

ORDINANCE NO. 459

AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING ALIGNMENT, CROSS-SECTION, AND ACCESS PLAN FOR THE WILSONVILLE ROAD PHASE 1 PROJECT; AND IDENTIFYING THESE DESIGN DETERMINATIONS AS AN IMPLEMENTING DETAIL REFINEMENT TO THE TRANSPORTATION MASTER PLAN.

WHEREAS, the acknowledged Transportation Master Plan (TMP), a component of the City of Wilsonville's acknowledged Comprehensive Plan, which plan has been duly adopted after public hearings, provides for the re-construction of Wilsonville Road a segment of which extends from the intersection with Boones Ferry Road west to just west of the Willamette & Pacific railroad tracks; and

WHEREAS, the TMP determined the necessary lane configurations to provide for a minimum level of service D along various arterial or collector streets within the city including Wilsonville Road; and

WHEREAS, Wilsonville Municipal Code Section 4.139(4)(b) requires minimum level of service D at the most probable used intersections and on existing or immediately planned arterial or collector streets including Wilsonville Road; and

WHEREAS, there is a demonstrated level of service below 'D' at the intersection of Wilsonville Road with Boones Ferry Road; and

WHEREAS, correction of this inadequate level of service at the intersection of Wilsonville Road and Boones Ferry Road requires improvements to Wilsonville Road and that intersection from such intersection to the Willamette & Pacific railroad tracks; and

WHEREAS, the Urban Renewal Plan of the City of Wilsonville identifies construction or re-construction of Wilsonville Road and related utilities from I-5 West to Brown Road (Project 601.A.7) as well as all Old Town Streets (Project 601.A.11) to correct blighting conditions in this area; and

WHEREAS, the design and re-construction of Wilsonville Road was included in the advisory election on Urban Renewal and was approved by the citizens of the City of Wilsonville on June 30, 1992; and

WHEREAS, Resolution No. 1147 accepted the Wilsonville Road Project Engineering Design Report and adopted the portion of this report referred to as Wilsonville Road Phase 1 on December 5, 1994; and

WHEREAS, the section of Wilsonville Road from the intersection with Boones Ferry Road west to just west of the Willamette & Pacific railroad tracks hereinafter will be referred to as Phase 1; and

WHEREAS, the consulting firm of Cascade Pacific Engineering, Inc. over a three year period worked with the community, impacted property and business owners, City staff, Transportation Advisory Commission, Planning Commission, City Council, and the Oregon Department of Transportation to develop a preferred alignment, cross-section and access control plan for Wilsonville Road Phase 1 improvements; and

WHEREAS, the construction of Phase 1 is urgently needed to provide level of service D, and safe and efficient movement of vehicular (commercial/private), bike, pedestrian and mass transit along the identified portion of Wilsonville Road; and

WHEREAS, the current and projected traffic volumes warrant the construction of Phase 1; and

WHEREAS, the existing vehicular accesses onto Wilsonville Road from Boones Ferry Road west to just west of the Willamette and Pacific railroad tracks, and approximately 150' feet north and south of Wilsonville Road on Boones Ferry Road must be closed, combined, engineered and/or relocated to enable provision of level of service D for this portion of road and to provide safe and efficient access onto Wilsonville Road and to the Wilsonville Road/Boones Ferry Road intersection; and

WHEREAS, the existing Wilsonville Road on-grade crossing of the Willamette and Pacific railroad tracks must to be upgraded, re-constructed and widened for safe and efficient vehicular (commercial/private), bike, pedestrian and mass transit operations and movements within the City of Wilsonville; and

WHEREAS, the Transportation Master Plan includes bicycle lanes and sidewalks along both sides of Wilsonville Road; and

WHEREAS, there is presently limited safe and efficient access for bicycles and pedestrians along Wilsonville Road; and

WHEREAS, utility extensions and replacements along Wilsonville Road are needed to improve the safe and efficient distribution and collection of public utilities in the immediate area adjacent to the identified portion of Wilsonville Road; and

WHEREAS, in completing the evaluation of the improvements to be constructed along Wilsonville Road and after providing the required notices, the Transportation Advisory Commission (TAC) and Planning Commission (PC) independently conducted public meetings and public hearings on the proposed improvements with the expressed intent of addressing the concerns of the individual property owners, private citizens, business owners and users in studying the particular aspects of the improvements; and

WHEREAS, at the completion of their work, the TAC and PC each provided a recommendation for the improvement of Wilsonville Road Phase 1 for City Council consideration; and

WHEREAS, both the TAC and PC recommended alignment with the I-5/Wilsonville Road interchange project construction centerline; and

WHEREAS, both the TAC and PC recommended 98 feet total right-of-way width for Wilsonville Road excepting the Lowries' Market frontage, where right-of-way is reduced to 93 feet; and

WHEREAS, both the TAC and PC recommended two 12-foot vehicular travel lanes in each direction, one 14-foot continuous vehicular left turn lane, two 5-foot on-street bike lanes (one in each direction), and a traffic island east of the railroad tracks; and

WHEREAS, TAC recommended 8-foot sidewalks separated from the curb by a 5-foot landscaped planter, reduced appropriately at the 93-foot right-of-way; and

WHEREAS, PC recommended 5-foot sidewalks separated from the curb by an 8-foot landscaped planter, reduced appropriately at the 93-foot right-of-way; and

WHEREAS, TAC recommended a specific access control plan attached as Exhibit A; and

WHEREAS, PC recommended City Council reconsider the TAC recommended access-control plan to provide the Riverwood Shopping Center full turning movements onto Wilsonville Road, and the Lowries Shopping Center full turning movements onto Boones Ferry Road; and

WHEREAS, Design Review Board Resolution No. 85DR21 addresses Riverwood Center accesses 1A, 1B and 1C as identified in Exhibit A attached hereto; and

WHEREAS, Resolution No. 85DR21 identified access 1C as right turn in/right turn out only at time of Center approval; and

