

**CITY COUNCIL  
RESOLUTION NO.668**

**RESOLUTION TO AFFIRM AND ADOPT THE  
PLANNING COMMISSION'S INTERPRETATION  
REGARDING PRIMARY OPEN SPACE LOCATED  
ON TAX LOT 400, T3S-R1W, SECTION 2CD AND  
TAX LOT 400, T3S-R1W, SECTION 2DC,  
SCHERZER-MOORE, APPLICANT. (STAFFORD  
DISTRIBUTION CENTER)**

WHEREAS, Scherzer-Moore Partners have 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 April 11, 1988, 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 a Stage I Master Plan and Stage II Development Plan for an industrial business park on April 11, 1988, 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 "Primary Open Space" designation on the Scherzer-Moore parcel need not be reflected in the site development and that

the proposed development would be in conformance with the Comprehensive Plan policies regarding open space, and

WHEREAS, the City Council has the final authority for the interpretation of the Comprehensive Plan text and/or map.

NOW, THEREFORE, BE IT RESOLVED that 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 400, T3S-R1W, Section 2. Further, the Council adopts the Staff Report attached hereto as Exhibit "A", along with the findings and Conditions of Approval contained therein as modified by the Planning Commission.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of May, 1988, and filed with the Wilsonville City Recorder this same day.

  
WILLIAM E. STARK, Mayor

Attest:

  
VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Stark	<u>Aye</u>
Councilor Edwards	<u>Aye</u>
Councilor Braymen	<u>Absent</u>
Councilor Clarke	<u>Aye</u>
Councilor Jameson	<u>Aye</u>

# NOTICE OF DECISION

Project Name: STAFFORD DISTRIBUTION CENTER File No: 88PC11

Applicant / Owner: Scherzer-Moore Partners

Proposed Action: Stage I Master Plan and Stage II Development Plans  
for Industrial Business Park

## Property Description:

Map No: 2CD & 2DC Tax Lot No: 400 in each Site Size: 653,537 sq.ft.

Address: \_\_\_\_\_

Location: North side of Ridder Road, west side of 95th Street

On April 11, 1988, at the meeting of the Planning Commission,  
the following decision was made on the above-referenced Proposed  
Development Action:

       Approval                      XXX Approval with Conditions                             Denied

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 15th day of April, 1988, and is available for public inspection. The date of filing is the date of the decision. Any appeal(s) must be filed with the Planning Department by 5:00 p.m., on April 25, 1988.

XXX Written decision is attached

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

This action, if approved, will expire on April 11, 1990 unless development commences prior to the expiration date.

For further information, please contact the Wilsonville Planning Department at City Hall or phone 682-1011.

Attachments: Approved Resolution  
Applicable Conditions, if any

**FILED** 4-15-88  
*Jone*

PLANNING COMMISSION  
RESOLUTION NO. 88PC11

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL FOR STAGE I MASTER PLAN AND STAGE II DEVELOPMENT PLANS FOR 248,415 SQUARE FOOT INDUSTRIAL BUSINESS PARK, SCHERZER-MOORE, APPLICANT, LOCATED ON TAX LOT 400, T3S-R1W, SECTION 2CD AND TAX LOT 400, T3S-R1W, SECTION 2DC.

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

WHEREAS, the Planning Director 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 April 11, 1988, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

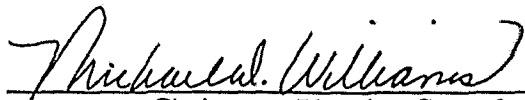
WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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 attached hereto as Exhibit "A", with the findings, recommendation(s), and Conditions of Approval contained therein and further authorizes the Planning Director to issue a:

consistent with said recommendation(s).

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof, this 11th day of April, 1988, and filed with the Wilsonville City Recorder this same day.

  
Chairman, Planning Commission

Attest:

  
Judge Emerson, Planning Secretary

PLANNING COMMISSION  
RESOLUTION NO. 88PC11

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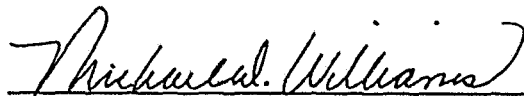
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Chairman, Planning Commission

Attest:

