

**ORDINANCE NO. 542**

**AN ORDINANCE OF THE CITY OF WILSONVILLE INTERPRETING PROVISIONS OF SECTION 1.4.B.(7) OF ORDINANCE NO. 463.**

WHEREAS, on October 9, 1999, the City adopted Ordinance No. 463, "An Ordinance Adopting a Public Facilities Transportation Strategy for Developing in the Wilsonville Road Corridor Due to the Lack of Street Capacity in the I-5/Wilsonville Road Interchange"; and

WHEREAS, Ordinance No. 463 provides the methodology and criteria for determining adequate traffic capacity for zone changes and planned development and site development permits, in order to effect the criteria of W.C. 4.140(.09)J.2 [formerly W.C. 4.139(4)(b)]; and

WHEREAS, Section 1.4.b.(7) of Ordinance No. 463 provides that traffic capacity approved by the City and allocated to a specific development site shall remain with the site, subject to any approvals, regardless of subsequent changes of ownership; and

WHEREAS, section 1.4.b.(7) further provides that approved traffic capacity to a site, which remains with the site regardless of subsequent changes in ownership, may not be transferred to other properties; and

WHEREAS, the interpretation of the above mentioned provisions has raised some issues of ambiguity in the area of redevelopment and in the area of ownership or control, when applied against the purposes of Planned Unit Development set forth in W.C. 4.140(.01), including encouraging the development of tracts of land sufficiently large to allow for comprehensive master planning and flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking places, and W.C. 4.140(.03) wherein the tracts or tracts of land included in a proposed Planned Development must be in (1) ownership or control or the subject of a joint application by the owners of all the property included.

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

1. The provision of Section 1.4.b.(7) of Ordinance No. 463 pertaining to approved traffic capacity remaining with the site, is reasonably interpreted to mean:

1.1. Developed sites shall carry forward over into their redevelopment the traffic trips approved for the original site development, as measured by the original traffic impact study adopted in conjunction with original approval or by actual traffic counts performed on the original uses during their operation.

1.2. The traffic impact for purposes of compliance with the criteria of section 1.4.c.(2) of Ordinance No. 463 is measured by the net increase in traffic trips to the site, being the difference in the trips to the site under the original approved development and the trips projected by the city's required traffic study for the site under the proposed redevelopment.

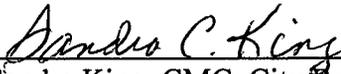
2. The provision of Section 4.1.4.b.(7) that approved traffic remaining with the site, regardless of change of ownership, may not be transferred to other properties, is reasonably interpreted to mean:

2.1 Combining ownerships of adjacent and adjoining developed properties, or combining one or more ownerships or control of developed and undeveloped properties with the long-term lease of one or more adjacent and adjoining developed and undeveloped properties for planned redevelopment of the assembled ownerships and leaseholds into a single redevelopment site does not violate the prohibition on the transfer to another property even though redevelopment may shift the location of traffic generators onto other properties within the redevelopment site.

2.2 For a lease to qualify for the type of long-term lease anticipated within the meaning of the above interpretation and in order to ensure that a lease is not being used as a device to circumvent the intent of Section 1.4.b.(7) and that a sufficient time is provided for substantial redevelopment to occur, the lease must be of an initial term of not less than ten years.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 21st day of February, 2002, and scheduled for a second

reading at a regular meeting of the Council on the 4<sup>th</sup> day of March, 2002, commencing at the hour of 7 P.M. at the Wilsonville Community Center.

  
Sandra King, CMC, City Recorder

ENACTED by the City Council on the 4th day of March, 2002, by the following votes.

YEAS: -3-

NAYS: -0-

  
Sandra King, CMC, City Recorder

DATED and signed by the Acting City Council Chair this 6<sup>th</sup> day of March, 2002.

  
BRUCE BARTON,  
ACTING CITY COUNCIL CHAIR

SUMMARY OF VOTES:

Mayor Lehan	Excused
Councilor Helser	Excused
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes