

**ORDINANCE NO. 632**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURAL - HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5) ZONE FOR MIKE AND JULIE MADRID ON APPROXIMATELY 5.05 ACRES OF TAX LOT 2900 OF SECTION 12D, T3S, R1W, CLACKAMAS COUNTY, OREGON. MR. KEN SANDBLAST, ACTING AS AGENT FOR THE APPLICANTS MIKE AND JULIE MADRID.**

WHEREAS, Mike and Julie Madrid have requested a Zone Map Amendment of certain property described in attached Zoning Order DB06-0037; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared an amended staff report, with conditions, to the Development Review Board dated May 14, 2007, wherein it reported that the request is consistent with and meets requirements for approval of a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'A' held public hearings on this request on April 9, 2007 and May 14, 2007 and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared a memo and supplemental staff report to City Council dated June 8, 2007 and

WHEREAS, on June 18, 2007, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the staff recommended Zone Map Amendment, of Tax Lot 2900 comprising approximately 5.05 acres meets the applicable approval criteria under the City's land development code,

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

Section 1. Findings. The City Council adopts as findings and conclusions, and conditions of approval the forgoing recitals and the staff report in this matter dated June 8, 2007, which Exhibit is attached hereto and incorporated herein as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order: DB06-0037, attached hereto, from *Residential Agricultural - Holding (RA-H)* zone to *Planned Development Residential - 5 (PDR-5)* zone of Tax Lot 2900 Section 12D, T3S,

R1W, Clackamas County, Oregon, as depicted on the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 18<sup>th</sup> day of June, 2007, and scheduled for a second reading at a regular meeting thereof on the 2<sup>nd</sup> day of July, 2007, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

  
Sandra C. King, MMC, City Recorder

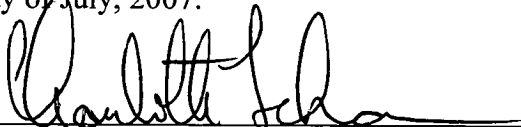
ENACTED by the City Council on the 2nd day of July, 2007 by the following votes:

Yes: -4-

No: -0-

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 6<sup>th</sup> day of July, 2007.

  
CHARLOTTE LEHAN, MAYOR

**SUMMARY OF VOTES:**

Mayor Lehan	Yes
Councilor Knapp	Yes
Councilor Ripple	Excused
Councilor Kirk	Yes
Councilor Núñez	Yes

Attachments:

1. Zoning Order DB06-0037  
Attachment 1: Map depicting zone change  
Attachment 2: Legal Description
2. Planning Division Staff Report to City Council, June 18, 2007

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
Mr. Ken Sandblast, acting as agent )  
for the applicants, Mike and Julie )  
Madrid for a Rezoning of land and )  
Amendment of the City of )  
Wilsonville Zoning Map )  
incorporated in Section 4.102 )  
of the Wilsonville Code. )

**ZONING ORDER DB06-0037**

The above-entitled matter is before the Council to consider the application of Mr. Ken Sandblast, acting as agent for the applicants, Mike and Julie Madrid, for a Zone Map Amendment (Case File 06DB-0037) and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 2900 in Section 12D, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Wilsonville Zoning Map as *Residential Agricultural – Holding (RA-H)*.

The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds that the application should be approved, and it is therefore,

ORDERED that approximately 5.05 acres of Tax Lot 2900 in Section 12D, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 2 to this order, is hereby rezoned to *Planned Development Residential - 5 (PDR-5)*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 6<sup>TH</sup> day of July, 2007.

  
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CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

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Michael E. Kohlhoff, City Attorney

ATTEST:

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Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting zone change

**COPPER CREEK SUBDIVISION  
(FORMERLY MADRID SUBDIVISION)**

**ZONE MAP AMENDMENT  
Zoning Order DB06-0037**

**INDEX**

1. Ordinance No. 632 adopting Zoning Order DB06-0037
2. Zoning Order DB06-0037
  - a. Legal Description
  - b. Map depicting zone change
3. Cover memorandum dated June 18, 2007 to Honorable Mayor and City Council from Blaise Edmonds, Manager of Current Planning
4. Planning Division Staff Report to City Council dated June 8, 2007
5. Development Review Board Decision and adopted Staff Report adopted May 14, 2007
6. Draft Minutes from May 14, 2007 and April 9, 2007 Development Review Board, Panel A meeting

**WILSONVILLE PLANNING DIVISION  
DEVELOPMENT REVIEW BOARD PANEL 'A'  
AMENDED AND ADOPTED QUASI -JUDICIAL STAFF REPORT  
COPPER CREEK SUBDIVISION**

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**Public Hearing Dates:** March 12, April 9, and May 14, 2007  
**Date of Report:** May 3, 2007  
**Application Numbers:** Request A: DB06-0037 Zone Map Amendment  
Request B: DB06-0035 Stage I Preliminary Plan  
Request C: DB06-0034 Tent. Subdivision Plat  
Request D: DB06-0036 Stage II Final Plan  
Request E: (No Casefile) Seven (7) Waivers<sup>1</sup> Request  
F: DB06-0038 Site Design Review  
Request G: DB06-0039 Type 'C' Tree Plan  
Request H: SI06-0003 SRIR Review

**Property Owners/Applicants:** Mike and Julie Madrid

**REQUEST:** Mr. Ken Sandblast of Planning Resources, Inc., acting as agent for the applicants, proposes the development of 26 residential lots in one phase, along with associated site improvements, for the property located on the east side of Canyon Creek Road, between SW Boeckman Road and SW Thornton Drive. The development site area is comprised of one parcel, the area of which is approximately 5.05 acres.

The following requests apply to the subject property, as defined in the applicant's submittal documents: Approve a Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential (PDR-5). [Note: A companion application (DB06-0034), to approve a Tentative Subdivision Plat is also evaluated in this report.] Additional applications request approval of a Stage II Final Plan, Type 'C' Tree Removal Plan, and Site Design Review Plans for the common elements of the proposed subdivision, along with seven (7) waivers.

**Comprehensive Plan Designation:** Residential 10 - 12 du/ac

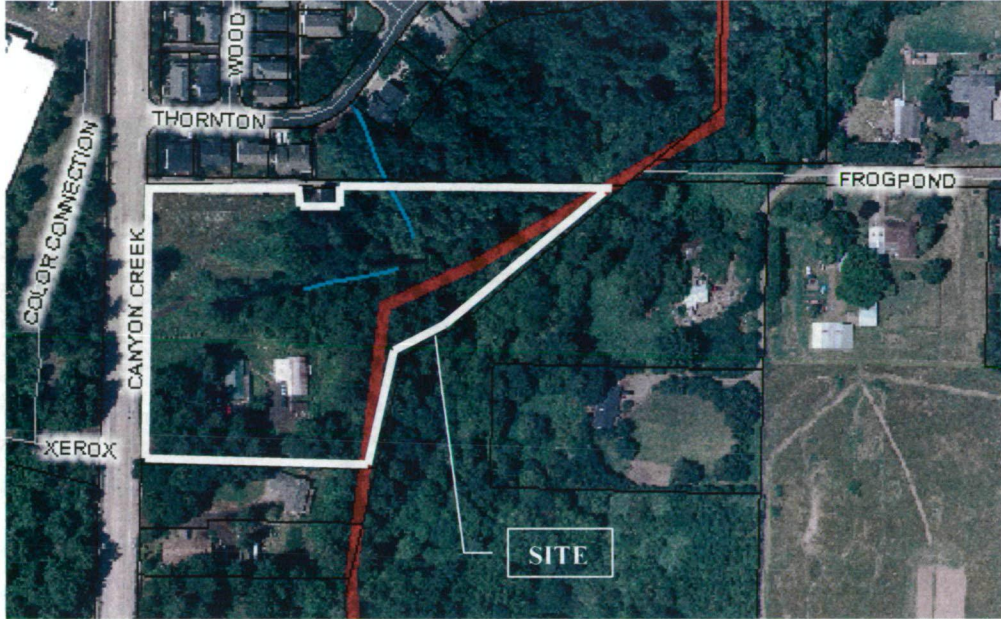
**Current Zone Map Designation:** Residential Agricultural - Holding Zone (RA-H)

**STAFF RECOMMENDATION:** Approve the applications, with recommended conditions.

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<sup>1</sup> One originally-requested waiver was not required; one new waiver was added, as needed for compliance with relevant Code provisions.

**Project Location:** 27490 SW Canyon Creek Road. The subject site abuts the east side of SW Canyon Creek Road. The property lies north of Boeckman Road, and south of SW Thornton Drive. The subject property is more particularly described as being Tax Lot 2900 in Section 12D; T3S R1W; Clackamas County; Wilsonville, Oregon.



Vicinity Map

**APPLICABLE REVIEW CRITERIA:**

Zoning Review Criteria:	
Sections 4.008-4.035	Application Procedure
Section 4.100	Zoning Purpose
Section 4.118 (as applicable)	Standards Applying to All Planned Development Zones
Subsection 4.118(.02)	Utilities
Section 4.118(.03)	Waivers
Section 4.120 (as applicable)	Residential Agricultural - Holding (RA-H) Zone
Section 4.124.5 (as applicable)	Planned Development Residential (PDR-5) Zone
Section 4.139.00 – 4.139.10	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations and Stage II Final Approval
Section 4.155	Parking
Section 4.176	Landscaping
Section 4.197	Zone Map Amendment
Subsection 4.140(.07)(A)(1)	Owner’s Authorization of Affected Property for Development
Section 4.200 – 4.290	Land Divisions

Sections 4.400 – 4.450	Site Design Review
Sections 4.600 -4.620(.20)	Tree Preservation and Protection
<b>Other Planning Documents:</b>	
Metro's Urban Growth Management Functional Plan	
Storm Water Master Plan	
Transportation Systems Plan	

**Staff Reviewer:** Michael R. Wheeler, Associate Planner



## **SUMMARY AND ISSUES**

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A project narrative is provided by the applicant, found on pages 1 through 20 of Section 3 of Exhibit B3, and pages 1 through 14 of Exhibit G1.1. This narrative adequately describes the project, the requested application components, and proposed findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, staff has relied upon the applicant's submittal documents, rather than repeat their contents again here.

### **Request A – Zone Map Amendment**

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As noted below, proposed open space does not meet all Code requirements. Additional 'usable' open space is required. The applicant has revised the project to increase the area of usable open space, but is requesting an additional waiver, in order to achieve compliance with all Code provisions. A recommendation of approval to the City Council by the Board may be forwarded, as compliance with the Code has been fully demonstrated.

### **Request B – Stage I Preliminary Plan**

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The applicant's intent is for the site to be used for residential development in compliance with the current Comprehensive Plan designation of 10 - 12 dwelling units per acre. This intent, typically achieved through a preliminary plan, is implemented in this case by Request C, the Tentative Subdivision Plat, reviewed next, below.

### **Request C – Tentative Subdivision Plat**

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The configuration of the subdivision's vehicle circulation has been found to satisfy applicable Code provisions. The deficiencies previously pointed out by the City's solid waste franchisee, Allied Waste Services of Wilsonville/Tualatin, and the Engineering Division staff, have been resolved, as seen in Exhibits C3.1, D1.6, D1.7 and D1.8.

The through-connection of the interior, private street (Tract D) at the north end of the project, on land owned by the City of Wilsonville, has been redesigned.

Second, the solid waste franchisee has noted that garbage service can be provided.

Third, while the project lacks the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size (i.e., 26 lots), the applicant proposes 6,587 sq. ft. of usable open space in Tract A; 1,635 sq. ft. of open space in Tract B is proposed, and is 'usable', totaling 8,222 sq. ft. An additional waiver has been requested, in order to address the remaining balance.

From the standpoint of the Engineering Division staff, the configuration of a proposed Tentative Subdivision Plat can be made to meet all applicable Code requirements regarding vehicle circulation, through the imposition of related conditions of approval (Exhibit D1.6).