  
Judge Emison, Planning Secretary

**PLANNING COMMISSION  
CONDITIONS OF APPROVAL**

1. The applicant shall comply with all Conditions of Approval required by the City Engineering Department listed on Exhibit 4.a.
2. The applicant shall cooperate with the City in updating traffic analysis, relative to freeway access. Further, they shall submit a transportation management plan to minimize peak-hour impacts on the Stafford Interchange.
3. Detailed construction plans shall be submitted to the City Engineer pursuant to the requirements listed in Exhibit 4.a., and to the Building Official and Tualatin Rural Fire District for review and approval prior to issuance of construction permits.
4. Submit to the Planning Director a list of generic business types for concurrence in advance of leasing property involved in the Wilsonville Business Center Master Plan. This condition is intended to aid the applicant in leasing the project by removing any uncertainty regarding land use. A permit for site excavation, public street or utility placement does not require prior Design Review Board approval.
5. The applicant shall waive right of remonstrance against any Local Improvement District which may be formed to provide public facilities to serve the subject site.
6. Install the appropriate number of handicapped parking stalls in accordance to ANSI standards administered by the City Building Official.
7. The applicant shall dedicate to the City road right-of-way at a minimum of 62 feet in width with a six-foot public utility easement on each side. The right-of-way dedication shall extend the entire length of the east side of the subject property for the construction of 95th Avenue. Prior to issuance of Building Permits for Phase II, the applicant shall provide a bond to ensure construction of S.W. 95th Avenue where it abuts the site's easterly boundary. The bond shall ensure that the construction of this portion of S.W. 95th is complete prior to the occupancy of Phase II of the project unless one of the following occurs:
  - A. An LID for the required improvement of S.W. 95th Avenue is formed prior to issuance of Building Permits for Phase II; or
  - B. The required improvement of S.W. 95th Avenue is committed to funding by the Oregon State Department of Transportation prior to issuance of Building Permits for Phase II; or
  - C. Any other method of ensuring the required street improvement are constructed and acceptable to the City Engineer.

If either A, B or C above occurs prior to the issuance of Building Permits for Phase II, the bond shall not be required.

CITY OF WILSONVILLE  
ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL

Stafford Distribution Center

Note the comments that follow concern the public improvements to the site, but the applicant should also meet all requirements of the building permit process.

1. All final plans to be submitted on a 24" X 36" format, a title page will be required with a space left in the lower right hand corner for an 8-1/2" X 11" information sheet to be provided by the city, to be affixed to the final as-built plans before final acceptance.
2. Engineer to provide a detailed drainage analysis of the subject property and prepare a 24" X 36" sheet identifying contributing drainage areas, to be included with the final design plans.
3. Storm sewer system to be designed to pass a 25-year frequency storm; engineer to provide detailed drainage computation.
4. Final utility design for following general format:
  - A. Sanitary sewer to be aligned on the north and west side of centerline.
  - B. Storm sewer to be aligned on the south and east side of centerline.
  - C. Waterline to be aligned on the south and east side of centerline.
  - D. Minimum centerline finish grade 1% and maximum centerline finish grade 12%.
  - E. Top of curb to equal centerline finish grade unless offset crown design or curb return transition.
  - F. Composite utility plan to be part of final plan set.
  - G. Detailed grading plan to be part of the final plan set.
  - H. Utilities not in the street area shall provide maintenance access and be centered in a 15.00 foot easement to be conveyed to the City of Wilsonville.
  - I. Final design of public utilities to be approved at time of site development permit.
  - J. All on and off site utilities shall comply with the State of Oregon and the City of Wilsonville requirements and codes.
5. All survey monuments on the subject site to be protected, if destroyed by proposed site construction applicant shall retain a professional land surveyor to replace monuments and file a copy of the record survey with the city.

6. The storm drainage study and site system shall include provisions for all of the upper drainage area across the I-5 freeway. Storm drainage calculations and system design are required.

**Ridder Road**

7. Curbside sidewalk and standard concrete driveway approaches shall be installed along their frontage.

**95th Avenue**

8. The 95th Avenue alignment to be established by the City Engineer.
9. Street section to be a minimum of 48 foot of concrete surfacing with concrete curb and gutter.
10. Curbside sidewalks and standard concrete driveway approaches shall be installed.
11. Road right-of-way to be minimum of 62 feet with a 6 foot public utility easement on each side.

jl:md

cc Project file



SCHEERZER-MOORE WILSONVILLE

Draft Revised Condition #7  
Stafford Distribution Center

Project Number 287550

7. The applicant shall dedicate to the City road right-of-way at a minimum of 62 feet in width with a six-foot public utility easement on each side. The right-of-way dedication shall extend the entire length of the east side of the subject property for the construction of 95th Avenue. ~~95th Avenue right-of-way and street construction shall be completed at the time final occupancy approval is issued in Phase I development. (Delete this sentence.)~~

Add:

Prior to issuance of building permits for Phase II, the applicant shall provide a bond to ensure construction of S.W. 95th Avenue where it abuts the site's easterly boundary. The bond shall ensure that the construction of this portion of S.W. 95th is complete prior to the occupancy of Phase II of the project unless one of the following occurs:

- (1) An L.I.D. for the required improvement of S.W. 95th Avenue is formed prior to issuance of building permits for Phase II; or
- (2) The required improvement of S.W. 95th Avenue is committed to funding by the Oregon State Department of Transportation prior to issuance of building permits for Phase II; or
- (3) Any other method of ensuring the required street improvement is acceptable to the City Engineer.