WHEREAS, Resolution No. 85DR21 states that Boones Ferry Road and Wilsonville Road ingress and egress shall only be utilized until future development occurs, at which time new access will be required; and

WHEREAS, consulting and staff engineers have reviewed the existing Riverwood Center Boones Ferry Road and Wilsonville Road ingress and egress and determined based on existing and projected traffic conditions, and proposed transportation improvements, that the access control plan identified in Exhibit A is required to ensure public safety and provide congestion free movement of all modes of traffic; and

WHEREAS, after providing the required notice the City Council held a public hearing on April 1, 1996, to receive public input and review the PC and TAC recommendations for Wilsonville Road Phase 1; and

WHEREAS, the April 1, 1996, City Council public hearing was closed on April 1, 1996, but the record was left open for thirty (30) days to allow staff to respond to mathematical issues raised at the public hearing; and

WHEREAS, on April 16, 1996, the City Engineer published and mailed responses to the public testimony regarding the mathematical issues; and

WHEREAS, the public record remained open until 5 p.m. on May 3, 1996, to allow an adequate response time for the public.

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

1. The City of Wilsonville's Urban Renewal Agency's Year 2000 Plan Section 404 requires that implementation of identified arterial street alignment projects will not be undertaken until and unless the Comprehensive Plan is appropriately modified through the formal amendment and periodic review process. The city accomplished this through the adoption of the 1991 Transportation Master Plan. However, the cross-section adopted in 5(b) below provides finer detail to that in the adopted Transportation Master Plan. In an abundance of caution the City has elected to proceed with the post-acknowledgment plan process although it does not interpret this action adopting design decisions to constitute a comprehensive plan amendment.
2. The Wilsonville Road Phase 1 project described in the 1991 Transportation Master Plan, the Urban Renewal Agency's Year 2000 Plan and the below identified design decisions is necessary to provide a level of service D for the subject portion of Wilsonville Road as well as safe and efficient vehicular, bike, pedestrian and mass transit operations.
3. The City Council determines the right-of-way and other improvements herein established and identified for the Wilsonville Road Phase 1 project have been planned and located in a manner achieving the greatest public good and the least private injury. Specifically, it is consistent with the acknowledged Transportation Master Plan, Comprehensive Plan, Urban Renewal Plan, and Bicycle and Pedestrian Master Plan, and corrects traffic blighting conditions identified by the City by improving vehicular and pedestrian traffic circulation, and visual blight by improving landscaping amenities. The identified right of way is the minimum necessary to achieve these public goals. The Council finds the proposal including elimination of access point 1B at Riverwood Center to be consistent with Design Review Board Resolution No. 85DR21 adopted October 28, 1985 which we interpret to restrict movement at access 1C to right in/right out only at time of adoption and project approval. Further, the Council finds the proposal consistent with the Intergovernmental Construction Finance Agreement for the improvement of the I-5/Wilsonville Road Interchange between the City of Wilsonville and the Oregon Department of Transportation Highway Division.
4. Wilsonville Road is identified in the Transportation Master Plan as a major arterial street (see for example, Transportation Master Plan page 10). The proposed detail design is the last decision among several previous decisions necessary to enable the city to correct identified problems with the affected portion of Wilsonville Road. The proposed decision is consistent with city street standards for major arterials

referenced in Transportation Master Plan page 44 as Table 1 of the City's Road Improvement Design Standards Manual. The proposed detail design alignment for the affected portion of Wilsonville Road is consistent with the Transportation Master Plan as is demonstrated on pages 44, 47, 51, 53, 58, 59, 62, 64, 68 and 69, among other pages. The proposal simply provides additional detail concerning the design standards envisioned in the city's existing ordinances for the affected portion of Wilsonville Road. This decision is simply a determination of final engineering and design of a transportation facility by the City's plans.

5. The City of Wilsonville hereby adopts the following design criteria for the Wilsonville Road Phase 1 project:

a) Alignment

- 1) Alignment shall be consistent with the Oregon Department of Transportation I-5/Wilsonville Road Interchange project construction centerline and monumented section line.
- 2) Right-of-way shall be 98 feet in total excepting the Lowries Market building frontage where right-of-way shall be reduced to 93 feet; the 5 foot reduction occurring at the building frontage.

b) Cross-section

- 1) Four 12-foot vehicular travel lanes shall be provided for two lanes of travel in each direction.
- 2) One 14-foot continuous left turn lane shall be provided.
- 3) Two 5-foot on-street bike lanes shall be provided for one lane of travel in each direction.
- 4) A traffic island shall be provided just east of the railroad tracks.
- 5) Two thirteen foot remainders from curb face, one on each side of the vehicular improvements (reference 5(b)(1),(2),&(3)) shall be designed to integrate landscaping, pedestrian and transit amenities in such a way as to maximize their positive visual contribution to the design corridor while providing a pedestrian and transit friendly environment.
- 6) In addition, where five foot right-of-way reduction occurs as identified in 5(a)(2) above, the criteria of 5(b)(5) shall also apply.

c) Access Control

- 1) The access control plan identified as Exhibit A, and attached hereto, shall be implemented.

d) Intersection with Boones Ferry Road

- 1) Improvements to Boones Ferry Road at the intersection with Wilsonville Road shall be designed to maintain level of service D

consistent with the requirements of Wilsonville Code 4.139(4)(b), and non-vehicular improvements consistent with 5(b)(5) above.

e) Tree Preservation Plan

- 1) Trees identified as numbers 1, 2 and 3 in the consulting arborist's report identified as Exhibit B, and attached hereto, shall be integrated into the project design and appropriately preserved throughout construction activities.
- 2) A consulting arborist shall be retained through the design and construction process to ensure appropriate measures are taken for successful preservation of the noted specimens.

