



## Planning Division Memorandum

**From:** Cindy Luxhoj AICP, Associate Planner  
**To:** Development Review Board Panel A  
**Date:** May 5, 2023  
**RE:** DB22-0007 Delta Logistics Site Expansion – Correspondence from Applicant’s Legal Counsel about Conditions of Approval

Please find attached correspondence from the applicant’s legal counsel, Schwabe Williamson & Wyatt, about Conditions of Approval PFA 3, 11, and 14 of the Development Review Board Panel A staff report for the May 8, 2023 public hearing.

The submittal will be entered into the record as Exhibit B15 at the public hearing.

**From:** [Hicks, Jane M.](#)  
**To:** [Luxhoj, Cindy](#)  
**Cc:** [Guile-Hinman, Amanda](#); [igor@deltagov.com](mailto:igor@deltagov.com); [LLeighton@mcknze.com](mailto:LLeighton@mcknze.com); [Bateschell, Miranda](#); [Stephenson, Garrett H.](#); [Warner, Hannah R.](#)  
**Subject:** Delta Logistics Site Expansion (City Casefile DB 22-007) [IWOV-pdx.FID4697618]  
**Date:** Thursday, May 4, 2023 4:03:11 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[5.4.2023 Letter to City - Response to Staff Report with Exhibits 1 and 2.PDF](#)

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**[This email originated outside of the City of Wilsonville]**

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Good afternoon,

Please find attached correspondence with Exhibits 1 and 2 submitted on behalf of Applicant Delta Logistics, LLC by Garrett H. Stephenson. Please place the letter and exhibits in the City's official record and before the DRB Panel A members. Please confirm receipt of this letter and exhibits and that the letter and exhibits were placed in the record and before the DRB Plan A members. Please contact Garrett H. Stephenson if you have any questions.

Thank you,  
Jane Hicks

### Jane Hicks

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Legal Assistant to Garrett H. Stephenson,  
Andrew R. Wallace, Joseph O. Gaon and Bailey M. Oswald  
1211 SW Fifth Avenue, Suite 1900  
Portland, OR 97204  
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**Schwabe**

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May 4, 2023

**Garrett H. Stephenson**

Admitted in Oregon  
D: 503-796-2893  
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gstephenson@schwabe.com

**VIA E-MAIL**

Development Review Board Panel A  
C/O Cindy Luxhoj  
29799 SW Town Center Loop East  
Wilsonville, OR 97070

RE: Delta Logistics Site Expansion (City Casefile DB 22-007)  
Applicant's Comments regarding Proposed Conditions of Approval

Dear DRB Board Members:

This firm represents Delta Logistics (“**Applicant**”) in its Site Expansion Application No. DB22-0007 (the “**Application**”). The Applicant and staff have worked collaboratively to design the proposal before you, and we greatly appreciate the hard work of the City staff and the DRB in considering the Application. The Applicant has reviewed the May 1 staff report and supports its conclusions and recommendations in almost all respects. However, the Staff Report proposes two conditions (PFA 14 and PFA 3/11) that, while well-intentioned, require public improvements that are not necessary to serve the project or mitigate for its impacts. Therefore, these conditions constitute unconstitutional takings and are prohibited as a matter of law.

***The City may not require dedication of a public easement for a Supporting Street because none of the proposed options could access that street.***

The Engineering Division Condition No. PFA 14 would require the Applicant to dedicate a 31-foot wide public access and utility easement along the western property line for the purpose of a future supporting street. The Applicant's proposed development does not request access via the western side of the property and the proposed easement area is cut off from Applicant's proposed development because of a wetland. Notably, Applicant had previously proposed a crossing of the wetland and/or an access point along SW Day Road in roughly the same area as the Dedication. The City denied that request, claiming an access point would be disruptive to and exceed the traffic inputs allowed on SW Day Road. In contrast to the recent denial, the City now requests a dedication from Applicant of the same area so that a supporting street can be developed on SW Day Road to serve the nearby Coffee Creek Correctional Facility.

