



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

01/07/2009

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Wilsonville Plan Amendment  
DLCD File Number 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, January 21, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Sandi Young, City of Wilsonville  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner

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# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

**DEPT OF**

**JAN 02 2009**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

DATE STAMP

Jurisdiction: **City of Wilsonville**

Local file number: **Ordinance 658**

Date of Adoption: **12/29/2008**

Date Mailed: **12/30/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/26/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **2003 TSP Amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend 2003 Transportation Systems Plan Section 4; Fig. 4.8-2020 Alternative 2 Arterial and Collector Classifications; change functional classification of SW Bailey Street from "Local" street to "Minor Collector".

Does the Adoption differ from proposal? Yes, Please explain below:

Please see attached Planning Division Staff Report dated December 9, 2008 for Hearing date of December 15, 2008. New language underlined, deleted language interlined.

Plan Map Changed from: **na** to: **na**

Zone Map Changed from: **na** to: **na**

Location: **SW Bailey Street, east of Boones Ferry Road** Acres Involved: **0**

Specify Density: Previous: **na** New: **na**

Applicable statewide planning goals:

- |                                     |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | 2                        | 3                        | 4                        | 5                        | 6                        | 7                        | 8                        | 9                                   | 10                       | 11                       | 12                                  | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

**DLCD #004-08 (17250)**



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

see the attached list.

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Local Contact: **Steve Adams**

Phone: **(503) 570-1566** Extension:

Address: **29799 SW Town Center Loop**

Fax Number: **504-682-1015**

City: **Wilsonville, OR**

Zip: **97070-**

E-mail Address: **adams@ci.wilsonville.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Affected State or Federal Agencies, Local Governments or Special Districts

Name	Company	Address	City	State	Zip
Columbia Cable of Oregon		14200 SW Brigadoon Ct.	Beaverton	OR	97005
Tualatin Valley Water District		PO Box 745	Beaverton	OR	97095
Canby School District		1110 S Ivy Street	Canby	OR	97013
City Planner	City of Canby	182 N. Holly	Canby	OR	97013
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunmybrook Blvd	Clackamas	OR	97015
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270	Hillsboro	OR	97124
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric		121 SW Salmon I WTC-9	Portland	OR	97204
Tom Wolcott	BPA	PO Box 3621	Portland	OR	97208
Tom Simpson	NW Natural Gas	220 NW 2nd Avenue	Portland	OR	97209
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenue	Portland	OR	97202
Oregon Dept of Environ Quality		811 SW Sixth Avenue	Portland	OR	97204
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community Development	Growth Management Services Metro	600 NE Grand Avenue	Portland	OR	97232
Attr: Development Review	ODOT	123 NW Flanders Street	Portland	OR	97209
John Lilly	Division of State Lands	775 Summer Street, NE	Salem	OR	97310
Richard Ross	Department of Corrections	2575 Center Street NE	Salem	OR	97310
Bobbi Burton	Community Coordinator, Facilities Division	2575 Center Street, NE	Salem	OR	97310
William Fujii, OWRD	Commerce Building	158 12th Street, NE	Salem	OR	97310
Sherwood School Dist Admin Office		400 N. Sherwood Blvd.	Sherwood	OR	97140
Doug Rux	Community Development Director City of Tualatin	18880 SW Martinazzi Avenue	Tualatin	OR	97062
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
Brian Tietzort	United Disposal Services	10295 SW Ridder Road	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070
Tualatin Valley Fire and Rescue	South Division	7401 SW Washo Court	Tualatin	OR	97062-8350
Tualatin Valley Fire and Rescue		29875 SW Kinsman Road	Wilsonville	OR	97070



**ORDINANCE NO. 658**

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE 2003 TRANSPORTATION SYSTEMS PLAN BY MODIFYING FIGURE 4.8 TO CHANGE THE FUNCTIONAL CLASSIFICATION OF SW BAILEY STREET EAST OF ITS INTERSECTION WITH BOONES FERRY ROAD FROM A "LOCAL" STREET TO A "MINOR COLLECTOR."**

WHEREAS, the City initiated the subject amendment to the Transportation Systems Plan following the vacation of a public street internal to the property in the Square 76 Master plan, an area of land bounded by Wilsonville Road, Boones Ferry Road, I-5, and 5 th Street.

WHEREAS, the vacation of the street, which was to serve commercial traffic to the southern portion of the Square 76 area, necessitates the reclassification of Bailey Street from its intersection with Boones Ferry Road east to its terminus, from a local street to minor collector, a classification that allows commercial traffic, and

WHEREAS, notice of the proposed amendment was sent to the Department of Land Conservation and Development and the notification area for the public hearings before the DRB and City Council, and

WHEREAS, following a public hearing on the matter, the DRB has recommended approval of the amendment, and

WHEREAS, the council has conducted a new public hearing on the proposal, at which it received a staff report, testimony and evidence, and,

WHEREAS, it appearing to council that the proposed TSP amendment meets applicable approval criteria,

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AND FOLLOWS:

**Section 1. Findings.** The City Council adopts as findings and conclusions the forgoing recitals and that staff report in this matter dated December 9, 2008, which report, labeled Exhibit A, is attached hereto and incorporated herein as if fully set forth.