6. Because the City Council does not interpret its action as constituting a Comprehensive Plan amendment, the City does not believe the statewide planning goals apply to the proposal. Rather, the city has simply applied the acknowledged provisions of its Transportation Master Plan which set out the location and design elements of the affected portion of Wilsonville Road, a major arterial. However, in an abundance of caution, the following goal findings are adopted:

Goal 1, Citizen Involvement, does not apply because the City has an acknowledged citizen involvement process and comprehensive citizen involvement process was used in the adoption of the proposed detail decision. Goal 2, Land Use Planning, does not apply as the City has an acknowledged Comprehensive Plan and land use regulatory scheme and the proposed detail design decision is consistent with the same because it is set forth, in nearly identical form, to that being adopted here, in the City's acknowledged Transportation Master Plan. Because the proposed detail decision does not involve agricultural lands, Goal 3 does not apply. Because the proposed detail decision does not involve forest lands, Goal 4 does not apply. Because the proposed detail decision does not involve any open spaces, scenic or historic areas or natural resources, Goal 5 does not apply. Because the proposed detail decision does not involve areas subject to natural disasters and hazards, Goal 7 does not apply.

Goal 8 does not apply as the proposed detail decision has nothing to do with recreational facilities, except to the extent the proposed detail design decision facilitates a safe and adequate roadway for the affected portion of Wilsonville Road. In this regard, the proposed detail design decision furthers previous decisions establishing Wilsonville Road as a major arterial and establishing certain characteristics of a major arterial, and together they have certain intangible benefits for recreation as all improve recreational opportunities by creating safe and adequate

access to recreation and also provides previously unavailable bike and pedestrian recreational opportunities. Therefore, to the extent any Goal 8 findings are warranted, the city finds Goal 8 is satisfied because the existing congestion on the affected portion of Wilsonville Road impairs the ability of vehicles, including bicycles and pedestrians to move about. With regard to Goal 10 Housing, it similarly does not apply as no housing opportunities are affected, but the improvement of Wilsonville Road provides indirect benefit to housing in the same way it benefits recreation as explained above.

Because the affected land is located within the city limits and the proposal directly involves an urban arterial street, Goal 14 relating to the conversion of rural to urban land does not apply. Because the subject land is not within a Willamette River Greenway, or contain estuarian, beaches and dunes or ocean resources or coastal shorelines, Goals 15, 16, 17, 18 and 19 do not apply to this proposal.

Goal 6, Air, Water and Land Resources Quality, could only apply to the extent the proposed detail design decision helps to increase the level of service on the identified portion of Wilsonville Road, thus shortening the queue time when automobiles are idling. Therefore, the only potential impact of the proposal is to positively affect and increase air quality. It is specifically determined that the decision to increase Wilsonville Road's capacity and designation as an urban major arterial street is a previous, acknowledged decision reflected in the City's Transportation Master Plan. For its findings concerning Goal 9, to the extent it applies, the City Council incorporates its Urban Renewal Plan, Comprehensive Plan, Transportation Master Plan, Bike and Pedestrian Master Plan as part of this decision for establishing the economic benefits associated with improving the level of service on Wilsonville Road, a major arterial within the City of Wilsonville.

In addition, the city finds persuasive testimony that the existing congested road conditions impair access to businesses and that improving the affected portion of Wilsonville Road in the manner contemplated and as required by the Transportation Master Plan will foster patronization of the businesses along and nearby the affected portion of Wilsonville Road.

The proposed detail design decision is consistent with Goal 11 (Public Facilities and Services). As explained above, the proposed detail design decision, of itself, has no effect on public facilities and services, except as the proposal has some positive impact on transportation. Improvements, including those proposed to

Wilsonville Road, are part of the City's capital improvement programming.

With regard to Goal 12 (Transportation) the proposed detail design decision is consistent with Goal 12, as well as the Transportation Planning Rule (TPR), although the Transportation Planning Rule would not apply directly to the proposal, in any case. This is because, in part, the proposal is one envisioned and established by the city's acknowledged Transportation Master Plan. The proposed detail design decision, of itself, will not significantly affect a transportation facility. Those city decisions that did have a significant effect on a transportation facility are those final decisions previously adopted by the city's Comprehensive Plan, Urban Renewal Plan, Transportation Master Plan, Bike and Pedestrian Master Plan, all establishing Wilsonville Road as a major arterial street, having bike lanes, sidewalks, and enlarged right-of-way to accommodate greater numbers of traffic. Further, the time for the city to develop a transportation system plan under the TPR has not yet passed. However, to the extent the proposal requires consistency with any of the provisions of the TPR and Goal 12, the proposal is consistent. This is because as the last planning step in the decision to develop the affected portion of Wilsonville Road, it together with the previous final city decisions, enables an adequate level of service and, thus, a safe, convenient and economic transportation system which considers pedestrian, bicycle, vehicular and mass transit vehicle access. The city's detailed explanation of the benefits and rationale for the decision to improve the affected portion of Wilsonville Road is contained in the City's Urban Renewal Plan, Comprehensive Plan, Transportation Master Plan, Bike and Pedestrian Master Plan, all of which are incorporated herein by this reference to illustrate. The improvement of Wilsonville Road will unquestionably support the land use and development patterns identified in the City's Comprehensive Plan as well as the Urban Renewal Plan, because traffic, including mass transit, bicycle and pedestrian, will be able to move through the affected area, and have better access to the land uses within this area as well as other areas within the city and beyond.

7. The Wilsonville City Council directs the City Recorder to send a copy of this Ordinance to the Urban Renewal Agency of the City of Wilsonville, Oregon.

**SUPPLEMENTAL FINDINGS FOR
CITY OF WILSONVILLE ORDINANCE 459**

On May 20, 1996, the City received a memorandum of the same date from "Forum West & Associates property owners" regarding the proposed ordinance which was read for the first time on May 20th. Because these objections were not presented earlier, the Council has not had the opportunity to address them. However, by these supplemental findings, the Council considers these objections and, notwithstanding the same, determines to reach the same conclusion as in the first version of Ordinance 459. The Council now incorporates these supplemental findings into the final version of Ordinance 459.

