER, FURTHER SURVEY DETERMINATIONS ARE NEEDED TO ESTABLISH THE EXTENT OF THE ROAD DEDICATION. THEREFORE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEERING DEPARTMENT A SURVEY SHOWING BPA PROPERTY AND EASEMENTS RELATIVE TO THE WEST SIDE OF THE SUBJECT PROPERTY AND PROPOSED BUILDING B. THIS CONDITION IS NECESSARY TO DETERMINE THE EXTENT OF THE PROPERTY TO BE DEDICATED FOR KINSMAN ROAD EXTENSION. THE DEVELOPER'S PREVIOUS AGREEMENT TO DEDICATE THE NECESSARY RIGHT-OF-WAY FOR THE FUTURE IMPROVEMENT OF KINSMAN ROAD EXTENSION ALONG THE WEST SIDE OF THE PHASE II, PROJECT SITE AND FOR FREEMAN ROAD, IS HEREBY EXTENDED TO OCCUR PRIOR TO OCCUPANCY APPROVAL.

5. EXHIBITS ON PAGES 26, 27, 28, 29 (THE DKS REPORT, THE BUILDING OFFICIAL'S EXHIBIT AND MIKE STONE'S ENGINEERING EXHIBIT) ARE ADOPTED. THE AREA WIDE MITIGATION RECOMMENDED BY THE TRAFFIC ENGINEER IS ELIMINATED. THE SPECIFIC SITE-MITIGATIONS MEASURES ARE RETAINED, PAGE 64 OF 77.

COMMISSIONER GRIFFIN SECONDED THE MOTION.

CHAIR VANN CALLED FOR THE VOTE:

THOSE IN FAVOR:

Commissioner Vann - Aye
Commissioner Griffin - Aye
Commissioner Spicer - Aye
Commissioner Sloan - Aye

THOSE OPPOSED:

Commissioner Burns - Nay. Motion Passed 4-1.

EXHIBIT S

DRAFT

PLANNING COMMISSION
MEETING

COMMUNITY DEVELOPMENT BUILDING
NOVEMBER 14, 1994
7:00 P.M.

MINUTES

The meeting was called to order by Chair Vann at 7:00 p.m.

ROLL CALL:

Present for Roll Call were: Helen Burns, Pam Vann, Weldon Sloan, Brian Griffin, Steve Spicer.

Absent: Nancy Downs, Ralph Coppersmith

Staff Present: Attorney Kohlhoff, Wayne Sorensen, Blaise Edmonds, Sally Hartill.

Also present was City Councilor, Steve Benson and Glenn Milnor.

The public hearing format was read.

Chair Vann invited citizens to comment on any topic they wished to address under "Citizen's Input".

CONSIDERATION OF MINUTES OF OCTOBER 10, 1994:

Commissioner Sloan moved to approve the minutes, seconded by Commissioner Spicer. Motion passed 3-0-2 with Pam Vann and Helen Burns abstaining.

CONSENT AGENDA:

94PC25 - ROBERT RANDALL - Continue 94PC25 to December, 1994 hearing. Pam Vann moved, Helen Burns seconded, motion passed 5-0 to continue this item to December, 1994 meeting.

PUBLIC HEARINGS:

94PC41 - MR. JACK MARTIN - Requests approval of Stage II Phase II, Site Development plans for a warehouse distribution building (Building B). The Planning Commission will interpret the limits of

primary open space traversing the project site. The site is located along Freeman Road near 95th Avenue.

The public hearing opened at 7:15. The public hearing format was read.

Staff Report:

Blaise Edmonds presented the staff report; the review criteria was read. The site and surrounding projects were described. This is Building B proposal for a 118,000 square-foot warehouse/distribution building. Building A is currently under construction.