### **Request D – Stage II Final Plan**

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The location, design, size and residential use of the proposed project are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

The location, design, size and uses of the proposed project 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.

The location, design, size and uses of the proposed project are such that the residents or establishments to be accommodated will be adequately served by "existing or immediately planned facilities and services."

### **Request E – Seven (7) Waivers**

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The applicant is requesting seven (7) waivers to required minimum lot area, lot width, street frontage, setbacks, and sidewalk requirements, as identified on pages 13 and 15 of Section 3 of Exhibit B3 and Exhibit G1.1.

Recent revisions to the project's design, together with recommended conditions of approval, have resolved circulation concerns previously raised regarding the project by the Engineering Division staff (Exhibits D1.3 and D1.6) and the solid waste franchisee (Exhibits C3.1 and E1.6).

### **Request F – Site Design Review**

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Due to a redesign of the project, additional evidence in the record regarding previously-identified service deficiencies, a proposed increase in the area of usable open space, and request for an additional waiver, approval of revised Site Design Review plans may be now be granted.

### **Request G – Type C Tree Plan**

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Site Design Review Plan revisions have addressed the removal of trees in the vicinity of the SROZ's Impact Areas, and the proposed Type C Tree Plan is now in substantial compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00. The applicant has provided additional topographic information, but not a tree inventory, for the northeast corner of the site (Exhibit F1.2), which data is necessary to properly evaluate the alignment of a future pedestrian pathway leading to Boeckman Creek, and its impact upon tree removal. Because construction of the future pedestrian pathway is not proposed at this time, the Board may approve the Type C Tree Removal Plan without this inventory, together with recommended conditions of approval.

### **Request H – Significant Resource Impact Report (SRIR) Review**

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With the additional evidence that has been provided regarding the small encroachments into the Impact Area proposed by the applicant on six (6) proposed lots (Exhibit F1.10), the proposed protection of the SROZ is in substantial compliance with the applicable provisions of Subsection 4.139.00 - 4.139.10. Based upon the detail provided by the applicant, and the level of review it

enables, the applicant's proposal may be approved as submitted, subject to compliance with proposed conditions of approval.

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## ANALYSIS

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**Issue – Density:** The applicants have provided a detailed analysis on pages 18, 19 and 20 of Section 3 of Exhibit B3, relative to housing density. The applicant proposes to enable the development of 26 dwellings on 2.646 acres, resulting in a density of 9.82 du/acre. The proposal marginally conforms to the designated density of 10- to 12-dwelling units per acre specified by the Comprehensive Plan. The proposed development seeks to maximize density to increase affordability of the housing units, and to further reduce the overall unit cost. The project achieves the City's planned density objective for this site. See the discussion found on page 29, regarding this issue.

**Issue - Traffic:** The traffic study for this project estimates 234 total daily trips, 23 of which are new PM peak hour trips. The project does not propose to increase any of the most-probable-used intersections beyond level of service "D". The use will generate three (3) PM peak hour trips through the Wilsonville Road interchange, and seven (7) new PM peak hour trips that would use the Stafford Road interchange. Payment of SDCs is required for trips through the Wilsonville Road/I-5 interchange.

**Issue – Waivers:** The applicants are requesting the following waivers from the PDR-5, or other applicable standards:

1. Minimum side yard less than 7 feet for two stories – **Proposed between three (3) and seven (7) feet for 12 lots (Page 3, Exhibit G1.1). Proposed zero setback for at least one side of all lots, and both sides of Lots 2, 3, 6, 9, 20, and 23.**
2. ~~Minimum front yard to garage doors – Proposed 19 feet; except for Lots 8 – 16, which are proposed four (4) feet. [Deleted as unnecessary per Section 4.113(.03)(B)(5).]~~
3. Minimum rear yard, less than 20 feet – **Proposed between four (4) and 19 feet, for 20 lots.**
4. Minimum lot size, less than 2,500 Square feet – **Proposed less than minimum for five (5) lots.**
5. Minimum lot width at building line, less than 30 feet – **Proposed 11 lots less than 30 feet (Page 3, Exhibit G1.1).**
6. Minimum street frontage, less than 30 feet – **11 interior lots are proposed with less than 30 feet of street frontage.**
7. Streets with sidewalk, **but only on one side**<sup>2</sup>.
8. 'Usable' open space, one (1) quarter acre (10,890 sq. ft.), required for fewer than 100 lots – **Proposed 8,222 sq. ft., limited by site constraints.**

See Request E of this report beginning on page 47 for a discussion regarding the requested waivers.

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<sup>2</sup> The applicant has not specifically requested this waiver, which is required in order for the proposal to comply with the provisions of Section 4.177(.01)(B). Staff has added this waiver to enable its consideration.

**Issue - Tree Mitigation:** It should be noted that a tree removal assessment has not been performed for the area within the SROZ in the northeast corner of the site. A Tree Report has been prepared for all remaining areas of the site by Raymond Meyer, addressing existing trees within the proposed project site. The City is particularly concerned about retaining mature trees wherever possible. Existing trees 6" DBH or more must be preserved when healthy and compatible with the project design. Native species of trees and trees with historical importance shall be given special consideration for retention. The proposed removal of 39 trees of 51 existing trees (or 76.5%) within the buildable area of the property, (i.e., not in the SROZ), is to enable the development shown on the master plan (Exhibit F1.4). Most of the trees are in good or fair condition. Eleven trees are recommended for removal because of poor condition. Most of the trees are Douglas-fir or Western Red Cedar. Tree mitigation should be comprised of 39 primarily native coniferous trees that will grow to a large size. Deciduous trees may be used upon approval of a final landscape plan. The applicant has proposed to provide 43 mitigation trees (Exhibit F1.L1.0). See Condition PDF 1.

**Issue - Storm Water:** The subject site is directly served by existing storm drainage facilities in SW Canyon Creek Road, and in an easement bisecting the northern portion of the site. An on-site system has been designed with traditional methods of storm water management. The treated water will be discharged directly into Boeckman Creek, along the east side of the site.

**Issue - Outdoor Recreation and Open Space:** Residential development standards require that 25% of the site be set aside for outdoor recreation and open space. This requirement is met through recreation Tracts A, B and F (totaling 13,095 sq. ft.), and proposed open space Tract C, totaling 104,480 sq. ft., the combined total of which is 117,575 sq. ft., or 53.5% of the site area.

The code also requires that one-quarter acre (i.e., 10,890 sq. ft.) of usable recreation area be provided for subdivisions of fewer than 100 lots. The applicant proposes Tracts A and B for this purpose, totaling 8,222 sq. ft., which is 2,668 sq. ft. deficient of meeting this requirement. A waiver has been requested for the remaining area. The usable recreation area can be included in the 25% parks and open space requirement. See the discussion regarding requested waivers, beginning on page 47.

**Issue – Architecture:** The applicant has proposed a variety of architectural styles for the project (Exhibits F1). These styles complement each other within the project, and are supportive of the character of existing single family homes in the vicinity.

**Issue – Utility Access:** Allied Waste Services of Wilsonville/Tualatin has reviewed the proposed project and has concluded that adequate service access for solid waste retrieval has been provided (Exhibit E1.6).

**Issue – Encroachments into SROZ Impact Areas:** Portions of the illustrated building amenities on Lots 1, 2, 3, 4, 25 and 26 encroach into the Impact Area defined and regulated by the provisions of the SROZ (Exhibit F1.10). Also affected are four (4) trees on proposed lots 1 and 2, three (3) of which are proposed for removal. Staff has reviewed the proposed encroachment, and recommends that conditions requiring a Significant Resource Impact Report (SRIR) be amended from those originally suggested, in the event of proposed tree removal or structural encroachment into the Impact Area (Exhibits D1.2, D1.7 and D1.8).

**RECOMMENDED ADOPTED CONDITIONS OF APPROVAL**  
**Development Review Board, May 14, 2007 and**  
**Amended by City Council on June 18, 2007**

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**Condition Numbering Key**

**Prefix = Division or Department**

**PD = Planning Division Conditions**

**BD = Building Division Conditions**

**PF = Engineering Conditions.**

**NR = Natural Resources Conditions**

**TR = SMART/Transit Conditions**

**FD = Tualatin Valley Fire & Rescue Conditions**

***Request A: DB06-0037: Zone Map Amendment***

**Planning Division Conditions:**

**PDA 1.** This action recommends adoption of the Zone Map amendment to the City Council, as entered into the record on May 14, 2007.

***Request B: DB06-0034: Preliminary Plat for 26 lots***

**Planning Division Conditions:**

**PDB 1.** This action approves the Tentative Subdivision Plat for 26 lots (Exhibit F1.3), as entered into the record on May 14, 2007, for the proposed project. This approval is contingent upon City Council approval of a companion Zone Map Amendment (DB06-0037).

**PDB 2.** Prior to approval of the Final Subdivision Plat, the applicant/owner shall:

- a. Assure that the lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
- b. Submit final construction plans, to be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, Natural Resources Manager, and the City Building Official, prior to the project's construction.
- c. The Applicants/Owners shall work with United Disposal Services, Inc (Allied Waste Company) which reviews access. The plat will be evaluated for compliance and conformance at the time of Final Subdivision Plat review.
- d. Submit final drawings and construction plans for the water quality/detention facilities and their outfalls for review and approval of the City Engineer, the Natural Resources Manager and the Environmental Services Division. These plans shall show the SROZ boundary over the development proposal.
- e. Supply the City with a performance bond, or other security acceptable to the Community Development Director, for all capital improvements required

by the project.

- f. Submit an application for Final Plat review and approval on the Planning Division Site Development Application and Permit form. The Applicants/Owners shall also provide materials for review by the City's Planning Division in accordance with Section 4.220 of City's Development Code. Prepare the Final Plat in substantial accord with the Tentative Subdivision Plat dated April 2, 2007, as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or by minor revisions by the Planning Director.
- g. Illustrate existing and proposed easements, on the Final Plat.
- h. Dedicate all rights-of-way and easements necessary to construct all private and public improvements required for the project.
- i. The extent of City mapped Significant Resource Overlay Zone (SROZ) on the subject property shall be placed in a conservation easement on the final plat. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the City's Natural Resources Plan. This conservation easement to be shown on the final plat will replace the existing SROZ line (the County Surveyor will not allow the SROZ demarcation on the plat). Additionally, a plat note, with language similar to the following, will be required on the final plat: "Tract 'C' is subject to a conservation easement, as recorded in document no. \_\_\_\_\_, Clackamas County Records, over its entirety, for the benefit of the City of Wilsonville, to preserve the City's mapped significant resources."
- j. Assure the use of a consistent street-naming convention for the interior private street. Private drives shall not be named, but shall rely upon their access frontage for addressing.
- k. Submit a waiver of the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
- ~~l. For development that encroaches into the SROZ or its Impact Area, the applicant shall either identify how the proposed development is exempt under Subsection 4.139.04, or demonstrate compliance with the SRIR Review Criteria of Subsection 4.139.05(.03). In the event that the latter is chosen, the applicant shall submit a Significant Resource Impact Report (SRIR), prepared for the proposed development encroachments within the SROZ or its Impact Area. The SRIR shall be reviewed by City staff, and if all of the Code criteria are satisfied, shall be approved by staff prior to approval of the final plat. [Deleted by the DRB as being a duplicate of Condition NRG 1, which was deleted by the Natural Resources Program Manager, per Exhibit D1.8.]~~
- m. Provide the City with a recordable instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

