

ORDINANCE NO. 546

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 5-7 DWELLING UNITS PER ACRE AND APPROVING A ZONE MAP AMENDMENT FROM RESIDENTIAL ARGICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL - 4 (PDR-4) TOGETHER WITH A STAGE I PRELIMINARY PLAN ON TAX LOTS, 800, 900, 1000, 1300, 1400, 1500 (southerly portion), 1600 (southerly portion) AND 1700 OF SECTION 13A, T3S-R1W, CLACKAMAS COUNTY, WILSONVILLE OREGON, DAN GRIMBERG, CLAREMONT CONSTRUCTION, APPLICANT.

WHEREAS, Dan Grimberg, Claremont Construction has requested a Comprehensive Plan Map amendment and a Zone Map amendment of the property described in Exhibit 6D (separate 3-ring binder titled Applicant's Statement) and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated March 11, 2002, as revised May 13, 2002 wherein they reported that the request is consistent with and meets requirements for approval of a Comprehensive Plan Map Amendment, Zone Map Amendment and Stage I Preliminary Plan and have recommended approval with conditions, and

WHEREAS, the Development Review Board Panel A held public hearings on this request on March 11, 2002, which was continued to May 13, 2002, and after taking testimony, gave full consideration to the matter and recommended approval of the request on May 13, 2002, and

WHEREAS, the Wilsonville Planning Staff prepared a supplemental staff report to City Council dated June 13, 2002, attached hereto as Exhibit A, and

WHEREAS, the Wilsonville City Council on June 13, 2002, held public hearings regarding the above described matter, took testimony and concluded that the proposed Comprehensive Plan Map Amendment, Zone Map Amendment and Stage I Preliminary Plan met the approval criteria as evidenced by Development Review Board action and staff report adopted May 13, 2002, attached hereto Exhibit 1.

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

1. The City Council adopts the above-recited findings as findings of fact and incorporates them by reference and also adopts as findings the supplemental Planning Division staff report to the City Council dated June 13, 2002, attached hereto as (Exhibit A) and the Development Review Board's recommendation and adopted staff report dated May 13, 2002 attached hereto as (Exhibit 1).
2. The Comprehensive Plan Land Use Map for the subject 21.95 acres (eight tax lots) property is hereby amended from Residential 0 - 1 Dwelling Units Per Acre to Residential 5 - 7 Dwelling Units Per Acre on Tax Lots 800, 900, 1000, 1300, 1400, 1500 (southerly portion), 1600 (southerly portion) and 1700 of Section 13A, Clackamas County, Wilsonville, Oregon.
3. The official City of Wilsonville Zone Map for the subject 21.95-acres is hereby amended in Zoning Order 02DB03, having been adopted simultaneously herewith and attached hereto, from RA-H to PDR-4 on Tax Lots 800, 900, 1000, 1300, 1400, 1500 (southerly portion), 1600 (southerly portion) and 1700 of Section 13A, Clackamas County, Wilsonville, Oregon.
4. The Comprehensive Plan Map Amendment and Zone Map Amendment shall be effective on the date of the approval.
5. The City Council has no conditions of approval for the proposed Comprehensive Plan Map amendment and the proposed Zone Map amendment. The City Council affirms the condition for the proposed Stage I Preliminary Plan, which states:

"That a centralized park of approximately one-half acre in size be incorporated into the Master Plan of the proposed project."

SUBMITTED to the Wilsonville City Council and read the first time at a special meeting thereof on the 13th day of June, 2002, commencing at the hour of 7 p.m. at the Wilsonville Community Development Annex, and scheduled for second reading at a regular meeting thereof on the 17th day of June, 2002, commencing at the hour of 7 p.m. at the Wilsonville Community Center.



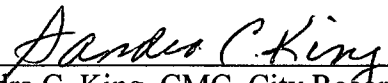
Sandra C. King, CMC, City Recorder

ENACTED by the City Council on the 17th day of June, 2002, by the following votes:

Yes: -3-

No: -0-

Abstain: -2-



Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this 18th day of June, 2002.



CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Council President Helser	Abstain
Councilor Barton	Yes
Councilor Holt	Abstain
Councilor Kirk	Yes

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

In the Matter of the Application of)
Dan Grimberg, Claremont Construction)
for a rezoning of land and amendment of) **ZONING ORDER 02DB03**
the City of Wilsonville Zoning Map)
incorporated in Section 4.102 of the)
Wilsonville Code.)

The above-entitled matter is before the Council to consider the application of Dan Grimberg, Claremont Construction, for a Zone Map Amendment 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 Lots 800, 900, 1000, 1300, 1400, 1500 (southerly portion), 1600 (southerly portion) and 1700 of Section 13A, T3S-R1W, Clackamas County, Oregon, and such property has heretofore appeared on the official Zoning Map as *Residential Agriculture – Holding (RA-H)*.

the Council has heard and considered all matters relevant to the application, including the Staff Report to the City Council (Exhibit A) dated June 13, 2002 and the Development Review Board adopted resolution and staff report (Exhibit 1) dated March 11, 2002, as revised May 13, 2002, and minutes, including conditions of approval:

THE CITY COUNCIL ORDERS as follows:

1. Tax Lots 800, 900, 1000, 1300, 1400, 1500 (southerly portion), 1600 (southerly portion) and 1700 of Section 13A, T3S-R1W, Clackamas County, Oregon, is rezoned to Planned Development Residential – 4 (PDR-4).

2. This action approves a Comprehensive Plan Map Amendment and Zone Map Amendment of the 21.95 acres as described above. The entire site shall be ***“Residential 5 – 7 Dwelling Units Per Acre” on the Comprehensive Plan Map and “Planned Development***

Residential - 4" (PDR-4) on the Zone Map. The action also approves the Stage I Preliminary Plan.

3. The Council further finds that the application shall be approved, and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

Dated: This 18th day of June 2002.



CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:



Sandra C. King, CMC, City Recorder

PLANNING DIVISION
STAFF REPORT & RECOMMENDATION

DATE: June 13, 2002

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: Planning File No. 02DB03: Proposed Comprehensive Plan Map amendment, Zone Map amendment and Stage I Preliminary Plan for the proposed Boeckman Park Subdivision comprising 103 lots.

SUMMARY

The applicant requests approval of Comprehensive Plan Map and Zone Map amendments to allow subdivision of 21.95 acres (eight tax lots) fronting Boeckman Road between Canyon Creek Road and Wilsonville Road into a 103-lot subdivision. The applicant also seeks approval for Stage I Master Plan, Stage II Final Plan, and Site and Design Review for the common elements of the proposed subdivision. Under the applicant's proposal, the Comprehensive Plan Map designation would change from its current 0-1 dwelling units per acre to 5-7 dwelling units per acre. The Zone Map designation would change from Residential Agricultural-Holding (RA-H) to Planned Development Residential-4 (PDR-4).

On May 13, 2002, Panel A of the Development Review Board recommended approval of the proposed Comprehensive Plan Map amendment, Zone Map amendment and Stage I Preliminary Plan requests. Panel A also approved a Preliminary Subdivision Plat, Stage II Final Plan, Lot Line Adjustments, Site and Design Plans and a Type C Tree Permit. That approval is contingent upon City Council approval of the proposed Comprehensive Plan Map amendment, Zone Map amendment and the proposed Stage I Preliminary Plan.

The Development Review Board vote was 3-1 to approve the proposed Comprehensive Plan Map amendment, Zone Map amendment and Stage I Preliminary Plan. The findings and conclusions in Exhibit '3' (original staff report with proposed findings and conditions of approval) support the Development Review Board decision for approval.

The Development Review Board recommended one condition for the proposed Stage I Preliminary Plan, which states:

"That a centralized park of approximately one-half acre in size be incorporated into the Master Plan of the proposed project."

The applicant has included a centralized park of approximately one-half acre on the Preliminary Subdivision Plat approved by the Development Review Board.

The Development Review Board adopted staff recommendations and findings included as Exhibit 1 of proposed Ordinance No. 546.

RECOMMENDATION

After conducting a duly advertised public hearing, that the City Council act favorably on the Development Review Board recommendation of May 13, 2002 to approve the request. Appropriate Council action would be adoption of proposed Ordinance No. 546.

DISCUSSION/BACKGROUND

- The applicant, Dan Grimberg, Claremont Construction is seeking to amend the Comprehensive Plan Map and to rezone 21.95 acres at Boeckman Road. The proposed amendments are: (1) Designation of the site as "Residential 5-7 Dwelling Units Per Acre" on the Comprehensive Plan Map; and (2) Designation of the site as "Planned Development Residential -4" on the Zoning Map.
- The new Significant Resource Overlay Zone (SROZ) was already in place on Boeckman Creek covering the west side and east side of the subject property. On May 7, 2001, the City Council adopted Ordinance No. 516, which instituted the SROZ designation, protection and development standards. The adopted SROZ map designated the SROZ on significant resources on properties inside the City and outside the City. The proposed project as approved by the Development Review Board will have minimal impact on the SROZ.
- With the conditions of approval adopted by the Development Review Board, the proposal meets the requirements of the City's Planning and Land Development Ordinance and the goals, policies, and implementation measures of the City of Wilsonville Comprehensive Plan.
- All Statewide Planning Goals that are applicable for the plan amendment and rezone requests as proposed have been met.
- Primary facilities, i.e., roadways, water and sanitary sewer, are or shortly will be available and are of adequate size to serve the subject territory. Thus, adequate facilities are provided. The DRB is requiring substantial Boeckman Road improvements as part of this project development.
- The public interest is best served by granting the Comprehensive Plan Map amendment and Zone Map amendment at this time since there is a high demand single-family detached housing.

See the exhibits of proposed Ordinance No. 546 for additional detail and findings of fact.



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

VIA: Certified Mail Return Receipt Requested

May 17, 2002

Ordinance No. 546, Exhibit 1

Dan Grimberg
Claremont Construction LLC
PO Box 91010
Portland OR 97291-0010

Re: 02DB03 - Boeckman Park Subdivision

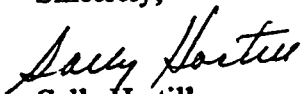
Dear Mr. Grimberg:

Attached is the Development Review Board's Recommendation to City Council on your request for a Comprehensive Plan Map Amendment, Zone Map Amendment and Stage I Preliminary Plan. A City Council public hearing date has been set for June 13th on this item.

Also attached is the Board's Notice of Decision approving the Stage II Final Plan, Subdivision Plat, Lot Line Adjustments, Site and Design Plans and Type C Tree Permit. Please note that the Board's approval is contingent upon the Council's approval of the first segment.

