

RESOLUTION NO. 738

**A RESOLUTION OF THE WILSONVILLE CITY COUNCIL
ADOPTING FINDINGS AND APPROVING STAGE I DEVELOPMENT
PLANS FOR A 129,269 SQUARE FOOT RETAIL
SHOPPING CENTER (TOWN CENTER MARKET - 89PC17)
SUBMITTED BY HILLMAN PROPERTIES NORTHWEST,
APPLICANT.**

WHEREAS, the Wilsonville City Council accepted the applicant's appeal of the Planning Commission denial of Stage I Development Plans on July 17, 1989, and set a public hearing regarding this matter for August 7, 1989; and

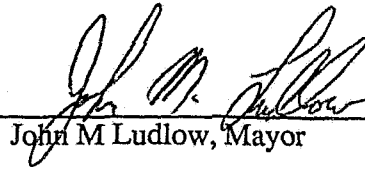
WHEREAS, the City Council held a de novo hearing and, at that time, duly considered the entire record of the Planning Commission's proceedings, the recommendations of City staff, accepted new evidence and testimony from the applicant, and heard additional testimony in favor of and in opposition to the project from interested parties; and

WHEREAS, all interested parties have had an opportunity to be heard on the subject in accordance with state law and the hearings procedures as set forth in the Wilsonville Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the findings attached hereto as Exhibit A, along with the Conditions of Approval attached as Exhibit B, and, further approves the Town Center Market Stage I Development Plans with a single right-turn-in/right-turn-out access onto Wilsonville Road to be located approximately midway between the Town Center Loop roads.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting

thereof this 21st day of August, 1989, and filed with the Wilsonville City Recorder this same date.



John M Ludlow, Mayor

Attest:



Vera A. Rojas, City Recorder

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Dant	<u>ABSTAIN</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Edwards	<u>ABSTAIN</u>

BEFORE THE CITY COUNCIL
OF THE CITY OF WILSONVILLE

IN THE MATTER OF the Appeal of the denial)	No. 89PC17
of Stage I Master Development Plan for Town)	
Center Market, a retail shopping center to be)	FINDINGS OF FACT AND
located in Town Center (Hillman Properties)	CONCLUSIONS OF LAW
Northwest))	

I. BACKGROUND INFORMATION

Nature of Application. This is an application for Stage I Master Plan approval for a proposed retail shopping center of approximately 13.2 acres, to be located west of the intersection of Town Center Loop East and Wilsonville Road, in the Wilsonville Town Center.

The applicant, Hillman Properties Northwest, seeks to develop the site as a neighborhood shopping center. The center would consist of two large retail commercial anchor stores (Albertson's and Payless), infill retail commercial space, and four pads located independently from the central retail complex for retail development. Town Center Market would be constructed in one phase. The center is expected to employ about 200 people.

The proposed development includes a total building area of approximately 129,000 square feet. The buildings for Albertson's and Payless would comprise approximately 70,000 square feet or about 54 percent of the proposed building area within the site. On-site parking would be provided for 564 cars.

The initial development proposal included two full-turning accesses along Wilsonville Road and one full-turning access along Town Center Loop East. The applicant revised that proposal to include one full-turning access and one right-in, right-out access along Wilsonville Road, together with one full-turning access along Town Center Loop East. The western (full-turning) access along Wilsonville Road would be located over 500 feet east of Town Center Loop West. The eastern (right-in, right-out) access would be located approximately 370 feet east of the western access and approximately 320 feet west of Town Center Loop East.

Property Description. The property is located on Section 13 of Township 3 South, Range 1 West. The property includes Tax Lot 600 and the southerly portions of Tax Lots 500 and 601. It is located north of Wilsonville Road, east of Interstate 5 and west of City Hall.

Surrounding Uses. The Town Center Mercantile retail complex adjoins the westerly property line of the subject parcel. Undeveloped, commercially-zoned property abuts the northern property line. City Hall lies to the east of the site, across Town Center Loop East. South, across Wilsonville Road, is the City library and vacant land identified for future multi-family development.