He introduced a letter into the record from the project engineer, Mr. Fred Van Domlen. Mr. Edmonds stated he agrees with Mr. Van Domlen's assessment as to how wide the primary open space is and also that Basalt Creek that traverses Building A and Building B sites is not going to be realigned. Mr. Van Domlen enters discussions about the width of Freeman Road. Mr. Edmonds stated he would defer that issue to the City Engineer when he conducts the public works review.

Mr. Kohlhoff has proposed a modified condition #16. Mr. Edmonds circulated the revised verbiage. The applicant has seen the revised condition. Mr. Edmonds circulated 10 staff photographs entered as Staff Photographs 1-10. Mr. Edmonds presented a list of review issues that need discussion or consideration:

Mr. Jack Martin owns property west of 95th Avenue, immediately north of the Shredding Systems facility. Freeman Road runs in an east/west direction which will provide access to both Building A and Building B sites. 95th Avenue is on the east side. The RV storage facility is under construction. Also under construction which can be seen is the Security Capital project. Ron Tonkin property is to the east; the BPA substation is to the north. On the west side is a power transmission easement that traverses the west side of Building B site. This is the approximate future alignment of Kinsman Road extension that would connect Kinsman to the South with Ridder Road to the north.

One of the items under discussion is the primary open space that divides the two projects. Basalt Creek takes an easterly direction outside of the curved boundary of the primary open space. Their intent is to request interpretation with the Planning Commission and City Council to better define the boundary of that primary open space. They would like to see the boundary shifted to the east to include the Basalt Creek that is outside of the current boundary to create a larger building site for Building B. (Blaise used overhead drawing to show the areas being referenced). They propose to use Comprehensive Plan criteria to interpret the boundaries of the open space - significant stands of trees, slopes greater than 20%, major drainage way - that are listed in the findings. The City Council will make the final decision. Approval of this project tonight would be contingent upon City Council's interpretation of that open space.

Attorney Kohlhoff stated for the official record, Issue No. 1 should show that it is proposed bank protection and enhancement of Basalt Creek corridor and the proposed bank protection and enhancement of Basalt

Creek. Mr. Edmonds stated his findings need to be amended. Basalt Creek is not being adjusted, the boundary around the primary open space is being adjusted.

Mr. Edmonds stated Basalt Creek is somewhat channelized but it is a wide, low area. Mr. Van Domlen has done a very thorough analysis and he will describe it. DSL has eliminated the area from any wetland definition. Chair Vann asked confirmation that it has no permanent water, no hydrophetic vegetation, no wetlands or acquit type of vegetation in it. Blaise confirmed that is DSL's determination. He stated he is not clear about north of the site, on the west side of the RV site's proposed driveway that is an easement on the north boundary. There may be some wetlands farther north of the site, but not between the two buildings and the applicant can address that. Chair Vann asked if Basalt Creek serves as a major storm surface drainage channel for the city. Mr. Edmonds stated it feeds into the Seeley Creek basin which is west of Nike. It does provide drainage to some diversion from the east and from some industrial properties to the north; it is a drainage way. The question is, is it a significant drainage way or a minor drainage way. They propose to enhance and maintain the drainage, providing rock along the sides of the stream so it slows down the rate of erosion. Blaise stated there is an existing sanitary sewer easement that runs through the property.

Blaise referred to Finding #42, page 18 and 19 of 77; essentially most of the trees will be removed where the building pad is. There are a few independent stands of trees shown on the blueprints that exist in the current boundary. Most of the trees in the primary open space will be preserved. The intention of providing the driveway farther north and off site was to preserve the grove of trees clustered at the very north end of the property.