Please contact the Planning Division at 503-682-4960 if you have any questions.

Sincerely,


Sally Hartill
Senior Planning Secretary

Attachments:

- Recommendation and Resolution 02DB03(1)
- Notice of Decision and Resolution 02DB03(2)
- Exhibit A - Adopted Staff Report and DRB's discussion and motion to approve



"Serving The Community With Pride"

John Darling
LDC Design Group Inc
CTS Engineers Inc
3300 NW 211th Terrace
Hillsboro OR 97124

Beak Consultants, Inc
317 SW Alder St
Suite 800
Portland OR 97204

Steve Hultberg
Perkins Coie
1211 SW Fifth Av Suite 1500
Portland, OR 97204-3715

Craig McManus
28440 SW Highland Cir
Wilsonville OR 97070

Doris Wehler
6855 SW Boeckman Rd
Wilsonville OR 97070

Ben Altman
PO Box 4063
Wilsonville OR 97070

Beth and Mike Timm
7400 SW Boeckman Rd
Wilsonville OR 97070

Dennis Hubel
28184 SW Willow Creek Dr
Wilsonville OR 97070

Betsie Weil
28169 SW Willow Creek Dr
Wilsonville OR 97070

John and Anne Cheney
28511 SW Cascade Lp
Wilsonville, OR 97070

Dave and Claudie Riewald
7310 SW Boeckman
Wilsonville OR 97070

Phyllis Vadin
7140 Boeckman Rd
Wilsonville OR 97070

Joyce and Robert Campbell
7550 SW Boeckman Rd
Wilsonville, OR 97070

Kelly Lang
28445 SW Highland Circle
Wilsonville OR 97070

Ray Valone
Metro
600 NE Grand Avenue
Portland OR 97232-2736

Sonya Kazen
ODOT Region 1
123 NW Flanders St
Portland OR 97209-4037

Eamonn and Kathleen Hughes
6940 SW Boeckman Rd
Wilsonville OR 97070

Donna Jensen
7020 SW Boeckman Road
Wilsonville OR 97070

Frank and Phyllis Vidin
7140 SW Boeckman Rd
Wilsonville OR 97070

Larry and Lola Larson
7200 SW Boeckman Rd
Wilsonville OR 97070

Clair and Bethyl Cain
7270 SW Boeckman Rd
Wilsonville OR 97070

David & Karen Schaefer
28529 SW Cascade Lp
Wilsonville OR 97070



DEVELOPMENT REVIEW BOARD PANEL A

RECOMMENDATION TO CITY COUNCIL

Project Name: Boeckman Park Subdivision
Case File No. 02DB03(1)
Applicant/Owner: Claremont Construction
Proposed Action: Comprehensive Plan Map Amendment from *Residential 0-1 DU/AC to Residential 5-7 DU/AC*, a Zone Map Amendment from *Residential Agriculture-Holding (RA-H) to Planned Development Residential-4 (PDR-4)* and a Stage I Preliminary Plan for a 103-lot subdivision.

Property Description: Tax Lots 800, 900, 1000, 1300, 1400 and 1700, Section 13A and those portions of Tax Lots 1500 and 1600 of Section 13A that are not included in the proposed lot line adjustment.

Location: Boeckman Road

On May 13, 2002, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

- DRB recommends that the City Council approve a Comprehensive Plan Map Amendment, a Zone Map Amendment and a Stage I Preliminary Plan
- The City Council hearing date is scheduled for **June 13, 2002**

Written decision is attached.

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 02DB03(1) including Exhibit A – Adopted Staff Report and DRB discussion and motion to approve

Also attached is DRB Resolution No. 02DB03(2) which approves a Tentative Subdivision Plat, Stage II Final Plan, a Lot Line Adjustment, Site and Design Plans and a Type C Tree Permit; this approval is contingent upon City Council's approval of the Comprehensive Plan Map Amendment, Zone Map Amendment and Stage I Preliminary Plan.



**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 02DB03(1)
COMPREHENSIVE PLAN MAP AMENDMENT
ZONE MAP AMENDMENT AND STAGE 1 PRELIMINARY PLAN**

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A COMPREHENSIVE PLAN MAP AMENDMENT FROM *RESIDENTIAL 0-1 DU/AC TO RESIDENTIAL 6-7 DU/AC*, A ZONE MAP AMENDMENT FROM *RESIDENTIAL AGRICULTURAL-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL-4 (PDR-4) TOGETHER WITH A STAGE I PRELIMINARY PLAN FOR A 103 LOT SUBDIVISION (BOECKMAN PARK SUBDIVISION)*. THE SITE IS LOCATED SOUTH OF BOECKMAN ROAD ON TAX LOTS 800, 900, 1000, 1300, 1400, 1500, 1600, AND 1700 SECTION 13A, TOWNSHIP 3 SOUTH, RANGE 1 W, WILSONVILLE, CLACKAMAS COUNTY OREGON. CLAREMONT CONSTRUCTION, APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a report on the above-captioned subject dated March 11, 2002, and revised May 13, 2002, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on March 11, 2002, and after hearing testimony from the applicant, interested parties and residents, the board continued the hearing to the date and time certain of April 8, 2002, at which time the applicant requested an additional extension to the May 13, 2002 hearing. The applicant submitted additional exhibits and staff prepared a supplemental staff report dated May 13, 2002, which together with findings and recommendations and additional public testimony being entered into the public record and duly considered by the Development Review Board, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A" with the findings, recommendations and Conditions of Approval contained therein, as well as the Board's discussion and motion to approve, and recommends that the City Council approve:

1. Comprehensive Plan Map Amendment on Tax Lots 800, 900, 1000, 1300, 1400, 1500, 1600, and 1700, Section 13A: (27.08 acres) from the Comprehensive Plan designation of Residential 0-1 du/ac. to Residential 6-7 du/ac. Note: The Comprehensive Plan Map Amendment on Tax Lots 1500 and 1600 of Section 13A

applies only to the southern remainder of those tax lots not included in the Lot Line Adjustment.

2. Zone Map Amendment from Residential Agriculture-Holding (RA-H) to (PDR-4) Planned Development Residential on Tax Lots 800, 900, 1000, 1300, 1400, and 1700, Section 13A. (27.08 acres) The Zone Map Amendment on Tax Lots 1500 and 1600 of Section 13A applies only to the southern remainder of those tax lots not included in the Lot Line Adjustment.
3. Stage I Preliminary Plan for a 103-lot subdivision, with the following:
 - A. Staff is recommending conditions of approval for the proposed project that should bring the project into compliance with all applicable development standards.
 - B. Staff has made affirmative findings for subsection 4.197(.02)(A-G). Staff is also recommending conditions of approval for the project to ensure compliance with the subject code criteria.
 - C. A City Council Zoning Order will be required prior to approval of this project.
 - D. The applicant will be required to provide a security assurance for the capital improvements required by the project acceptable to the Community Development Director, and a construction schedule for Phase II of the project should the applicant elect to pursue the project in two phases.
 - E. Staff recommends as a condition of approval for the Stage I Master Plan that a centralized park of approximately one-half acre in size be incorporated into the Master Plan of the proposed project.

A City Council Hearing date of June 13, 2002 is set on this matter.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13th day of May 2002, and filed with the Planning Secretary on May 17, 2002.


Michael Cooke, Chair Panel A
Wilsonville Development Review Board

Attest:


Sally Hartill, Planning Secretary

RESOLUTION NO. 02DB03(I)
Comp Plan Map Amendment,
Zone Map Amendment, Stage I



DEVELOPMENT REVIEW BOARD PANEL A

NOTICE OF DECISION

Project Name: Boeckman Park Subdivision

Case File No. 02DB03(2)

Applicant/Owner: Claremont Construction

Proposed Action: Approval of a Tentative Subdivision Plat for a 103-lot subdivision, Stage II Final Plan, Lot Line Adjustments, Site and Design Plans and Type C Tree Permit.

Property Description: Tax Lots 800, 900, 1000, 1300, 1400 and 1700, Section 13A and those portions of Tax Lots 1500 and 1600 of Section 13A that are not included in the proposed lot line adjustment.

Location: Boeckman Road

On May 13, 2002, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

- DRB approves a Tentative Subdivision Plat, Stage II Final Plan, Lot Line Adjustments, Site and Design Plans and a Type C Tree Permit; this approval is contingent upon City Council approval of a Comprehensive Plan Map Amendment, a Zone Map Amendment and a Stage I Preliminary Plan.
- The City Council hearing date is scheduled for June 13, 2002

Any appeals by anyone who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of the Notice of Decision. *WC Sec. 4.022(.02).*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Annex this 17th day of May, 2002 and is available for public inspection. This decision shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written Notice of Decision, unless appealed or called up for review by the Council in accordance with this Section. *WC Sec. 4.022(.09).* Note: This action is contingent upon City Council's approval of a Comprehensive Plan Map Amendment, a Zone Map Amendment and Stage I Preliminary Plan.

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville Oregon 97070 or phone 503-682-496

Attachments: DRB Resolution No. 02DB03(2) including Exhibit A – Adopted Staff Report and DRB discussion and motion to approve

Also attached is DRB Resolution No. 02DB03(1) which recommends that the Wilsonville City Council approve a Comprehensive Plan Map Amendment, a Zone Map Amendment and a Stage I Preliminary Plan.



**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 02DB03(2)
TENTATIVE SUBDIVISION PLAT, STAGE II FINAL PLAN, LOT LINE
ADJUSTMENT, SITE AND DESIGN PLANS AND TYPE C TREE PERMIT**

A RESOLUTION APPROVING A TENTATIVE SUBDIVISION PLAT, A STAGE II FINAL PLAN, A TENTATIVE LOT LINE ADJUSTMENT, SITE AND DESIGN PLANS AND A TYPE C TREE PERMIT FOR A 103 LOT SUBDIVISION. THE SITE IS LOCATED ON BOECKMAN ROAD ON TAX LOTS 800, 900, 1000, 1300, 1400, 1500, 1600, AND 1700, OF SECTION 13A, TOWNSHIP 3 SOUTH, RANGE 1 W, WILSONVILLE, CLACKAMAS COUNTY OREGON. CLAREMONT CONSTRUCTION, APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

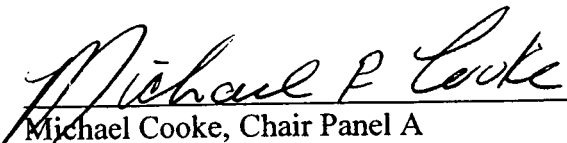
WHEREAS, the Planning Staff has prepared a report on the above-captioned subject dated March 11, 2002, and revised May 13, 2002, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on March 11, 2002, and after hearing testimony from the applicant, interested parties and residents, the board continued the hearing to the date and time certain of April 8, 2002, at which time the applicant requested an additional extension to the May 13, 2002 hearing. The applicant submitted additional exhibits and staff prepared a supplemental staff report dated May 13, 2002, which together with findings and recommendations and additional public testimony being entered into the public record and duly considered by the Development Review Board, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A" with the findings, recommendations and Conditions of Approval contained therein along with the DRB's discussion and motion to approve, and approves a Tentative Subdivision Plat for 103 lots, a Stage II Final Plan, a Lot Line Adjustment, Site and Design Plans and a Type C Tree Permit, and authorizes the Planning Director to issue a Site Development Permit consistent with said recommendations. This approval is contingent upon City Council approval of a proposed Comprehensive Plan Map Amendment, a Zone Map Amendment, and a Stage I Master Plan.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13th day of May 2002, and filed with the Planning Secretary on May 17, 2002. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the council in accordance with WC 4.022(.09).