Plan Designation and zoning. The subject site is designated Commercial on the Comprehensive Plan map and is located within the Planned Development Commercial Town Center zone, Wilsonville Code 4.136(1)(c)1a and 12 et seq on the zoning map. The site is identified on the Town Center Master Plan map, which was adopted as part of the Town Center Zone. The use of the applicant's property is designated thereon as Food and Sundries (FS). The remaining property retained by the sellers is zoned Central Commercial (CC), Office Professional (OP) and Lake or Open Space.

The property is under purchase option by Hillman Properties Northwest. The final conveyance of the subject site will require City approvals of land partitions to segregate the site from Tax Lots 500 and 601. It will be necessary to provide access to the remaining property retained by the seller. The proposed Site Plan provides for such access to the interior property.

History. On May 8, 1989, this matter came before the Planning Commission for public hearing. The hearing was continued to July 10, 1989, at which time the Planning Commission heard testimony from the applicant and from opponents to the proposal. Following the close of testimony and Commission discussion, a motion was made to approve the application with a single right-in, right-out access along Wilsonville Road and one full-turning access on Town Center Loop East. This motion failed by a 2-4 vote. A second motion was made to accept the staff report, but to limit site access on Wilsonville Road to only one full-turning access. This motion failed by a 3-3 vote. A third motion, to deny the application, also failed by a 3-3 vote. Following these motions, the Planning Commission determined it was deadlocked and treated the application as denied. An appeal was filed with the City Council and a de novo hearing held, following public notice, on August 7, 1989.

II. FINDINGS AND CONCLUSIONS

The Wilsonville City Council makes the following findings with regard to the Wilsonville Code, the City's Comprehensive Plan and the Town Center Master Plan. In making these findings and conclusions, the City Council also adopts the facts set forth above in the Background information section.

1. Town Center Market is described by the developer as a neighborhood shopping center. The center will consist of two large retail commercial anchor stores, infill retail commercial space and pads located independent from the central retail complex for retail development. Town Center Market will be constructed in phases as labeled on the Site Plan.
2. The applicant seeks approval of the Stage I Master Development Plan for retail site development consisting of 129,269 square feet. The retail center is expected to employ 200 people. Also under consideration are proposed modifications to the Wilsonville Road access location shown on the Town Center Master Plan. The Town Center Master Plan delineates one access to the site, designed as a right turn-in and right turn-out. The access plan, as proposed, would create two access locations on Wilsonville Road. As a result, the internal roadway concept in the Town

Center Master Plan is affected by the external access proposed by Town Center Market.

3. Town Center Market is proposed to be sited north of Wilsonville Road right-of-way and adjoins Town Center Loop East. The Town Center Mercantile retail complex adjoins the westerly property line of the subject site. Undeveloped, commercially-zoned property abuts the northerly property line. South of Wilsonville Road is undeveloped residential property.
4. The subject property consists of portions of Tax Lots 500 and 601 in Section 13. The site is under purchase option by Hillman Properties Northwest. Final conveyance of the subject site will require City approvals of a major land partition to segregate the site from Tax Lots 500 and 601. It will also be necessary to provide access to the remaining property retained by seller, for purposes in creating a satisfactory future subdivision and/or commercial development. Such access requires dedication and improvement to public street standards. Since the remaining parent parcel will be centrally located in Town Center, it is imperative that the access is provided to the public street system.
5. The subject site is appropriately designated Commercial on the Comprehensive Plan Map. It is zoned Planned Development Commercial Town Center pursuant to Wilsonville Code 4.136(1)(c)1a and 12. It is so zoned on the Zoning Map and is situated within the area of the Wilsonville Town Center Master Plan Map. WC 4.136(1)(c)12 provides for the permitted uses and recommends certain uses. The Town Center Map designated areas within the Town Center for the location of the recommended uses. The Wilsonville Town Center Plan Map designates the project site as Food and Sundries (FS) use. The remaining property retained by the sellers is designated Central Commercial (CC), Office Professional (OP) and Lake or Open Space. Refer to Exhibit 4C for the Town Center Plan (see history in Finding 23).
6. Within the Comprehensive Plan, a number of goal and policy statements address the commercial planning designation and apply to the subject property. The major ones are as follows:

"COMMERCIAL DEVELOPMENT

CITY OF WILSONVILLE

GOAL 4.1: Encourage commercial growth primarily to serve local needs as well as adjacent rural and agricultural lands.

OBJECTIVE 4.1.1: Encourage commercial uses which are compatible with the residential nature of the community, and are complementary to or supportive of industrial development in the City.