**WILSONVILLE PLANNING DIVISION**  
**LEGISLATIVE STAFF REPORT**

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**HEARING DATE:** December 15, 2008

**DATE OF REPORT:** December 9, 2008

**APPLICATION NO:** DB08-0061; 2003 TSP Amendment

**REQUEST:** Amendment to the 2003 Transportation Systems Plan  
Section 4 – Motor Vehicles Facilities  
Figure 4.8 – 2020 Alternative 2 Arterial and Collector  
Classifications; change functional classification of SW  
Bailey Street from “Local” street to a “Minor Collector”

**APPLICANT:** City of Wilsonville

**STAFF REVIEWER:** Steve Adams, Deputy City Engineer

**APPLICABLE REVIEW CRITERIA:**

Wilsonville Transportation Systems Plan

Section 4. Motor Vehicles Facilities  
2003 Transportation Systems Plan, 2020 Alternative 2, Arterial and Collector  
Classifications, Figure 4.8

Statewide Land Use Planning Goals

Goal 1, Citizen Involvement  
Goal 9, Economic Development  
Goal 12, Transportation

Comprehensive Plan

Goal 1.1 Citizen Involvement  
Goal 1.1.1 Policy  
Public Facilities and Services Implementation Measure 3.1.6b

Planning and Land Development Ordinance:

Section 4.012 Public Hearing Notices  
Section 4.140 Planned Development Regulations  
Section 4.198 Comprehensive Plan Changes - Adoption by the City Council

**PROJECT LOCATION:** SW Bailey Street, east of Boones Ferry Road.

## **SUMMARY:**

Section 4, Figure 4.8 of the 2003 Transportation Systems Plan provides the functional classifications of all streets within the City of Wilsonville. The figure does not classify SW Bailey Street as either an arterial or collector. Section 4.140 (.09)j.2. of the Wilsonville Development Code specifies that "traffic generated by the development... can be accommodated safely and without congestion... on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

The City of Wilsonville Zoning Map identifies tax lots 100 and 101, 3S1W23AC, as zoned PDC, Planned Development Commercial. When taken in combination with the WC language these parcels have inadvertently been landlocked through prior changes to the local street network from potential commercial development. In addition, the Fred Meyer / Old Town Square development proposes to access their site via SW Bailey Street with secondary ingress/egress driveways, which is supported by Engineering staff and the Transportation Impact Study produced by DKS Associates. Therefore, the request to change the functional classification of SW Bailey Street is made at this time.

## **STAFF RECOMMENDATION:**

Approve the request to amend Section 4, Figure 4.8 of the 2003 Transportation Systems Plan to change SW Bailey Street to a functional classification of minor collector.

## **FINDINGS AND CONCLUSIONS:**

### Statewide Land Use Planning Goals

Goal 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City has developed a citizen involvement program through the Wilsonville Comprehensive Plan, Section A. This goal has been met. The proposed functional classification to minor collector was legally advertised ~~legally advertised~~, publically noticed for the December 15<sup>th</sup> City Council public hearing which will allow citizen involvement in the form of public testimony.

Goal 9, Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The proposed amendment allows development of the undeveloped adjacent parcels zoned for commercial development thereby providing economic opportunities for citizens. This goal has been met.



Goal 12. Transportation: To provide and encourage a safe, convenient and economic transportation system.

Response: The proposed amendment provides for a safe, convenient and economic transportation system to the undeveloped adjacent parcels by providing a planned transportation facility adequate to support the undeveloped commercial properties tax lots 100 and 101. This goal has been met.

### Wilsonville Comprehensive Plan.

Section A. Citizen Involvement. is applicable.

Goal 1.1 requires the city to encourage and provide means for interested parties to be involved in land use planning processes, on individual cases, and city-wide programs and policies.

Policy 1.1.1 states that the city shall provide opportunities for a wide range of public involvement in city planning programs and processes.

Implementation Measure 1.1.1a directs the city to provide for early public involvement to address neighborhood or community concerns regarding Development Code changes.

Implementation Measure 1.1.1e encourages the participation of residents of Wilsonville, employers and employees in Wilsonville, property owners and residents and owners within the UGB areas outside city boundaries.

Implementation Measure 1.1.1f directs the city to establish and maintain procedures that will allow any interested parties to supply information.

Response: The proposed amendment is a minor amendment affecting only the functional classification of a  $\pm 600$ -ft length of SW Bailey Street. Since it is a minor amendment without system wide affect, an extensive public involvement process was not considered to be necessary. Notice of the City Council public hearing has been sent to all parties who have expressed interest in Old Town Neighborhood Planning, all property owners within 250 feet of the proposed development., ~~and the applicant and their development team.~~ The proposed amendment and staff report are available online, and at City Hall and the Wilsonville Library. Findings and conclusions have been prepared.