Michael Cooke, Chair Panel A
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Secretary

02DB03 - Boeckman Park Subdivision

Board discussion and motion:

May 13, 2002

Mike Cooke: Do you have anything further? I appreciate your patience. Discussion?

Bryan Smith: I still have a problem with the density. I'm sorry. Lot sizes in all the areas are significantly higher. Even if you take out Meadows 7, and you go just to Landover, it is in the 1100 to 1200 sq ft per lot higher there, and that is taking the lower of the two. That is why I have a problem. They say the lots can't be adjusted, but that is what I think needs to happen, and that is my problem. Every other concern... I mean the houses, the cul-de-sacs, the emergency exits, they have done an amazing amount of work and everything looks great. I have a problem with the density because I think in the area where you are at, you are putting one thing in the middle of another, and I think it needs to conform to the community of your surroundings. I think everything else is fantastic.

David Carey: I like what they have done with the greenspace, the pathways to the park. The density I don't have a problem with. They said there is a need for it, and I do feel there is a need in the community. However, the issue that I have is the sight of the homes. I think that when you are looking at the homes you are going to have a 5,000 sq ft lot and a 3000-3200 sq ft home on it, and I think it is going to look like all house. That is the issue that I have.

David Lake: It is clear to me that this is a pretty emotionally laden issue and we have attached a lot of value and feeling to the lot size, to the density. I guess I am going to make an editorial comment before I comment on the application itself. We have lived in Wilsonville for nine years now and have come to appreciate the caliber of this community. There has been a lot of talk tonight about building higher fences and lots of walls and keeping people out and in, and I guess I want to say that that doesn't feel like Wilsonville to me. We ought to be focused on how we can live together as a community. We have been able to pull together in times of crisis, like when they wanted to build a prison here. We pulled together really well, and I was extraordinarily pleased with the community effort there, and I want to believe that regardless of the outcome tonight, the goodness of our citizenry will prevail.

David Lake continued, I agree with the application itself. I agree with the findings of the staff report, and I want to talk about eight points. I agree with the tree plan. I believe it is appropriate and would accept those findings. I agree with the entrance plan and accept the findings relative to that, although I believe it is inconsistent with the stated objectives of the overall

transportation plan of the community. I believe it has merit, or at least is the lesser of multiple evils in this particular situation. I agree with the cul-de-sac length, which has been an issue, and I believe the development warrants the length that is proposed. I concur with the transportation improvements that are suggested along Boeckman Road, and I find that the improvements through the dip are not necessarily connected with this, but would encourage the city to move along to address that issue. I agree with the request to prepare an SRIR and believe that is appropriate.

On to the density issue, I understand the points of view that have been expressed but believe the argument of the applicant that compatibility comes with the zoning... that if you put zones, like zones, next to each other they are by very definition compatible. I also believe that there is room for diversity in our housing, that we don't have to be locked in step with the neighborhood that is next door, or even in our back yard. So, I understand the argument about density, however, am not swayed by it.

Mike Cooke: Last time I had some issues, and I would like to go over those. The Greenspace issue was sufficiently covered, and I am mollified on that at this point. Access and safety issues... I am still not sure. I have a natural aversion to cul-de-sac developments. I have referred to the city policy about not approving them in neighborhoods and not wanting them. On the other hand, in looking at this project, there are no viable alternatives available. So, as Mr. Lake says, it is kind of the best of the possible evils that are available. I have been looking at some other way to get another access point. They did enlarge the access points as a safety measure, that takes some of my safety issues away. The pathways have been improved, so I like that. We have the improvements to Boeckman Road - who does what and when, responsibility... I think that is pretty well worked out although the time line seems to be a little iffy to me. Traffic issues: I am very concerned about the traffic. I drove this road four times over the last month, at different times of the day and night, just to see what it was like. I used to work at Mentor Graphics, and I was one of those runners who ran back and forth along the area... The sight visibility from that dip, coming up out of there, is really... It is posted at 25 mph, but none of the cars I saw were going 25. So, I have some concerns about that. I am not so concerned about the density issue. Mr. Lake pretty much made my point. Diversity of housing is nice. I too have a bigger lot than many people in my area, and I am at the end of a cul-de-sac, so my lot stretches out like some of the Meadows lots do. There are lots across the street that are one-third the size of my lot, but I still speak to them.

Mike Cooke: I think that about covers it for me. I had some major concerns, but the applicant covered most of my concerns. I too have some real issues with the building of walls, and that is why I was asking if we could make some kind of accommodation where they share the cost, or do something because I am

a believer that everyone should work something out so that everybody has to give something and everybody gets something. That is the way I try to look at things. Growth happens to everybody, and you just have to make the best... I mean we just don't want to make a huge mistake and plump something down in the middle of a place that is going to be unsafe and not compatible, and the compatibility issue... the zoning is supposed to take care of that. So, if they are zoned correctly, it should be compatible, and if that is not true, then they should be zoned differently. Those were the issues I had, and I would have to be in favor of this project at this time.

Bryan Smith: Unless I misunderstood it, just looking at the lot sizes (Wilsonville Meadows), it would be PDR-3 instead of 4 except for the apartment complexes that they put in. So, if it wasn't for that, then it would be 3, and that is the only reason it is... because of the real high density they put in at the very end. I am saying that the community around it, the area around it, is built as a 3. It may be zoned as a 4, but it is built as a 3. And the other area is built as a 3, and the comment that there is a demand for small lots... I don't think that people look for small lots, they would like a larger lot, but most are priced out of a larger lot. There are a lot of larger lot subdivisions around, and 6500 sq ft for a lot is not that huge. I am one of the same people who looked at ones in Tigard, and am sure that you guys did too, where they are 4500 sq ft lots, but I moved to the area that had the size of lots that I wanted. That is what I think that these people did. They are surrounded by lots just like it and around the corner. So, I think you need to have similar community areas. That is my basic justification.

David Lake: I have a comment about that. I think we can discount the apartments on the south side of the complex because it was approved as a planned development that had those apartments in there and got the zoning as a result of having a mix of lesser density and higher density housing, if I remember correctly. There is no buffer between the apartments, a very high-density living community, and Meadows. The only buffer there is a road. I think the argument of needing a buffer between changes in types of housing doesn't really hold water. As you see in Canyon Creek II, there are all kinds of plats. I think we also need to be careful of overlaying our own values upon the values of all potential property buyers. When we approved Canyon Creek, it was a place I wouldn't have purchased a house in because the houses are on small lots and they are close to each other. They are cute houses, but I don't want to live there. I felt that those places wouldn't sell. But they sold remarkably well. That caused me to be careful that the same value set that I have, not all property owners have. I think we need to be careful of that as a Board.

Bryan Smith: It wasn't so much my value set, but I think you also need to listen to the people who are there, and they have spoken to an extent. We have heard more from some than from others, but that always happens. I am just saying

that more of a phase, okay, but you have lot sizes of not even 5,000, but 4,600 in the middle section, and 5700 on the outside. This is a big difference. I am not saying that is a bad thing, but you have a very large house and very small lot. Will that look different? In my opinion, that's okay. People know what they are getting. They are going in and buying that. They know what will be next to them. The people who bought next to the apartment complex knew they were buying near an apartment complex. These people bought property knowing that something would be built there and in hopes that it would be something similar to what they have. Not necessarily as big. Things change. I am not saying they need to be as big, but proportional.

Ms. Kelsey: I have one correction I forgot to give you. On page 54 of 95, condition 2, the date should be changed from April 8, 2002 to May 13, 2002.. We are just changing the date to be tonight's date of approval so it matches.

Mike Cooke: Without any further discussion, I declare this public hearing closed at 10:24 p.m. I would entertain a motion to approve or deny the application based upon what we have here tonight. We have two separate parts of the application. The first one is on the Comprehensive Plan Map Amendment, Zone Map Amendment, and Stage I, of which the conditions of approval are the first two.

Ms. Kelsey: You have Resolution 02DB03(1) as your Comprehensive Plan Map Amendment, the Zone Map Amendment, Stage I, and this would be a recommendation to the City Council.

David Lake: So the motion should come in two separate motions related to the two separate resolutions?

Ms. Kelsey: Correct. You have two resolutions and two motions.

David Lake moved to approve Resolution 02DB03(1) for the Comprehensive Plan Map Amendment, the Zone Map Amendment, and the Stage I Preliminary Plan which is a recommendation to the City Council, with all of the changes that have been previously proposed to the staff report and to the conditions of approval, and with the wording change that was proposed earlier by Councilor Kelsey in the "Now, therefore be it resolved" paragraph of the resolution. Mike Cooke seconded the motion, which carried 3 to 1.

David Lake, David Carey, and Mike Cooke voted yes, with Bryan Smith voting no.

David Lake moved to approve Resolution 02DB03(2), the Tentative Subdivision Plat, Stage II Final Plan, Lot Line Adjustment, Site Design Plans, and a Type C3 tree permit, with the staff report and all the amendments previously made and the conditions of approval that have been previously made, and striking of the words "attached hereto as Exhibit B" in line 4 of the paragraph that begins "Now, therefore be it resolved". The motion was seconded by David Carey and carried 3 to 1.

David Lake, David Carey, and Mike Cooke voted yes with **Bryan Smith** voting no.

Chairman Cooke: If you decide to appeal this decision to the City Council, you must make application stating the grounds for appeal to the City Council within 14 days of the mailing of decision notice.

Ms. Kelsey: Can I clarify that the appeal to the City Council would be on your resolution (2) but not on (1) because that is advisory.