There were four objections raised in the Forum West memorandum presented to the Council. Those objections, as Council understands them, and Council's response thereto, are as follows:

Objection 1: Planning and location of the project in a manner consistent with the greatest public good and the least private injury.

Section 3 of Ordinance 459 speaks to the Council's balancing of considerations which support the conclusion that the proposed alignment meets these standards. The Council interprets this as requiring such a balance among competing public and private considerations, resulting in the findings which it made in support of its decision to choose the alternative it did. That interpretation and determination is confirmed in these supplemental findings. The Forum West property owners have raised three objections to this determination.

a. The proceedings of the Transportation Advisory Commission (TAC) and Planning Commission (PC) were flawed.

The Forum West owners assert that the City's consultants did not provide alternative "street scape solutions" to TAC and PC and, due to that omission, their advice was flawed. Various landscaping or "street scaping" ideas were considered by the TAC, PC and the Council, including whether to have more or less landscaping, a landscaped divider just before the railroad tracks, and the like. In fact, the southern alignment (referred to by the Forum West owners as Alternative A) was illustrated in the same way as all other alternatives. At the public hearing before Council on May 20th, two additional renderings were presented that illustrated landscape alternatives for 93' and 98' right-of-ways respectively in front of Forum West in response to a request from the Forum West owners to consider a 93' right-of-way in front of their building. The Council finds that reducing

the right-of-way to 93' at this location impacts the Forum West Building and still requires at least partial removal of the first suite. At the same time, it significantly reduces landscaping in that area to 2' to 3', and accomplishes no net benefit but on the contrary, reduces the quality of public improvements and long term public benefits. The Council considers the impacts of a 93' right-of-way to be unacceptable at this location, and therefore the Council declines to adopt such right-of-way proposal. The Council concludes that any further expenditure of additional public or private funds to demonstrate the effect of the proposal on landscaping is not necessary for it to determine public good and private injury as explained in Section 3 of the ordinance. In the Council's judgment, it has made a determination of the minimum right of way necessary to meet transportation planning requirements, to do the least private injury to all parties adjoining this portion of Wilsonville Road, and to conserve public funds.

Additionally, the southern alignment supported by the Forum West owners results in approximately a half block of unlandscaped concrete, which does not meet the goals of urban renewal or other acknowledged instruments of the city. In an area of the City in which it is working to achieve urban renewal, the Council finds that the southern alignment, which was not recommended by any hearing body, would come at too high a public cost and does not further the public interest because the southern alignment would have curved the road around the Forum West Building and reduced the right-of-way in this section to approximately 84'. It would eliminate landscaping to approximately one-half of the project length and force the sidewalk up to the edge of the Forum West Building, creating unacceptable impacts. Under the City's chosen design, the public will enjoy urban renewal including landscaping and reduced traffic congestion. The Council concludes that additional renderings of the southern alignment would not assist in its deliberations and that this determination is based on the whole record.

b. "Meaningful Citizen Input" has not occurred.

The Forum West owners state that meaningful citizen input has not occurred, including dialogue concerning location, timing of decision, and the manner of the taking and the form of compensation. In fact, this project has received careful public scrutiny over a period of the last three years, and the project has been revised in response to public input received. Exhibit B, attached, is a list of public meetings during which alternatives have been considered, public input received and the project revised in response to such public input. The Forum West owners testify that certain tenant information "not considered" by Council results in lack of "meaningful citizen input"; however, the Council finds it did consider tenant information, including that contained in minutes of the

ORDINANCE NO. 459

TAC and PC presented to it. The Council finds it has heard and considered all information presented to it on this matter and such was carefully evaluated by the Council in adopting its decision here.

c. The southern alignment is equivalent, or superior, to the chosen alignment.

After carefully weighing all public input and the Forum West memorandum, the City Council finds that the chosen alignment is the better choice for all reasons previously noted, including the reasons articulated in 1a. of these findings.

Objection 2: The Design Standards

*The Forum West owners state that "the determination that the proposed detail design simply provides additional detail concerning design standards is not accurate", and that the reduction in right of way on a portion of the proposed project is a major amendment to the design standard. In the text of the City's acknowledged transportation plan is the explanation that "figure 19 shows the recommended street with standards by functional classification. * * *" (TMP, p. 44).*

The Council interprets its Transportation Master Plan to mean the 98 feet right of way standard in Figure F of Table 1 for the "arterial" functional classification is a recommended width and that the City may, in particular cases, increase or decrease that standard as circumstances may dictate. In addition, the Council finds that the proposed 5' bikeway and 5' pedestrian way in the chosen alignment are consistent with the TMP, which recommends "that the roadway pavement (between curbs) be widened to provide one five-to six-foot bikeway on each side of the street as shown on the cross sections" (TMP, p. 51). While the City's code also incorporates AASHTO guidelines recommending 5' bikeways, a guideline adopted by ODOT in the Oregon Bicycle and Pedestrian Plan, the Council determines it has authority to interpret its TMP and finds that this design is in conformance with all applicable requirements. Whereas ODOT acknowledges that its recommendation of 6' bike lane exceeds AASHTO guidelines, the 5' bike lane width and 5' sidewalk in the 98' right-of-way are within the established range of dimensions recommended by ODOT. The Council finds the right of way determined for Wilsonville Road is consistent with its TMP.

Objection 3: Equal Mitigation to Property Owners

The Forum West owners object on the following point:

“Paragraph 5, the design criteria adopted favors providing mitigation to achieve at least private injury to one private party by reducing the roadway taking by 5 feet and in essence, eliminating landscaping, but not providing the same or similar type mitigation to other private property owners.”