<ul style="list-style-type: none"> <li>n. Provide the City Attorney Conditions, Covenants, and Restrictions (CC&amp;Rs) for a Homeowners' Association that shall be formed as specified in Section 4.210.01(B)(17), for the development. The Association shall have responsibility for maintenance of all shared private drives, recreation facilities, treatment facilities, open spaces, and fences within the development. The CC&amp;Rs shall be reviewed and approved by the City Attorney, prior to recording the Final Plat.</li> <li>o. The Applicants/Owners shall coordinate the proposed locations and associated infrastructure design with the franchise utilities. Should permanent/construction easements or rights-of-way be required to construct the public improvements or to relocate a franchised utility, the Applicants/Owners shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the Applicants/Owners shall obtain written approval from the appropriate utility prior to commencing any construction. Any easements shall be shown on the final plat.</li> </ul>
<p><b>PDB 3.</b> Prior to the Start of Construction, the applicant/owner shall:</p>
<ul style="list-style-type: none"> <li>a. Assure that the natural areas with the Significant Resource Overlay Zone (SROZ) shall not be disturbed, except for approved storm water detention and water quality facilities and outfalls, subject to final approval of the construction drawings by the City Engineer and the Natural Resources Manager. During construction (i.e. streets, installing utilities, excavation), the developer shall install temporary six (6) foot high chain link fencing along the SROZ boundary so that it is not disturbed. In addition to Building Division Review, final grading plans for the water quality/detention facilities and outfalls shall be reviewed and approved by the City's Environmental Services Division and Natural Resources Manager, to ensure inclusion of a soil erosion control treatment plan that will minimize impact to the resources in the SROZ.</li> </ul>
<ul style="list-style-type: none"> <li>b. Assure that construction and site development shall be carried out in substantial conformance with the Tentative Subdivision Plat dated April 2, 2007, as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or with minor revisions by the Planning Director.</li> </ul>
<p><b>PDB 4.</b> The applicant/owner shall install all public streets and utilities.</p>
<p><b>PDB 5.</b> Prior to Final Plat approval, the applicant/owner shall provide the City with a recordable instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.</p>
<p><b>PDB 6.</b> The applicant/owner shall secure signatures of approval of the Final Plat from the Planning Director and Community Development Director. Following such authorization, the Final Plat may be recorded, according to the procedures employed by the City Engineer.</p>
<p><b>PDB 7.</b> The recommended conditions of the City Engineer, Building Official, the Natural Resources Program Manager are hereby incorporated as conditions of approval (Exhibits D1.1, D1.2, D1.3, D1.6, D1.7 and D1.8).</p>

<b>PDB 8.</b> Approval of the Tentative Subdivision Plat will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the DRB for just cause.
<b>PDB 9.</b> All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.
<b>PDB 10.</b> The applicant/owner shall be required to provide the proportionate share of all system development charges that apply to this project. Such amount and proportion of these charges shall be determined by the Community Development Director.
<b>PDB 11.</b> The City Engineer shall have the authority to grant final approval of the driveway alignments for all lots.
<b>PDB 12.</b> The applicant/owner shall provide the following:
<ul style="list-style-type: none"> <li>a. A minimum 15-foot-wide public pedestrian/bicycle access easement over Tract "B", from Tract "D" (private street) to Tract "C" (open space); and,</li> </ul>
<ul style="list-style-type: none"> <li>b. A minimum 15-foot-wide public pedestrian/bicycle access easement over Tract "C", for future connection of the public pedestrian/bicycle access easement over Tract "B", required above, to a planned regional pedestrian/bicycle access easement along Boeckman Creek.</li> </ul>
<b>PDB 13.</b> The applicant/owner is granted waivers, as follows:
<ul style="list-style-type: none"> <li>a. Minimum side yard zero (0) feet for at least one side of all lots (per exhibit G1.1 - Minimum Zone Requirements Table), and zero (0) feet for both sides for six (6) lots (per exhibit G1.1 - Minimum Zone Requirements Table); and minimum side yard between three (3) and seven (7) feet for 12 lots (per exhibit G1.1 - Minimum Zone Requirements Table).</li> <li>b. Minimum front yard to garage doors 19 feet for all lots, except for Lots 8 – 16, which are four (4) feet; minimum front yard to the porch between four (4) and nine (9) feet for seven (7) lots (per exhibit G1.1 - Minimum Zone Requirements Table); minimum front yard to front façade between six (6) and 14 feet for 14 lots (per exhibit G1.1 - Minimum Zone Requirements Table).</li> <li>c. Minimum rear yard between 13 and 19 feet for (11) lots (per exhibit G1.1 - Minimum Zone Requirements Table), except for Lots 8-16 which are four (4) feet to the rear garages.</li> <li>d. Minimum lot size less than 2,500 sq. ft. for five (5) lots (per exhibit G1.1 - Minimum Zone Requirements Table).</li> <li>e. Minimum lot width at building line less than 30 feet for 11 lots (per exhibit G1.1 - Minimum Zone Requirements Table).</li> <li>f. Minimum street frontage less than 30 feet for 11 lots (per exhibit G1.1 - Minimum Zone Requirements Table).</li> <li>g. Streets provide a sidewalk, but only on one side.</li> <li>h. Less than one-quarter acre of 'usable' open space of 8,222 sq. ft. is approved, limited by site constraints.</li> </ul>



***Request D: DB06-0036: Stage 2 Final Plan***

**Planning Division Conditions:**

- PDD 1.** This action approves the request regarding DB06-0036, for the plans submitted with this application, approved by the Development Review Board, and stamped "Approved Planning Division". Approval for the Stage II Final Plan will expire two years after this action, per Section 4.140(.09)(I).
- PDD 2.** The Applicant/Owner shall develop the site for use as a 26-lot attached-residential planned development, unless altered by a subsequent Board approval, or minor revisions are approved by the Planning Director under a Class I administrative review process.
- PDD 3.** The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.
- PDD 4.** The Applicant/Owner shall provide all future purchasers of lots in the project with a copy of the conditions of approval adopted by the City.
- PDD 5.** The Applicant shall dedicate a minimum 15-foot-wide public easement to Tract "C" for pedestrian/bicycle use.
- PDD 6.** The Applicant shall convey Tract "C" as a conservation easement. The method to be used for this conveyance shall be as detailed in Condition PDB 2.i of companion application DB06-0034, for the Tentative Subdivision Plat.

**Building Division Conditions:**

- BDD 1. CONDITION.** BUILDING PERMIT submittals using architectural scale format shall use a scale of 3/32 or greater to insure clarity. Where building size or paper limitations necessitate the use of a smaller scale plans shall be submitted in engineering scale format. (Oregon Structural Specialty Code (OSSC) Section 106.1.1)
- BDD 2. CONDITION.** A GEOTECH REPORT will be required as part of the grading permit submittal. A lot specific geotech report will be required for each building permit submittal. Exception: One to four lots with the same geographic conditions may be included under one geotech report.
- BDD 3. CONDITION. GRADING.** Lots shall be graded so as to drain surface water away from foundation walls. Surface drainage shall be directed to the street, alley, or other approved storm sewer conveyance as required by the City. Surface drainage may drain to a park or other open area when approved by the City. Surface drainage shall only be directed to an adjoining building lot when expressly approved by the City. (Oregon Residential Specialty Code Section R401.3)
- BDD 4. ADVISORY.** A 1200C PERMIT from the Department of Environmental Quality will be required for this project. A copy of the 1200C permit shall be submitted to the City as part of the grading permit submittal.

**BDD 5. ADVISORY. EROSION CONTROL.** When more than 500 square feet of land is being disturbed, an erosion control system approved by the City of Wilsonville is required. Plans submitted for an Excavation and Grading Permit, or, if no Excavation and Grading Permit is required, plans submitted for a building permit shall include a complete erosion control system.

**Tualatin Valley Fire and Rescue Conditions:**

- FDD 1. CONDITION. HYDRANT LOCATIONS.** The fire marshal working in conjunction with the City Engineering Department shall approve the location of all fire hydrants.
- FDD 2. CONDITION. STORZ FITTINGS.** All fire hydrants shall be fitted with STORZ connections, as per Tualatin Valley Fire & Rescue (TVF&R). [Storz connections are “quick-connect” type fittings that do not require tools when connecting hoses]
- FDD 3. ADVISORY. BEFORE CONSTRUCTION REQUIREMENTS.** Required fire department access roads and water supplies for fire protection shall be installed and made serviceable prior to the initiation of any building construction.
- FDD 4. ADVISORY. STREET SIGNS.** No inspections for work proceeding under a permit issued by the Building Department shall be requested until approved permanent or temporary street signs adequate to guide emergency personnel are installed. Temporary signs shall be maintained until replaced by permanent signs. (OFC Section 505.2)
- FDD 5. ADVISORY. HYDRANTS.** A 3-foot (4-foot for public utility electrical equipment) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. (Oregon Fire Code (OFC) Section 508.5.5) Items such as structures, electrical transformers, mail boxes, retaining walls, street signs, planters, and so on may not encroach into this space. The mature size of plantings shall be assumed when designing the landscaping plans so as to insure the 3-foot clear space. Exception: Low growing ground cover that is not a trip hazard.

**Engineering Division Conditions:**

**Standard Comments:**

- PFD 1.** All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards – 2006.
- PFD 2.** No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
- PFD 3.** All public utility/improvement plans submitted for review shall be based upon a 22”x 34” format and shall be prepared in accordance with the City of Wilsonville Public Work’s Standards.
- PFD 4.** Plans submitted for review shall meet the following general criteria:
- a. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a minimum 15-ft. wide public easement

for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.

- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- d. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- e. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- f. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
- g. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- h. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- i. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- j. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.
- k. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD version 2004.

**PFD 5.** Submit plans in the following format and order:

- a. Cover sheet
- b. General note sheet
- c. Existing conditions plan.
- d. Erosion control and tree protection plan.
- e. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- f. Grading plan, with 1-foot contours.
- g. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- h. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- i. Street
- j. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
- k. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.



The current land use zoning for the property is RA-H, which, if fully developed under an RA-1 designation would generate 9 new P.M. Peak Hour trips. Applicant is proposing a change to PDR-5 designation; therefore, new adjusted trips would be limited to the following impacts:

Net new P.M. peak hour trips	14
Net new trips through Stafford Road Interchange Area	8
New trips through Wilsonville Road Interchange Area	3

Plans submitted for this study showed 29 proposed lots; currently submitted plans propose 26 lots. The revised project is hereby limited to no more than the following impacts.

Estimated P.M. peak hour trips	20
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Factoring the change from RA-H to PDR-5 designation, new adjusted trips would be limited to the following impacts:

Net new P.M. peak hour trips	11
Net new trips through Stafford Road Interchange Area	7
New trips through Wilsonville Road Interchange Area	3

**PFD 13.** Private street driveway to Canyon Creek Road North shall align with existing driveway on opposite side of the street. Driveway shall be constructed to meet current commercial driveway standards.

**PFD 14.** Private street driveway to Canyon Creek Road North shall have site distance verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon; documentation shall be provided to the City of Wilsonville.

~~**PFD 15.** Submitted plans show the private street driveway to Canyon Creek Road North partially crossing over onto adjacent tax lot 2903. Relocate driveway or provide easement and title report from owner of tax lot allowing the encroachment to occur. [Deleted by the DRB, as Tax Lot 2903 is not affected by the applicant's current proposal.]~~

**PFD 16.** Tax lot #604, bordering the north edge of the proposed project is owned by the City of Wilsonville. It is understood that the applicant has agreed to acquire an easement from the City of Wilsonville to allow vehicle and pedestrian access across tax lot #604. Prior to a Public Works Permit being issued, applicant shall have acquired an easement from the City and have it recorded with the county.