Blaise Edmonds: (2) would only become effective if (1) passés.

Ms. Hartill: A City Council hearing date of **June 13, 2002** is scheduled on this project.

Corrections were made as follows:

- Resolution 02DB03(1): Add wording "as well as the discussion and the motion of the DRB" to Now, therefore, be it resolved clause.
- Resolution 02DB03(2): Delete words, "attached hereto as Exhibit B" in the Now, therefore, be it resolved clause.
- Page 1 of 95 and elsewhere in document: Change word "site" to "sight" when referring to "sight distance".
- Page 6 of 95, recommendation on the SROZ: The applicant would submit the required information and that would be **reviewed and approved if it meets the criteria**, by the Natural Resource Manager and Planning Staff. That wording should be amended, in referring to the administrative process, in the staff report or conditions relative to the SROZ.
- Page 32 or 95, Finding 60: Sentence that reads, "...the final design and installation of all storem water facilities will require a public works permit from the City Engineering Division." Add a period and then add the language, "The design shall ensure that water will not be discharged"... to the existing sentence. Eliminate the first two words, "and shall".
- Page 54 of 95, Conditions of Approval: Resolution 02DB03(1) would have the first two conditions applied to it. Resolution 02DB03(2) would have the remaining conditions, with the caveat that acceptance so far as any of the conditions might apply to the zone or map change that is being requested, we

would make that change accordingly. There may be a condition scattered throughout that might apply to the first resolution in addition to Conditions #1 and #2.

- Page 59 of 95, Condition of Approval #38: Amend first sentence to read, "The applicant shall plant **and retain and ensure that they remain in good growing condition,...**"
- Page 54 of 95, Condition of Approval #2: Change date to May 13, 2002.

**PLANNING DIVISION
REVISED STAFF REPORT**

**AMENDED AND ADOPTED BY THE DEVELOPMENT REVIEW BOARD
ON MAY 14, 2002**

**CLAREMONT CONSTRUCTION
PROPOSED 'BOECKMAN PARK' SUBDIVISION**

02DB03

TO: Development Review Board Panel 'A'

DATE: May 13, 2002 continued from April 8, 2002 and March 11, 2002

PREPARED BY: Paul Cathcart AICP, Associate Planner

APPLICANT: Dan Grimberg, Claremont Construction

PROPERTY OWNERS:

Property Owner	Boeckman Road Address	Tax Lot(s) – 3S 1W 13A
Eamonn and Kathleen Hughes	6940	800
Donna Jensen	7020	900
Frank and Phyllis Vidin	7140	1000
Larry and Lola Larson	7200	1300
Clair and Bethyl Cain	7270	1400
Claudia and David Reiwald	7310	1500
Michael and Beth Timm	7400	1600&1700

ZONING: Residential Agricultural Holding (RA-H).

NOTE: The statutory 120-day time limit applies to this application. The applicant was sent a letter of incomplete application on January 2, 2002. An additional 30 days has been added to the 120-day time limit. The applicant tolled the 120-day time limit for 35 days on April 5, 2002. A final decision must be rendered by the City, including appeals, prior to June 15, 2002.

REQUEST: 02DB03. Claremont Construction. Proposed Comprehensive Plan Map Amendment, Zone Map Amendment, Lot Line Adjustment, Stage I Preliminary Plan and Tentative Subdivision Plat, Stage II Final Plan and Design Review for the properties located at 6940, 7020, 7140, 7200, 7270, 7310, 7400 Boeckman Road. The applicant requests a waiver from the minimum street frontage requirements of the Development Code. The applicant has modified the original submittal to comply with minimum rear, front and side yard setbacks for lot not exceeding 10,000 square feet.

02DB03

EXHIBIT A

AMENDED & ADOPTED Revised Staff Report - Development Review Board, Panel A
May 13, 2002 – Claremont Construction – "Boeckman Park"

Page 1

Bold = Amended language from the May 13, 2002 public hearing

SUMMARY

The applicant is seeking approval of a Comprehensive Plan Map, and Zone Map amendments, as well as Stage I Master Plan to allow the development of 103 single-family homes on (eight current tax lots) fronting Boeckman Road between Canyon Creek Road and Wilsonville Road. The applicant also seeks approval of a Tentative Subdivision Plat, Lot Line Adjustment, Stage II Final Plan, Type 'C' tree permit and Site and Design Plan for the common elements of the proposed subdivision. Under the applicant's proposal, the Comprehensive Plan Map designation would change from its current 0-1 dwelling units per acre to 5-7 dwelling units per acre. The Zone Map designation would change from Residential Agricultural - Holding (RA-H) to Planned Development Residential - 4 (PDR-4).

The project, as proposed, would replace five of the existing homes on the subject properties with 103 additional single family home lots which would provide 98 additional single-family housing options within the City. This addition would not significantly alter the ratio of multi-family to single-family housing (currently 52 to 41 percent). The applicant anticipates a range of home prices from \$240,000 to \$360,000. The applicant has provided findings relative to the affordability of the housing in the proposed project in Exhibit W.

The applicant is requesting a waivers from the minimum street frontage requirements for lots 7, 51, 52, and 60. Staff recommends approval of this request as these proposed lots provide sufficient area for building envelop.

Two areas in the proposed project are designated Significant Resource Overlay Zone (SROZ): 1.5 acres in the southwest corner of the site (Tract 'C') and a 50 foot corridor along either side of the drainage channel that runs north to south on the east side of the property (Tract 'F'). Staff recommends that a Significant Resource Impact Report (SRIR) be conducted for the proposed development within the SROZ and its associated Impact Area in Tracts 'B', 'C' and 'F' and that this SRIR be approved by staff prior to final plat approval. If designed properly, the proposed improvements and enhancements in these Tracts could greatly improve currently degraded conditions. Staff also recommends that the City Engineer and Natural Resources Manager be given final approval of the design of the water quality and detention facility in Tract 'B' to ensure minimal short and long term impact from the structure.

Residential development standards require that 25% of the site be set aside for outdoor living area. This requirement is met through common open space and active outdoor areas (18%) and through back yards (16.7%) for a combined total of 34.7% of the proposed project in open space which exceeds code requirements.

The proposed subdivision is a Category II water user under the Public Facilities Water Strategy. The applicant/owner will need to sign a Class II water certification form, unless the Community

Development Director certifies there is sufficient water to serve the project at the time of issuing building permits.

The Public Facilities Transportation Strategy was in effect at the time of this application. The Wilsonville Road interchange with I-5 has exceeded its traffic capacity as defined by the Public Facilities Transportation Strategy (PFTS). The PFTS allows development proposals that have the majority of the traffic trips using the north/Stafford interchange to be reviewed and approved by the City. The traffic study for this project estimates 1,180 total daily trips, 122 of which are p.m. peak hour trips. Twenty (20) of these trips would use the Stafford Road/I-5 interchange while 15 would use the Wilsonville Road/I-5 interchange. The traffic study also indicates that traffic generated by this project would not produce traffic congestion in excess of the level of service (LOS D) at the most probable used intersection(s).

The project shows a single access drive onto Boeckman Road. Opportunities for additional access points to the site are constrained by the sight distance of the vertical curve on Boeckman Road and the lack of street extensions from other surrounding subdivisions to the south and east of the proposed project (Wilsonville Meadows). At a distance of approximately 685 feet, the spacing between the proposed entry drive and Willow Creek Drive in the proposed project slightly exceeds the code criteria at the time of the application which is 660 feet (the code has recently been modified to comply with Metro Title 6 requirements of 530 feet for maximum street spacing). While moving the entry drive one lot to the east would bring this distance into compliance with the code, it would also decrease the chances of preserving the small grove of Ponderosa Pine between proposed lots 1 and 2. In addition, the length of the cul-de-sac proposed on 'C' Street (west of 'F' Street) exceeds the 200-foot maximum of the code. However, the code makes exception for cul-de-sacs that are constrained by barriers such as steep slopes as is the case with the proposed subdivision.

The arborist report identifies 249 trees on site. The applicant proposes to remove 138 trees, transplant 16, and save 95. Tree mitigation is proposed in the form of 213 street trees throughout the project and 146 trees in Tract 'F' of smaller initial caliper. The applicant is also proposing to plant two trees per lot as part of the proposed tree mitigation. In staff's opinion, one additional tree per lot (with the exception of lots 15-33) should sufficiently replace the lost tree growth within four years.

The applicant's landscape plan shows a planting scheme for street trees and the water quality buffer along the eastern edge of the property (Tract 'F') within the proposed project. The applicant has replaced the proposed Aristocrat Flowering Pear with Summit Ash.

With the exceptions noted above, the tentative subdivision plat is consistent with the applicable implementation measures and policies of the Comprehensive Plan.

Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision. The applicant is responsible for providing all internal streets to the project to public street standards. Staff recommends the applicant install a full street improvement along Boeckman Road from the eastern property line of Tax Lot 1500 to the eastern extent of the proposed project and receive a street SDC credit for the northern half street improvement.

02DB03

EXHIBIT A

The proposed site plans show five (5) foot wide sidewalks throughout the project and along a portion of the Boeckman Road frontage of the project. The City Engineer is proposing a temporary asphalt sidewalk to continue to the western property line of the proposed project.

RECOMMENDATION

The Development Review Board recommend approval to the City Council of the Comprehensive Plan Map amendment, Zone Map amendment, and the Stage I Preliminary Plan with conditions of approval attached herein (Resolution 02DB03). Staff also recommends that the Development Review Board approve the Tentative Subdivision Plat, Stage II Final Plan, Lot Line Adjustment, and Site and Design Plans, and Type 'C' tree permit with conditions of approval attached herein.

