

ORDINANCE NO. 545

AN ORDINANCE AMENDING W.C. 4.140(.09) J.2, PLANNED DEVELOPMENT, BY ADDING EXEMPTION FROM LOS D CRITERIA FOR *DE MINIMIS* TRAFFIC GENERATED AND FOR ESSENTIAL GOVERNMENT SERVICES; AND W.C. 4.4001, DEFINITIONS, BY ADDING DEFINITION OF ESSENTIAL GOVERNMENT SERVICES.

WHEREAS, the Public Facilities Transportation Strategy, Ordinance No. 463, in effect for approximately five years, was terminated as of January 1, 2002, by operation of state statute governing the length of public facility strategies; and

WHEREAS, while the City has been developing a new Transportation Systems Plan, the Public Facilities Transportation Strategy managed growth of generated traffic trips from new development in the Wilsonville Road corridor to maintain Level of Service D ("LOS D") during the ensuing five-year period from its October 1997 effective date, using the additional trip capacity provided by the Wilsonville Road/Interstate 5 interchange reconstruction; and

WHEREAS, for the last five years, the Public Facilities Transportation Strategy recognized two key exceptions to LOS D, that developments with three or fewer traffic trips would have a *de minimis* effect, and that developments which provided essential governmental services were, when balanced with managing traffic growth, of a greater import to the overall City's public health, safety and welfare; and

WHEREAS, both the *de minimis* and the essential services exceptions advance the overall public health, safety and welfare of the community by according a minimum threshold of expansion ability for existing development and new development unlikely to have impact on the motoring public and by providing for essential governmental services such as fire, police, water, sewer, transportation, disaster relief, communication, education, and governmental services and facilities in support thereof, necessary to the overall City's public health, safety and welfare;

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

1. The findings recited above are hereby incorporated as findings of the City Council;
2. Wilsonville Code 4.140(.09)J.2, Planned Development Regulations, is hereby amended as follows:

"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.

"a. In determining Levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:

"i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;

"ii. What impact the estimate generated traffic will have on existing level of service including traffic for Stage II developments approved but not yet built, and traffic vested by prior development, through the most probable used intersection(s), including state and county intersections, at the times of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.

"b. The following are exempt from meeting the Level of Service D criteria standard:

"i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;

"ii. A planned development or expansion thereof which provides an essential governmental service.

"iii. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.

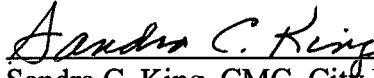
"iv. Exemptions under "b" of this subsection shall not operate to exempt the development or expansion from payment of system development charges or other applicable regulations. In no case will development be permitted that creates an aggregate level of traffic at LOS 'F'."

3. Wilsonville Code 4.001, Definitions, is hereby amended by adding:

"Essential Governmental Services. Services and facilities provided by a governmental unit, that are basic and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof."

4. The City Recorder is directed to make the appropriate formatting and stylistic changes to conform the aforementioned amendments to the format and style of the Wilsonville Code.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of August, 2002, and scheduled for a second reading at a regular meeting of the Council on the 19th day of August, 2002, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.



Sandra C. King, CMC, City Recorder

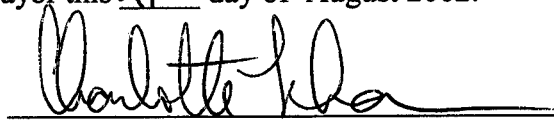
ENACTED by the City Council on the 19th day of August, 2002, by the following votes.

YEAS: -4- NAYS: -0- ABSTAIN: -1-



Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this 21st day of August 2002.



CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

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