The Council finds no violation of any criteria by the choices it made in Ordinance 459. The standard is the greatest public good and the least private injury. The Council interprets this standard so that determination is not made on a property by property basis, but rather is a calculus which considers the overall good to the public, especially those in the City, and the least overall private injury. The determination made by the Council in this ordinance is one which is applied to multiple parcels and is legislative in nature, balancing many considerations and contents.

Objection 4: The Statewide Planning Goals

The Forum West owners testify to the application of a number of goals “to the extent the goals apply.” This testimony is summarized and responded to as follows:

Goal 1 (Citizen Involvement). *The Forum West owners assert that “meaningful citizen involvement” was not allowed.* The Council's response is the same as our response to Objection No. 1.

Goal 2 (Land Use Planning). *The Forum West memorandum states the “actual design criteria” is [sic] not being met but is significantly being altered.* For the reasons given in the response to Objection No. 2, the Council also rejects this goal-based argument.

Goal 6 (Air, Land and Water Quality). *The Forum West owners suggest that the southern alignment equally meets this goal.* The Council finds the proposed alignment best meets Goal 6, and even if it is true that the southern alignment equally meets this goal, the choice of another alternative does not violate the goal.

Goal 7 (Natural Hazards and Disasters). *The Forum West owners state there is a “crossing of a major drainage and run off area, which during the last flood backed water up into the area and no provision is made for this.”* The Forum West owners point to ~~no~~

natural hazard and disaster inventory in the City's comprehensive plan, but rather to a perceived problem without consideration of drainage or other standards for public roads. The Forum West owners do not provide evidence that City standards cannot accommodate drainage in and around the site. The Council also notes the proposed alignment of Wilsonville Road has existed on the City's acknowledged plan (along with the City's acknowledged policies and plan inventories of natural hazards and disasters). The Forum West owners have not explained how a slight reduction of right-of-way would violate Goal 7 or why the Forum West alternative would meet that goal. For these reasons, the Council finds that the chosen alignment does not violate Goal 7.

Goal 8 (Recreation). *The Forum West owners assert that "there is no evidence in the record that there is a need to increase this pedestrian and bicycle way" due to recreation or other use.*

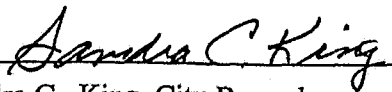
The road project will accommodate existing and projected bicycle and pedestrian needs. The proposed design meets the recommended standards contained in the City's acknowledged Comprehensive Plan including Parks and Open Space Master Plan and the Transportation Master Plan including the Bicycle and Pedestrian Master Plan.

Goal 9 (Economy of the State). *The Forum West owners formulate this goal objection in terms of fostering patronage of business and reduction or rearrangement of accesses.* Goal 9 simply does not speak to these issues but rather to fostering the economy of the state through adequate land allocation to commercial, industrial and other uses and by providing adequate infrastructure.

Goal 12 (Transportation). *Two Goal 12 violations are specified.* The first suggested violation concerns the more appropriate use of transportation funds, which the Council believes to be a budgetary, and not a land use, matter and which, to the extent it is a land use matter, has been previously determined in the City's acknowledged comprehensive plan, including its transportation and bicycle plans as well as its urban renewal plan. The second alleged violation suggests that the alternative endorsed by the Forum West owners would provide a better transportation alternative to and from local businesses at less cost. Goal 12 does not provide a basis for either contention; rather, this goal provides for a safe, efficient and economic transportation system. In the absence of a contention that the system does not meet those standards, this assertion must also fail.

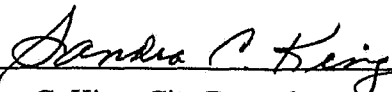
For all these reasons, and for those given in the first reading of Ordinance 459, the Council reaffirms its decision to choose the alternative it did in this case.

Submitted to the Wilsonville City Council and read the first time at a regular meeting thereof the 20th day of May, 1996, and scheduled for a second reading at a regular City Council meeting on the 17th day of June, 1996, commencing at the hour of 7:00 p.m. at the Wilsonville Community Development Hearings Room.


Sandra C. King, City Recorder

Enacted by the City Council on the 17th day of June, 1996, by the following votes:

AYES: 4 NAYS: -0-


Sandra C. King, City Recorder

Dated and signed by the Mayor this 19 day of June, 1996.