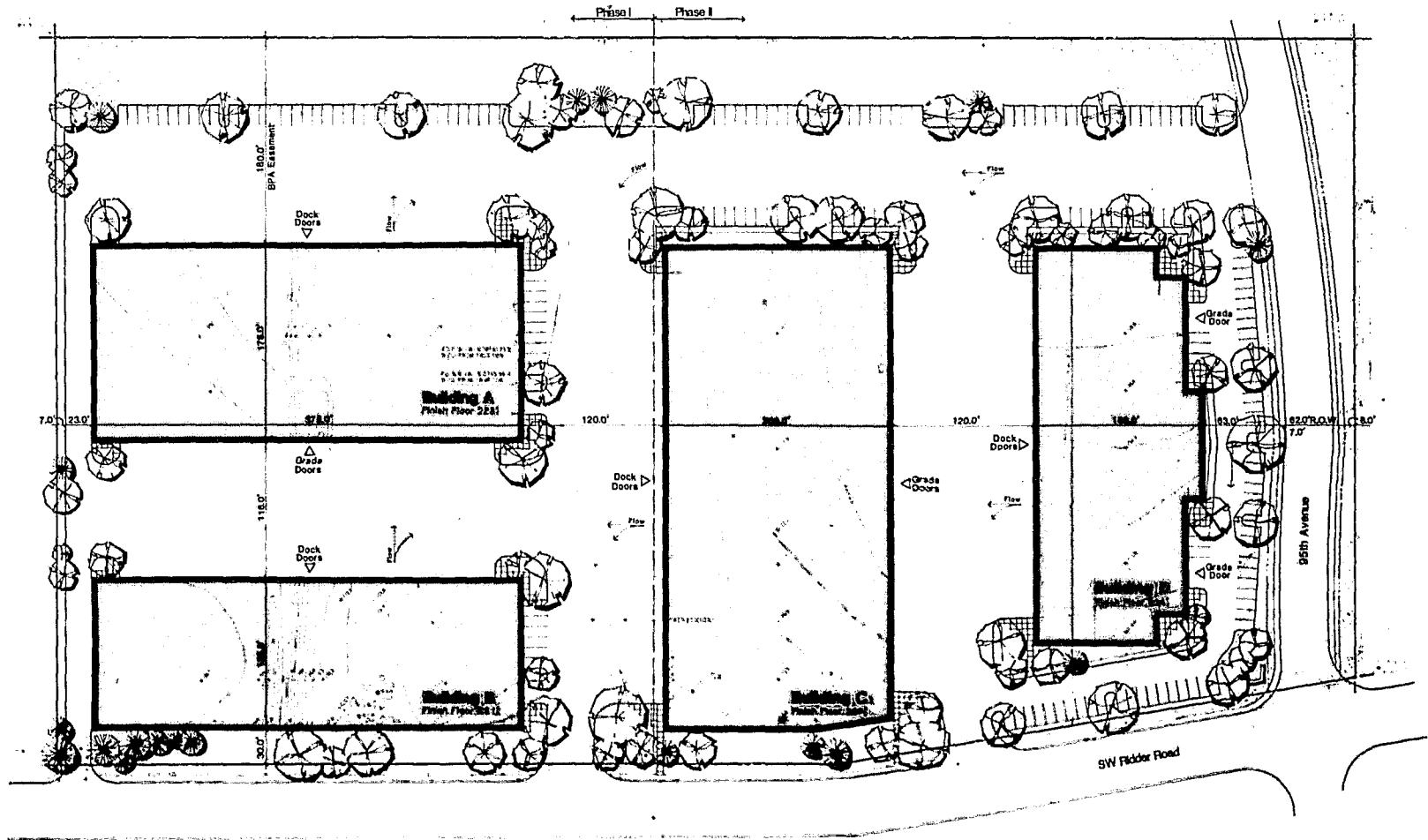
If either (1), (2), or (3) above occurs prior to the issuance of building permits for Phase II, the bond shall not be required.

APPROVED

387011

Blaise Adams

4.11.88



**SITE PLAN**



**VICINITY MAP**

Edwards Business Industrial Park No. 2  
 S 119, S 2, T 35, R 119, W4, Washington  
 County, Oregon

**SITE AND BUILDING SYNOPSIS**

Gross Land Area *	653,537 SF
Gross Building Area	246,415 SF
Building A	65,625 SF
Building B	50,626 SF
Building C	64,665 SF
Building D	47,500 SF
Gross Landscape Required	98,031 SF
Gross Landscape Provided	131,031 SF (20.0 %)
Gross Parking/Circulation Area	274,091 SF
Parking Spaces Required	155
Parking Spaces Provided	173
% Building Coverage *	38%

\* Does not include 95th Avenue R.O.W.