**PFD 17.** Applicant shall design interior streets and alleys to meet specifications of Tualatin

<p>Valley Fire &amp; Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.</p>
<p><b>PFD 18.</b> The City of Wilsonville Bicycle and Pedestrian Master Plan, November 2006, shows a major regional 10 – 12 foot wide path, the Boeckman Creek Trail, planned along the east side of the proposed project. At this time it is unknown whether the trail will be located to the east or west side of Boeckman Creek; however, if the trail is located on the west side of the creek in this area, a 15-foot wide easement shall be provided to the City. It is recommended that a 5-foot wide sidewalk or walking surface be provided across Tract B that could be used to connect the development to the proposed regional trail.<sup>i</sup></p>
<p><b>PFD 19.</b> <del>The Existing Conditions map (sheet 2 of 10) fails to show the existing topography in the northeast corner of the tax lot.</del> Provide a complete topographical map of the entire tax lot. <b>[Deleted by the DRB, to reflect the submittal of additional topographic information (Exhibit F1.2) into the record.]</b></p>
<p><b>PFD 20.</b> Once public works construction plans have been reviewed and approved by Engineering Staff, the applicant shall submit plans of the proposed sanitary system to Mr. David Mann at the Oregon Department of Environmental Quality for review and approval. Cost of such submittal and review shall be borne by the applicant.</p>
<p><b>PFD 21.</b> Submitted plans show substantial amounts of fill placed where the proposed private street crosses the existing 48-inch public storm line, and where proposed storm and sanitary manholes are designed to be installed.</p> <ul style="list-style-type: none"> <li>• An analysis of the existing backfill, prepared by a registered professional Civil Engineer licensed in the State of Oregon whose area of expertise is Geotechnical Engineering, shall be submitted for review and approval by the City. Documentation in the form of a professionally stamped letter shall be provided to the City Engineer. Any repairs to the fill shall be approved by the City Engineer; however, the applicant shall be responsible for completing all work at their cost.</li> <li>• All proposed fill placed in the roadway where public storm, sanitary, and water lines are proposed, shall be approved by a registered professional Civil Engineer licensed in the State of Oregon whose area of expertise is Geotechnical Engineering. Documentation in the form of a professionally stamped letter shall be provided to the City Engineer.</li> </ul>
<p><b>PFD 22.</b> Submitted plans show substantial amounts of fill placed in the vicinity of the existing storm line. Proposed building footings shall not be located within the 45° influence zone from public underground utilities. This can be accomplished by either providing the City with a sufficiently wide easement for the proposed depth of pipe, lessening the amount of the proposed fill over the pipe or requiring building footings be at a depth below the influence zone (the required building footing depth shall be provided as a note on the plat).</p>
<p><b>PFD 23.</b> Stormwater detention will not be required for this site due to an existing facility located downstream of the site.</p>
<p><b>PFD 24.</b> A storm water analysis prepared by a registered professional Civil Engineer licensed in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe sizing and outfall sizing. Condition of the existing outfall for the 48” storm pipe shall be evaluated by City Engineering Staff; if need be, outfall shall be</p>

repaired or reconstructed at the expense of applicant to meet current City Public Works Standards.

**PFD 25.** The development shall install a looped water system through the site. Submitted plans indicate a new connection to the existing City water system across from the south driveway and at Tax Lot 604. The existing line in tax lot 604 is 1½-inch diameter and cannot be used as part of a looped system. An existing 8-inch water line is stubbed into the proposed Lot 18. Applicant shall either make connection at this location for the second tie-in point, or install an 8-inch line in tax lot #604 and connect to either the 8-inch line stubbed into proposed Lot 18 or connect to the existing main line located on the west side of Canyon Creek Road North. If Applicant chooses not to connect to the water line stubbed into the proposed Lot 18; this stub shall be abandoned and grouted from the valve located at the water main on the west side of Canyon Creek Road North in a manner acceptable to the City's Authorized Representative.

**PFD 26.** Where water meters abut the back of curb or the back of sidewalk along private Tract D, provide a minimum 2-foot easement for the water meters located outside of the private street right-of-way; increase the width of the PUE to 8 feet to allow for an unimpeded width of 6 feet for franchise utilities. This shall create an 8-foot wide water easement/PUE for lots 1 through 7, 17 through 26, and along the east side of lots 8 and 16. *[Amended and Adopted by the DRB on May 14, 2007.]*

**PFD 27.** Across tax lot #604, applicant shall construct a residential street as per City Standard Detail #R-1005, except that the street width shall be 22-feet, curb to curb; no planter strip, sidewalk, or PUE on the north side; and a 5-foot wide sidewalk, 6-foot wide PUE, and no planter strip on the south side.

**PFD 28.** Both the north and south site accesses shall be constructed as per City Standard Detail #R-1105, "Driveway to Private Roadway."

**PFD 29.** Applicant shall provide a 3-foot wide sidewalk easement adjacent to tax lot #604.

**PFD 30.** Applicant shall remove the City's existing gate on tax lot #604 and reinstall it at the east edge of the easement acquired from the City. Gate shall be reinstalled to an in-kind or better condition.

**PFD 31.** Applicant shall relocate an existing light pole at or near the west end of the easement acquired from the City so as to not interfere with the access across tax lot #604.

**PFD 32.** Applicant shall provide a stop sign at the west end of the easement acquired from the City across tax lot #604.

**PFD 33.** Applicant or obligor shall be responsible for maintenance of the improved access across tax lot #604.

**Natural Resources Conditions:**

**Stormwater Management**

**NRD 1.** Submit a drainage report and drainage plans. The report and plans shall demonstrate the proposed water quality facility satisfies the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards. Refer to Stormwater Master Plan Policy 9.3 (Stormwater Quality Policies).

<p><b>NRD 2.</b> A detail of the proposed water quality treatment facility shall be submitted. This detail shall comply with the City of Wilsonville Public Works Standards.</p>
<p><b>NRD 3.</b> Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City’s stormwater maintenance covenant and access easement) for the proposed water quality treatment facility prior to approval for occupancy of the associated development.</p>
<p><b>NRD 4.</b> Pursuant to Implementation Measure 9.4.1.1, access shall be provided to all areas of the water quality treatment and water quantity facilities. At a minimum, at least one access shall be provided for maintenance and inspection.</p>
<p><b>NRD 5.</b> Pursuant to the City of Wilsonville’s Ordinance No. 482, the following techniques and methods shall be incorporated into the preliminary grading plan, where necessary:</p> <ul style="list-style-type: none"> <li>a. Plastic sheeting for stockpile area;</li> <li>b. Dust control;</li> <li>c. Inlet protection (Silt sacks are recommended);</li> <li>d. Limits of construction;</li> <li>e. Temporary/permanent seeding or wet weather measures (e.g. mulch).</li> </ul>
<p><b>Other:</b></p>
<p><b>NRD 9.</b> Pursuant to Section 4.176(.03) of the Planning and Land Development Ordinance, native plant materials shall be used wherever practicable. If feasible, the applicant shall incorporate native plantings within the landscape areas.</p>
<p><b>NRD 10.</b> The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200–C permit).</p>
<p><b>At the 6/18 council meeting, Councilor Knapp added two more conditions to the NRDs that are listed on the May 14, 2007 staff report</b></p> <p><b>“NRD 11. The applicant shall work with staff to determine which trees in Tract F can be saved and will protect such trees during construction.”</b></p> <p><b>“NRD 12. In addition to required street trees, applicant shall work with staff to determine as many appropriate sites as practical to plant additional trees which will grow to a large mature size such as Douglas Firs or that can grow to 120 feet tall.”</b></p>



**Request E: DB06-0038: Site Design Review**

**Planning Division Conditions:**

**PDE 1.** This action approves the request regarding DB06-0038, for the plans submitted April 2, 2007, with this application, approved by the Development Review Board, and stamped "Approved Planning Division". Approval for the Site Design Review Plans will expire two years after this action, per Section 4.140(.09)(I).

**PDE 2.** The Applicant/Owner shall develop the site for use as a residential planned development, unless altered by a subsequent Board approval, or minor revisions are approved by the Planning Director under a Class I administrative review process.

**PDE 3.** The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.

**PDE 4.** The Applicant/Owner shall provide all future purchasers of lots in the project with a copy of the conditions of approval adopted by the City.

**PDE 5.** Prior to installation of required landscape materials, the applicant/owner shall:

- a. Assure that construction and site development shall be carried out in substantial accord with the Site Design Review plans identified in condition PDE 1, above, as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or by minor revisions approved by the Planning Director.
- b. Submit final plant specifications for shrubs and street trees in the project's rights-of-way, planter strips, and pedestrian pathway/bicycle easements to Planning Division staff for review and approval. Prior to and during construction, Planning Division staff shall consider revisions to these specifications as a Class I development application. The applicant shall note that such approval does not require public notice. Following construction, Planning Division staff shall consider revisions to these specifications as a Class II development application. The applicant shall note that such approval requires public notice.
- c. Assure that all shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans when available. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within a 3 year time period.
- d. Install water-wise or drip-type irrigation to ensure the longevity of all landscaped common areas. Such irrigation plan shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval and landscape plan. Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary.
- e. Improve open space and recreation areas prior to occupancy of any dwelling or structure within the subdivision, in accordance with the plans approved at the

May 14, 2007, public hearing.

- f. Assure that street light standards shall be positioned to illuminate the entrances to intersecting pedestrian paths. Exterior lights shall be positioned in such a way to prevent glare on adjacent streets. Repositioning of light standards and/or installation of hoods or baffles may subsequently be required by Planning Division staff to achieve this requirement.
- g. Coordinate with the U.S. Postal Service regarding the locations of mailbox stations. The U.S. Postmaster has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located so as to not diminish required sidewalk or pathway widths, nor obstruct pedestrian movement, nor interfere with fire hydrants or public and private utilities.

**PDE 6.** In the event that fences are proposed along Canyon Creek Road North, the applicant shall submit, and receive approval for, an application for Class I administrative review by the Planning Division staff, regarding the design of such fences.

**PDE 7.** Planning Division staff shall have authority to approve all retaining walls reviewed by the City's Building Division relative to materials and encroachment to the SROZ and its associated Impact Area.

**PDE 8.** The applicant shall submit a request to the Planning Division staff for review and approval of the final landscaping installation, prior to occupancy of any dwellings.

**PDE 9.** The applicant shall submit a final street tree planting plan, illustrating, at a minimum, one street tree per lot, and demonstrating compliance with the provisions of Section 4.176(.06)(D).

**PDE 10.** The applicant shall construct a minimum six (6) foot-wide pedestrian path over Tract "B", within a minimum 15-foot-wide easement dedicated to the public for pedestrian pathway/bicycle use, enabling access to Tract "C" (SROZ) from Tract "D". Such easement shall be planted with trees and shrubs appropriately designed for this access (Exhibits F1.L1.0 and F1.L2.0).

***Request F: DB06-0039: Type C Tree Removal Plan***

**Planning Division Conditions:**

- PDF 1.** The applicant shall provide the City’s Planning Division with an accounting of trees to be removed in the required Type ‘C’ tree removal plan per the approval of the Development Review Board. Tree mitigation shall replace 39 trees, per Section 4.620 WC. See Finding G2.
- PDF 2.** The applicant shall obtain a Type ‘C’ tree removal permit prior to the issuance of a grading permit by the City’s Building Division.
- PDF 3.** Prior to construction, the Applicant/Owner shall install six-foot-tall chain-link fencing, with ground-mounted metal stakes a maximum of eight (8) feet on centers, along the west edge of the SROZ boundary. This fencing shall remain in place throughout construction of the adjacent dwellings.

***Request G: SI06-0003: Significant Resource Impact Report***

**Natural Resources Conditions:**

**Significant Resource Overlay Zone:**

**NRG 1.** Pursuant to Section 4.139.03, .04 and .05, the applicant shall demonstrate proposed development (Lots 1, 2, 3 and 26) within the boundary of the 25-foot Impact Area is exempt or will not impact the Significant Resource (e.g. require tree or vegetation to be removed). Proposed non-exempt development within the SROZ, or development which may impact the SROZ, requires the applicant to submit a Significant Resource Impact Report (SRIR), prior to obtaining a grading permit, for review and approval by the City of Wilsonville. Due to the potential for development impacts, the proposed encroachment (i.e. building footprint) into the 25-foot Impact Area are not allowed unless reviewed and approved as part of an SRIR. **[Deleted per Natural Resources Program Manager; Exhibit D1.8]**

**NRG 2.** Prior to any site grading or ground disturbance, the applicant is required to submit a final tree preservation plan depicting the exact location of trees and SROZ protection fencing. Such a plan shall provide protection for the existing trees along the boundary or within the SROZ. Six-foot (6’) tall cyclone fences with metal posts pounded into the ground at 6’-8’ centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area or the SROZ.