OBJECTIVE 4.1.2: Attempt to provide a basic mix of needed goods and services.

OBJECTIVE 4.1.3: Encourage a rate of commercial development consistent with serving the needs of residents of the City and adjacent rural and agricultural lands.

OBJECTIVE 4.1.4: Cluster commercial activity near the freeway interchanges and encourage service or freeway-oriented commerce to locate near the Stafford Interchange. Encourage retail and other local oriented commerce to locate in commercial districts along Wilsonville Road to minimize transient traffic impacts on the Wilsonville Interchange."

7. The Comprehensive Plan narrative also states:

"Commercial development is often a major identifying feature in a community, offering impressions to resident and visitor alike of the quality of life available. The Plan, therefore, urges that shopping areas be pleasant environments to live near and to do business within. They should not be designed in a manner only to attract attention and create the illusion of having ample parking. Buildings need not be painted red, white and blue, having flashing rotation signs, to secure their share of the shopping public. In fact, the reverse trend appears to be the case, with centers providing a pleasant shopping environment often being more prosperous."

"All commercial districts are planned in the form of centers or small complexes (i.e., neighborhood commercial) rather than as strip development along major streets. The 1971 Plan outlined five types of commercial centers which this Plan reaffirms:

- Town Center
- Service Centers
- Office Complex
- Commercial Recreation
- Neighborhood Commercial

"The Town Center or City Center is intended to be the major commercial district. It should be anchored by a few major department stores and a grocery store. It should be interspersed with smaller shops offering a wide variety of merchandise for comparative shopping. In addition to retail shops, complementary uses such as offices, theaters, restaurants and civic activities should be provided."

8. The Comprehensive Plan is the official statement of the goals, objectives and physical plan for the development of the City of Wilsonville and City Center.
9. The Comprehensive Plan is implemented through the provisions of Wilsonville Code, Chapter 4, Zoning, Wilsonville Ordinance 209, adopting Comprehensive Plan as amended in 1982. Historically, in 1976, the City Council, by special Ordinance 55, amended the prior Comprehensive Plan and implementing zoning ordinances to provide for the City Center zone. It further saw fit in 1981 to codify its general zoning ordinance and special Ordinance 55 into the Wilsonville Code, Chapter 4. WC 4.136(1)(c)1a and 12 et seq. are the applicable Code sections for the Center. The City Center Master Plan Map as it existed in 1981 was also adopted therein. In 1984, the name City Center was amended to read Town Center by Ordinance 254. WC 4.136(1)(c)12(a) provides as follows:

- (i) The purpose of this zoning is to permit and encourage a City Center, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community as well as to meet the general shopping and service needs on an area-wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public uses facilities as may be approved as part of the City Center compatible with the Comprehensive Plan of the City.
 - (ii) Planned development permitted commercial uses, including department stores and shopping centers.
10. Town Center Market is intended to be a major retail complex within the Town Center zone. The center will be anchored by a grocery store and a department store. The smaller retail shops interspersed on the site, and retail uses proposed for the anchor stores are in compliance with the narrative intent of the Town Center uses. The applicant also expresses his desire to increase retail choices and provide improved services to Wilsonville area citizens, which is an objective of the Town Center Plan.
11. The Town Center zone does not list automotive service stations/centers and/or automotive wash centers as a typical recommended (FS) Food and Sundries use. These uses are not being proposed by the applicant.

Access

12. The westerly access delineated on the Site Plans of Town Center Market is to be located along Wilsonville Road and is approximately 1100 feet from the Wilsonville freeway interchange. Comprehensive Plan Objective 4.1.4 reinforces the proposed Town Center Market site location as it relates to the Wilsonville Interchange. The applicant proposes that this would be a full-turning access. The applicant also proposes an additional access between the "westerly site access" and Town Center Loop East. The applicant prefers a full-turning access at this location; however, they could accept a "right-in, right-out" access.

The Town Center Master Plan Map identifies only one major access point between Town Center Loop West and Town Center Loop East along Wilsonville Road. This access is limited to a "right-in, right-out" only. It also identifies an access to Town Center Loop East and an access to Town Center West via an internal road, a portion of which has been developed. The balance of any such development is to be in accordance with the agreement referred in Finding #17 (Exhibit 4D).