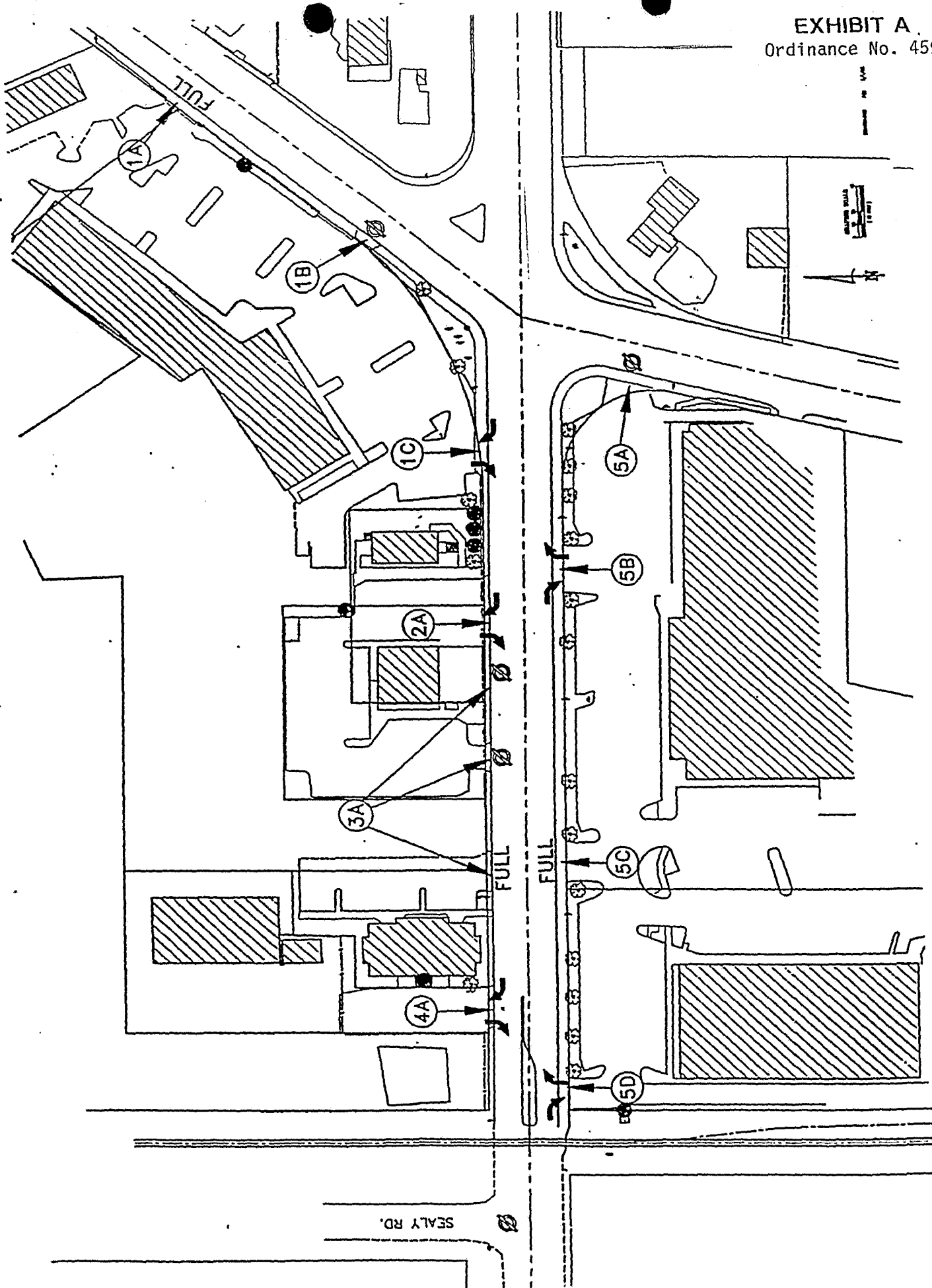

GERALD A. KRUMMEL, Mayor

SUMMARY OF VOTES:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Hawkins	Abstain
Councilor Leahy	Yes
Councilor MacDonald	Yes

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ordinance wv rd 6/96

EXHIBIT A
Ordinance No. 459



**WILSONVILLE ROAD
MEETINGS**

**City Council, Urban Renewal Agency, Planning Commission,
West Side Planning Task Force, and
Transportation Advisory Commission
Prepared June 1996**

**CITY COUNCIL
1996-1992**

DATE	TIME	LOCATION	ISSUE
May 20, 1996	7 p.m.	Annex	Ordinance No. 459 - Adopting alignment, cross-section and access plan for the Wilsonville Road Phase 1 Project; and identifying these design determinations as an implementing detail refinement to the Transportation Master Plan. First Reading of Ordinance.
April 1, 1996	7 p.m.	Annex	Wilsonville Road Phase 1 Public Hearing
Dec. 18, 1995	7 p.m.	Annex	URA Meeting Resolution CB-URA-28-95 A Resolution of the City of Wilsonville Urban Renewal Agency Adopting Appraisal and Acquisition Policies.
Sept. 18, 1995	7 p.m.	Annex	URA Meeting Adoption of URA-R-26-95 A Resolution of the URA of the City of Wilsonville determining the properties which may be acquired for the Wilsonville Road Phase I Project and Directing Staff to contact the property owners.
June 26, 1995	7:30 p.m.	Library	Wilsonville Road Alignment Public Hearing
June 26, 1995	7:30 p.m.	Library	Public Hearing on - Ordinance CB-O-224-95 An Ordinance of the City of Wilsonville Adopting Urban Renewal Agency Relocation Regulations and Relocation Claims Processing and Hearing Rules Procedures; and Declaring an Emergency.
June 26, 1995	7 p.m.	Library	URA Meeting Resolution URA-R-22-95 A Resolution of the URA of the City of

Dec. 5, 1994	7 p.m.	Annex	Wilsonville making findings and determinations and authorizing minor changes to the Year 2000 Plan, the Urban Renewal Plan of the City of Wilsonville, adopting relocation regulations and relocation claims processing and hearing rules procedures.
Nov. 21, 1994	7 p.m.	Annex	Resolution CB-R-841-94 - A Resolution of the City of Wilsonville accepting the engineering design report prepared by Cascade Pacific Engineering, Inc. for the reconstruction of Wilsonville Road; adopting a portion of the report between Boones Ferry Road to just west of the Burlington-Northern Railroad Tracks, hereinafter referred to as Phase I; directing staff to proceed with the design and construction; exempting the City from competitive bidding requirements of Phase I; authorizing the City Engineer to sign a professional services agreement with CPEI to furnish professional services.
Oct. 3, 1994	7 p.m.	Annex	Resolution CB-R-839-94 - a Resolution of the City of Wilsonville accepting the engineering design report prepared by Cascade Pacific Engineering, Inc., (CPEI) for the reconstruction of Wilsonville Road; adopting a portion of the report between Boones Ferry Road to just west of the Burlington-Northern Railroad tracks; directing staff to proceed with the design and construction; exempting the City from competitive bidding requirements for professional services; authorizing the City Engineer to sign a professional services agreement with CPEI to furnish professional services.
Sept. 19, 1994	7 p.m.	Annex	Construction Finance Agreement for Phase I of an Immediate Opportunity Fund Project; reconstruction of the Interstate 5 / Wilsonville Road interchange between the State of Oregon and the City of Wilsonville. No action taken.
August 15, 1994	7 p.m.	Annex	Construction Finance Agreement for Phase I of an Immediate Opportunity Fund Project; reconstruction of the Interstate 5 / Wilsonville Road interchange between the State of Oregon and the City of Wilsonville. No action taken.
August 15, 1994	7 p.m.	Annex	Ordinance CB-O-211-94

An Ordinance adopting a traffic management program and procedures; allocating excess traffic capacity in the vicinity of the I-5 / Wilsonville Road interchange over a five-year period to insure that development can continue in the City in compliance with the decision criteria set forth in Section 4.139(4)(b) of the Wilsonville Code (WC); Amending Section 4.139(3) WC to expire Stage Two Site Development plans in two years if no development occurs; and declaring an emergency.