In order to withstand constitutional scrutiny, a taking of private property must have an “essential nexus” between a governmental interest that would otherwise allow denial of the permit and such a taking must be “roughly proportional” to the impacts of the proposed development. *Nollan v.*

*California Coastal Com.*, 483 US 825, 836-37 (1987); *Dolan v. City of Tigard*, 512 US 374, 391-95 (1994). The proposed dedication meets neither test.

The City notes that this dedication is required to accomplish the objectives of the Coffee Creek Industrial Design Overlay as a “Required Supporting Street.” However, even assuming such a requirement is codified, the City cannot demonstrate the required nexus and proportionality simply by referring to land use regulations that purport to require an exaction of private property. Oregon Courts have addressed this issue directly:

“[A] governmental interest is one that would permit the denial of a permit when it is a legitimate one—such as managing traffic congestion—and the project’s impacts standing alone, or in combination with the impacts of other construction, “would substantially impede” that legitimate interest. [...] That means, necessarily, that, to determine whether a government has established an interest that would permit the denial of a permit, the government must demonstrate how the proposed project’s impacts, either alone or in combination with other construction, are ones that ‘substantially impede’ the interest identified by the government. Said another way, the city cannot evade *Nollan*’s requirement that it demonstrate that the impacts of a particular proposal ‘substantially impede’ a legitimate governmental interest so as to permit the denial of a permit outright, simply by defining approval criteria that do not take into account a proposal’s impacts.”

*Hill v. City of Portland*, 293 Or App 283, 290 (2018).

In this instance, and as an initial matter, the City has not clearly identified approval criteria that the Dedication is intended to serve. But moreover, the City has not provided any explanation of how dedication of this public easement would mitigate some impact of the Project on the existing public transportation system. And, no such explanation is possible: staff specifically does not recommend approval of an option that would include development that could access this new street. See Staff Report at 5-6 and **Exhibit 1**, attached. In other words, the City staff’s position is that the only supportable option for this project is Option 3, which, according to staff “does not include any development west of, or crossing of, the SROZ.” Staff Report at 6.

The City cannot have it both ways: in order to require dedication and/or improvement of a boundary street, the project must be accessible (and propose for access) from this street. This too has been addressed by Oregon courts. In *Brown v. City of Medford*, an applicant’s partition application proposed access along the north of the property. As a condition to approval, city required dedication of 19-foot easement across the southern portion of the property to support connectivity goals relating to an approved but not yet developed subdivision south of applicant’s property. *Brown v. City of Medford*, 251 Or App 42 (2012). The Court held that “dedication condition was unconstitutional, because [applicant] did not need access from [the south] and, therefore, the city’s exaction of that right of way lacked the requisite nexus to the impact of the proposed partition.” *Brown*, 251 Or App 42. The situation here is identical: none of the

Applicants proposals include access to a supporting street at this location and, if required, it would take most if not all of the remaining developable land located west of the mapped SROZ area.<sup>1</sup> The City clearly has not met its burden to demonstrate the required nexus, and facts would not allow such a showing. For similar reasons, the City cannot demonstrate the required proportionality: in simple terms, the project cannot utilize the Supporting Street because the City has taken the position that the SROZ cannot be crossed, and there is no proportionality between the value of land the City wishes the Applicant to dedicate and the (non-existent) impacts of development on that Supporting Street.

For these reasons, PFA 14 does not pass constitutional muster, and the DRB should accordingly refrain from imposing that condition.

**The requirement for a looped water line connection between Day Road and Commerce Circle is not necessary to serve the project.**

Engineering Division Conditions No. PFA 3 and 11 require a temporary water line looping to the existing water line across the SW Commerce Circle site and a 15-foot water line easement supporting the looped water line. The apparent purpose of this is to connect the existing line serving development along Commerce Circle to the existing water line in Day Road, thereby creating a looped system. While this may fulfill the City's engineering goals, there is no evidence in the record that the looped water line (temporary or otherwise) is necessary to serve the property or the project. On the other hand, the Applicant estimates that the cost of making this looped connection would be roughly \$65,000 more than a direct, single connection, not including the value of the property that would be subject to the easement.