Blaise reviewed the items. 1.) The Planning Commission will be making a recommendation to the City Council on the interpretation of primary open space, if you feel comfortable with the proposed primary open space area that the applicant will present. 2.) Tree preservation and removal. 3.) Dedication of Kinsman Road extension and Freeman Road. The City Engineer has commented in his report that at this time the alignment of Kinsman Road is unknown. It may or may not fall on their property. If it does go over their property, it would remove a substantial number of parking spaces. Another concern is whether the BPA easement has been surveyed and where are the exact boundaries. 4.) Buffering and/or screening tractors and trailers from Freeman Road and 95th Avenue. Building A proposed nice burming, a diversity of landscape shrubbery and trees to help screen the front of the building. The issue is the same with this building. 5.) Blaise commented on the increased number of parking spaces proposed for Building B, compared to Building A which is a larger building and raises the question why?. 6.) Sidewalks and bikelanes along Freeman Road. The Planning Commission made a Finding for Building A that Freeman Road is not wide enough to support five and six foot bikelanes inside the roadway and that a shared bicycle/sidewalk facility, curb side along the frontage of the building would be provided. 7.) The applicant has a verbal approval from BPA that they can construct the facility. Blaise suggested that as a condition of approval they would need the written approval from BPA, as well as a surveyed line relative to the

BPA power line easement next to the north side of project site and its proximity to the building, and 8.) BPA power line easement relative to the west side of the building.

Mr. Edmonds stated Mr. Van Domlen's proposal to include all of Basalt Creek into the primary open space makes sense. Currently 80 to 90 % of it is outside of the current open space boundary. In doing so, we will lose some trees in the current boundary for the proposed driveway. They have made a reasonable attempt to step the building back. It is a big building on a small site. They are maximizing the building site. He stated the automobile parking needs to be reduced.

The area is not identified as secondary open space for (tree) preservation and the city does not have a tree cutting ordinance that would preserve the trees that will be removed. The Comp Plan shows the area as Industrial property that can be developed.

Staff recommendation is for approval of the project and approval of the proposed interpretation of the primary open space to the City Council.

Mr. Sorensen stated that on Staff's proposed conditions, Condition No. 1 needs to add a sentence stating that "Final approval is subject to City Council's review and approval of the primary open space boundary." Under Condition No. 5, the City Engineer conditions, the Building Department conditions as well as the adopted DKS conditions from the traffic report need to be spelled out in the conditions imposed on the applicant. These are from Exhibit E, Exhibit F.

Discussion followed on the bicycle racks proposed in Condition No. 6.

Discussion followed on "significant" trees. The tree survey shows 42 trees; 18 of them are greater than two-foot in diameter. Mr. Edmonds stated the measuring stick is from the zoning code - preservation of natural features. The trees are not part of a primary open space and there is nothing to cover their protection in our code. The submitted photographs showing the various trees were reviewed. Chair Vann stated that we have a stand of trees that is significant, but they aren't part of the language of the primary open space. This grove of trees is not protected in any tree inventory or any other type of ordinance within the City. It was noted a survey has not been done; it isn't that this place was omitted, it's just that it has not been mapped as an open space, and it contains a significant stand of trees. Mr. Sorensen stated there is an inventory of trees on site. An interpretation can be made as to what weight that carries. Specifically, the Comprehensive Plan says that the map has less weight than the plan policy. If you find that the plan policy applies, you can say that is open space. You would need to have a lot of evidence to that effect. Attorney Kohlhoff stated the pictures are generally pictures of the site but where the trees are depicted on the site we cannot explain from the pictures. Blaise stated the trees in the pictures are west of the drainage swale and some are inside of the drainage swale. The intent was to give a general impression of the types of trees, the setting of the site. Chair Vann stated the applicant's drawing represents the trees; there are 36 and 40 inch trees shown. Those are large trees and they are grouped in a grove; that makes a stand. The evidence is before us.

Attorney Kohlhoff confirmed there is a comprehensive plan policy that is explained in text. The location of that explanation is on the comprehensive plan map. When the map, which locates the open space, and text, which defines it, disagree, text supersedes the map. Here it is a matter of interpretation, do they match up and secondly, do the facts if they don't match up, do they support an indication that the text policy is or is not met, depending upon your determination.