August 1, 1994

7 p.m.

Charbonneau Country Club

Public Hearing - Ordinance CB-O-210-94

An Ordinance amending Ordinance No. 386 to include Phase I Wilsonville Road / I-5 Interchange project; providing for Systems Development charges for traffic impacts necessitating the Phase I Project; providing for a collection allocation policy over five years; and declaring an emergency.

August 1, 1994

7 p.m.

Charbonneau Country Club

Public Hearing - Resolution CB-R-801-94

A Resolution regarding street Systems Development Charges; amending Resolution No. 842 to establish a supplementary street systems development charge for improvement to the intersections of Town Center Loop West and Wilsonville Road, and Boones Ferry Road and Wilsonville Road, and the I-5 / Wilsonville Road interchange.

August 1, 1994

7 p.m.

Charbonneau Country Club

Ordinance CB-O-211-94

An Ordinance adopting a traffic management program and procedures; allocating excess traffic capacity in the vicinity of the I-5 / Wilsonville Road interchange over a five-year period to insure that development can continue in the City in compliance with the decision criteria set forth in Section 4.139(4)(b) of the Wilsonville Code (WC); Amending Section 4.139(3) WC to expire Stage Two Site Development plans in two years if no development occurs; and declaring an emergency.

July 18, 1994

7 p.m.

Annex

Public Hearing

Ordinance CB-O-210-94 - An Ordinance amending Ordinance No. 386 to include Phase I Wilsonville Road / I-5 Interchange project; providing for Systems Development Charges for traffic impacts necessitating the

July 18, 1994	7 p.m.	Annex
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July 18, 1994	7 p.m.	Annex
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June 20, 1994	7 p.m.	Annex
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June 6, 1994	4:45 p.m.	Annex
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June 6, 1994	7 p.m.	Annex
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Phase I project; providing for a collection allocation policy over five years; and declaring an emergency. Continued to August 1, 1994.

Public Hearing
Resolution No. CB-R-801-94 - A Resolution regarding Street Systems Development charges; amending Resolution No. 842 to establish a supplementary Street Systems Development Charge for improvements to the intersections of Town Center Loop West and Wilsonville Road, and Boones Ferry Road and Wilsonville Road, and the I-5 / Wilsonville Road interchange. Continued to August 1, 1994.

Ordinance CB-O-211-94
An Ordinance adopting a traffic management program and procedures; allocating excess traffic capacity in the vicinity of the I-5 / Wilsonville Road interchange over a five-year period to insure that development can continue in the City in compliance with the decision criteria set forth in Section 4.139(4)(b) of the Wilsonville Code (WC); Amending Section 4.139(3) WC to expire Stage Two Site Development plans in two years if no development occurs; and declaring an emergency. Continued to August 1, 1994.

Ordinance CB-O-210-94 - An Ordinance amending Ordinance No. 386 to include Phase I Wilsonville Road / I-5 Interchange project; providing for Systems Development Charges for traffic impacts necessitating the Phase I project; providing for a collection allocation policy over five years; and declaring an emergency. First reading. [Note on the agenda: "This is not a Public Hearing, but the Council will allow public input on this agenda item at this time. A formal Public Hearing has been scheduled for the July 18, 1994, Meeting."]

Pre Council Work Session - Wilsonville Interchange SDC's 5-Year Growth.

Ordinance CB-O-210-94 - An Ordinance Amending Ordinance No. 386 to include Phase I Wilsonville Road/ I-5 Interchange project; providing for Systems Development charges for Traffic impacts necessitating the

			Phase I project; providing for a collection allocation policy over five-years; and declaring an emergency. Continued to June 20, 1994.
March 7, 1994	7 p.m.	Annex	Public Hearing Wilsonville Road Alternatives - Continued from February 7, 1994, public hearing only - no decision.
March 7, 1994	7 p.m.	Annex	Resolution CB-R-787-94 - A Resolution accepting the Oregon Department of Transportation Draft Hearing Study Report for the Wilsonville Road and Stafford Road interchanges and repealing Resolution No. 1065.
Feb. 7, 1994	7 p.m.	Annex	Public Hearing - Wilsonville Road Alternatives. Continued to March 7, 1994.
Jan. 24, 1994	4:45 p.m.	City Hall	Widening of Wilsonville Road Underpass.
Nov. 15, 1993	11 a.m.	City Hall	Traffic Related Planning Issues
Nov. 1, 1993	7 p.m.	Annex	Resolution No. CB-R-750-93 - A Resolution accepting ODOT's Draft Hearing Study Report for the Wilsonville Road and Stafford Road interchanges and requesting re-evaluation of the proposed Wilsonville Road Interchange design.
Nov. 1, 1993	9:30 a.m.	City Hall	Work Session - Wilsonville Road Alternatives
Oct. 18, 1993	9 a.m.	City Hall	Work Session - Wilsonville Road Alternatives
Aug. 23, 1993	9 a.m.	Annex	Work Session - Wilsonville Road "STOP" Alternatives
Aug. 16, 1993	9:30 a.m.	City Hall	Work Session - Wilsonville Road "STOP" Alternatives
Aug. 2, 1993	9:30 a.m.	Annex	Work Session - Wilsonville Road Alternatives
July 19, 1993	9:30 a.m.	City Hall	Work Session - Service Level "D" Criteria/Traffic Impacts of New Development
June 7, 1993	7 p.m.	Annex	CB-O-194-93 An Ordinance of the City of Wilsonville approving an amendment to the Wilsonville Urban Renewal Plan and directing that notice of approval be published. second reading.
June 7, 1993	7 p.m.	Annex	Presentation of Wilsonville Road Alternatives. [There were no meeting