# Stafford Distribution Center

WILSONVILLE, OREGON

A  
Distribution Facility

for  
Schzer-Moore Partners

MACKENZIE SAITO & ASSOCIATES, P.C.  
 1000 N. 10th Street, Suite 100, Wilsonville, Oregon 97151

**PLANNING DEPARTMENT  
STAFF REPORT**

**DATE: April 11, 1988**

**TO: Planning Commission**

**PREPARED BY: Blaise Edmonds**

**REQUEST: 88PC11**

**Stafford Distribution Center - review Stage I Master Plan and Stage II Development Plans for construction of a four-building warehouse/distribution center totaling 248,415 square feet.**

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**SUMMARY AND RECOMMENDATIONS:**

1. The proposed procedure to interpret plan policies over the Comprehensive Plan Map for the purpose of resolving Primary Open Space conflicts should be established as a planning policy on a case-by-case situation. Refer to Exhibits 3.c. and 3.d. for further clarification.
2. If the Planning Commission considers the proposed Primary Open Space procedure and resolves the conflict through an interpretation, this would be forwarded to the City Council and be considered by them at a public meeting.
3. The location, design, size and uses, both separately and as a whole, are consistent with the Industrial Plan designation, and with any other development map or ordinance adopted by the City Council.

**RECOMMENDATION:**

**Approve Stage I Master Plan and approve Stage II Development Plans for Phase I warehouse development with Conditions of Approval attached herein.**



FINDINGS: PDI

The following findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations.

DRB = DESIGN REVIEW BOARD.  
 NA = NOT APPLICABLE.

	Code Std.	Proposed	Code Compliance		Additional Findings
			Yes	No	
<b>A. Land Use</b>					
Zoning	<u>PDI</u>	<u>PDI</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>1</u>
Comprehensive Plan Designation	<u>INDUSTRIAL</u>		<input checked="" type="radio"/>	<input type="radio"/>	<u>2 thru 12</u>
	<u>PRIMARY OPEN SPACE</u>				
	<u>SECONDARY OPEN SPACE</u>				
<b>B. Land and Building Improvements</b>					
<b>1. Lot Size (MINIMUM)</b>					
a. Total site area (acreage)	<u>160'x160'</u>	<u>15 AC.</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>        </u>
b. Lot sizes (subdivision)	<u>        </u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA</u>
Acreage lot size	<u>        </u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA</u>
<b>2. Lot Coverage</b>					
a. All buildings	<u>NO LIMIT</u>	<u>248,415 SF</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>        </u>
b. Parking/paved	<u>NO LIMIT</u>	<u>274,091 SF</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>        </u>
<b>c. Landscaping</b>					
1. total size area (%)	<u>15%</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
2. parking area (%)	<u>10%</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
3. screening/buffering	<u>-</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
4. irrigation system	<u>REQ'D</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>DRB</u>
<b>3. Building Setbacks (MINIMUM)</b>					
Front / SOUTH	<u>30'</u>	<u>30'</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>13</u>
Right side / EAST	<u>30'</u>	<u>63'</u>	<input checked="" type="radio"/>	<input type="radio"/>	
Left side / WEST	<u>30'</u>	<u>30'</u>	<input checked="" type="radio"/>	<input type="radio"/>	
Rear side / NORTH	<u>30'</u>	<u>130'</u>	<input checked="" type="radio"/>	<input type="radio"/>	

	Code Std.	Proposed	Code Compliance		Additional Findings
			Yes	No	
<b>4. Building Use</b>					
a. Office	<u>sq. ft.</u>	<u>YES</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>12</u>
b. Warehouse	<u>sq. ft.</u>	<u>YES</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>12</u>
c. Manufacturing	<u>sq. ft.</u>	<u>-</u>	<input type="radio"/>	<input type="radio"/>	<u>NOT PROPOSED</u>
d. Other	<u>sq. ft.</u>	<u>OFFICE</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>12</u>
<b>5. Building Specifications</b>					
a. Building Height	<u>NO LIMIT</u>	<u>NOT SHOWN</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>14</u>
b. (Sun Exposure Plane)	<u>NA</u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA</u>
c. Gross Floor area of Building	<u>NO LIMIT</u>	<u>248,415 SF</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>NA</u>
<b>6. Number of Off-Street Parking</b>					
a. Standard 9' X 18'	<u>131</u>	<u>173</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>15</u>
b. Compact 8 1/2' X 17' (30% 10 allowed)	<u>OPTIONAL</u>	<u>NOT SHOWN</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>NA</u>
c. Handicapped 12' X 18' (1 to 50 required)	<u>4</u>	<u>NOT SHOWN</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>16</u>
Total	<u>155</u>	<u>173</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>NA</u>
d. Truck load berths	<u>3</u>	<u>-</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>17</u>
<b>7. Access/Egress</b>					
a. Direct access to street	<u>OPTIONAL</u>	<u>PROPOSED</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>18, 19</u>
b. Access provided by easement	<u>OPTIONAL</u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA</u>
c. Rail Access	<u>NA</u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA.</u>
<b>8. Open Space Slope Protection / PRIMARY OPEN SPACE.</b>					
a. Existing vegetation protected	<u>REQ'D</u>	<u>-</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>2 thru 12</u>
b. Slopes over 20% to 30% impervious coverage	<u>-</u>	<u>-</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>2 thru 12</u>
c. River and stream corridors protected	<u>NA</u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA</u>
d. Adequate erosion control provided	<u>NA</u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA.</u>
e. Within greenway	<u>NA</u>	<u>NA</u>	<input type="radio"/>	<input type="radio"/>	<u>NA.</u>