Chair Vann confirmed that Commission Burns would say that the text supersedes here and the map does not cover it; we do have a discrepancy. The policy can be extended to this area if the Planning Commission determined to look at it that way. Attorney Kohlhoff stated that is why staff has indicated you are making a plan interpretation. Mr. Edmonds stated he has generally applied this interpretation as a marginal call of boundary, to better define the limits of the current boundary on the plan map. He was focusing on the central part, the drainage way, the trees, the combination of slopes as primary open space and not the larger area when writing the staff report. Chair Vann stated she would like to explore the question of expanding the interpretation over the entire site; it is their responsibility to look at it closely, to understand the problem. Mr. Edmonds stated he had not addressed that in his staff report. He stated the drawing was a joint effort on what the existing boundary is believed to be and the open space has been superimposed on the site plan, based on a collaborative effort with himself and the applicant.

Chair Vann asked if the delineation were field verified. Mr. Sorensen stated the people who constructed the map tried to depict the drainage way and follow the general drainage way. He stated we have no information that they actually have field verified the site other than looking at the aerial photograph.

Attorney Kohlhoff referred to a significant stand of trees that came before the Planning Commission as the stand of Douglas Fir Trees on the site of the Thunderbird; that was the thought process at the time of looking at a significant stand of trees. That was about the same time as when we adopted the comp plan and map, for a point of reference.

Applicant presentation:

Fred Van Dornen, 3933 S.W. Kelly He submitted photographs showing the site prior to development, to be followed with submission of that site that has been approved, and finally what is proposed to be done in a primary open space where they propose to have it located and what the gains and losses will be in the primary open space. He stated they recognize that the stand of trees to the west of the primary open space is a very significant stand of trees, in that there are a few very large trees in it. They have made every effort to retain pieces of it.

He stated their proposed buildings are large, addressing the need for very large tenant space, high bay buildings. The site is tucked away, and is a deep site and is a good location for that type of building. There is a fair amount of slope to the site and the site is very rocky to the west of Basalt Creek. To the east is traditional Willamette Valley silt. The fir trees in

close proximity to the building are a serious problem; lone standing fir trees tend to have boughs break in windy conditions. They are a hazard to both the buildings and people in the vicinity. They come down onto roofs; the boughs and needles will cause havoc with underground storm drain systems.

Slides were shown, showing Basalt Creek. Mr. Van Domlen pointed out the slopes, the rocky creek bottom. Trees located in the primary open space were pointed out and scattered trees beyond the open space were visible. He showed the jog to the east on Basalt Creek. He showed the BPA easement and where the road will be constructed; the road will be available to BPA for maintaining the substation. He stated the slope in the entire area is well below 10% except when you drop into the ditch-that might be a foot deep.

He showed the property before the start of phase I. He pointed out where the open space is proposed to be. He pointed out numerous trees that will remain. He stated the only tree they propose to take out from the primary open space is a 16 inch fir. He stated on their application they are asking that the open space be defined (area pointed out on the map).

Mr. Van Domlen showed where the ditch was relocated when 95th Avenue was built as well as the Building A site that has been graded and rocked. He showed a slide showing a major drainage way that was on the site before the city diverted the water. He stated one of the items they are contending with in their proposal on where to locate the open space is how to deal with the ditch. Mr. Van Domlen referred to Blaise's photograph of the large culvert, stating it is the outfall of the storm drainage on Freeman Court into Basalt Creek which goes under the BPA trestle. He showed where the outfall from the Nike building runs. He stated when the Wilsonville Business Center was built, all of the water was diverted (he showed on picture).

Chair Vann asked the applicant if a study has been done on the drainage basin to know what is going to Basalt Creek and if you move it, you can still provide the capacity flow and when it comes off of Basalt Creek and off your site, are you impacting anything downstream? Are you able to maintain the function of the drainage basin as it exists now. Has the City Engineer reviewed it? If we approve and recommend the realignment to City Council, can we be assured that the drainage basin is going to function as well as before we approved this?