13. The City Council has received substantial testimony from Town Center property owners, former Planning Commissioners and interested citizens asking that the Town Center Master Plan not be changed from its original concept and design with regard to the access on Wilsonville Road between the intersections with the two ends of the loop, and, in fact, the opponents provided evidence that allowing additional full access to Wilsonville Road would change the character of Town Center Loop and the Master Plan.

14. The City Council finds that the Town Center Loop Road is a concept critical to the further implementation of the Town Center Master Plan. The Town Center property owners and the City have jointly undertaken a series of commitments, including the formation of Local Improvement Districts, to design and build the Town Center Loop Road and install the associated infrastructure (i.e., water, sewer, storm drains and other utilities) in accordance with the Town Center Master Plan. To allow new accesses to Wilsonville Road would undermine the previous commitment to the Loop Road and turn the Town Center Plan "upside down". Therefore, the Council concludes that any access to the north side of Wilsonville Road must fully comply with the access depicted on the Town Center Master Plan Map in keeping with Town Center Loop Road concept of the Master Plan.
15. Additionally, the Council finds that the Town Center Loop Road was deliberately designed and oversized to handle the majority of traffic expected in the Town Center area. As such, it is expected that ultimate development of Town Center will be adequately served by the proposed access to Town Center Loop which is identified as an arterial road on the City's Comprehensive Plan.
16. The Town Center Market site does not encroach the lake or open space area designated on the Town Center Plan.
17. On March 22, 1974, the property owners signed an agreement with respect to the development of their land within the City Center area that reaffirmed their willingness to conform to the City Center Plan, inclusive of provisions of necessary easements. The City Center Plan amended Article V of Zoning Ordinance No. 33 which established the City Center District and became Ordinance No. 55, which was subsequently codified as stated above in Finding no. 9. Refer to Exhibit 4D for agreement signed by property owners with the City of Wilsonville.

Public Facilities

18. Water, sanitary sewer and storm drainage are available to the site. However, an existing ten-inch diameter sewer line extends through the site and needs to be re-located. This conflict between the sewer line alignment and the building location will be resolved during the Stage II hearings.

Streets

19. Wilsonville Road is the primary street fronting the property. Wilsonville Road is a major arterial with a designated G section for lane configuration. Since the street is currently not constructed to the G section, the City will require half-street improvement and right-of-way dedication as determined necessary by the City Engineer.
20. The proposed westerly access road from the West Loop is generally depicted on the Town Center Master Plan as a private street which shall be built to public standards under the City's Public Works Standards. A reciprocal easement and maintenance agreement of the joint owners shall be filed with the City. The initial geometry of the street is generally depicted as extending up to Tax Lot 500 for access of that property. This easement is an easement in conformance with the Town Center (City Center) plan as referred in Finding #17.

21. Easterly access will be taken from Town Center Loop East. It is proposed to be across from the entrance to City Hall. Such improvements as necessary for traffic safety as determined by the City's Engineer, inclusive of realigning and widening a portion of Town Center Loop East, shall be addressed at Stage II.
22. The Pathway Master Plan of the Comprehensive Plan illustrates a primary bike path along Wilsonville Road and Town Center Loop. The Wilsonville Road bike path currently exists along the south side of the Wilsonville Road right-of-way, which does not affect the subject site. However, Stage II should address internal pathway circulation compatible with location of future Town Center open space.

Buffering and Screening

23. Section 4.163 of the Wilsonville Code requires:
 - "A. All outdoor storage and garbage collection areas shall be screened from off-site view with fencing and/or landscaping.
 - B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas."
24. Though design concerns pertaining to buffering and screening are typically reviewed by the Design Review Board, City staff feels compelled to raise buffering and screening requirements at this time. The applicant's preliminary Master Plan for the site illustrates a narrow buffer area between the truck loading area and the north property line of the market center. The north elevation of the market center on the service side will have a significant visual impact on the adjoining retail properties. Therefore, it may be necessary to provide a wider buffer strip for landscaping, berming or screenage.