02DB03

**Claremont Construction LLC
'Boeckman Park' 103 Lot Subdivision**

**Comprehensive Plan Amendment, Zone Map Amendment, Tentative Subdivision Plan,
State I Preliminary Plan, Stage II Final Plan, Lot Line Adjustment, Site and Design
Review, and Type 'C' Tree Permit**

Applicable Review Criteria:

Bold = Comprehensive Map and Zone Map amendment criteria
Zoning

Section 4.003: Consistency with Plan and Laws

Section 4.008: Application Procedures - In General

Section 4.009: Who May Initiate Applications

Section 4.013: Hearing procedures

Section 4.014: Burden of Proof

Section 4.015: Findings and conditions

Section 4.031: Authority of the Development Review Board

Section 4.033: Authority of the City Council

Section 4.034: Application procedures-general

Section 4.035: Site Development Permits

Section 4.113.02(A): Outdoor Recreation Area

Section 4.118: Standards Applying to All Planned Development Zones

Section 4.131: Authority of the Development Review Board

Section 4.120: Residential Agriculture-Holding (RA-H) zone

02DB03

EXHIBIT A

Section 4.124: Standards Applying To All Planned Development Residential Zones
Section 4.124.4: Planned Development Residential –4 (PDR-4 zone)
Section 4.139.00-4.139.10: Significant Resource Overlay Zone
Section 4.140: Planned Development Regulations
Section 4.155: General Regulations – Parking, Loading and Bicycle Parking
Section 4.167: General Regulations – Access, Ingress and Egress
Section 4.171: General Regulations-Protection Of Natural Features And Other Resources
Section 4.176: Landscaping, Screening, and Buffering
Section 4.177: Street Improvement Standards
Section 4.180: Exceptions and Modifications – Projections into Required Yards
Subsections 4.197(02-.05): Zone Changes and Amendments To This Code – Procedures
Section 4.198: Comprehensive Plan Changes – Adoption by the City Council
Subsections 4.200-4.290: Land Divisions
Subsections 4.300-4.320: Underground Utilities
Sections 4.400 – 4.450: Site and Design Review
Sections 4.600 – 4.630.20: Tree preservation and protection.

City of Wilsonville Comprehensive Plan:

Plan Amendment procedure found on Pages 7 through 9
Applicable Implementation Measures for Roads and Transportation Plan:
3.1.6.a - 3.1.6.cc
Applicable Implementation Measures for Storm Drainage: 3.1.7.a - 3.1.7.t
Applicable Implementation Measures for Parks/Recreation/Open Spaces: 3.1.11.a - 3.1.11.s
Implementation Measures 4.1.1.h, 4.1.1.j, and 4.1.1.k
Applicable Implementation Measures for Residential Development found on pages 65 to 71
Applicable Implementation Measures for Environmental Resources and Community Design: 4.1.5.a - 4.1.5.qq
Title 8, Section 3.07.830, Metro's Urban Growth Management Plan
Title 1, Metro's Urban Growth Management Plan

Other Planning Documents:

Ordinance No. 514: Public Facilities Water Strategy.
Ordinance No. 463: Public Facilities Transportation Strategy.
Ordinance No. 516: Natural Resources Plan
Storm Water Master Plan

Oregon Statewide Planning Goals

Submittal Date: December 12, 2001

Application was deemed complete: February 20, 2002

02DB03

EXHIBIT A

AMENDED & ADOPTED Revised Staff Report - Development Review Board, Panel A
May 13, 2002 – Claremont Construction – “Boeckman Park”

Page 5

Incomplete Application: 30 days added to 120-day time limit
Applicant tolled the 120-day time limit for 35 days on April 5, 2002
120-Day Limit: June 15, 2002

ADOPTED FINDINGS

Design Team:

Project Designer: LDC Design Group
Landscape Architect: LDC Design Group
Arborist: Collier Arbor Care, Inc.
Transportation Engineer: CTS Engineers, Inc.

Vicinity Information:

The subject property is located along the south side of Boeckman Road between Canyon Creek Road and Wilsonville Road, north of Wilsonville Meadows. The subject properties are more particularly identified as Tax Lots 800, 900, 1000, 1300, 1400, 1500, 1600, and 1700 of Section 13A, Township 3 South, Range 1 W, Wilsonville, Clackamas County Oregon.

Property Description:

Approximately the western two-thirds of the subject property slopes toward Boeckman Creek to the west, which flows north to south just beyond the western boundary of the subject property. Two areas are identified as Significant Resource Overlay Zone on the City's Zoning Map: 1.59 acres in the southwest corner of the site (Tract 'B' & 'C') and the stream that runs north to south along the eastern border of the site (Tract 'F').

Proposal:

The applicant is requesting approval of the following for the subject properties:

- A. Change in the Comprehensive Plan Map density from 0-1 dwelling units per acre to 5-7 dwelling units per acre
- B. Change of the Zoning Map from Residential Agricultural-Holding (RA-H) to Planned Development Residential – 4 (PDR-4)
- C. Lot Line Adjustment
- D. Tentative subdivision plat for 103 lots that will retain two of the homes on the existing lots (1500 and 1600) through a lot line adjustment
- E. Stage I Master Plan
- F. Stage II Final Plan
- G. Site and Design Plans
- H. Type 'C' Tree Permit

Project Information:

Site Use	Area (SF)	Acres	% Of Total
Total Project Area *	955,972	21.95	100.00%
Tracts	146,311	3.36	15.30%
'A' - Pedestrian Access/Emergency Access	2,365	0.05	0.25%
'B' - Water Quality/Detention	15,219	.35	1.59%
'C' - Significant Resource Overlay Zone (SROZ)	60,169	1.38	6.29%
'D' - Play Area/Mid-Block Pedestrian Access	22,022	.51	2.30%
'E' - Mid-Block Pedestrian Access	2,414	0.06	0.25%
'F' - Water Quality/Detention/Buffer	31,282	0.72	3.27%
'G' - Pedestrian Access	1,595	0.04	0.17%
'H' - Entryway Trees	2,980	0.07	0.31%
Open space area in the SE corner	8,265	.19	.86
Net Building Area	809,661	18.59	84.69%
Street Right-of-way	191,058	4.39	19.99%
103 Residential Building Lots	618,613	14.20	64.71%

* Does not include remnants of TL 1500 & 1600

COMPREHENSIVE PLAN MAP AMENDMENT

Comprehensive Plan – Comprehensive Plan Changes

Pages 7 through 10 of the City of Wilsonville's Comprehensive Plan updated June 7, 2001 provide the procedure for amending the Comprehensive Plan.

Who May Initiate Plan Amendments

1. **Finding:** The subject property owners through their authorized agent (the applicant) have made application to modify the Comprehensive Plan map designation for their property from 0-1 DU/AC to 5-7 DU/AC.

Application for Plan Amendment

2. **Finding:** The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

Consideration of Plan Amendment

3. **Finding:** The Planning Division received the application on December 12, 2001. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application. The Planning Division received the applicant's arborist report, 'Riparian Buffer Analysis', and revised plans on February 20, 2002. The Planning Division received the SROZ & 25-Foot Buffer plan on March 27, 2002. Revised plans were received on April 23, 2002. A revised SROZ and 25-foot SRIA plan showing cross sections of retaining walls was received on April 26, 2002.
4. **Finding:** The findings and conditions of approval adopted by the Development Review Board in review of the application to modify the Comprehensive Plan Map designation would be a recommendation to the City Council.

Standards for City Council Approval of Plan Amendments (page 5 of the Comprehensive Plan):

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.
- b. The granting of the amendment is in the public interest.
- c. The public interest is best served by granting the amendment at this time.
- d. The following factors have been adequately addressed in the proposed amendment:
 - Suitability of the various areas for particular land uses and improvements;
 - Land uses and improvements in the area;
 - Trends in land improvement;
 - Density of development;
 - Property values;

Needs of economic enterprises in the future development of the area;
Transportation access;
Natural resources; and
Public need for healthful, safe and aesthetic surroundings and conditions.

- e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.
5. **Finding:** At the writing of this report, the applicant has satisfied Plan requirements of citizen involvement and residential planning densities. The applicant has yet to satisfy the requirements of the Plan relative to environmental resources and community design that specifically address the impact of the proposed development on natural resources in the Significant Resource Overlay Zone (SROZ) and its Impact Area. Staff has evaluated the applicant's proposed subdivision relative to encroachments into the SROZ and its Impact Area (See Exhibit RR & SS) and has determined an administrative review and approval of a Significant Resource Impact Report (SRIR) for the proposed encroachments into the SROZ and its Impact Area will be required prior to the approval of the final plat. The SRIR, prepared by the applicant, shall comply with the requirements of Section 4.139.05 of the Development Code. The applicant will need to furnish construction drawings and a final plat that satisfy the requirements of the SRIR review criteria in Subsection 4.139.05 (.03). The applicant will also be responsible for any mitigation related to encroachments within the SROZ. Mitigation Standards are listed under Section 4.139.06. The applicant will also need to provide the City with assurance that the proposed infrastructure improvements for the project will be completed.
6. **Finding:** Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. The proposed project would provide a net increase of 98 single-family homes within the City. The applicant estimates the price range for the housing project in the proposed subdivision to be \$240,000 to \$360,000.
7. **Finding:** At the March 11, 2002 Development Review Board, the applicant provided findings relative to affordability of the project. (See Exhibit W.)
8. **Finding:** The traffic study completed for this project indicates that the proposed entry drive in conjunction with Tract 'A' provides sufficient access for emergency vehicles and complies with the traffic level of service requirements of the Development Code and the Public Facilities Transportation Strategy. The applicant's revised plans show the paved portion of the entry drive at 44 feet (maintain 52-foot right of way) to accommodate two 20 foot travel lanes and a four (4) foot center median island. This would allow for curb tight sidewalk on the east side of the entry drive. The applicant is proposing a meandering sidewalk through Tract 'H'.
9. **Finding:** The properties within the proposed project site are currently large lots, single-family homes that were developed on what was agricultural land. The proposed project is

surrounded by higher density, single-family homes on the east and west sides. 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 provide adding to the diversity of single family home choices in the City. Through the conditions of approval proposed by staff, the project could be adequately served with urban services and would minimize off-site impacts.

10. **Finding:** Staff has communicated to the applicant Metro's concerns over cul-de-sac lengths and the distance between local roads. The applicant has provided findings addressing these concerns (see Exhibits D and MM).

Public Notice

11. **Finding:** Public Notice of the March 11, 2002 Development Review Board and the April 1, 2002 public hearings of this application was mailed and posted on February 25, 2002. At the March 11, 2002 public hearing for the proposed project, the Development Review Board moved to continue the hearing to date certain of April 8. The applicant asked for a continuance of the public hearing to May 13, 2002. The public notice states that the request, in part, was for a zone change from RA-H to PDR-5. The applicant request was for PDR-4 zoning.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, "Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

Approval Criterion A: "That the proposed amendment meets a public need that has been identified;"

12. **Finding:** 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. The December 2001 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR). Of the land currently zoned PDR, only seven (7) 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 applicant is proposing single-family houses from \$240,000 to \$360,000 in estimated price range.