Mr. Van Domlen stated they are not putting any structures into Basalt Creek. They are just doing bank protection. They are not realigning the channel. He showed the areas where they propose to have the primary open space located. He reviewed the grade change to the west of Building A. He stated they are proposing, in phase II, to define the primary open space (shown on map) which includes all of the trees in this vicinity (shown on map) About half of Basalt Creek is outside of the open space. They are proposing to put the creek back into the primary open space and define it as shown (on map). He stated wherever the ditch turns to the west, the east bank will be reinforced because it is subject to scour. He stated the area that includes only volunteer grass (shown on map) be omitted from the primary open space.

He submitted another slide showing their proposed final plan, what will be removed, what will be retained. They propose to enhance the open space; he showed what trees will be retained. There is no net change. He recognizes there are large trees that will be removed; he stated that with the combination of the trees they plan to save and the enhancement of the open space will provide a very satisfactory end product. 2.25 acres of the project will be landscaped and significant trees will be seen from 95th Avenue.

The site has been surveyed. All of the easements have been located; the way they are depicted on the drawing is in accordance with the survey.

He reviewed the proposed parking; part of the parking is in the BPA easement which will eliminate trailer parking on the street. 120 spaces are proposed some of which are for truck/trailers..

He stated they are adding 30,400 square feet to the open space and taking out 29,800 square feet. It is about an equal exchange of area. It is what made sense in trying to deal with the water flow and the different issues. He reviewed the water flow.

In summary, Mr. Van Domlen stated the property area to be eliminated from the open space does not meet any of the criteria for open space - it doesn't have slopes in excess of 20%; it has no significant stand of trees, but only one tree in the portion they are proposing be deleted and it is not in a major drainage way, not in a 100 year flood way. The portion they are proposing be deleted meets none of the criteria. Where they are proposing to move it to has the drainage way, steeper slopes-though not in the 20% range.

He stated the other issues mentioned by staff are acceptable. Mr. Van Domlen stated they are open to any suggestions on how the open space should be treated. It is a large amount of area. They are willing to do a great deal to enhance the 2.25 acre portion between the two sites.

Blaise Edmonds referred to Attorney Kohlhoff's rewording of Condition No. 16 on the issue of dedication of Kinsman Road, asking Mr. Van Domlen what his position is on that condition in the City Engineer finds that Kinsman Road should go onto a portion of your property. Mr. Van Domlen stated if that is where it is put, that is where it will be. He stated it is very unlikely the road will go in a BPA owned area or right-of-way. He stated they picked up a large amount of space with the agreement with BPA to put the service road on their property for fire protection. If there is ever a problem with trailer parking, there is a huge amount of area for trailer parking.

Mr. Van Domlen stated there is 7.2 acres to the west, 23 in the entire parcel. Phase I is 9.5 acres. This project has in its final configuration over 20% landscaping. It is comfortably in excess of every requirement the city has.

Chair Vann confirmed that the landscaping needs to be the same as that in building A. Mr. Van Domlen stated if the strip shown on building B is a

lesser strip, the building may have to be moved back to accommodate the landscaping strip and that will be done.

Mr. Van Domlen stated they will put a bicycle rack in at every tenant entry. There are four entries into the building.

For the record, the slides shown by Mr. Van Domlen were retained and entered into the record.

Proponents, Opponents, Neutral parties were called for:

Bob Thompson, McKenzie/Saito, Associates. He stated he is working on the Security Capital project on the north of this proposal. They have been dealing with the open space issue also. The current city map has the open spaced based on the aerial photograph. It doesn't necessarily tie in with the text criteria as discussed at this meeting. In looking at Fred's plan, it makes sense to realign the open space area as it doesn't meet the criteria that is established in the planning code. He suggest the open space map be looked at and apply the text from the code as would define the open space.