Therefore, requiring such in improvement (which only serves surrounding properties and the system generally, not the project) would constitute an unconstitutional taking under the legal principles outlined above. That is, there is no nexus between the impact of the project and the City's water system that would require this improvement, and these conditions do not meet the proportionality requirement for the same reason.

For the above reasons, the DRB should either (1) refrain from imposing Conditions PFA 3 and 11 or (2) confirm that the additional water line connection to Commerce Circle and related easement are SDC creditable. The Applicant understands why the City wants this looped line and is willing to work collaboratively with the City to those ends, but the City must pay its fair share for this improvement.

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<sup>1</sup> This is particularly relevant with Option 2, which, while it would eventually connect to a Supporting Street outside of the property boundary, could not be constructed if the westernmost 31 feet were granted to the City as a public easement. **Exhibit 2** is a memorandum submitted to the City explaining why the City should not require a supporting street at this location, and clarifying that Option 2 would require a direct connection to Day Road at least as an interim measure, which City staff does not support.

Development Review Board Panel A  
May 4, 2023  
Page 4

### **Conclusion**

As explained above, the Applicant respectfully requests that the DRB not impose Condition Nos. PFA 3, 11, and 14. If the DRB nonetheless imposes those conditions, the Applicant reserves its rights under ORS 197.796 to seek relief from the Land Use Board of Appeals or damages from Circuit Court.

Best regards,



Garrett H. Stephenson

GST/jmhi  
Enclosures

cc: Ms. Amanda Guile-Hinman (*via email w/enclosures*)  
Ms. Miranda Bateschell (*via email w/enclosures*)  
Mr. Igor Nichiporchik (*via email w/enclosures*)  
Mr. Lee Leighton (*via email w/enclosures*)  
Ms. Hannah Warner (*via email w/enclosures*)

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## Stephenson, Garrett H.

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**From:** Lee D. Leighton <LLeighton@mcknze.com>  
**Sent:** Tuesday, May 2, 2023 12:33 PM  
**To:** Stephenson, Garrett H.  
**Cc:** Adam Goldberg; Janet T. Jones  
**Subject:** FW: Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)

Hi Garrett.

Please see below the February 3, 2023 email correspondence from Cindy Luxhoj, responding to revised alternative development plans we submitted in response to the January 4 Zoom call with staff. In that virtual meeting, staff advised the applicant that staff would not support the variance request to allow a private crossing of Tapman Creek.

See in particular paragraph 4 (under the two blocks of bullet items).

I am typically away from my desk on Wednesdays and Fridays.

If your project requires immediate attention, please contact Planning Department Manager Gabriela Frask, [gfrask@mcknze.com](mailto:gfrask@mcknze.com), 971.346.3675

**Lee Leighton** AICP                      Land Use Planning  
he, him, his                              Senior Associate  
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**From:** Luxhoj, Cindy <luxhoj@ci.wilsonville.or.us>  
**Sent:** Friday, February 3, 2023 4:41 PM  
**To:** Lee D. Leighton <LLeighton@mcknze.com>; 'Igor N' <igor@deltagov.com>; vlad@deltagov.com  
**Cc:** Rybold, Kim <rybold@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>; Pepper, Amy <apepper@ci.wilsonville.or.us>; Rappold, Kerry <rappold@ci.wilsonville.or.us>; Pauly, Daniel <pauly@ci.wilsonville.or.us>  
**Subject:** RE: Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)

Lee,

This email responds to the land use and transportation analysis letters and graphics your team provided to the City on January 31, 2023, for the Delta Logistics Site Expansion project (Case File No. DB22-0007). These materials were submitted in follow-up to the virtual meeting conducted between City staff and the applicant's team on January 4, 2023. The January 4 meeting was convened to discuss the applicant's request for a variance to cross the Significant Resource Overlay Zone (SROZ) with a private drive aisle to access a proposed semi-tractor storage area west of the SROZ in the Delta Logistics site expansion area.

At the January 4 meeting, City staff communicated the following:

- No exemption exists in Code that would allow a crossing of the SROZ with a private drive aisle as proposed.