	Code Std.	Proposed	Code Compliance		Additional Findings
			Yes	No	

C. Other Planning Considerations

- |  |              |  |                                  |                       |                 |
|--|--------------|--|----------------------------------|-----------------------|-----------------|
| 1. Outside storage area provided/<br>screening   | <u>REQ'D</u> | <u>-</u>                                 | <input type="radio"/>            | <input type="radio"/> | <u>DRB</u>      |
| 2. Adequate screenage of mechanical<br>equipment | <u>REQ'D</u> | <u>-</u>                                 | <input type="radio"/>            | <input type="radio"/> | <u>DRB</u>      |
| 3. Safety/crime prevention                       |              |  |                                  |                       |                 |
| a. Location of addressing                        | <u>REQ'D</u> | <u>BUILDING<br/>OFFICIAL<br/>ASSIGNS</u> | <input checked="" type="radio"/> | <input type="radio"/> | <u>        </u> |
| b. Natural surveillance                          | <u>REQ'D</u> | <u>PROPOSED</u>                          | <input checked="" type="radio"/> | <input type="radio"/> | <u>        </u> |
| c. Type of exterior lighting                     | <u>REQ'D</u> | <u>-</u>                                 | <input type="radio"/>            | <input type="radio"/> | <u>DRB</u>      |

D. Bike Paths, Pedestrian Trails, & Equestrian Trails

- |  |              |                 |                                  |                       |                 |
|--|--------------|-----------------|----------------------------------|-----------------------|-----------------|
| 1. Pathway Standards/ <u>SIDEWALKS</u>   |              |                 |                                  |                       |                 |
| a. Pathways are provided consistent<br>with pathway master plan and design<br>standards (Section 4.168 W.C.) | <u>REQ'D</u> | <u>PROPOSED</u> | <input checked="" type="radio"/> | <input type="radio"/> | <u>        </u> |

E. Previous Approval actions and applicable conditions or approvals

- |                 |            |           |          |             |                 |
|-----------------|------------|-----------|----------|-------------|-----------------|
| 1. City Council | Yes        | <u>No</u> | File No. | See finding | <u>        </u> |
| 2. DRB          | Yes        | <u>No</u> | File No. | See finding | <u>        </u> |
| 3. P.C.         | <u>Yes</u> | No        | File No. | See finding | <u>        </u> |
| 4. Other        | Yes        | <u>No</u> | File No. | See finding | <u>        </u> |

Inter-agency review comments  
 Yes No See Exhibit No.         

Inter-agency review comments (Written Only)

- |                     |            |           |                 |                 |
|---------------------|------------|-----------|-----------------|-----------------|
| City Engineer       | <u>Yes</u> | No        | See Exhibit No. | <u>4a</u>       |
| Parks & Recreat.    | Yes        | <u>No</u> | See Exhibit No. | <u>        </u> |
| Traffic Safety      | Yes        | <u>No</u> | See Exhibit No. | <u>        </u> |
| Building Dept.      | <u>Yes</u> | No        | See Exhibit No. | <u>4b</u>       |
| Tualatin Fire Dept. | Yes        | <u>No</u> | See Exhibit No. | <u>        </u> |
| Sheriff             | Yes        | <u>No</u> | See Exhibit No. | <u>        </u> |

**ADDITIONAL FINDINGS AND CONCLUSIONS**

Yes    No, see Finding no.

A. 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.

2 thru 12

B. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service D 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.

18, 19

C. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

21,  
22, 23



## ADDITIONAL FINDINGS

### Zoning

1. The Master Development Plan is to construct four mixed-occupancy industrial buildings totaling 248,415 square feet in size. All properties larger than two acres in size and located within a PDI zone district require a Stage I Master Development Plan for proposed development. Stage II Development Plans can be reviewed concurrently with the Master Development Plan under one Planning Commission review process. The applicant is requesting approval of both the Master Development Plan and the Development Plans for construction of Stafford Distribution Center.
2. The subject property has three separate Comprehensive Plan designations as follows:
  - A. A 180-foot BPA power transmission line easement designated as Secondary Open Space traverses the parcel along the northerly property line.
  - B. Primary Open Space bisects the center of the project site in a north-south direction.
  - C. The remainder of the site is designated as Industrial.