Debra Iguchi, 10280 SW Brighten Court. Regarding bicycles, from the transportation regulations the number of bicycle racks is determined by the square footage. She also questioned requiring covered bicycle area or inside facilities for employees. She stated on behalf of Friends of Goal 5, this property highlights a dilemma they are running into as a rule in all of their planning decision because they have saved their open space because it wasn't necessarily buildable. Now we have grown to the size where the space is needed and are looking at those areas that were turned down for buildability. She stated the city is behind in their regulations and ordinances to protect the open spaces. The property has been purchases; now we realize there are significant trees on the property that cannot be replaced with landscaping. Dead trees are valuable for wildlife. There is a snag on 95th where an osprey is nesting. She stated she wanted to make the Planning Commission aware that we are in a position where perhaps our ordinances have fallen behind where we are in our development. It is important to take that into consideration and note when are we going to stop and say we have a responsibility to our future. Landscaping is not going to replace the trees that are there now.

Mr. Edmonds stated we did adopt a bicycle/pedestrian master plan which has a proposed ordinance, however we don't have an implementing bicycle ordinance to enforce it. It has been a courtesy of the developers to install the bicycle racks.

Applicant rebuttal:

Fred Van Domlen added that the property was zoned for industrial use. When 95th Avenue was built Mr. Martin and Shredding Systems were required to construct the first piece of Freeman Road. Now it doesn't go anywhere. As a part of the first phase, we are required to build the rest of Freeman Road. The property is very suitable for the proposed use. It has the depth, the configuration, the soil, everything that makes it particularly suitable. There are 28 trees on the site that are coming down.

(Blaise referred to Exhibit M where he numbered the trees that corresponds to the numbering on the findings) The land has trees on it because it could not be farmed. The land is rocky, there is about 11 foot of grade change on the site. The grades make it difficult to build any sort of building and retain large fir trees because of the root structure and because of the grades that would have to be maintained. It is a difficult site, but to have a parcel like this with all of the services to it and to not use it for the purpose for which it was zoned would mean that other land that is less suitable will have to be used for those purposes. This is a very good industrial site. There is a lot more property around that has a lot more trees and has industrial zoning that is not as suitable as this.

For the record, Attorney Kohlhoff referred to the LID for 95th, the original scope of work did not include Freeman Court, it was the landowners who requested that be included as part of the LID project. The other issue - on the size of the building and the proposed parking - is there going to be more employment involved in this building because of the anticipated tenant use? Mr. Van Domlen stated in his letter to the city today, the parking to the west under the BPA power lines will be converted to a truck/trailer parking area. There is a loss of 70 spaces. Mr. Van Domlen explained the reasons the parking was submitted as it was. Attorney Kohlhoff asked for a general projection of employment generation. Mr. Van Domlen stated approximately 140 employees if it becomes a situation where there is manufacturing.

Attorney Kohlhoff stated the Planning Commission has to balance between the different objectives of the plan. One is to make a determination on the natural features, the trees and where the site is. Should they be looked at as open space or not? That has to be balanced on what kind of open space is being preserved, versus conflicting types of things, such as economics and job creation. From time to time goals will conflict and a determination has to be made between those.

Public hearing closed at 8:50 p.m. Discussion followed.

Commissioner Spicer stated the applicant has taken every inch off of the site they can. It is a large building on the plot.

Commissioner Sloan stated he has no problem with this. The open space realignment is reasonable. The policy that designates significant stands of trees is very indefinite. Of the 7.2 acres of land with fewer than 30 trees on it that are supposed to be removed, that is not a significant stand, even though there are a few significant trees. Their willingness to enhance the plantings in the open space; there should be some designation of what that enhancement should be. The burning along the frontage of the property is necessary. He stated he doesn't know what else the land would be good for.

Commissioner Spicer stated it is probably a good use for the land but the alignment of the land troubles him.

Commissioner Burns stated that the person who would have looked at the property from the state looked at it during a very dry year. There is a lot of water that runs out there. Regarding the 7 acres on the site - they

cannot build under the power lines. There are 42 trees; they have been measured. The greater than 2 feet are more than half. It has been a sponge for run-off all of these years. There are some dry years but they may not stay. She stated she knows they build at their own risk and if there is water running across the floor of their building that is their risk. The trees are significant, and that has been a wetland in the past.