- Staff will not recommend to the Development Review Board (DRB) that they grant the variance request to allow the crossing because the application materials fail to demonstrate unnecessary hardship and fail to meet all the variance criteria.
- Should the applicant desire to access the western portion of the property, such access could be gained by providing half-street improvements in a Supporting Street along the property's western boundary as required in the Coffee Creek Industrial Design Overlay District (DOD) Regulating Plan (Figure CC-1).

At the January 4 meeting, City staff requested that the applicant submit revised materials showing the following:

- Removal of the proposed drive aisle crossing the SROZ.
- Half-street improvements in a Supporting Street along the property's western boundary providing access to SW Day Road if the applicant continues to propose development of their property west of the SROZ.
- Revision of the semi-tractor storage area west of the SROZ to accommodate and integrate with the half-street improvements.
- Reconfiguration of the drive aisle connection between the Delta Logistics existing site to the south and the expansion area on this lot to move the aisle east, out of the SROZ wetland buffer specifically and, preferably, the impact area as well.

Staff has reviewed the materials submitted on January 31, and determined that they fail to respond to our requests of January 4, as three of the four items as listed above – half-street improvement, revision of the storage area, reconfiguration of the drive aisle connection – are not addressed in the resubmittal. Further, although the alternative Option 2 removes the SROZ crossing, it includes an interim driveway access to SW Day Road and connection to a Supporting Street to be built off-site by others further to the west at an undetermined future time. The proposed design would preclude development of the Supporting Street consistent with the Coffee Creek Industrial DOD Regulating Plan in the future, making it impossible for the City to implement the envisioned future street network, which is critical to providing internal connectivity within the industrial area and access to SW Day Road for properties on the south side of this major arterial.

Based on the application materials submitted to date, including the January 31 letters and graphics, there are two possible paths forward for this project:

- **DRB Public Hearing on February 27, 2023:** No additional materials are submitted by the applicant. Staff proceeds with preparing the staff report in preparation for the DRB public hearing on February 27, 2023, based on application materials submitted to date.
  - Anticipated staff recommendation to DRB: Deny variance request. Deny all other application requests.
- **Reschedule DRB Public Hearing to March 13 or March 27, 2023:** Staff delays preparing the staff report until the applicant submits revised materials addressing the compliance issues between what is proposed and the development review criteria as identified by staff. Revised materials are submitted either by February 14, 2023, for the March 13 hearing, or by February 28, 2023, for the March 27 hearing. Staff proceeds with preparing the staff report based on application materials submitted by the deadline.
  - Anticipated staff recommendation to DRB: Deny variance request. Recommendation on all other application requests is contingent on revised application materials, but there is a higher probability of a favorable recommendation with conditions.

**The DRB public hearing notice for the February 27, 2023 meeting must publish next Tuesday, February 7, 2023. Therefore, staff requires a response indicating which path the applicant chooses to follow by 5:00 pm on February 6, 2023, to provide staff sufficient time to prepare and distribute the notice by the February 7 deadline. Please provide the response in written form, either by email or in a letter attachment.**

Please be aware of the following other key dates for this application:

- The 120-day Waiver requested by the applicant extends the 120-day land use review period for a final decision on the application from the initial date of February 11, 2023, to and including March 30, 2023. This may need to be extended further.



- Ordinance Nos. 872 (Annexation) and 873 (Zone Map amendment) will expire 120 days from the Ordinance effective date unless a Stage 2 Final Plan for the subject area is approved by the City. The Ordinance effective date is February 18, 2023, making the 120-day expiration date June 18, 2023.

Thank you,

**Cindy Luxhoj AICP**

Associate Planner  
City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

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29799 SW Town Center Loop East, Wilsonville, OR 97070

*The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.*

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**From:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>

**Sent:** Tuesday, January 31, 2023 4:58 PM

**To:** 'Lee Leighton (Mackenzie (Portland))' <[lleighon@mcknze.com](mailto:lleighon@mcknze.com)>

**Cc:** Rybold, Kim <[rybold@ci.wilsonville.or.us](mailto:rybold@ci.wilsonville.or.us)>; Bateschell, Miranda <[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)>; Pepper, Amy <[apepper@ci.wilsonville.or.us](mailto:apepper@ci.wilsonville.or.us)>; Pauly, Daniel <[paul@ci.wilsonville.or.us](mailto:paul@ci.wilsonville.or.us)>; White, Shelley <[swhite@ci.wilsonville.or.us](mailto:swhite@ci.wilsonville.or.us)>

**Subject:** RE: Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)

Hi Lee –

I'm acknowledging receipt of today's email. Staff is reviewing the file you provided and will respond about the requested meeting by the end of this week.