**NRG 3.** The Significant Resource Overlay Zone (SROZ) depicted in “Tract C” shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas Court Clerk’s office. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division and the Natural Resources Program Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.

**NRG 4.** The applicant’s proposed mitigation shall include only native plant species. The species and location of trees shall be approved by the Natural Resources Program Manager.



**MASTER EXHIBITS LIST:**

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The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

**A. Staff Report**

**Applicant's Written and Graphic Materials:**

**B1. Land Use application, date received April 28, and June 14, 2006, and including:**

**Section Item**

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- 1 Application form
- 2 Title Information
- 3 Applicant's Narrative
- 4 Draft CC&Rs
- 5 Tree Assessment
- 6 Tree Protection Plan
- 7 Ecological Analysis  
Geotechnical Engineering Report  
Traffic Impact Analysis
- 8 Drawings (Reduced size; See Itemization, Below)
- 9 Proposed Sign Details
- 10 Elevations and Floor Plans (See Itemization, Below)

**B2. Full Size Drawings/Plan Sheets:**

**Sheet No. Sheet Title**

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- 1 Cover Sheet
- 2 Existing Conditions
- 3 Preliminary Plat
- 4 Proposed Site Plan
- 5 Profile – Tract "D" Private Street (portion)
- 6 Profile – Tract "D" Private Street (portion)
- 7 Preliminary Profiles – Tract "E" Alley and SD-01
- 8 Preliminary Utility Plan
- 9 Preliminary Grading Plan
- 10 Proposed Tree Removal and Protection Plan
- L1.0 Planting Plan
- EL1 Proposed Lighting Plan
  
- N/A Detail: Entry Sign Options A and B
- N/A Detail: Entry Sign Plan View
  
- AL-1 Front and Rear Elevations  
First Floor Plans  
Second Floor Plans
- AL-2 Front and Rear Elevations  
First Floor Plans  
Second Floor Plans
- FL-1 Front and Rear Elevations  
First Floor Plans

- Second Floor Plans
- FL-2 Front and Rear Elevations
- First Floor Plans
- Second Floor Plans
- FL-3 Front and Rear Elevations
- First Floor Plans
- Second Floor Plans

**B3. Land Use application, date received February 5, 2007, and including:**

Section	Item
1	Application form
2	Title Information
3	Applicant's Narrative
4	Draft CC&Rs
5	Tree Assessment
6	Tree Protection Plan
7	Ecological Analysis (less Appendices A and B)
	<del>Geotechnical Engineering Report</del> (Not provided)
	<del>Traffic Impact Analysis</del> (Not provided)
8	Drawings (Reduced size; See Itemization, Below)
9	<del>Proposed Sign Details</del> (Not provided)
10	<del>Elevations and Floor Plans</del> (Not provided)

**B4. Full Size Drawings/Plan Sheets:**

Sheet No.	Sheet Title
1	Cover Sheet
2	Existing Conditions
3	Preliminary Plat
4	Proposed Site Plan
5	Profile – Tract "D" Private Street (portion)
6	Profile – Tract "D" Private Street (portion)
7	Preliminary Profiles – Tract "E" Alley and SD-01
8	Preliminary Utility Plan
9	Preliminary Grading Plan
10	Proposed Tree Removal and Protection Plan
L1.0	<del>Planting Plan</del> (Not provided)
EL1	<del>Proposed Lighting Plan</del> (Not provided)

**B5. Color and Materials (Notebook), date received February 9, 2007<sup>3</sup>**

**C1. Letters (neither For nor Against):**

1. Memo from D. Jung; dated 11/20/2006
2. Memo from D. Jung; dated 1/2/2007
3. Memo from D. Jung; dated 2/1/2007

**C2. Letters (In Favor):** None submitted

<sup>3</sup> This exhibit is too big to reproduce.

**C3. Letters (Opposed):**

1. Letter from R. A. Smith; dated 11/17/2006
2. Letter from Allied Waste Services of Wilsonville/Tualatin; dated 11/15/2006
3. Letter from D. Spohn; dated 2/26/2007

**D1. Staff Submittals**

1. Memo from D. Walters; Building Plans Examiner; dated 11/29/2006
2. Memo from K. Rappold, Natural Resources Program Manager; dated 11/15/2006
3. Memo from S. Adams, Deputy City Engineer; dated 11/29/2006
4. Tax Map, 3S 1W Section 12D; not dated
5. Tax Map, 3S 1W Section 12D (relevant portion); not dated
6. Memo from S. Adams, Deputy City Engineer; dated 2/27/2007
7. E-mail from K. Rappold, Natural Resources Program Manager; dated 3/1/2007
8. E-mail from K. Rappold; dated 4/9/2007

**E1. Exhibits Submitted at Hearing**

1. Errata with annotations; not dated
2. Revised drawing Sheet 2 of 10; not dated
3. Revised drawing Sheet 3 of 10; not dated
4. Revised drawing Sheet 4 of 10; not dated
5. Summary of issues; not dated
6. Memo from F. Lonergan; dated 1/25/2007
7. Pathway cost estimate; dated 3/12/2007
8. Drawing: Nature Trail Connection; not dated

**F1. Drawings Submitted by Applicant**

<u>Sheet No.</u>	<u>Sheet Title</u>
Not Numbered	Elevations and Floor plans (per lot); dated 3/30/2007
L1.0	Planting Plan; dated 4/2/2007
L2.0	Planting Plan; dated 4/2/2007
1	Cover Sheet; dated 4/2/2007
2	Existing Conditions; dated 4/2/2007
3	Preliminary Plat; dated 4/2/2007
4	Proposed Site Plan; dated 4/2/2007
5	Profile – Tract “D” Private Street (portion); dated 4/2/2007
6	Profile – Tract “D” Private Street (portion); dated 4/2/2007
7	Preliminary Profiles – Tract “E” Alley and SD-01; dated 4/2/2007
8	Preliminary Utility Plan; dated 4/2/2007
9	Preliminary Grading Plan; dated 4/2/2007
10	Proposed Tree Removal and Protection Plan
<del>L1.0</del>	<del>Planting Plan (Not provided)</del>
EL1	Proposed Lighting Plan; dated 4/2/2007

**G1. Exhibits Submitted by Applicant**

1. Applicant's Revised Narrative Addendum SRIR and Open Space, only; dated 4/3/2007
2. Memo from Environmental Science & Assessment, LLC; dated 4/3/2007



## FINDINGS OF FACT

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### 1. Existing Site Conditions:

The subject site is comprised of one parcel, totaling 5.05 acres. The applicants have provided a site description in the project narrative (Section 3 of Exhibit B3, and G1.1). The subject property is currently zoned Residential Agricultural - Holding Zone (RA-H).

**Surrounding Development:** The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Residential Planned Development
East	Unincorporated; Rural Residential
South	Residential – Holding Zone
West	Industrial (Xerox)

### Natural Characteristics:

The subject site contains moderate- to steeply-sloping terrain. Douglas firs are scattered throughout the site. The existing house and accessory structures at 27490 SW Canyon Creek Road (Tax Lot 2900) would be required to be removed following recordation of the final subdivision plat.

### Streets:

The site abuts SW Canyon Creek Road on the west. The City of Wilsonville owns a parcel (Tax Lot 604) abutting to the north, which serves as maintenance access to a sanitary sewer pump station, located farther to the east. The City has agreed to provide an access easement over a portion of Tax Lot 604, to enable through-circulation required by the Engineering Division staff.

### Previous Planning Applications Relevant to the subject property: None

- The applicants have complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.
- Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
- The statutory 120-day time limit applies to this application. The application was received on April 28, 2006. On May 25, 2006, staff conducted a completeness review within the statutorily allowed 30-day review period and on November 6, 2006, the application was deemed complete. The City must render a final decision for the request, including any appeals, by May 22, 2007<sup>4</sup>.

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<sup>4</sup> The applicant has three times requested continuances, and has extended the 120-day review period by 14, 28 and 35 days, respectively. See exhibits C1.1, C1.2 and C1.3.

## CONCLUSIONARY FINDINGS

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**The applicant's response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found on pages 1 through 20 in Section 3 of Exhibit B3, and Exhibit G1.1, are hereby incorporated in this staff report as findings for approval.**

### **REQUEST 'A' - DB06-0037 ZONE MAP AMENDMENT**

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The subject premise is currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map Amendment from RA-H to PDR-5 is intended to serve as a procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G, below.

#### **Criterion 'A'**

**"That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140."**

- A1. The applicants have provided findings in Section 3 of Exhibit B3 addressing the tentative subdivision plat criteria and the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent upon approval by the City Council.

#### **Criterion 'B'**

**"That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text."**

#### **Comprehensive Plan Designation: Residential 10 - 12 dwelling units per acre.**

- A2. The applicants' planning consultant has analyzed housing density on Tabular Data pages 1 and 2 of Section 3 of Exhibit B3.

The gross site area is 5.05 acres, or 219,825 sq. ft., making the gross density of the proposed subdivision at 5.1 dwelling units per gross acre. Based on the gross/net acreage calculations, the demonstrated density for the site is calculated based on the standards of the implementing zone. The 10 – 12 du/ac density is intended to be implemented by the PDR-5 zone. The net site area, less right-of-way is 1.80 acres, or 78,356 sq. ft.. Net

density (gross minus streets) is 14.44 dwelling units per acre<sup>5</sup>, which exceeds the allowed Comprehensive Plan density range by 2.44 dwelling units per acre. The net site area (gross, minus exempt land within the SROZ<sup>6</sup>) is 9.82 du/ac<sup>7</sup>, which is 0.12 du/ac short of meeting the minimum required Comprehensive Plan density. The Code enables a variety of calculation methods to be used to determine compliance, which the applicant has done.

### **Comprehensive Plan – Residential Variety/Diversity of Housing**

**Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City’s desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.**

- A3. The applicant’s proposal would provide a *net* increase of 25 residential dwelling units on the site. The applicant’s response findings to 4.198.01(A) speak to the providing for additional single-family and attached housing in the City, meeting these measures.

**Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City’s desire to approve new residential development concurrent with the availability of public facilities.**

- A4. Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. The applicant will also be responsible for improving SW Canyon Creek Road, adjacent to the project.

**Implementation Measure 4.1.4.h: “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”**

- A5. The applicants/owners will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

### **Zone Map Amendment**

- A6. The subject property is currently zoned Residential Agricultural – Holding (RA-H). The applicants propose to change the zone to the Planned Development Residential (PDR-5) zone to accommodate a total of 26 single-family dwelling units, as proposed.

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<sup>5</sup> Net density is determined by dividing the total number of proposed dwelling units by an adjusted gross area, as follows: Reduce the gross site area (5.046 acres) by the area in proposed streets (0.51 acres, and 0.08 acres, respectively), for a total of 4.454 acres. The resulting net density is therefore 5.837 du/ac.

<sup>6</sup> The entire 2.40 acres of the SROZ is being deducted from the net site area, because the applicant has not proposed to calculate density on the basis of the eligible area (50% of the SROZ). The resulting net density is therefore 14.44 du/ac.

<sup>7</sup> This density is determined by dividing the total number of proposed dwelling units by an adjusted net area, as follows: Reduce the gross site area (5.046 acres) by the area in the SROZ (2.40 acres), for a total of 2.646 acres. The resulting density is therefore 9.82 du/ac.

### **Significant Natural Resources**

- A7. Based on the material submitted, the Significant Resource Overlay Zone (SROZ) is located on a large portion of the subject property. The SROZ area is 2.40 acres, or approximately 47.2% of the site.

### **Area of Special Concern**

- A8. The Comprehensive Plan does not identify the subject property as being in an Area of Special.

**Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City’s desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”**

- A9. The low vacancy rates of subdivisions in the City provide circumstantial evidence that there is demand for the housing product proposed by the applicants’ meeting IM 4.1.4b. Adequate public services could be made available to the site.