Land Use		DEVELOPMENT SUMMARY – DECEMBER 2001					
Type	Total Acres	% of Total	Acres in Use	% of Type	% of Total		
					(in use)	Acres Vacant % Vacant - Type	
PDC	340	7.55%	233	68.53%	5.18%	107	31.47%
PDI	1084	24.08%	853	78.69%	18.95%	231	21.31%
PDR ¹	1051	23.35%	974	92.67%	21.63%	77	7.33%
PDR ²	1073	23.83%	996	92.82	22.12%		
R	110	2.44%	85	77.27%	1.89%	25	22.73%
RA-H ¹	650	14.44%	326	50.15%	7.24%	324	49.85%
RA-H ²	628	13.95%	304	48.41%	6.75		
PF	475	10.55%					
Other	792	17.59%					
Total	4,502	100.00%	2,471			764	

Housing Units

Type	Total	% of Total
Apartment	3,222	45.39%
Condominium	427	6.02%
Duplex	68	0.96%
Mobile Homes	22	0.31%
Mobile Home/Park	416	5.86%
Single Family ¹	2,943	41.46%
Single Family ²	3,041	43.26%
Total ¹	7,098	100.00%
Totals ²	7,196	100.00%

1 Without proposed project

2 With proposed project

Census 2000

Dwelling Units	6407
Owner occupied	5937
Vacant	470
For Sale Only	17.90%
For Rent	61.10%
Rec/Occ use	11.30%

Vacancy Rate

Owner	2.60%
Rental	9.50%

The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount (.48% and .80 % respectively).

Approval Criterion B: “That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;”

13. Finding: The current Comprehensive Plan designation for the subject properties is Residential with a density range of 0-1 dwelling units per acre. The Zoning Map identifies the subject properties as Residential Agricultural – Holding. The Planned Development Regulations of the Development Code require that the subdivision of properties such as the subject properties (over two (2) acres) result in a Planned Development community. The applicant proposes a net density of 6.58 dwelling units per acre. The comprehensive plan allows a density range from 0-1 dwelling units per acre to over 20 dwelling units per acre. The properties to the west, south, and east of the proposed project are designated residential on the Comprehensive Plan Map of the subject property have a Comprehensive Plan designation of ‘Residential’ with a density of 0-1 dwelling units per acre, while the properties to the south and east have a 6-7 dwelling unit per acre designation. In staff’s opinion and given this context, it would be inappropriate to designate these properties as anything other than residential. In addition, the proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Wilsonville Meadows and Landover subdivisions, making the proposed density of 5-7 du/ac appropriate. Comparisons to the single family density of Wilsonville Meadows need to consider the overall density of the project that includes Berkshire Court and Hathaway Village that are part of the overall master plan.

Approval Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

14. Finding: With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals.

Approval Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

15. Finding: The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

ZONE MAP AMENDMENT
WC 4.197

The subject properties are currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the WC. The proposed Zone Map amendment from RA-H to PDR-4 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.

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."

- 16. Finding:** The applicant has provided findings in Exhibit 'D' addressing the tentative plat criteria and the zone map amendment criteria, which meets Criterion A.

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."

- 17. Finding:** The applicant has provided findings in Exhibit 'D' in response to these Code criteria. Staff is recommending approval of the proposed Comprehensive Plan Map amendment with conditions of approval contained in this staff report. Approval of the proposed amendment to the Zoning Map is contingent upon approval of the Comprehensive Plan Map amendment by the Development Review Board and the City Council.

- 18. Finding:** The land area of the proposed subdivision is 21.95 acres. The applicant is proposing to change the Comprehensive Plan designation from 0-1 dwelling units per acre to 5-7 dwelling units per acre. Proposed are 103 lots, making the gross density of the proposed subdivision 4.69 dwelling units per acre. Net density (gross minus streets and SROZ) is ~~6.83~~ 6.58 dwelling units per acre.

Comprehensive Plan – Residential Development

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, 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.

- 19. Finding:** The applicant's proposal would provide a net addition of 98 single-family houses. Estimated home prices range from \$240,000 to \$360,000. Response findings to 4.198(.01)(A) speak to the need for additional single-family housing in the City. The applicant's presentation at the March 11, 2002 DRB meeting (see Exhibit W) furnished findings relative to the affordability of the proposed housing to the residents of the City.

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

- 20. Finding:** 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/owner will be responsible for providing on-site storm water detention for water quality and quantity. The applicant will also be responsible for providing public streets within the project with appropriate right-of-way and a connection to the existing public street (Boeckman Road) via an entry drive and half street improvement to Boeckman Road along the project frontage. The applicant will be required to cap all existing on-site utilities prior to the issuance of building permits by the City.

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."

- 21. Finding:** The applicant/owner will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.
- 22. Finding:** The entirety of the subject properties has a Comprehensive Plan designation of Residential, 0-1 dwelling units per acre. The applicant is proposing a Comprehensive Plan Map designation of 5-7 dwelling units per acre.

Zone Map

- 23. Finding:** The subject properties are currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes a change to Planned Development Residential – 4 (PDR-4) zone to accommodate 103 single family lots averaging 5,650 SF each and the retention of two existing single family homes via a lot line adjustment.

Significant Natural Resources

- 24. Finding:** The applicant has provided a depiction of the SROZ and Impact Area boundaries relative to the proposed project (Exhibits RR & SS). Based on the material submitted to date, it appears the proposed project would encroach into the SROZ and the Impact Area in the following areas:

Encroachments into SROZ and Impact Area:

Tract 'C'

- 1) Proposed Lot 33

- 2) Proposed Lot 49
- 3) Proposed Lot 45
- 4) The western end of Street 'D'
- 5) Tract 'B'

Encroachments into Impact Area

Tract 'C'

- 1) Proposed lots 33, 44, 45, 46, 47, 48, 49
- 2) The western end of Street 'D'
- 3) Tract 'B'

Tract 'F'

- 1) Proposed lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
- 2) Open space are in the southwestern corner

Encroachments within Tract 'C'

25. **Finding:** A Significant Resource Impact Report (SRIR) shall be prepared for the proposed development encroachments within Tract 'C' and the SRIR shall be reviewed and if all of the code criteria are satisfied, approved by staff prior to approval of the final plat. This report will need to provide construction details for the following: the proposed retaining wall along the rear of proposed lots 44, 45, 46, 47, 48, 49; the proposed water quality and detention facility in Tract 'B'; the western end of Street 'D'; and grading of lot 33. For development that encroaches into the SROZ and 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).

Encroachments into Tract 'F'

26. **Finding:** The eastern 25 feet of lots 7 through 14 are identified as the Impact Area adjacent to the SROZ of Tract 'F'. The applicant proposes to place a retaining wall along the western edge of Tract 'F' and grade lots 7 through 14 to drain toward 'E' Street. Given the current degraded condition of this stream and its riparian edge, it is likely that the proposed improvements in Tract 'F' would be an enhancement over current conditions, and the proposed lot development in the Impact Area would have little impact on the SROZ. However, staff cannot clearly determine what the impact of the development in this portion of the site would have on the Impact Area and therefore recommends that a SRIR be conducted and approved by staff for the proposed development of lots 7 through 14 and Tract 'F' prior to the approval of the final plat.
27. **Finding:** The applicant has prepared a 'Riparian Buffer Analysis' (Exhibit 'G') that analyzes the boundary of the SROZ around the intermittent stream that drains into Boeckman Creek in the southeast corner of the site. The report makes the following observations (among others):

"This sensitive natural resource area is found along Boeckman Creek in the Native Riparian area and extends up the existing drainage approximately 160 feet."

"An identifiable environmental resource associated with the intermittent drainage begins approximately at the canopy edge of the forested riparian area associated with Boeckman Creek."

"There were no areas up slope from the canopy edge in the intermittent drainage that exhibited characteristics that would provide spawning, rearing or food-producing areas for food and game fish."

28. **Finding:** The channel cut by the drainage from the current livestock watering pond on Tax Lot 1500 is degraded and would most likely continue to degrade without improvements (see Exhibit P). The applicant proposes to restore the intermittent drainage and associated side slopes using native plantings at a rate of 200 trees/acre and 300 shrubs/acre. The water quality/detention pond (Tract 'B') would be constructed upstream of this restored channel. Subsection 4.139.04(.12&.13) provide for the following exemptions from SROZ regulations:

(.12) Grading for the purpose of enhancing the Significant Resource as approved by the City.

(.13) Enhancement of the riparian corridor or wetlands for water quality or quantity benefit, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities."

29. **Finding:** In staff's opinion, the restoration of the SROZ and Impact Areas in Tracts 'B' 'C' and 'F' and the construction of water quality/detention facilities in each Tract proposed by the applicant would be an improvement over existing conditions and would stabilize a deteriorating condition. Staff recommends that approval for the final design of the water quality and detention facility and its outfall be granted to the City Engineer and Natural Resources Manager to ensure that the construction and long term discharge from the facility will not adversely impact the SROZ.

Area of Special Concern

30. **Finding:** The Comprehensive Plan does not identify the subject property as an area of special concern.

Criterion 'C'

"In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text."

31. **Finding:** The subject properties are designated "Residential" on the City's Comprehensive Plan Map. The sections of the Comprehensive Plan referred to in this subsection of the Development Code refer to an older version of the Comprehensive Plan. The corrected references are shown below:

02DB03

EXHIBIT A

- Goal 4.3 → Implementation Measure 4.1.4.b
- Objective 4.3.3 → Implementation Measure 4.1.4.d
- Objective 4.3.4 → Implementation Measure 4.1.4.e
- Policy 4.4.2 → Implementation Measure 4.1.4.q
- Policy 4.4.8 → Implementation Measure 4.1.4.x

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.”

- 32. Finding:** The proposed project would develop a housing type similar to that of surrounding subdivisions. The applicant has provided findings as to how the proposed housing project of this proposal meets the affordability criteria of the Comprehensive Plan.. The low vacancy rates of similar subdivisions in the City provide circumstantial evidence that there is demand for the housing product proposed by the applicant. 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.”

- 33. Finding:** The applicant is proposing a variety of house models for the subdivision. While there are a number of differences in the floor plans and exteriors of the proposed house plans, the applicant is only proposing single-family housing ranging from \$240,000 to \$360,000 in price.

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.”

- 34. Finding:** The City has established a 50% multi-family, 40% single-family target for housing in the City. The December 2001 Development Summary estimate by the City indicates a

current split of 52.37% multi-family 41.46% single-family. The proposed project would change this split to 52.52% multi-family and 42.26% single-family.

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."

35. Finding: The applicant is not proposing mobile homes in this application.

Implementation Measure 4.1.4.x

"Apartments and mobile homes are to be located to produce an optimum living environment for the occupants and surrounding residential areas. Development criteria includes:

- 1. Buffering by means of landscaping, fencing, and distance from conflicting uses.*
- 2. Compatibility of design, recognizing the architectural differences between apartment buildings and houses.*
- 3. On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.*
- 4. The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security."*

36. Finding: The applicant is proposing neither apartments nor 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."

37. Finding: The City Engineer's Public Facilities (PF) conditions attached to this staff report (Exhibit T) will require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project.