### Primary Open Space - Comprehensive Plan

3. The following findings were prepared by the applicant regarding an ambiguity with an area designated as Primary Open Space and Comprehensive Plan Policies.

### Applicant's Response Findings

4. The City's Comprehensive Plan Map applies a "Primary Open Space" designation to a small channelized drainageway which crosses the Scherzer-Moore Partners' property. Scherzer-Moore Partners agrees with the concept of providing open space in projects and with the preservation of significant natural features. However, because of the nature of the subject drainageway and the site, implementation of this aspect of the Comprehensive Plan map is neither feasible nor required.
5. The drainage ditch crosses the site in a north-south direction, approximately through the center of the property. It is within an easement established for an existing sanitary sewer line, which can be accommodated by appropriate building location. However, to maintain an "open space" for the ditch would render the site essentially undevelopable because of its location in the center of the site. This impact is compounded due to the BPA power line easement on the property and the need to dedicate right-of-way for the future extension of S. W. 95th Avenue. The installation of a piped system for the drainage currently within the ditch will allow a reasonable development of the property while preserving the overall drainage system for the area.

6. In a meeting with City staff, the Plan map conformity with the Plan's policy regarding "primary open space" was discussed. Policy 4.5.1.b, on page 81 of the City's Comprehensive Plan defines the types of areas that constitute "primary open space" as follows:

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

During this meeting, it was concluded that the small man-made drainageway area on the Scherzer-Moore site did not fall within the Plan's policy definition of "primary open space". As a result, a conflict exists between the Plan's policy defining "Primary Open Space" and the plan map which designates the man-made ditch on the property as "primary open space".

7. The City's Comprehensive Plan, on 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." (Emphasis added)

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 result, this procedurte authorizes resolution through an interpretation and does not require an amendment to the Plan when a conflict exists.

8. Therefore, it is appropriate for the Planning Commission to evaluate the drainage channel with respect to the criteria of Policy 4.5.1.b. Following are findings with respect to these criteria:

1. "100-year Floodplain"

The Federal Emergency Management Agency Flood Insurance Map (Panel No. 410025-0002-B), which covers the subject area, does not indicate any 100-year floodplain in the vicinity of the site.

2. "Slopes Greater than 20%"

The topographic survey map prepared for this site and included in the Planning Commission materials shows that slopes in the designated open space area are substantially less than 20%.

3. "Significant Stands of Trees"

Although there are trees on the site, they are not in the designated open space area. This is confirmed by the tree survey included on the topographic survey.

4. "Major Natural Drainage Channels"

The drainage channel is a "ditch", that apparently was constructed in conjunction with a sanitary sewer line crossing the site in the same location. After a field inspection, it is the opinion of MacKenzie Engineering that this ditch is clearly not a "natural" channel, nor is it a "major" channel based on its size and volume of water flow.

9. It should also be noted that the "Primary Open Space" designation extends northward from S. W. Ridder Road only to the north property line of the Scherzer-Moore Partners' site. North of this line, the drainage ditch continues, with similar character, but the open space designation is not applied. Photographs of these conditions will be presented at the Planning Commission hearing.
10. Therefore, it is concluded that the subject ditch does not meet the criteria of Policy 4.5.1.b. This is reinforced by the fact that the same ditch north of the site is not designated a "Primary Open Space". Under these circumstances, with the policy taking precedence over the plan map (pursuant to the "procedures" section), the "Primary Open Space" designation would not have to be reflected in the site development in order to be consistent with the City's Comprehensive Plan. This is the case with the site development drawings accompanying this narrative.

### Summary

Scherzer-Moore Partners request that the Planning Commission approve the proposed Stage I and Stage II Planned Development Industrial and interpret Policy 4.5.1.b of the Comprehensive Plan to take precedence over the Plan Map. Then the "Primary Open Space" designation on the Scherzer-Moore parcel need not be reflected in the site development and the proposed development would be in conformance with the City's Comprehensive Plan.

### Planning Staff Conclusion

From a purely planning standpoint, the procedure to interpret plan policies over the Comprehensive Plan Map for the purpose of resolving Primary Open Space conflicts should be established as a planning policy on a case-by-case situation. The Planning Director and the City Attorney have reviewed the Primary Open Space procedure and have found the procedure to be an acceptable process.

### Secondary Open Space Review

11. A 180-foot wide BPA power transmission line easement spans the northerly property area of the subject site. Policy 4.5.1(c)(2) of the Comprehensive Plan designates all high voltage powerline easements into the Secondary Open Space designation. In this case, the applicant intends to obtain all the necessary permits from BPA to plant landscaping and develop parking areas within the powerline easement. This sort of development may occur within the Secondary Open Space area when the proposal is a part of a planned development review.