**Implementation Measure 4.1.4.d – Diversity of Housing Types “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.”**

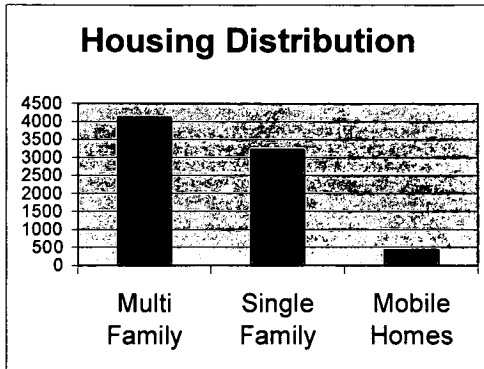
- A10. The applicants have indicated that a variety of house models are proposed for the project. Proposed are attached single-family dwelling units meeting IM 4.1.4.d.

**Implementation Measure 4.1.4.e “Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”**

- A11. The City has established a 50% multi-family, 40% single-family target for housing in the City. The April 2006 Development Summary estimate by the City indicates a current split of 48% multi-family to 41% single-family. The proposed project would have negligible impact on the split.

**Housing Units**

Type	New	YTD	Total
Apartment	0	0	3869
Condominium	0	0	427
Duplex	0	0	68
Mobile Homes	0	0	22
Mobile Home/park	0	0	379
Single Family	22	76	3329
<b>Totals</b>	<b>22</b>	<b>76</b>	<b>8094</b>



The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.

A12. The April 2006 Development Summary further indicates that approximately 23% of 4,702 acres of land within the City is zoned Planned Development Residential (PDR). Of the land currently zoned PDR, only four (4) percent is vacant. While single family development currently makes up over 41% of the housing units in the City, the 2000 Census figures for Wilsonville shows a vacancy rate of 2.6% for owner-occupied housing units in the City. By comparison, multi-family housing makes up over 45% of the housing stock in the City and was at a 9.5% vacancy rate in 2000. Of the 5,937 ‘occupied housing units’ in the City in the year 2000, 3,199 (54%) were owner occupied, and 2,738 (46%) were renter-occupied. (The Census figures do not make a distinction between single-family detached housing and attached housing [condos, etc.]). While the Census figures show a greater percentage of the city’s housing stock being owner occupied, the vacancy rate would suggest a higher demand for this type of housing. The proposed zone map amendment meets a public need that has been identified for affordable housing. The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount.

**Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”**

A13. The applicant is not proposing to site mobile homes in this application.

**Criterion 'D' – Public Facilities** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

A15. The Deputy City Engineer’s recommended Public Facility (PF) conditions impose further performance upon the Tentative Subdivision Plat and Stage II Final Plan applications, which require the applicants to provide adequate road improvement to SW Canyon Creek Road, water, drainage and sanitary sewer infrastructure to serve the proposed project. As currently configured, the project satisfies all design requirements regarding needed infrastructure improvements.

**Criterion 'E' – Significant Resource Overlay Zone** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

A16. There is SROZ located on the subject premises, and building envelopes that are proposed to encroach into a protected Impact Area on six (6) proposed lots. The applicant has demonstrated that the proposal will minimize impacts to the resource, despite the proposed encroachments into the Impact Area on the six (6) proposed lots, and the potential for other encroachments (e.g., patios, decks, planters, etc.) on all 12 lots abutting the Impact Area is high. The Board finds that further protection of the Impact Area and the SROZ is necessary for lots 1 – 7 and lots 22 - 26. See conditions PDB 2.1, and NRG 4.

**Criterion 'F'** “That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

A17. The applicant’s submittal document indicates intent to develop 26 new single-family dwellings/lots, as shown on the tentative plat (Section 3 of Exhibit B3), after final approvals are obtained from the City. The applicant suggests that construction is planned within 2 years (Section 3 of Exhibit B3).

**Criterion 'G'** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.”

A18. The Board further finds that recent revisions, together with conditions of approval for the proposed project, bring it into compliance with all applicable development standards.

**Subsection 4.197(.03) provides that “If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.”**

A19. The applicant has made affirmative findings for Subsection 4.197.02(A)-(G), above. Recommended conditions of approval will ensure compliance with the subject Code criteria.

**Subsection 4.197(.04) stipulates that the “City Council action approving a change in zoning shall be in the form of a Zoning Order.”**

A20. Staff recommends approval of the revised proposal (Exhibit F1), together with appropriate conditions of approval. A City Council Zoning Order will be required prior to contingent approval of the remaining applications.

**Subsection 4.197(.05) provides “In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.”**

A21. Staff recommends adoption of these findings, and recommended conditions, to the Development Review Board in review of the application to modify the Zone Map designation. Upon approval, these will be forwarded as a recommendation to the City Council for final action.

#### **Traffic**

A22. The traffic study completed for this project (Section 7 of Exhibit B1) indicates SW Canyon Creek Road will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

A23. The proposed project is adjacent to existing single-family homes to the north, and rural density residential on the south. Implementation Measures 4.1.4.b, d, and o speak to the City’s desire to see a diversity of housing types and affordability. The applicant’s proposal would add to the City’s housing diversity of single family housing. With regard to traffic, through the conditions of approval recommended by staff, the project could be adequately served with urban services designed to minimize off-site impacts the project.

#### **Metro’s Urban Growth Management Functional Plan**

A24. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicants are requesting a zone change to Planned Development Residential (PDR-5) which corresponds to a Comprehensive Plan Map density of 10 - 12 dwelling units per acre. See the applicants’ response findings found on pages 7 – 10 of Section 3 of Exhibit B3, and finding A2.

**SUMMARY FINDINGS FOR REQUEST A:**

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- A25. The applicant has demonstrated that the proposed Zone Map Amendment will meet all applicable requirements. Its approval may be recommended to the City Council by the Development Review Board, as all matters of Code compliance have been resolved.



**REQUEST 'B' – DB06-0035 STAGE I PRELIMINARY PLAN**

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**Tentative Plat Submission – 4.210(.01)(B)(19)**

- B1. As enabled by this section, the tentative subdivision plat "...shall be considered as the Stage I Preliminary Plan." The plat is reviewed in Request C, next below.

**REQUEST 'C' - DB06-0034 TENTATIVE SUBDIVISION PLAT**

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**Tentative Plat Submission – 4.210(.01)(B)**

- C1. The proposed tentative subdivision plat for 26 lots (net 25 new lots) shows existing easements, meeting this criterion.

**General Requirements – Streets**

**Section 4.236(.01) – Conformity to the Master Plan or Map**

- C2. Canyon Creek Road is listed in the City's 2003 Transportation System Plan as a minor arterial. The current improvement was constructed to accommodate the traffic impact of this classification, meeting this criterion.

**Section 4.236(.02)(A) - Relation to Adjoining Streets**

- C3. The existing circulation pattern in Canyon Creek Meadows subdivision, nearby to the north, does not provide an opportunity for a through-street connection, due to its loop configuration, as well as the presence of an intervening parcel, Tax Lot 604.

**Section 4.236(.08) – Existing Streets**

- C4. The City Engineer's Public Facilities conditions require that all right-of-way dedications, easements and street improvements are to be completed to the requirements of the City's 2003 Transportation System Plan.

**Subsection 4.177(.01)(G) – Dead End Streets**

This section requires that "new dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection."

- C5. The revised subdivision design provides a loop access route, originating at the intersection of the north end of Tract D with SW Canyon Creek Road, then traveling southerly, to the southern intersection of Tract D with Canyon Creek Road. Tract E, described by the applicant as an 'alley', provides access to Lots 8 – 16. Staff estimates the length of Tract E, measured from the centerline of SW Canyon Creek Road as 162.5 feet.

**Section 4.237(.02) – Easements**

- C6. Engineering Division staff have noted that an existing 8-inch public water line must be looped through the site, and centered in a 15-foot-wide public utility easement. The route of this loop is uncertain, both due to the design of the existing circulation system, and its likely redesign. See Condition PFD 25.
- C7. The applicant's submittal documents indicate appropriate easements will be provided as part of the final plat. The Engineering Division requires that all easements on the final plat shall be specified per the City's Public Works Standards and shall be approved by the City Engineer prior to the issuance of Engineering Division permits for the project.

**Section 4.237(.03) – Pedestrian and bicycle pathways.**

- C8. The proposed Tentative Subdivision Plat specifies five (5) foot sidewalk along the north and west sides of Tract D. While sidewalks are required on both sides of streets, the applicant has requested a waiver to this requirement. See Request E for the staff analysis of the proposed waivers.

**Section 4.237(.04) – Tree Planting**

- C9. Plan Sheet L1.0 of Exhibit F1 identifies the location of proposed street trees. The applicants will be required to provide an instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

**Section 4.237(.05) – Lot Size and Shape**

**Subsection 4.124.5, PDR-5 specifies the following for lot size and shape:**

- “(01) Average lot size: 3,000 square feet.**
- (.02) Minimum lot size: 2,500 square feet.**
- (.03) Minimum density at build-out: One unit per 4,000 square feet.**
- (.04) Other standards:**
  - A. Minimum lot width at building line: Thirty (30) feet.**
  - B. Minimum street frontage of lot: Thirty (30) feet.**
  - C. Minimum lot depth: Sixty (60) feet.**
  - D. Setbacks: per Section 4.113(.03).**
  - E. Maximum building height: Thirty-five (35) feet.**
  - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.**

- C10. The applicant is requesting the following waivers from the PDR-5 standards:
- **Minimum side yard less than 7 feet for two stories - Proposed between 3.5 and five feet for 12 lots. Proposed zero setback for at least one side of all lots, and both sides of Lots 2, 3, 6, 9, 20, and 23.**

- ~~Minimum front yard to garage doors~~ **Proposed 19 feet; except for Lots 8–16, which are proposed six (6) feet. [Deleted as unnecessary per Section 4.113(.03)(B)(5).]**
- Minimum rear yard, less than 20 feet - **Proposed between six (6) and 19 feet.**
- Minimum lot size, less than 2,500 Square feet - **Proposed less than minimum for six (6) lots.**
- Minimum lot width at building line, less than 30 feet – **Proposed ten (10) lots less than 30 feet.**
- Minimum street frontage, less than 30 feet – **Fifteen interior lots are proposed with less than 30 feet of street frontage.**
- Streets with sidewalk, **but only on one side.**
- ‘Usable’ open space, one (1) quarter acre required for fewer than 100 lots – **Proposed 8,222 sq. ft., limited by site constraints.**

See Request E for the staff analysis of the proposed waivers.

C11. The proposed houses will be less than 35 feet in height, meeting code.

**Subsection 4.124.5 – Minimum Lot Width at Building Line**

C12. The PDR-5 Zone requires a minimum lot width at the building line of 30 feet. Only [REDACTED] proposed lots have sufficient width to allow for 30 feet at the building line. The applicant has requested a waiver to this requirement for the affected lots. See Request E, beginning on page 47 for a discussion of proposed waivers.

C13. The applicants are proposing to provide intersection improvements to SW Canyon Creek Road, which will provide public access for the project. Tracts D and E are proposed to be private streets. Subsection 4.124.5 requires 30 feet of minimum street frontage for each lot. Again, 26 interior or corner lots are proposed, [REDACTED] will have street frontage meeting this requirement. See Request E for proposed waivers.

**Section 4.237(.08) – Side Lot Lines**

C14. Minimum side yard less than 7 feet for two stories - **Proposed between 3.5 and five feet [REDACTED]. Proposed zero setback for at least one side of all lots, and both sides of Lots 2, 3, 6, 9, 20, and 23.** See Request E for proposed waivers.

**Section 4.237(.10) – Building Line**

C15. The proposed Stage II Final Plans illustrate building lines relative to yard setbacks, for which a number of waivers have been requested. See Request E for proposed waivers.

**Section 4.237(.11) – Build-To-Line**

C16. The proposed Stage II Final Plans do not propose build-to-lines.