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.”

- 38. Finding:** Staff has informed the applicant of a potential encroachment of “D” street and Tract “B” into the Significant Resource Overlay Zone area in the southwest corner of the site. Staff has requested a more detailed depiction of the proposed development boundaries on the SROZ and its Impact Area. The Natural Resources Program Manager’s Report (Exhibit U) conditions of approval provide specific requirements to address these encroachments. The applicant has prepared a ‘Riparian Buffer Analysis’ for the drainage channel leading to Boeckman Creek. This analysis proposes regrading and replanting of the channel. The applicant is seeking an exemption for the proposed Tract ‘B’ and Tract ‘F’ and the enhancements to the riparian area under Subsections 4.139.06.12 & .13. Staff suggests the applicant provide the City’s Natural Resource Manager a revised grading plan with the SROZ and Impact Area boundaries for further analysis of the impact to the SROZ area.

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.”

- 39. Finding:** The applicant’s submittal document indicates intent to develop the 103 new lots shown on the tentative plat after final approvals are obtained from the City. Depending on market factors, the applicant may proceed with the development in two phases identified on the preliminary utility plans. The full build out of Tax Lots 1500 and 1600 is not anticipated within two years of the initial approval of the zone change.

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.”

- 40. Finding:** Staff is recommending conditions of approval for the proposed project that should bring the project 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.”*

41. **Finding:** Staff has made affirmative findings for subsection 4.197(.02)(A-G) above. Staff is also recommending conditions of approval for the project to 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.*”

42. **Finding:** Staff is recommending approval of the proposed project, with conditions of approval. A City Council Zoning Order will be required prior to approval of this project.

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.*”

43. **Finding:** Staff is recommending a condition of approval that would implement the City Council Zoning Order, contingent on the completion of the conditions of approval adopted by City Council.

STAGE I PRELIMINARY PLAN

Subsection 4.140(.07) sets forth the criteria to be satisfied to recommend approval of a Stage I Preliminary Plan. Subsection 4.140(.07)(B)(5&6) stipulates the following be provided as part of the application for a Stage I Master Plan:

- “5. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.*
- 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.”*

- 44. Finding:** The applicant has met all the Stage I Preliminary Plan filing requirements with the exception of these two requirements: Condition of Approval #7 requires the applicant to provide a security assurance for the capital improvements required by the project acceptable to the Community Development Director; and Condition of Approval #8 requires a construction schedule for Phase II of the project should the applicant elect to pursue the project in two phases.
- 45. Finding:** Staff recommends, as a condition of approval for the Stage I Preliminary Plan, that a centralized park of approximately one-half acre in size be incorporated into the Master Plan of the proposed project to satisfy the requirement “usable recreational facilities” of Subsection 4.113(.01).

STAGE II FINAL PLAN

Subsection 4.140(.09)(J)(1-3) stipulate 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.”*

4.140(.09)(J)(1) – See Findings in response to 4.197(.02)(B), page 13 of this staff report

4.140(.09)(J)(2) - Traffic

- 46. Finding:** This application is subject to the requirements of Ordinance 463, the Public Facilities Transportation Strategy (PFTS). A Transportation Impact Study (Traffic Study) was completed for this application. Because the subject properties are located south of Boeckman Road, the traffic generated by the proposed project is subject to the traffic restrictions of the PFTS that may impact the interchange of Interstate 5 (I-5) and Wilsonville Road. Currently, capacity for traffic volume is beyond level of service ‘D’ (LOS D) at this interchange that is required by both the PFTS and the Development Code. However, Section 1.4(c)(2)(b) of the PFTS allows a development proposal to move forward if the traffic study demonstrates that it “has the highest percentage of trips through either of the City intersections adjacent to the Stafford/North Wilsonville interchange”. In the case of the proposed project, the traffic study estimates that 57% of the traffic from the project “would be destined north of Boeckman Road, with the remaining 43% destined south of Boeckman Road,” which allows the City to consider this application.
- 47. Finding:** Under the current zoning, the subject properties could generate approximately 184 total daily trips, with 14 of those being the a.m. peak hours and 19 p.m. peak hour trips. Under the proposed zoning, the subject properties would generate 1,180 total daily trips, 90 a.m. peak hour trips and 122 p.m. peak hour trips. Twenty (20) of these trips would use the Stafford Road Interchange with 15 through the Wilsonville Road interchange.
- 48. Finding:** The traffic study indicates that the traffic generated by this project would not produce traffic congestion in excess of LOS D at the study intersection including the proposed entry drive.
- 49. Finding:** The applicant/owner will be required to pay all applicable SDCs.

Comprehensive Plan— Implementation Measures 3.1.6a-3.1.6.cc - Transportation

- 50. Finding:** The City's 1991 Transportation Master Plan (TMP) identifies Boeckman Road as a minor arterial. The TMP also establishes the design standards for arterial and major collector streets. The TMP specifies minor arterial streets as having 64-90 feet of right-of-way and 50 to 66 feet of pavement width, with a three to five lane cross section. Table I of the Comprehensive Plan indicates a right-of-way of 72 feet and a pavement width of 62 feet for arterial roadways with left turn lanes. The City Engineer is requiring a half-street improvement from the western end of proposed lot 60 to the eastern end of the properties. With the exception of Tax Lots 1500 and 1600 that will remain, none of the created lots will have access frontage to Boeckman Road. The applicant is proposing to dedicate nine (9) feet of frontage on the subject properties as right-of-way for the half-street improvement. The proposed right-of-way would be 62 feet and would include a planter strip, sidewalk, and second planter strip (see proposed Boeckman Road cross section). Internal streets will have a dedicated 50-foot right-of-way (applicant's drawing indicates 52 feet) with two (2) 16-foot travel lanes. Sidewalks will be provided on all streets. Other pedestrian linkages include Tracts 'A', 'B', 'D', 'E', 'G'.
- 51. Finding:** The street layout of the proposed project provides one 44-foot wide entry drive connection to Boeckman Road that could accommodate two 20-foot lanes with a four (4) foot center median. A five (5) foot curb tight sidewalk would be provided on the east side of the entry drive, and a five (5) foot meandering sidewalk would be provided through Tract H. A 20-foot wide, gated emergency/pedestrian access is proposed at the northwest corner of Tax Lot 1600 (Tract 'A'). The City Engineer is requiring a commercial grade driveway apron connection on the Boeckman Road and cul-de-sac side of this Tract.
- 52. Finding:** The applicant's proposal for the internal streets of the project is to make them public streets. The applicant also proposes the dedication of right-of-way for all streets associated with the project. All public right-of-way for the project will need to be recorded with Clackamas County prior to the issuance of occupancy permits for the project.
- 53. Finding:** Staff recommends that the applicant/owner be required to contribute the share of system development charges attributed to the project.
- 54. Finding:** The City's Bicycle and Pedestrian Plan identifies Boeckman Road as an "On-Street Bikeway". Sidewalks do not currently exist on Boeckman Road between Canyon Creek Road and Wilsonville Road. The Plan also identifies a "Minor Off-Street Bike/Pathway" along Boeckman Creek immediately west of the subject properties. This pathway is not currently dedicated for such use. The applicant has agreed to the dedication of a 15-foot easement along the western edge of the property from the northern lot line of proposed lot 48 to the southern project property line for the future dedication of this pathway. The applicant has also agreed to the dedication of a 15-foot, non-invasive path along the southern border of the identified Significant Resource Overlay Zone to connect with the future potential pathway as well as a dedicated pedestrian connection from the platted pedestrian connection of Wilsonville Meadows at the southeast corner of the site

through the proposed water quality detention area to Street 'D' to allow for a public connection to the pathway along Boeckman Creek.

4.140(.09)(J)(3) – Adequate Facilities and Services

55. Finding: 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 conditioned to have available to it, adequate facilities to serve the proposed project.

Sanitary Sewer

56. Finding: 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. A 12-inch sanitary sewer running parallel to Boeckman Creek could 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. The existing septic systems on site shall be removed prior to the issuance of a final grading permit.

Water

57. Finding: 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. The City Council adopted its most recent Water System Master Plan in January 2002. As part of that plan, the City has undertaken the construction of a new water treatment plant. It is anticipated that the plant will be operational in April of 2002. The applicant is responsible for the extension of water lines to serve the project, subject to the City's Public Works Standards. Future residents of the project will pay for the new treatment plant via water rates and system development charges. The new plant will serve the site. Public water is available to the site via Boeckman Road. The City Engineer is requiring that the water service available to the project be looped through the project with a connection back to Boeckman Road to ensure duality of service. The existing wells will need to be capped prior to the issuance of building permits.

Roads

58. Finding: Staff recommends the applicant be conditioned to install a half street improvement along the project's frontage with Boeckman Road, contribute toward the signalization of Wilsonville and Boeckman Road, and widen the paved portion of the proposed entry drive to 44 feet. Staff also recommends the applicant build a half street improvement on the north side of Boeckman Road to be paid for with street SDC credits. With these proposed street improvements, the proposed project would be adequately served by the road system.

Storm Drainage

59. Finding: Again, 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 applicant proposes to capture, detain, and treat the runoff from the streets within the project. Storm water runoff from the western two-thirds of the project would drain to a proposed water quality/detention facility in Tract 'B' that would ultimately drain to Boeckman Creek. Storm water runoff from the eastern third of the project is proposed to drain to a water quality detention facility in the SROZ area of Tract 'F'. Staff recommends a

Significant Resource Impact Report be conducted for all encroachments into SROZ of Tract 'F' and its Impact Area including the proposed detention facility. Approval of this SRIR by staff would be required prior to the approval of the final plat.

60. **Finding:** The applicant's plans have been revised to show detention for the east third of the project in the southern portion of Tract 'F'. The proposed outfall for this detention facility has not been identified. The final design and installation of all storm water facilities will require a public works permit from the City's Engineering Division. **The design shall ensure that water will not be discharged at an erosive velocity to the drainage swale in the SROZ.**

Schools

61. **Finding:** The applicant estimates a total of 82 school age children will reside within the project at full build out (not counting the build out of Tax Lot 1500 & 1600). The West Linn/Wilsonville School District completed construction of the new Boones Ferry Primary School in the fall of 2001. The Wilsonville High School has been experiencing overcrowding for a number of years now. 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.