Applicable Zoning Ordinance Provisions

Section 4.130 to 4.140

25. The Council finds that the proposed use is authorized by and consistent with the Comprehensive Plan, for the reasons expressed before and finds that the proposed commercial uses are permitted in this part of the Town Center zone. The City will review final development plans for compliance with height, setback and other dimensional standards set forth in 4.136(1)(c) and finds that such standards are objective and can be met. As described above, the City also finds that the proposal is consistent with the purposes of the Town Center as set forth in Section 4.136(1)(c)(12)(a), to permit and encourage a Town Center including provision for business and professional offices, department stores, shopping centers and other customer-oriented uses.

The area in question is identified on the Town Center Master Plan as being recommended for food and sundries or other compatible uses. Appropriate uses include a drugstore, grocery and other similar uses. This proposal is consistent with that identification, as the development would include an Albertson's and Payless Drugstore. Additional uses will also be consistent with the purposes of the Town Center to provide for commercial services.

Section 4.138(4)

26. The City Council finds that an application for Stage I review of the Town Center Market has been submitted, was reviewed by the Planning staff and was presented to the Planning Commission. Following approval of Stage I (preliminary approval), an application for Stage II (final) review must be prepared and submitted for approval by the Planning Commission and the Design Review Board.

Section 4.139(4)

27. The criteria for approval of a planned development are identified in Section 4.139(4). These criteria are met for the reasons which follow, except for the proposed access to Wilsonville Road:

Subsection(a) requires that the location, design, size and uses, separately and as a whole, are consistent with the Comprehensive Plan and other applicable plans, development maps or ordinances. City staff has examined the application carefully and considered its nature and design. For reasons set forth earlier in these findings, the City Council concludes that the application, including its location, design, size and uses, meets all applicable Comprehensive Plan provisions. The proposed shopping center is located within an area identified for commercial use on the Comprehensive Plan Map and zoned Planned Development Commercial Town Center. The use and design of the property for a supermarket, drugstore and other retail commercial uses is consistent with the Town Center Master Plan and provisions for the PDC Town Center districts. City staff will ensure, through Stage II and design review, that final plans conform to size, dimensional and other Code requirements.

Opponents to this development argue that the access and orientation of this proposal violate the Town Center Master Plan. The City Council finds that left turn access into Town Center Market is not consistent with the Master Street System and Functional Classification for Wilsonville Road at this location. The Council finds that the Town Center Master Plan is a plan that controls access. "City Center" (Town Center) District, identifies and refers to a variety of commercial uses and depicts the arterial road system and access thereto. The City Council specifically finds that the Town Center Master Plan is a controlling document regarding the location of uses within Town Center and the location and design of access onto Wilsonville Road.

Subsection (b) requires that the location, design, size and uses are such that traffic generated by the development can be safely accommodated, without congestion in excess of level of service D, and will avoid traversing local streets. The term local streets for a commercial use application is intended to apply to local residential streets. The Council finds that the proposed development will not traverse local residential streets. Moreover, the City Council believes that traffic generated by the development, considering the proposed uses, location, size and design of the buildings and site can be safely accommodated at level of service D or better. The Council recognizes that future development may, at some future time, require signalization of the western loop access along Wilsonville Road.

Subsection (c) provides that the location, design, size and uses be such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services. City staff already has determined that adequate services are available to the site. The Council concludes from these findings that the requirements of Section 4.139(4) are met when access is designed in keeping with the Master Plan Map.

Conclusion

Based on these findings and conclusions, together with the Conditions of Approval submitted by City staff attached hereto and incorporated herein by this reference, the City Council determines that all Comprehensive Plan and Zoning Code requirements that apply to Stage I review are satisfied or can be met. The City Council finds that parking issues, building height and setback, final design, utility placement, signs, landscaping and other site specific development requirements will be considered further as part of Stage II or design review approval. As additional Conditions of Approval, the City will require the applicant to dedicate the private access right-of-way to the City at such time as the City deems it necessary to convert that access to a public street and, in keeping with the access identified on the Town Center Master Plan, the Council further modifies the applicant's revised Site Plan to eliminate the right-turn-in/right-turn-out onto Wilsonville Road and substitute for the proposed full access on Wilsonville Road a right-turn-in/right-turn-out as shown on the Town Center Plan. The applicant's access off of Town Center Loop West via the internal road shown on the Town Center Plan, as well as it's access off of Town Center Loop East shall be in accordance with the Findings herein.