At this point we haven't required resubmit on the other application materials in the online portal, so you should be able to upload the file as "Other Supporting Information" using the "Add Attachment" tile on the DB22-0007 project page. Please be advised that the file will not be considered part of the project record until it is uploaded to the portal. Please let me know if you encounter any difficulty with the upload.

Thanks,

**Cindy Luxhoj AICP**

Associate Planner  
City of Wilsonville

503.570.1572

[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)

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[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



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*Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.*

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**From:** Lee Leighton (Mackenzie (Portland)) <[lleighton@mcknze.com](mailto:lleighton@mcknze.com)>  
**Sent:** Tuesday, January 31, 2023 1:58 PM  
**To:** Luxhoj, Cindy <[luxhoj@ci.wilsonville.or.us](mailto:luxhoj@ci.wilsonville.or.us)>  
**Subject:** Document Issue No. 23 - Delta Logistics - Dual Site Access Option II (Phase 1 & 2)

[This email originated outside of the City of Wilsonville]

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## 2200502.00 - Delta Logistics Wilsonville Annex/ZC Issue 23

Issued by: Lee Leighton (Mackenzie)  
On: 31 Jan 2023

Greetings, Wilsonville staff.

This material is submitted for the record in land use casefile DB22-0007, Delta Logistics Annex.

Following through on our virtual meeting of January 4, Mackenzie has prepared land use and transportation analysis letters and graphics to propose an alternative access scenario (Option II) for a western driveway access to the semi-tractor storage area in the northwest corner of the property.

Please use the URL below to download one file containing those items.

We would like to schedule a virtual meeting with staff to summarize our findings and present the proposal.

Also, please advise when the online permitting system is open for us to submit a copy using that online interface.

Thank you,

~Lee

Lee Leighton, AICP

Mackenzie Email [Disclaimer](#)

[Access the documents for this issue](#)

Recipients:

Andrei Shupenka (Built Environments NW (<Default>))  
Roman Michalchuk (Built Environments NW (<Default>))  
Dan Pauly (City of Wilsonville (Wilsonville))  
Becky White (City of Wilsonville (Wilsonville))  
Kim Rybold (City of Wilsonville (Wilsonville))  
Cindy Luxhoj (City of Wilsonville (Wilsonville))  
Amy Pepper (City of Wilsonville (Wilsonville))  
Igor N (Delta Logistics (<Default>))  
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Breezy Rinehart-Young (Mackenzie (Portland))  
Adam Goldberg (Mackenzie (Portland))  
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Lee Leighton (Mackenzie (Portland))  
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Hannah Warner (Schwabe Williamson & Wyatt (<Default>))  
Garrett Stephenson (Schwabe Williamson & Wyatt (<Default>))

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# MACKENZIE.

January 31, 2023

City of Wilsonville  
Attention: Amy Pepper  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

Re: **Delta Logistics**  
*Alternative Access Scenario*  
Project Number 2200502.04

Dear Amy:

Mackenzie has prepared this letter to review access limitations to the bobtail parking area of the proposed Delta Logistics site expansion on SW Day Road in Wilsonville, Oregon, including exploration of an alternative circulation plan for the Coffee Creek plan area.

## INTRODUCTION

Delta Logistics is proposing a site expansion on Washington County Tax lots 3S102B000600 and 3S102B000601 south of SW Day Road. Access to the site is proposed via a new driveway on SW Day Road, as well as cross-circulation to the existing site to the south which currently takes access from SW Commerce Circle. The proposed expansion includes an approximately 62,100 SF warehousing building with truck docks on the west side of the building and associated parking on lot 00600, and a surface parking lot dedicated to “bobtail” semi-tractor parking/storage to the west on lot 00601. The bobtail tractor parking area will be used to store tractors when not utilized in conjunction with a trailer for transport.