**Section 4.237(.12) – Land for Public Purposes**

- C17. The applicants will be required to dedicate all public utility easements deemed necessary by the civil engineer for the project, prior to approval of any final inspection requested subsequent to this action, if approved.

**Section 4.237(.13) – Corner Lots**

- C18. All radii within the proposed subdivision are in excess of 10 feet, which meet this criterion.

**Section 4.262 – Improvements – Requirements**

- C19. The City Engineer’s conditions require the installation of all public utilities to the City’s Public Works standards.

**4.264 – Improvements – Assurance**

- C20. The applicants have not furnished an assurance to the City for the complete installation of all improvements. The applicants will be required to provide a cost estimate and security acceptable to the City Engineer for the completion of all public improvements.

**SUMMARY FINDING FOR REQUEST C:**

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- C21. With the proposal of 8,222 sq. ft. of usable open space, together with a waiver for the remaining required area, the proposed Tentative Subdivision Plat for 26 lots has demonstrated compliance with all applicable Code requirements.

**REQUEST ‘D’ - DB06-0036 – STAGE II FINAL PLANS**

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The applicants are proposing Stage II Final Plans for 26 single family dwellings, and related site improvements. Staff has reviewed the proposed Stage II Final Plans to determine compliance with the Planned Development Regulations. Proposed is a single phase development plan (Plan Sheet F1.4). The key Stage II Final Plan review standards are the following:

**Subsections 4.140.09(C-F): *Stage II Final Plan***

- D1. The applicants’ submittal documents provide sufficient detail to satisfy the requirements of Section 4.140.09(C) & (D). These criteria are met.

**Subsection 4.140(.09)(J) – Final Plan approval**

**Subsection 4.140(.09)(J)(1-3) stipulates the following criteria for Final Plan approval:**

- 1. 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. 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.

3. 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.

**ZONING, Sections 4.100-4.141**

**Subsection 4.140(.09)(J):** A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the planned development regulations in Section 4.140.

**Additionally, Subsection 4.140(.09)(J)(1) states:** 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.

**Comprehensive Plan and Zoning:** *Planned Development Residential zone*

D2. The subject property contains one zoning district – RA-H. Following City Council action on a companion application for a Zone Map Amendment, the subject site is proposed to be zoned Planned Development Residential (PDR-5). The Comprehensive Plan identifies the subject property as Residential 10 - 12 dwelling units per acre. Required minimum density is marginally achieved by the applicant's proposal. See page 29 for a discussion of density.

**Subsection 4.118.03(B):** *Waivers.*

D3. The applicants are seeking seven (7) waivers to the Planned Development Regulations. These requested waivers are discussed in Request E of this report.

**Subsection 4.113:** *Standards Applying to Residential Developments in any Zone:*

Subsection 4.113 provides for the required open space in new residential developments. In addition, Implementation Measures 4.1.5.d, 4.1.5.j, and 4.1.5.k speak to the Comprehensive Plan's desire to create and conserve open space in the City for specified objectives.

**Subsection 4.113.02(A) – Outdoor Recreational Area - Standards Applying To Residential Developments In Any Zone.**

**(.01) Outdoor Recreational Area in Residential Developments.**

**A. Purpose.** The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:

1. Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.
2. Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or

- maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.
3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.
  4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:
    - a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;
    - b. For eleven (11) through nineteen (19) units, 200 square feet per unit;
    - c. For twenty (20) or more units, 300 square feet per unit.
  5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.

**( 02) Open Space Area shall be provided in the following manner:**

**A. In all residential subdivisions including subdivision portions of mixed use Development where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.**

**Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.**

**Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas**

that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5) [Amended by Ord. 589 8/15/05]

- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.**
- C. The Development Review Board may specify the method of assuring the long term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.**

- D4. The above residential development standards require that 25% of the site be set aside for outdoor and recreation space. Those requirements are met through proposed Tracts A, B and F, and open space Tract C and, totaling 117,575 sq. ft., which is 53.5% of the site area, meeting code. The closest public park is Weideman Park.
- D5. The above criteria also require that a minimum of one-quarter acre (10,890 square feet) of usable recreation area be provided. This recreation area can be included in the 25% parks and open space requirement. A total of 8,222 sq. ft. is proposed, together with a requested waiver for the remaining area, satisfying this minimum Code requirement.
- D6. The Covenants, Conditions, and Restrictions of the Homeowner's Association (Section 4 of Exhibit B3) will be required to place the ownership and maintenance responsibilities of the common areas upon the Homeowners Association. Condition PDB 2.1 is recommended to achieve this result.

**Subsection 4.113(.03)(B) – Building Setbacks**

- D7. See the discussion of proposed waivers to building setbacks, above.

**Subsection 4.113(.04) – Building Height**

- D8. The applicants do not propose to exceed the maximum 35' height limitation.

**Subsection 4.113(.07) – Fences**

- D9. The applicants are proposing to reconfigure the existing wall along SW Canyon Creek Road in the vicinity of its existing terminus. The applicant has not indicated an intent to install fences around the housing units.

**Subsection 4.171(.04): Natural Resource Protection – Trees and Wooded Areas**

D10. The applicant’s arborist report, Sections 5 and 6 of Exhibit B3, identifies 51 on-site trees. The majority of these trees are native species (Douglas-fir and Western Red Cedar). The applicants propose to retain 12 trees. Conformance of the proposed project with the City’s tree ordinance is considered in a report regarding proposed tree removal (Casefile DB06-0039), which is a companion to this application.

**Parking - Section 4.155** of the Wilsonville Code sets forth the minimum parking standards for off-street parking. The applicable subsections of this code are the following:

**Subsection 4.155(.03)(B)(8) and Table 5: Parking Standards.**

D11. Each proposed dwelling would be required to provide one (1) off-street parking space, which is accomplished with garage or driveway parking on each of the 26 proposed home sites.

**Schools**

D12. The applicants have not estimated how many school-age children will reside within the project at full build-out. The West Linn/Wilsonville School District completed construction of the new Boones Ferry Primary School in the fall of 2001. The Wilsonville High School was recently expanded to accommodate overcrowding. While not required by the Development Code, staff suggests the applicant provide the West Linn/Wilsonville School District with this estimate to aid in the school district’s planning of future facilities.

**Traffic**

**Comprehensive Plan– Implementation Measures 3.1.6a-3.1.6.cc - Transportation**

D13. The street layout aligns to the existing topography. Proposed are private drives and pedestrian ways to access the houses. See the applicants response found on page 7 of Section 3 of Exhibit B3.

D14. The City’s 2003 Transportation System Plan identifies a pedestrian pathway in the vicinity of Boeckman Creek, on or near the subject premises. Access to this alignment is difficult, due to the steep slopes in the vicinity of the creek drainage, and the future alignment is uncertain, including whether it will be on the west, or east side, of the creek. The applicant will be required to dedicate an easement for pedestrian access. See Conditions PFD 18 and PFD 19.

**Subsection 4.140(.09)(J)(2): Traffic Concurrency.**

**Subsection 4.140(.09)(J)(2)** of the Wilsonville Code stipulates review criteria for Stage II of the planned development process:

**“That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments,**



avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5."

Additionally, Subsection 4.140(.09)(J)(2)(a)(ii) requires that the traffic study performed to determine whether a proposed project will generate traffic in excess of Level of Service D (LOS D) look at "what impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic."

- D15. The traffic study for the entire project estimates 234 total daily trips, 23 of which are new p.m. peak hour trips<sup>8</sup>. At the time of writing this staff report the City has not yet adopted a new Public Facilities Transportation Strategy (PFTS).
- D16. Prior to the issuance of building permits by the City, the property owner shall be responsible for paying all applicable systems development charges (SDCs) for the proposed project including supplemental street SDCs for future improvements to Wilsonville Road/I-5 interchange currently estimated at \$3,000 per P.M. peak hour trip.
- D17. The Oregon Department of Transportation (ODOT) seeks to preserve traffic capacity on the freeway system, so ODOT was notified of this proposal. No comments have been received from ODOT.

#### **Streets**

- D18. No additional dedication of right-of-way is required along SW Canyon Creek Road, and private Tracts D and E are proposed to provide access, in lieu of dedicated public right-of-way. The Engineering Division staff further requires a 22-foot-wide paved improvement for the proposed connection of Tract D to Canyon Creek Road at the north end of the project. Staff notes that this connection is on land used for access to an existing sanitary sewer facility, and that an agreement in principle has been reached in this regard between the City and the applicant, for its use for access. See Condition PFD 16.

#### **Section 4.167: Access, Ingress, and Egress and Subsection 4.177(.01)(H): Access Drives and Lanes**

- D19. The applicant's proposed vehicular circulation and access to SW Canyon Creek Road is depicted in Exhibit F1. The Engineering Division staff further requires a 22-foot-wide paved improvement for the proposed connection of Tract D to Canyon Creek Road at the north end of the project (Exhibit D1.6). Conditions PFD 27 through PFD 32 are recommended to achieve these requirements.

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<sup>8</sup> The number of proposed dwellings reviewed in the Traffic Impact Analysis is 30, based upon materials supplied by the applicant. The prior residential use (existing house) generated PM peak hour trips through the Wilsonville Road interchange, but these trips were not identified by the traffic consultant in the analysis.

**Subsection 4.177.01(B): Sidewalk Requirements**

D20. The applicant's proposed pedestrian circulation is found in Exhibit F1, which includes a sidewalk on the north and west side of the interior private street, Tract D. No sidewalks are proposed for Tract E. A waiver from the requirement that sidewalks be provided on both sides of these streets is needed. See Request E beginning on page 47 of this report for a discussion of this waiver.

**Subsection 4.140.09(J)(3): Public Facilities.**

**Subsection 4.140.09(J)(3)** stipulates, *"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."*

**Public Services**

D21. Staff has requested comment from public service providers (e.g., Clackamas County Sheriff, Tualatin Valley Fire & Rescue, South Metro Area Rapid Transit, etc.) within the City about the potential of providing service to the subject project. No comments were subsequently received from these agencies.

**Subsection 4.140.09(J)(3) – Adequate Facilities and Services**

D22. Policy 3.1.2 and Implementation Measures 3.1.2.a and 3.1.2.e of the Comprehensive Plan require that urban development only be allowed where necessary facilities and services can be provided. The proposed project has available to it, or will be required to make available to it, adequate facilities to serve the project.

**Sanitary Sewer**

D23. Policy 3.1.4 and Implementation Measures 3.1.4.b and 3.1.4.f specify the responsibilities for providing sanitary sewer service to new development. An 8-inch sanitary sewer running parallel to the westerly property line of the site in SW Canyon Creek Road will serve the project. The applicant/owner will be required to install and fund, including the payment of system development charges, all improvements necessary to provide the project with sanitary sewer service. Any existing septic systems on site shall be removed prior to the issuance of a final grading permit of that particular phase.

**Water**

D24. Policy 3.1.5 and Implementation Measures 3.1.5.c and 3.1.5.d specify the responsibility for providing water service to new development. Public water is available to the site in 8-inch line located in SW Canyon Creek Road, which is stubbed to the site in the vicinity of proposed Lot 18. While the applicant illustrates that a water line will be looped through the project to ensure adequate fire flows, the route does not account for the location of the existing stub, nor for the expense of concrete panel disturbance and replacement in SW Canyon Creek Road. Alternative alignments are available that will avoid such disturbance or expense, but such improvement will require a 15-foot-wide public utility easement. Any existing wells will need to be capped prior to the issuance of building permits.

### **Storm Drainage**

- D25. The developer of the project has the responsibility to fund and install all necessary storm water facilities to meet the requirements of the City's Storm Water Master Plan. The Engineering Division has indicated that topographic information is required in the northeast portion of the site, in this regard. The final design and installation of all storm water facilities will require a public works permit from the City's Engineering Division.

### **Semi-Public Utilities**

- D26. The applicants will need to consult with the private utility providers (e.g., gas, electric, cable, waste collection, etc.) within the City about the potential of providing service to the subject project. Only Allied Waste Services of Wilsonville/Tualatin has provided input (Exhibit E1.6), indicating their ability to serve the project, resulting from the proposed circulation design.