EXHIBIT B

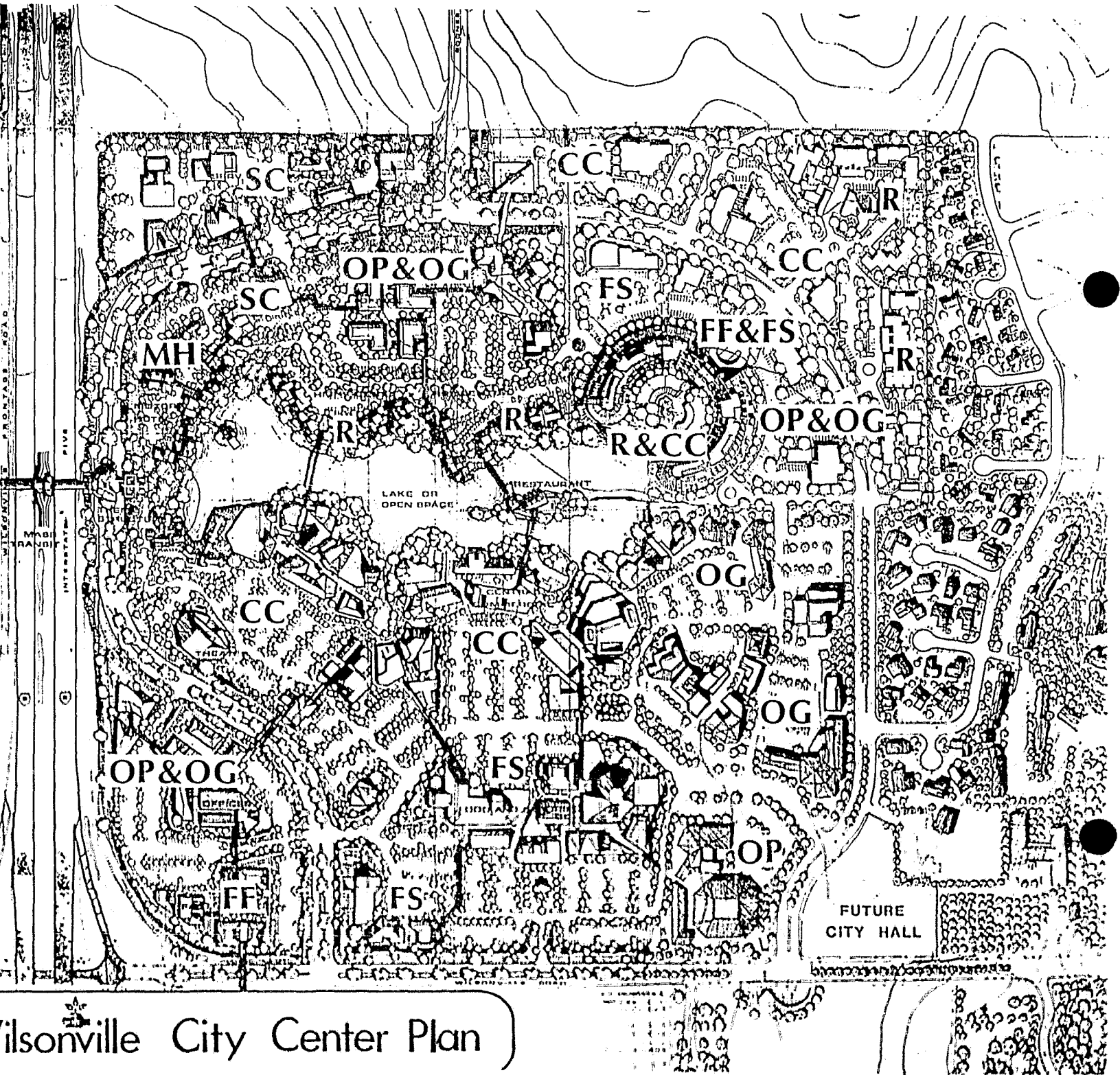
TOWN CENTER MARKET - 89PC17
STAGE I MASTER SITE PLAN
CONDITIONS OF APPROVAL

1. The applicant and/or his authorized agent file with the Wilsonville Planning Department within a period of one year, a Stage II Development Plan, in accordance with the procedures and standards of development as set forth in Chapter 4 of the Wilsonville Code.
2. That the applicant submit separate applications for Stage II Development review and applications for design review for each pad proposed in the Master Plan.
3. Automotive service stations/centers and automotive wash centers shall not be permitted within Town Center Market.
4. Obtain a final major land partition approval for the creation of the subject site from Tax Lots 500 and 601, Section 13 of T3S-R1W.
5. The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
6. Final Site Development Plan approval is contingent upon the City Engineering Department and City Council's concurrence in resolving the conflict between the alignment of the sanitary sewer easement and the proposed location of the west anchor store. Resolution of this conflict may require application to vacate said easement and the recording of substantial relocated easements.
7. All survey monuments on the subject site to be protected. If destroyed by the proposed site construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.
8. The applicant shall retain an 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.
9. Storm sewer system shall be designed to pass a 25-year frequency storm. The applicant's Engineer shall provide detailed drainage computations. Applicant shall provide run-off protection to downstream property owners pursuant to applicant's design engineer's submittals and approval by City Engineer.
10. The applicant shall submit to the City Engineer grading plans and the design and location of all public utilities for the City Engineer's approval. Pre-submittal coordination with the City Engineer shall occur.

11. The applicant shall conform with all requirements of the Consolidated Fire District.
12. Applicant shall address and construct all required bike paths in accordance with the Master Bike Path. Applicant shall address, at Stage II, a pedestrian path system which shall take into consideration internal circulation as well as circulation to the proposed future Town Center open space.