The current proposal includes a crossing of Tapman Creek connecting the bobtail tractor parking/storage lot to the warehousing building. Due to challenges with site grading, the bobtail storage must be placed on lot 00601 to maintain a warehousing building area that meets Delta Logistics’ business needs. City of Wilsonville staff has advised the applicant they will not support a crossing of Tapman Creek; however, not allowing a crossing of Tapman Creek presents significant challenges for Delta Logistics and the surrounding transportation network.

## ACCESS LIMITATIONS

If a crossing of Tapman Creek for access to the bobtail parking area is not allowed, then a second driveway will be needed to serve lot 00601. Without access to this lot, Delta Logistics is unable to utilize this property for their operations, which creates an unnecessary hardship on Delta Logistics. This would also force Delta Logistics to provide bobtail parking/storage on the main site with the warehousing building, decreasing the warehousing building footprint or the trailer storage capacity and thereby restricting Delta Logistics’ development potential to a level that fails to meet their business needs.

An alternative site design could include the main access on SW Day Road serving the proposed warehousing building and a second vehicular access to the bobtail parking area located approximately 465 feet west, as measured between near driveway edges. This would require that drivers walk to the bobtail storage site from the warehouse, drive the bobtail to the main site via SW Day Road to load a trailer, and exit the main site to make deliveries. Once drivers return, they will



have to return to the main site to unload the trailer, drive the bobtail to the storage area via SW Day Road, and walk back to the warehouse. This results in a total of four vehicle trips on SW Day Road per bobtail tractor as opposed to two trips assuming a crossing of Tapman Creek was allowed. The doubling of trips onto the Major Arterial is unnecessary, would decrease the capacity of the roadway, and would present safety deficiencies as bobtails speed up to enter the traffic stream and quickly slow down again to enter the warehousing site, all within approximately 465 feet. Per acceleration data presented by the American Association of State Highway and Transportation Officials (AASHTO) for passenger cars on level surface (Figure 2-33 of the "Green Book"), it takes vehicles approximately 220 feet to accelerate up to 30 mph from stop. Similarly, it takes vehicles approximately 175 feet to come to a complete stop once traveling at 30 mph (Figure 2-34 of the "Green Book"). This suggests the bobtail drivers will utilize almost the entire span between driveways to speed up to a free-flow speed greater than 30 mph and then immediately slow down to turn into the next driveway. Alternatively, bobtail drivers may travel at a speed lower than 30 mph which would cause disruption to the flow of traffic traveling closer to the 45-mph design speed.

Additionally, a second access to SW Day Road for the subject property does not meet the City's access spacing standard for a Minor Arterial. Per the City's TSP, the desired access spacing requirement on SW Day Road is 1,000 feet as measured between centerlines, and the minimum access spacing requirement is 600 feet. The maximum access spacing that can be achieved for this property while maintaining safe sight lines (see Mackenzie's March 18, 2021 letter reviewing sight distance) along SW Day Road is approximately 505 feet between centerlines. While a variance for this second access could be considered, we note this alternative is less desirable than containing internal movements within the Delta Logistics site itself, for the reasons discussed above.

The City has noted the potential for a new north/south roadway ("Supporting Street" per Coffee Creek Figure CC-1) adjacent to the site's western boundary; however, currently adopted plans such as the 2013 Transportation System Plan as amended in 2016 and 2019 (TSP) and the Capital Improvement Projects (CIP) list do not include plans for a new north-south vehicular roadway in that corridor between SW Day Road and SW Ridder Road to the south.