Public Facilities and Services Implementation Measure 3.1.6b specifies the Transportation Master Plan shall be used to establish the Functional Street Classification System of city streets.

Response: The proposed amendment modifies Figure 4.8 – 2020 Alternative 2, Arterial and Collector Classifications of the Transportation Systems Plan.

Planning and Land Development Ordinance:

**Section 4.012. Public Hearing Notices.**

(.01) Published Notice. The Planning Director shall have published in a newspaper of general circulation in the City of Wilsonville, prior to the date of the Planning Commission or Development Review Board meeting, a notice that the Commission or the Board will consider proposals, documents, or pending applications.

A. If the matter will require a public hearing, the notice shall be published at least ten (10) and not more than twenty-one (21) days before the first hearing.

B. The publication shall contain a brief description of the subject property, including either the street address or other common description of the site, and including the approximate geographic location such as a reference to nearby cross streets, the time and place that the City's decision-making body will consider the submitted documents, and the nature of the proposal, as well as other matters required by law. Failure to advertise as specified in this Section shall not invalidate any decisions or proceedings of the City if a good faith attempt was made to comply with the notice requirements of this Code.

Response: Notice of City Council public hearing was transmitted to the Department of Land Conservation and Development on November 26, 2008. Notice was published in the Wilsonville Spokesman on December 3, 2008, a date at least 10 days, but not more than 21 days from the noticed public hearing date. The proposed amendment complies with Code requirement.

(.02) Mailed Notice for Quasi-Judicial Hearings.

A. For development projects involving Class II Administrative Reviews, or quasi-judicial public hearings, the Planning Director shall have public hearing notices mailed to the owners of real property located within 250 feet of the site of the proposed development. The Planning Director shall use the property ownership lists of the County Assessor in determining the recipients of the notices.

B. Notices shall be mailed not less than twenty (20) days nor more than forty (40) days prior to the initial public hearing date. Except, however, in cases where the development proposal will require public hearings before both the City Council and Development Review Board, in which case the notices shall be mailed at least ten (10) days before the initial public hearing.

C. In any case where State law requires different timing or form of notice than that specified in this Code, the standard requiring a broader coverage or duration of notice shall be followed.

D. The City will make a good faith effort to contact property owners whose names do not appear on County ownership records and to contact others who have asked to be contacted for different types of applications.



Response: This is not a quasi-judicial application, therefore, Section (.02) A – D) is not applicable.

(.03) Mailed Notice for Legislative Hearings. Where applicable, the Planning Director shall have notices of legislative hearings mailed to individual property owners as specified in State law.

Response: ~~This is not a quasi-judicial application, therefore, Section (.03) is not applicable~~ but notice was mailed to property owners within 250 feet of the subject property.

(.04) Posted Notice.

A. The Planning Director shall have notice of development proposals, subject to Class II administrative or hearing body review, posted in at least three (3) standard locations for public notice. In addition, the property proposed for development may be posted so as to be visible and legible from adjacent public streets.

Response: Notice was posted at City Hall and at the City Library, the Wilsonville Post Office and at the Chamber of Commerce. This is a legislative amendment; therefore, no property was posted.

B. Notice shall be posted not less than twenty-one (21) nor more than forty (40) days prior to the anticipated date of final decision or hearing, except in the case where the notice concerns public hearings before both the City Council and either the Planning Commission or Development Review Board. In such cases, the notice shall be posted at least ten (10), and not more than forty (40), days before the initial hearing.

Response: Notice was posted on November 26, 2008, at least 10 days, but not more than 40 days, prior to the initial hearing date of December 15, 2008. The proposed amendment complies with Code requirement.

#### **Section 4.140. Planned Development Regulations.**

(.09)j.2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Response: The proposed amendment brings SW Bailey Street into conformance with Code requirements by modifying its planned functions to support the commercial designation of adjacent land uses.

**Section 4.198 Comprehensive Plan Changes - Adoption by the City Council.**

(.01) Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

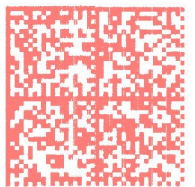
- A. That the proposed amendment meets a public need that has been identified;
- B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;
- C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and
- D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.

Response: The proposed amendment resolves an identified public need in a simple straightforward manor. The proposed amendment supports applicable Statewide Planning Goals and does not conflict with any other portion of the Comprehensive Plan.

(.02) Following the adoption and signature of the Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be scheduled for public hearing before the City Council.

**Exhibits List:**

- A. Resolution No. \*\*\*\*
- B. Staff report



Hasler

016H26514873

**\$00.769**

12/31/2008

Mailed From 97070

US POSTAGE



City of Wilsonville  
29799 SW Town Center Lp E  
Wilsonville, OR 97070

**TO:** Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Sa1em, OR 97301-2540