## Industrial Proposal

12. The applicant has indicated that the predominant activities of Stafford Distribution Center are warehouse and distribution. It is also typical of this kind of a proposal to lease space for office use. The described uses are consistent with the Industrial plan policies of the Comprehensive Plan.
13. In the event that Scherzer-Moore Partners subdivides or partitions the project site, cross-over easements will be recorded for parking, traffic circulation and access. Any land partitioning that may occur shall observe the zoning setback requirements and the Uniform Building Code setbacks to have a minimum 60-foot clear yard for unlimited area.
14. The Wilsonville Code does not specify a maximum building height for industrial development. Usually, warehouse/distribution buildings do not exceed 30 feet in height.

## Parking

15. Since the business center will have multi-occupancy, the rigid guidelines set forth by the parking code makes the required parking count somewhat unpredictable. The proposed 173 parking spaces delineated on the Master Plan should satisfy the parking requirements for this project. This conclusion is based on the following calculations prepared by Planning staff:
  - A. Office Use - one space/250 sq.ft.
  - B. Manufacturing - one space/500 sq.ft.
  - C. Storage warehouse, wholesale establishment, rail or trucking freight terminal - one space/2,000 sq.ft. of floor area up to 40,000 sq.ft.; one space/4,000 sq.ft. thereafter
16. As set forth in Section 4.150(2)(a)(4), the Code requires safe and convenient handicapped access and parking. All parking areas which contain 10 or more parking spaces shall be provided with one handicapped parking space for every 50 standard spaces. The proposed plan does not show handicapped parking. Based upon the submittal plans, the applicant should provide four handicapped parking spaces. However, should several businesses occupy the buildings, the Uniform Building Code may require additional handicapped parking.
17. The actual number of dock doors for truck berths are not shown on the plans. A general note on the Site Plans indicate dock doors within the truck distribution staging areas which should provide more than adequate truck load berths.

## Access

18. The subject site has direct access to Ridder Road. Ridder Road is fully improved for industrial traffic use. This property is directly impacted by the Oregon Department of Transportation and City plans to align the proposed 95th Avenue over the east side of the subject site. Access is presently taken via Ridder Road to Boones Ferry Road. The construction of 95th Avenue would replace Boones Ferry Road

and serve as one of the major industrial collector streets west of I-5. The City Engineer and the applicant's engineers negotiated a final alignment of 95th Avenue which is delineated on the Site Plan. Full right-of-way dedication and street improvement is necessary as part of an approval of this request. Refer to Exhibit 4.a. for City Engineer's Conditions of Approval.

19. A traffic analysis report relative to freeway access was not provided for planning review. Section 4.139(4)(b) of the Wilsonville Code requires:

"That traffic generated by the development can be accommodated safely and without congestion in excess of level service D 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". While a traffic study was not provided for this site, the construction of 95th Avenue and the reconstruction of the Stafford Interchange should greatly enhance truck access to and from the subject site.

### Sidewalks

20. Curbside sidewalks are proposed along the entire length of Ridder Road and 95th Avenue fronting the property.

### Storm Drainage

21. A City storm drainage map shows an open drainage channel traversing the center of the property. Storm water is discharged into the drainage channel from developed properties in Edwards Industrial Park. Two 48" diameter culverts under Ridder Road transports the storm drainage flow to the Seely Ditch drainage basin. Development plans include piping the existing drainage channel with backfill for driveway circulation and parking lot improvement. Refer to the City Engineer's comments found in Exhibit 4.a.

### Water

22. A 12" diameter water line is located within the northerly right-of-way of Ridder Road for connection.

### Sanitary Sewer

23. A 15" diameter sanitary sewer line is immediately available for connection to the project site. Sanitary sewer follows the same easement as the storm drainage channel described in Finding 21.

**PLANNING COMMISSION  
CONDITIONS OF APPROVAL**

1. The applicant shall comply with all Conditions of Approval required by the City Engineering Department listed on Exhibit 4.a.
2. The applicant shall cooperate with the City in updating traffic analysis, relative to freeway access. Further, they shall submit a transportation management plan to minimize peak-hour impacts on the Stafford Interchange.
3. Detailed constructions plans shall be submitted to the City Engineer pursuant to the requirements listed in Exhibit 4.a., and to the Building Official and Tualatin Rural Fire District for review and approval prior to issuance of construction permits.
4. Submit to the Planning Director a list of generic business types for concurrence in advance of leasing property involved in the Wilsonville Business Center Master Plan. This condition is intended to aid the applicant in leasing the project by removing any uncertainty regarding land use. A permit for site excavation, public street or utility placement does not require prior Design Review Board approval.
5. The applicant shall waive right of remonstrance against any Local Improvement District which may be formed to provide public facilities to serve the subject site.
6. Install the appropriate number of handicapped parking stalls in accordance to ANSI standards administered by the City Building Official.
7. The applicant shall dedicate to the City road right-of-way at a minimum of 62 feet in width with a six-foot public utility easement on each side. The right-of-way dedication shall extend the entire length of the east side of the subject property for the construction of 95th Avenue. 95th Avenue right-of-way and street construction shall be completed at the time final occupancy approval is issued in Phase I development.