The City's currently adopted TSP identifies a new shared-use trail (LT-02) extending north of SW Day Road to the planned Basalt Creek Parkway extension (RE-14) as a "Higher Priority Project." This shared-use trail is described as a "standalone pedestrian and bicycle improvement" in the City's TSP. No trail connection is identified south of SW Day Road under the "Higher Priority Project" list. Under the "Additional Planned Projects" list, a new shared-use trail (LT-P3) is identified between SW Ridder Road and SW Day Road and extending northwest to Tonquin Road. The "Additional Planned Projects" list includes improvements desired by the City but not identified as higher priority due to funding limitations.

The TSP does consider whether a future Minor Arterial will be needed between SW Beockman Road and SW Day Road to alleviate congestion at the 95th Avenue/Elligsen Road intersection, noting this new connection would be needed as the northwest quadrant develops to provide access to future developments; however, the TSP also notes this connection would be "difficult to construct due to the P&W railroad track and Metro green space in this quadrant." We agree there are significant challenges with any roadway construction in this area due to the existing Bonneville Power Administration's (BPA) easement that runs north/south adjacent to lot 00601, and Tapman Creek which runs along the eastern side of the BPA easement from SW Day Road to just north of the power substation along SW Ridder Road. Additionally, such an alignment would result in a lack of frontage to private property along one side due to the location of the BPA easement, and thus would require City funding to complete.

Typically, the TSP includes long-range planned projects that are identified as needed improvements to serve future growth. Those projects are then added to the City's CIP list once funding is secured. If an improvement is not identified in

the TSP as a “high-priority project,” the chances of that improvement being funded are minimal. Based on this review, it is not likely a new north/south Minor Arterial adjacent to the subject property will be constructed prior to the construction of the proposed development. Therefore, if a new north/south roadway parallel to the site is constructed at a future date or not at all, access to the bobtail parking area will need to be provided from SW Day Road, or via the crossing of Tapman Creek on the subject site. In the event a new north/south roadway adjacent to the site is constructed, an interim access on SW Day Road will need to be provided until such time ultimate access from a new north/south roadway is constructed.

## **ALTERNATIVE CIRCULATION PLAN**

The Coffee Creek Urban Renewal Plan identifies a potential north/south Minor Collector parallel to the subject site. We understand the TSP notes there is a need for additional north/south connectivity in the Coffee Creek area, consistent with the Coffee Creek Urban Renewal Plan, but as previously noted, there is no such identified planned improvement project listed in the City’s currently adopted TSP.

Goal 3 of the Coffee Creek Urban Renewal Plan describes providing “a safe and efficient multi-modal transportation system consistent with the Transportation System Plan.” Again, the City’s currently adopted TSP does not include a plan for a north/south vehicular roadway adjacent to the site, but instead includes a plan for a pedestrian and bicyclist trail at this location.

The Coffee Creek Urban Renewal Plan also identifies specific infrastructure improvements needed within the plan area. This list includes improvements to SW Day Road, SW Grahams Ferry Road, SW Garden Acres Road, SW Clutter Road, and a new east-west roadway, SW Java Road. This list does not include a new north/south roadway extending north from the existing SW Kinsman Road terminus through SW Ridder Road and to SW Day Road. We note existing buildings north of SW Ridder Road preclude the alignment shown on the Coffee Creek Plan for a new north/south roadway.

Currently, SW Garden Acres Road and SW 95th Avenue provide north/south connectivity between SW Day Road and SW Ridder Road. Both roadways are designated Minor Arterials and are spaced a little over a half-mile apart. The City’s TSP notes the desired spacing for Minor Arterials is one mile, per Table 3-1 Facility Spacing Guidelines. The desired spacing is specific to the distance between roadways of the same or higher functional classification. In this area, the existing spacing between SW Garden Acres Road and SW 95th Avenue is about half the desired spacing between Minor Arterials. Therefore, we don’t see a need to add another north/south Minor Arterial between these two roadways.

An alternative to the planned north/south roadway identified in the Coffee Creek Master Plan could be to provide an east/west Collector east of SW Garden Acres Road to provide circulation to future industrial areas east of SW Garden Acres Road and west of the BPA easement. This provides local circulation to future developments in the area and does so in a way that does not interfere with the existing BPA easement and Tapman Creek. Another alternative could include constructing a local loop street, similar to SW Commerce Circle on the west side of SW 95th Avenue, that provides circulation in a loop with two approaches to SW Garden Acres Road. Enclosed with this letter are examples of how future circulation to currently undeveloped parcels within the Coffee Creek area can be achieved with a new east-west Collector or a new loop street connecting to SW Garden Acres Road.