13. The applicant shall dedicate the necessary right-of-way for half-street improvements the length of the property along Wilsonville Road. Dedicate right-of-way for the proposed access road to serve the subject site and Tax Lot 500. This access to Tax Lot 500 is necessary for major partitioning. Construct streets on the aforesaid right-of-ways in accordance with the Public Works Standards at the time of construction of Town Center Market. The exact timing of the street construction should be coordinated with the City Engineering Department.
14. The applicant shall be allowed one access onto Wilsonville Road located approximately midway between the Loop roads. Such access shall be limited to right-turn-in/right-turn-out.
15. The applicant shall take access to the Town Center Loop West from an internal access road in accordance with the Town Center Plan, which access road shall be built to City standards. A reciprocal easement and maintenance agreement shall be filed with the City for this access road.

LEGEND

- CC Central Commercial
- SC Service Commercial
- FS Food and Sundries
- FF Fast Food Service
- OP Office Professional
- OG Offices for General Use
- R High Density Residential
- MH Motor Hotel



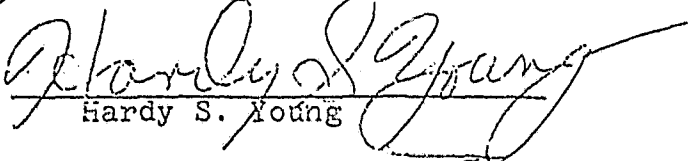
Wilsonville City Center Plan

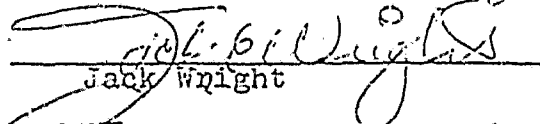
March 22, 1974

City of Wilsonville
Wilsonville, Oregon 97070

The undersigned, as purchasers in possession of certain lands within the City Center Zone of the City of Wilsonville, hereinafter termed the "Montague Tract", do hereby reiterate and reaffirm their willingness to conform to the City Center Plan with respect to the developing of such lands, including the installation of public ways, development of public areas, berms and other landscaping features, and we agree to contractually impose in connection with all sales, conveyances, leases and other alienations of title or use of any portion of said Montague Tract the requirements set forth on the attached Exhibit "B" or equal requirements which the City of Wilsonville prescribes with the intent and purpose that at such time as the said Montague Tract is fully developed, individually or as a part of the total City Center Plan, same will conform to the requirements of the City of Wilsonville, including the park area as thereon depicted.


John R. Grossman


Hardy S. Young


Jack Wright

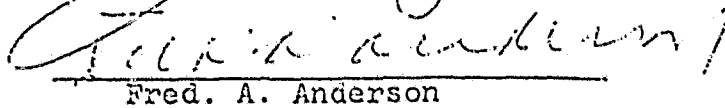

Fred. A. Anderson

EXHIBIT 4d