June 7, 1993	9:30 a.m.	Annex
May 17, 1993	7 p.m.	Annex

May 17, 1993	7:30 p.m.	Annex
May 17, 1993	9:30 a.m.	City Hall
Dec. 21, 1992	7 p.m.	Annex

June 15, 1992	7 p.m.	Annex
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June 15, 1992	9:30 a.m.	City Hall
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notes.]
Work Session - Wilsonville Road Alignment Alternatives
Public Hearing Ordinance CB-O-194-93 - An Ordinance of the City of Wilsonville Approving an Amendment to the Wilsonville Urban Renewal Plan and Directing that Notice of Approval be Published.
Urban Renewal Agency Meeting
Urban Renewal Agency Meeting
Resolution CB-R-651-92 - A Resolution of the City of Wilsonville exempting the city from competitive bidding requirements and authorizing the city manager to sign a professional services agreement with Cascade Pacific Engineering Inc., to prepare an engineering alignment study and construction drawings and to provide engineering services during construction for the reconstruction and possible widening of Wilsonville Road from Boones Ferry Road to Brown Road.
Announcement of ODOT Public Hearings on the Stafford and Wilsonville Road interchanges.
Work Session - ODOT Public Hearings re: The Stafford and Wilsonville interchanges.

PLANNING COMMISSION MEETINGS

1996-1993

DATE	TIME	LOCATION	ISSUE
Jan 8, 1996	7 p.m.	Annex	95PC31 - Wilsonville Road Phase I. The City of Wilsonville Requests Planning Commission review of the TAC recommended cross-section and access points for the Wilsonville Road Phase I project. Cross-section review will include vehicle travel lanes, bike lanes, sidewalks, and planters. The project will widen and improve Wilsonville Road from Boones Ferry Road west to the railroad tracks. The Planning Commission's recommendation will be forwarded to the City Council. This item was continued to this date and time certain to the December 11, 1995, Planning Commission meeting.
Dec. 11, 1995	7 p.m.	Annex	95PC31 - Wilsonville Road Phase I. The City of Wilsonville Requests Planning Commission review of the TAC recommended cross-section and access points for the Wilsonville Road Phase I project. Cross-section review will include vehicle travel lanes, bike lanes, sidewalks, and planters. The project will widen and improve Wilsonville Road from Boones Ferry Road west to the railroad tracks. The Planning Commission's recommendation will be forwarded to the City Council. This item was continued to this date and time certain to the December 11, 1995, Planning Commission meeting
Jan. 10, 1994	7 p.m.	Annex	Written communication: Letter from ODOT to Eldon Johansen dated Dec. 14, 1993 re: I-5 and Wilsonville Road.
Feb. 22, 1994	7 p.m.	Annex	Public Workshop Notes
Oct. 19, 1993		Community Center	Traffic Impact Forum Notes / Responses

WEST SIDE PLANNING TASK FORCE

1996-1994

DATE	TIME	LOCATION	ISSUE
Dec. 6, 1994	7:30 p.m.	City Hall	Wilsonville Road Study - Events to Date
April 18, 1995	7:30 p.m.	Library Inza R. Wood Middle School	Cascade Pacific Engineering, Inc. Proposals for the Wilsonville Road Alignment.
Feb. 28, 1995	7:30 p.m.	Library Inza R. Wood Middle School	Report on Wilsonville Road. Does the Task Force want to make this a future agenda item or cover it briefly on this agenda.
Jan. 12, 1995	7:30 p.m.	City Hall	Postponement of Wilsonville Road discussion.
Nov. 22, 1994	7:30 p.m.	City Hall	Wilsonville Road Realignment Study Distribution
March 26, 1996	7 p.m.	Annex	Explanation of the realignment project provided by C.J. Sylvester.
Feb. 28, 1996	7 p.m.	Annex	Visual Preference Survey Summary re: Wilsonville Road
Nov. 15, 1995	7 p.m.	Annex	Distribution of materials by Linda Davis of Cogan, Owens, Cogan representing Jerry and Dan Reeves property owners along Wilsonville Road. The property owners requested more commercially zoned property on the west-side.
Sept. 26, 1995	7 p.m.	Tualatin Valley Fire Station	Fred Meyer discussion.

**TRANSPORTATION ADVISORY COMMISSION
1993-1995**

DATE	TIME	LOCATION	ISSUE
Feb. 18, 1993	7 p.m.	Annex	Open house regarding Wilsonville Road Planning
March 18, 1993	7 p.m.	Annex	Wilsonville Road Alignment Study. Recap of 2/18 Presentation
May 6, 1993	7 p.m.	Annex	Wilsonville Road Alignment Alternatives
July 15, 1993	7 p.m.	City Hall	Wilsonville Road Alignment Study
August 15, 1993	7 p.m.	City Hall	Wilsonville Road Alignment Study
Sept. 22, 1993	7 p.m.	Annex	Alignment of Wilsonville Road
Nov. 17, 1993	7 p.m.	City Hall	Wilsonville Road Alignment Study
Jan. 27, 1994	7 p.m.	Annex	Wilsonville Road Alignment Study Update
April 21, 1994	7 p.m.	Annex	Sub-committee Revision and change in minutes.
August 10, 1995	7 p.m.	Annex	Consideration of the accesses to Wilsonville Road in conjunction with the reconstruction project.
Sept. 28, 1995	7 p.m.	Annex	Wilsonville Road Improvements / Seeley Avenue
Dec. 14, 1995	7 p.m.	Annex	Update on Wilsonville Road alignment