## CONCLUSION

The proposed Delta Logistics expansion site on SW Day Road comprises two tax lots, one of which is bisected by Tapman Creek. The proposal includes an approximately 62,100 SF warehousing building and associated parking east of the creek, and a “bobtail” tractor trailer parking area west of the creek. The development proposal also includes a crossing of Tapman Creek to maintain all truck-related functions on site.

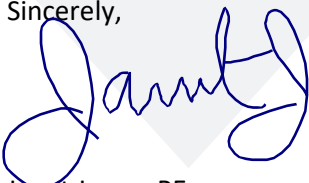
City staff has indicated that they will not support a crossing of the Tapman Creek on site. City staff has also indicated there is a planned north/south public road connection west of the subject site from which a future access can be located to serve the bobtail storage area; however, we note the following challenges with staff’s suggestions:

- We find inconsistencies between the adopted TSP and the Coffee Creek diagram regarding the nature of the planned north-south circulation facility immediately west of the subject site.
- There are challenges with constructing a roadway at this location due to existing BPA easement and Tapman Creek, as well as a lack of properties that can provide half-street improvements.
- Due to the construction challenges, we suggest City staff explore the potential for a new east-west Collector extending east from SW Garden Acres Road, or a local access street loop similar to Commerce Circle on the west side of SW 95th Avenue, to serve future industrial development east of Garden Acres Road.
- Without a north/south roadway from which to take access or an internal crossing of Tapman Creek, the subject property requires a second access on SW Day Road.
- Compared to having a creek crossing to complete internal trips within the subject property, a second access on SW Day Road would add unnecessary trips, cause friction for through movements eastbound on Day Road, and would not meet the City’s access spacing requirement. This is the case whether access would be in the form of the proposed interim driveway on SW Day Road or alternatively if a driveway were located on a new street or shared driveway immediately to the west.
- Without access to the bobtail storage area, Delta Logistics would be unable to utilize their property to its fullest potential, causing a hardship on Delta Logistics.

Based on this review, we conclude that allowing an on-site crossing of Tapman Creek continues to be the superior design alternative to achieve the desired arterial functioning of SW Day Road under present and future conditions.

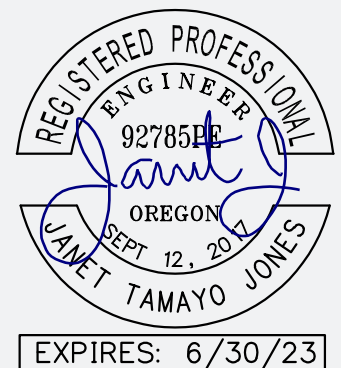
Please contact me at 971-346-3741 or [jjones@mcknze.com](mailto:jjones@mcknze.com) if you have any questions or comments on the information presented in this letter.

Sincerely,



Janet Jones, PE  
Senior Associate | Traffic Engineer

Enclosure(s): Proposed Site Plan – Option I  
Proposed Site Plans –Option II Phase 1 and Phase 2



City of Wilsonville  
Delta Logistics  
Project Number 2200502.04  
January 31, 2023  
Page 5

c: Igor Nichiporchik, Vlad Tkach – Delta Logistics  
Lee Leighton, Breezy Rinehart-Young, Adam Goldberg – Mackenzie







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REVISION SCHEDULE		
Delta	Issued As	Issue Date
1	PLAN CHECK	06/10/2022
2	LAND USE	11/15/2022

SHEET TITLE:  
**GRADING PLAN**

DRAWN BY: AOC, BMR

CHECKED BY: BMR, BDN

SHEET

**C1.20**

JOB NO. **2200502.04**

**DESIGN REVIEW SET 07/29/2022** Exhibit 2  
220050200DRAWINGS\CIVIL\50204-C1.20-GRADING PLAN.DWG Page 6 of 6 18-17