Commissioner Sloan stated 15 of them are in the retained open space and the applicant seems well aware of the drainage situation to the extent they are reinforcing the creek bed to prevent erosion.

Commissioner Burns stated the property fits the significant stand of trees definition in policy 4.5.1.

Blaise Edmonds stated the 42 trees are primarily identified as outside of the open space but on the site, on the 7.2 acres.

Commissioner Griffin stated each of the trees is significant. However he cannot say that is a significant grove of trees that has to be retained for historical purposes. It is an industrial site, next to the power lines, some of the trees have been removed for a street - and a street is not better than a building - there are very significant trees that should be retained and it appears they shall be retained. It appears they are making strong efforts to improve the drainage and better define it.

Commissioner Vann asked staff when we would have the open spaces completely inventoried? Wayne Sorensen stated we have the open space inventoried. The problem is adopting the inventory. It is set up in two stages. First a Natural Areas committee will be formed, review the material we have inventoried and decide what to adopt. That could occur as early as next spring. All of that is submitted to the state; on all of the sites that meet our criteria that we send in as part of the inventory, we then need to perform an ESEE analysis and then formally adopt that which will take a much longer time. The adoption of the inventory will provide some interim protection; it will be a battle getting that through.

Commissioner Vann stated we are behind the times in protecting our open spaces and some of the significant areas. This is an industrial site and the property owner does have the right to develop as an industrial site. We can't keep chiseling away at open spaces and significant stands of trees. We need something to base the decisions on. Mr. Sorensen stated it will take up to two years because of all of the people that need to be gone through. The burden of proof will be on us. He stated we got a bit of a taste of what we are up against when this was introduced with the Parks Master Plan. Attorney Kohlhoff stated there is also a funding issue involved in this with the new Supreme Court ruling. It is a very complex issue.

Chair Vann called for a motion.

Commissioner Sloan moved to approve 94PC41 - subject to the provisions of the planning staff - adding:

- 1. Building B site be burmed in the same manner as Building A.**

2. Condition #6 shall be amended to read "the developer shall install *a minimum of one bicycle.....*"

3. The issue of the burming and the enhancement of the open space which the applicant has indicated he is willing to do, beyond the maintaining of the existing trees, shall be subject to design review.

(Commissioner Sloan commented: "of the 42 trees, and this is somewhat significant, 14 of them are definitely expendable trees, either below the size of most tree ordinances or they are apple trees which are worthless on the site". There is an average of four trees per acre. That is not a significant stand.)

4. Condition #13 shall read "the developer previously agreed to dedicate the property for the dedication of Kinsman Road as part of the applicant's approval for building a, the dedication to be at the time of applying for phase II project application (recital 16, conditions of approval 94pc26, Sept.. 12, 1994). However, further survey determinations are needed to establish the extent of the road dedication. Therefore, the developer shall provide the city engineering department a survey showing BPA property and easements relative to the west side of the subject property and proposed Building B. This condition is necessary to determine the extent of the property to be dedicated for Kinsman Road extension. The developer's previous agreement to dedicate the necessary right-of-way for the future improvement of Kinsman Road extension along the west side of the phase II project site and for Freeman Road, is hereby extended to occur prior to occupancy approval.

5. Exhibits on pages 26, 27, 28, 29 (the DKS report, the Building Official's exhibit and Mike Stone's Engineering exhibit) are adopted. The area wide mitigation recommended by the traffic engineer is eliminated. The specific site-mitigation measures are retained, page 64 of 77.

Commissioner Griffin seconded the motion.

Chair Vann called for the vote:

Those in favor:
Commissioner Vann - aye
Commissioner Griffin - aye
Commissioner Spicer - aye
Commissioner Sloan - aye

Those opposed:
Commissioner Burns - nay. Motion passed 4-1.