### **Subsection 4.140(.09)(I): Duration of Stage II Approval**

- D27. Approval of the Stage II Final Plans will expire two years after the approval date, if substantial development has not occurred on the property in that time. The DRB may grant three (3) one year extensions to this approval upon findings of good faith efforts to develop the property per this code criterion.

### **SUMMARY FINDINGS FOR REQUEST D:**

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As demonstrated in findings D1 through D27, the proposed Stage II Final Plan *meets* all the City criteria in Subsection 4.140(.09)(J)(1) - Land Use, as follows:

- D28. The location, and uses of the proposed housing project are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council. The project's density complies with the density range required by the Comprehensive Plan.
- D29. The location, design, size and uses of the proposed housing project 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.
- D30. The location, design, size and uses of the proposed housing project are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

## REQUEST 'E' - WAIVERS

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Section 4.118.03 Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

1. minimum lot area;
2. lot width and frontage;
3. height and yard requirements;
4. Lot coverage;
5. lot depth;
6. street widths;
7. sidewalk requirements;
8. height of buildings other than signs;
9. parking space configuration;
10. minimum number of parking or loading spaces;
11. shade tree islands in parking lots, provided that alternative shading is provided;
12. fence height;
13. architectural design standards;
14. transit facilities; and
15. solar access standards, as provided in Section 4.137.

E1. The code requires that all waivers be specified at the time of Stage I Master Plan and Preliminary Plat approval. Regarding this requirement, the applicants are requesting the following waivers from the PDR-5 zone requirements, or other standards:

1. Minimum side yard less than 7 feet for two stories - **Proposed between 3.5 and five feet for 12 lots. Proposed zero setback for at least one side of all lots, and both sides of Lots 2, 3, 6, 9, 20, and 23.**
2. ~~Minimum front yard to garage doors - Proposed 19 feet; except for Lots 8 - 16, which are proposed six (6) feet.~~
3. Minimum rear yard, less than 20 feet - **Proposed between six (6) and 19 feet.**
4. Minimum lot size, less than 2,500 Square feet - **Proposed less than minimum for six (6) lots.**
5. Minimum lot width at building line, less than 30 feet - **Proposed ten (10) lots less than 30 feet.**
6. Minimum street frontage, less than 30 feet - **Seven (7) interiors lots are proposed with less than 30 feet of street frontage.**
7. Streets with sidewalk, **but only on one side.**
8. 'Usable' open space, one (1) quarter acre (10,890 sq. ft.), required for fewer than 100 lots - **Proposed 8,222 sq. ft., limited by site constraints.**

E2. The applicants' response findings, found on pages 13 and 15 of Section 3 of Exhibit B3, and Exhibit G1.1, provide evidence necessary for the Board to approve the proposed waivers.

- E3. The requested waivers are necessary to enable the attached single-family dwellings to fit on lots which have been designed to recognize and protect the natural resources to the east.

#### **SUMMARY FINDINGS FOR REQUEST E:**

As demonstrated in findings E2 and E3, and the applicants' response findings found on pages 13 and 15 of Section 3 of Exhibit B3, the request for the seven (7) waivers may be approved.

#### **REQUEST 'F' - DB06-0038 SITE DESIGN REVIEW:**

**Subsection 4.125.18(P)(1): An application for approval of a Site Design Plan shall be subject to the provisions of Section 4.421.**

- F1. The applicant has provided response findings to the applicable criteria (See pages 17 through 18 of Section 3 of Exhibit B3, and Exhibit G1.1). Staff concurs with these findings except where otherwise noted.

#### **Section 4.421: Site and Design Review - Criteria and Application of Design Standards**

- (.01) The following standards shall be utilized by Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation. The specification of one or more particular architectural styles is not included in these standards.**

**A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

- F2. The request to remove trees is based upon the recommendation of Raymond Meyer, a certified arborist (Sections 5 and 6 of Exhibit B3).
- F3. The proposed Type C Tree Removal Plan requires the review and approval of the Development Review Board (DRB), and is being processed concurrently with this request.

**B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.**

- F4. This proposal includes a review of the medium density residential requirements. It also includes the review of landscaping and open space. The purpose of this Site Design Plans is to provide more detailed architectural and landscaping information.

**C. Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

- F5. The proposed project is large enough to provide a circulation system for transportation options (automobiles, bicyclists and pedestrians). The current design provides for all of these methods of transportation, as required by the City's engineering standards.

**Parking Analysis:**

- F6. Table 5 of Section 4.155 requires 1 parking space per dwelling unit. The 26 dwelling units proposed require a minimum of 26 parking spaces. Plan Sheet F1.4 (Site Plan) indicates the ability to provide 26 total garage parking spaces.

**Subsection 4.155.02(O).** Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

**ARCHITECTURE**

- F7. The applicants have provided response findings to the applicable criteria (See pages 17 through 18 of Section 3 of Exhibit B3). Staff concurs with these findings, except where otherwise noted. Thus, the applicable design criteria are met by the proposed project.

**Lighting:**

- F8. Proposed site lighting is shown on Plan Sheet EL1 of Exhibit F1, which is comprised of mast lighting.

**Section 4.176: Landscaping**

- F9. A detailed landscape plan is provided with this request in accordance with the requirements of Section 4.176.09, and 4.440.01(B) [Plan Sheet L1.0 of Exhibit F1]. Final Planting Design Details meet minimum code requirements.
- F10. Street trees are a major component of the landscaping (see Plan Sheet L1.0 of Exhibit F1, Street Tree Plan). Proposed are 36 street trees at 2" caliper.

**Subsection 4.176.02(D): Low Screen Landscape Standard**

F11. The proposed Planting Plan (Plan Sheet L1.0 of Exhibit F1) illustrates the plant materials proposed, according to the Plant Schedule. The Plant Schedule lists a combination of 13 different types of grasses and large and small shrubs. A combination of primarily deciduous trees is proposed throughout the site. The proposed Planting Plan meets this criterion.

**Subsection 4.176.03: Landscape Area.**

F12. As illustrated on the Planting Plan (Plan Sheet L1.0 of Exhibit F1), including Tracts A, B and E, the proposed landscape exceeds 15% minimum coverage meeting code.

**Subsection 4.176.04(C&D): Buffering and Screening**

F13. The submittal documents do not indicate the location of the heating, ventilation, and air condition (HVAC) equipment. The City reserves the right to require further screening of the HVAC equipment should it be visible from off-site, ground level view.

**Subsection 4.176(.06)(A-E): Plant Materials.**

F14. This request includes landscaping treatment on common property, Tracts A, B and F. Installation of landscaping on private property is the developer's responsibility. Homeowners associations must be made responsible for professional maintenance of the landscaping. The proposed landscape plan meets this criterion.

F15. The proposed Planting Plans (Plan Sheet L1.0 of Exhibit F1) will be required to meet the spread requirement of 10" to 12". The specified tree and ground cover types are of a size and spacing that can meet the criteria of 4.176.06(A)(1-2) and (B).

F16. The proposed landscape specifications for secondary and accent trees meet code criterion for caliper size and/or height. This code criterion is met.

**Subsection 4.176(.07)(A-D): Installation and Maintenance**

F17. Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this code, or any condition of approval established by city decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the city approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the city code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

**Subsection 4.176(.10): Completion of Landscaping**

F18. The applicants' submittal documents do not specify whether a deferment of the installation of the proposed planting plan is requested. The applicants will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscaping, should the approved landscaping not be installed by the time of final occupancy.

**Section 4.175: Public Safety and Crime Prevention**

F19. The applicant's exterior lighting plan depicts the lighting fixtures and location of fixtures. See Plan Sheet EL1.0 of Exhibit F1.

**Section 4.450: Installation of Landscaping**

F20. All landscaping approved by the Development Review Board must be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost for landscaping is filed with the City.

**Subsection 4.176(.10) – Completion of Landscaping**

F21. The applicants will be required to post a bond or other security acceptable to the Community Development Director for the installation of the landscaping. If the proposed project proceeds in more than one phase, the applicants will be required to post a bond or other security for each phase of the project.

**Section 4.176(.12)(D): Irrigation**

F22. A conceptual irrigation plan has not been provided. A permanent underground irrigation system is required to be provided for all lawn, shrub and tree plantings at the time building permits are issued for projects. Irrigation must not be excessive to harm existing trees. The City may approve temporary irrigation to beautify selected landscaped areas for marketing reasons, but irrigation must be above ground installation, and it must be removed to comply with the final landscape and in-ground irrigation plans as determined by the City. The irrigation plan will need to be provided, including the information required in Subsections 4.179.09(A-D).

**Section 4.800: Wireless communications facilities**

F23. A conditional use permit is required for any wireless communications pursuant to Section 4.800 of the Wilsonville Code. No such facilities are currently proposed.

**SUMMARY FINDING FOR REQUEST F:**

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F24. As demonstrated in findings F1 through F23, with conditions of approval referenced therein, the proposed Site Design Plans may be approved.



**REQUEST 'G' - DB06-0039 TYPE 'C' TREE PLAN:**

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**Section 4.600 – Tree Preservation and Protection**

**(.50) Application for Tree Removal Permit**

- (.02) Time of Application: Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter,**

**Also Subsection 4.610.40: Type C Permit**

**A tree report narrative (Sections 5 and 6 of Exhibit B3) was provided by project arborist Raymond Meyer of Tree Care & Landscapes, Unlimited.**

- G1. The arborist report documents the condition, viability, and which trees will be retained on the site and which will be removed because of construction or condition on the project site. The inventory that was provided by the arborist lists tree species, size, condition and recommended treatment. The recommended treatments were based on tree characteristics as well as location within the site.

A total of five (5) different tree species was inventoried on the site, of which all are native species.

**Subsection 4.620.00: Tree Relocation, Mitigation, or Replacement**

- G2. The City of Wilsonville requires mitigation planting when live trees are removed. The 39 trees proposed for removal are subject to mitigation requirements. The 43 proposed trees to be planted shown on Plan Sheet L1.0 of Exhibit F1 are sufficient to replace those proposed to be removed. Staff recommends Condition PDF 1 to assure compliance with this criterion.
- G3. **Tree Protection During Construction:** Tree protection specifications are proposed and are included in the arborist report, meeting code.

**SUMMARY FINDINGS FOR REQUEST G:**

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- G4. Except as otherwise found in finding G2, the proposed Type C Tree Removal Plan is in substantial compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00, subject to compliance with the recommended conditions of approval.

## REQUEST 'H' - SI06-0003 SROZ REVIEW

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### Section 4.139.05 - Significant Resource Overlay Zone Impact Review

H1. The City's Natural Resources Program Manager has evaluated the applicant's proposal, and has confirmed the boundary of the SROZ, and determined that an SRIR is not required for the project's approval. However, he notes that, if development (e.g., building footprints as shown on Plan Sheet 4 of Exhibit F1, and decks as shown on Plan Sheet 10 of Exhibit F1) within the impact areas are acceptable as proposed. Any additional encroachment in excess of the decks which have been illustrated will require review of an SRIR, prior to construction of improvements in the Impact Area or SROZ (Exhibits D1.2, D1.7 and D1.8).

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<sup>i</sup> For use in conveying the pedestrian easement required by this condition, the following text shall be employed, on forms appropriate to the task:

"Grantor: Matrix Development

"Grantee: City of Wilsonville

"Grantor does hereby grant and convey an easement to Grantee over the entirety of Tract C of the Copper Creek subdivision as more particularly described in Exhibit A, attached hereto, for the sole purpose of providing pedestrian and bicycle access to that portion located on Tract C, of the Boeckman Creek Trail, a major regional trail. Provided that at such time as the Boeckman Creek Trail may be located on Tract C this easement shall automatically be relinquished upon Grantor, its successors or assigns, granting of a site-specific 15 foot wide access easement for such purposes." [Amended and Adopted by the DRB on May 14, 2007.]