## 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.

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
  - A. Submittal plans Stage I Master Plan and Stage II Development Plans.
  - B. PMTs of Exhibit 3.a.
  - C. Narrative of Stafford Industrial Park.
  - D. Letter from Gregory S. Hathaway, applicant's attorney, dated February 10, 1988.
4.
  - A. City Engineer's review.
  - B. City Building Official's review.
  - C. Color slides of project site.
  - D. Letter from Oregon Department of Transportation, dated March 29, 1988.

WCS

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DISTRICT OF COLUMBIA

OUR FILE NO.

February 10, 1988 RECEIVED

FEB 1 1988

CITY OF WILSONVILLE

HAND DELIVERED

Mr. Wayne Sorenson  
Planning Director  
City of Wilsonville  
Wilsonville, Oregon

400-5562

Re: Stafford Industrial Park

Dear Mr. Sorenson:

This correspondence is intended to confirm our discussions with you and your staff regarding the procedure Scherzer-Moore can utilize to develop the proposed Stafford Industrial Park consistent with the City's Comprehensive Plan.

The City's Comprehensive Plan map designates a small drainage way on the property as "Primary Open Space". The location of the open space designation severely hinders Scherzer-Moore's ability to develop the Stafford Industrial Park.

In our meeting we discussed whether or not the Plan map designation was in conformance with the Plan's policy regarding "primary open-space". Policy 4.5.1: b., at page 81 of the City's Comprehensive Plan, defines the types of areas that constitute "primary open-space" as follows:

- (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.

We were all able to conclude that the small man-made drainage way area on the Scherzer-Moore site did not fall within the Plan's policy definition of "primary open space".

EXHIBIT 3d



Mr. Wayne Sorenson  
Planning Director  
February 10, 1988

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The City's 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". (Emphasis added)

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 Plan when a conflict exists.

The Land Use Board of Appeals (LUBA) has acknowledged the City of Wilsonville's ability to resolve conflicts through the application of the above procedure:

"Where a City Comprehensive Plan provides a method to resolve conflicts between plan provisions, LUBA will sustain a City's reasonable interpretation utilizing the Plan policy."

The Robert Randall Company v. The City of Wilsonville, 15 Or LUBA 26 (1986).

Based on the above, we respectfully request that the following procedure be used to resolve the conflict between the "Primary Open Space" map designation on the property and the fact that the man-made drainageway on the property does not fall into any of the categories for "Primary Open Space" pursuant to the City's Comprehensive Plan:

1. Scherzer-Moore will submit a land use application for a Planned Development Industrial (PDI) approval for the Stafford Industrial Park pursuant to the City's zoning regulations.
2. As a part of the above-application, Scherzer-Moore will request the City to resolve the above-mentioned conflict and interpret its plan in a manner which recognizes that the man-made drainageway on the property does not constitute "Primary Open Space" and that any development

Mr. Wayne Sorenson  
Planning Director  
February 10, 1988

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within this area would not be inconsistent with the policies of the Comprehensive Plan. Scherzer-Moore will submit substantial evidence demonstrating that a conflict exists and that the proposed development conforms to the comprehensive plan.

3. The Planning Commission would consider the above application and resolve the conflict at a public hearing. If the Planning Commission 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 (possibly as a consent agenda item). 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. (Comprehensive Plan at page 4).

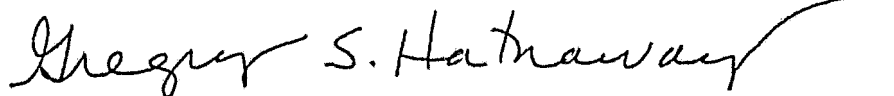
The above procedure provides an efficient resolution to the apparent conflict that presently exists without the unnecessary time and delay associated with the Plan Amendment Process. It appears that the City's Comprehensive Plan contemplated these types of conflicts when it provided a solution to resolving them without the need to amend the Plan.

Would you please review the above procedure and advise me whether it is consistent with our meeting last week so that we may request the conflict resolution in our PDI application which is due to the City on February 19, 1988.

Lans Stout and I appreciated the opportunity to meet with you and your staff last week regarding this matter and your willingness to search for a fair and reasonable solution to resolve this conflict. We believe the above procedure is legally authorized, efficient and preserves the integrity of the City's Plan and land use procedures.

I look forward to hearing from you on this matter.

Very truly yours,



Gregory S. Hathaway

GSH:sw

cc: Lans Stout  
Brian Keicher, Scherzer-Moore