Parks

62. **Finding:** Policy 3.1.11 and Implementation Measures 3.1.11.a, 3.1.11.b, 3.1.11.d, 3.1.11.e, 3.1.11.g, 3.1.11.i, 3.1.11.j, 3.1.11.o, and 3.1.11.p specify the responsibility of providing parks in new development.
63. **Finding:** The applicant is proposing open space areas via Tracts 'C' and 'F' which are SROZ areas, a small tree grove in Tract 'H', an active and passive recreation area via the park in Tract 'D', and pedestrian connections via Tracts A, B, E, and G.
64. **Finding:** The 'park' proposed by the applicant provides a mix of active and passive recreation areas (see Exhibit OO). The Covenants, Conditions, and Restrictions of the Homeowner's Association place the ownership and maintenance responsibilities of the common areas with the Homeowners Association.
65. **Finding:** Tract 'C' of the proposed development abuts Tract 'J' of Wilsonville Meadows No. 5, which continues the protected open space along Boeckman Creek. The applicant has agreed to the dedication of a 15-foot pedestrian easement along the western perimeter of the subject site (south from the northern lot line of proposed lot 48) and a 15-foot pedestrian easement along the southern and eastern borders of Tract 'C' to allow pedestrian access to the future pathway along Boeckman Creek consistent with the trail alignment found in the 1993 Bicycle & Pedestrian Master Plan.
66. **Finding:** The applicant has agreed to a conservation easement over Tracts 'C' and 'F' to ensure their long-term protection, consistent with Subsection 4.139.06(10)

4.113(.02)(A) – Outdoor Recreational Area

02DB03

EXHIBIT A

67. **Finding:** An Outdoor recreation area is proposed through a central park of .51 acres located in Tract 'D' and through pedestrian easements (Tracts 'A', 'E', and 'G'). The proposed open space provides passive and active recreation opportunities, including play structures, and meets the intent of this section of the code.
68. **Finding:** The terrain of Tract 'C' is characterized by steep slopes, riparian areas, and mature forest. This area is not suitable for active recreation.
69. **Finding:** The applicant and future lot owners will need to obtain Planning Division approval for fences over six (6) feet in height.

Open Space Area

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.

70. **Finding:** Subsection 4.113(.02)(A) requires "at least twenty-five percent (25%) of the area (residential development) shall be open space, excluding streets." This section also allows "required rear yard areas and other landscaped areas that are not within required front or side yards and may be counted as part of the required open space." Open space for the proposed project would be provided via Tracts 'C' and 'F' which are SROZ areas, a small tree grove in Tract 'H', an active and passive recreation area via the park in Tract 'D', and pedestrian connections via Tracts A, B, E, and G. Approximately 48 percent of the open space proposed in the project is obtained through rear yards (proposed rear yard setbacks X lot width at rear yard line). Staff estimates that approximately 34.7 percent of the proposed project would be in open space based on the following estimate:

	Square Feet	Percent of Net Area
Gross Acreage of Subdivision Proposal	955,972	
Streets/Right-of-Way	191,058	
Subdivision Area minus Streets (net area)	764,914	
Open Space	265,567	34.7%
<i>Open Space in Tracts 'A' - 'H'</i>	138,045	18%
<i>Open Space in Rear Yards</i>	127,522	16.7%

71. **Finding:** Deleted on May 13, 2002.
72. **Finding:** The closest public parks are Wiedeman Park (.89 miles) and Hathaway Park (.85 miles).
73. **Finding:** Deleted on May 13, 2002.

Semi-Public Utilities

74. **Finding:** The applicant/owner will need to consult with the private utility providers within the City about the potential of providing service to the subject project.

TENTATIVE SUBDIVISION PLAT REVIEW

Sections 4.200 to 4.260

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

75. **Finding:** At the writing of this staff report, the applicant has not provided an indication of existing easements as required by 16 of this Subsection. Specifically, the plat will need to show the easement for the 12" sanitary sewer that traverses the southwestern portion of the site.

Subsection 4.236: General Requirements – Streets

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

76. **Finding:** Boeckman Road is listed as a minor arterial in the City's 1991 Transportation Master Plan. The City Engineer is requiring that a full street improvement be constructed along the project frontage with Boeckman Road from the eastern end of Tax Lot 1500 to Willow Creek Drive to accommodate the traffic impact of the proposed project (See PF Condition 13). Under this condition, the applicant would pay for the southern half street improvement and receive a credit on street system development charges for the northern half street improvement. The Bicycle and Pedestrian Master Plan identifies Boeckman Road as an 'On-Street Bikeway/Sidewalk'. A minor 'Off-Street Bike/ Pathway' is identified along Boeckman Creek directly west of the proposed project. The City's Parks and Recreation Master Plan identifies the following local and regional parks as being available to serve the proposed development: Wiedeman and Hathaway. The applicant is providing a park areas within the project.

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

77. **Finding:** Neither Wilsonville Meadows No. 2, No. 5, or No. 7 were platted to provide future street connections to the north (subject properties). Extension of streets from the subject properties to any of the Wilsonville Meadows properties is not feasible at this time. With the exception of the vacant lot in Wilsonville Meadows No. 7 (Lot 298), the extension of the street system to a surrounding subdivision would require the condemnation of an existing home to provide a street connection. In the City Engineer's opinion, a street connection to Willow Creek Drive through the vacant lot in Wilsonville Meadows (Lot 298) would be too close to the roundabout at the intersection of Willow Creek Drive and Landover Drive causing sight distance and maneuverability concerns at this intersection. In addition, the vertical curve in Boeckman Road presents a number of challenges in providing an additional street access to Boeckman Road. While the entry drive proposed for the project is not ideal, additional access options are either impractical or would push the limits of safe roadway design.

4.236(.02)(B) – Future streets

78. Finding: The applicant's Preliminary Utility Plan identifies 'shadow plats', including street layout, for the remainder of Tax Lots 1500 and 1600 showing both a scenario with and without the existing houses. Each scenario shows a connection to the proposed public streets of this proposal with 20 foot wide private roads.

4.236(.04) - Creation of Easements

79. Finding: As a condition of approval for Wilsonville Meadows No. 7, the developer of that project paid for a study to realign the vertical curve in Boeckman Road directly west of the proposed project. The owner of the adjoining property at the northwest corner of the project (Tax Lot 100 of Section 13B) has expressed a desire to see a connection to their property from the proposed project in the event that the elimination of the vertical curve restricts access to Tax Lot 100. The study for the realignment of the vertical curve in Boeckman Road does not propose to eliminate Tax Lot 100's access to Boeckman Road.

4.236(.07) – Future Expansion of Street

80. Finding: The applicant is presenting a 'shadow plat' of future lots on the remaining portions of Tax Lots 1500 and 1600 (see Preliminary Utility Plan). One scenario shows further development while retaining the existing houses while the other shows a proposal that does not retain these houses. This application is neither requesting nor is staff reviewing or making recommendations on this future platting. The proposed future platting identifies a street layout for the full build out of the project.

4.236(.08) – Existing Streets

81. Finding: The City Engineer's Public Facilities conditions are requiring that all right-of-way easements and road improvements are to be completed to the requirements of the City's Transportation Master Plan: centerline to curb = 24 feet and 32 feet of right-of-way.

4.236(.09) – Street Names

82. Finding: The City Engineer will have final approval authority for all street names in the project.

4.237(.01)(A) – Blocks

At the time of application, all planned development residential zones require the following block and access standards:

- “1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets for local access: 660 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.”

Note: Metro's Title 6 (3.07.630(A)(1)(a)) requires that local development codes do not allow block lengths to exceed 530 feet. The most recent revision to the Development Code adopted February 21, 2002 revised the maximum block length to 530 feet. At the time of the subject application, the standard was 660 feet.

In addition, Subsection 4.177(G) 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."

- 83. Finding:** Staff estimates the length of the longest block perimeter (two internal blocks) is 1,672 feet.
- 84. Finding:** Staff estimates; the length of "C" Street from the intersection of "B" and "C" to the mid-point of the cul-de-sac bulb to the west is approximately 690 feet. Boeckman Road is classified as a minor arterial, thereby limiting the number of local driveway access points. In addition, Boeckman Road has a significant vertical curve from about Tax Lot 1500 to Canyon Creek Road, making the sight distance requirements of the additional local street access problematic. A connection between streets 'D' and 'C' through the SROZ would not be supported by staff. The applicant has provided a pedestrian connection via Tract 'B'. A street connection in the area of Tract 'B' has not been proposed presumably due to the loss of additional lots. The private roads proposed on the preliminary utility plan would shorten the length of the cul-de-sac without a street connection by approximately 178 feet.
- 85. Finding:** The Development Code's standard (at the time of application) for maximum spacing between streets for local access is 660 feet "unless waived by the Development Review Board upon finding that barriers such as . . . topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard (Subsection 4.124(.06)(2))." Staff has typically interpreted "spacing between streets for local access" provision of the Development Code as the distance between local streets that connect to arterials or collectors such as, in this case, the distance between the proposed entry drive and Willow Creek Drive which is approximately 683 feet (curb to curb).
- 86. Finding:** The City's Public Works standards require a minimum street spacing of 600 feet. While shifting the access one lot to the east would put the distances between the two streets at approximately 605 feet, it would also place the main entry drive through a grove of Ponderosa Pine. Placing the entry drive two lots further east would decrease the distance between the two streets at less than 600 feet.
- 87. Finding:** The applicant is proposing a pedestrian connection (Tract 'E') between 'D' and 'C' Streets to break up the block length of the internal blocks which are currently proposed at approximately 674 feet.

4.237(.02) – Easements

- 88. Finding:** The applicant's submittal documents indicate "appropriate easements will be provided as part of the final plat." Staff's proposed PF condition of approval #3 stipulates

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 any certificates of occupancy for any phase of the project.

4.237(.03) – Pedestrian and bicycle pathways.

89. Finding: The proposed subdivision plat specifies five (5) foot sidewalks and pedestrian access via Tracts 'A', 'B', 'D', 'E' and 'G', the narrowest of which is 14 feet in width. The proposed tracts would remain in common ownership.

4.237(.04) – Tree Planting

90. Finding: The applicant's "Preliminary Landscape Plan" identifies a "Street Tree Planting Schedule". See Findings to 4.176(.06)(C) for further analysis of the proposed street tree selection. The applicant/owner will need 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.

4.237(.05) – Lot Size and Shape

91. Finding: Subsection 4.124..4, PDR-4 specifies the following for lot size and shape:

“(01) Average lot size: 5,000 square feet.

(.02) Minimum lot size: 4,000 square feet.

(.03) Minimum density at build out: One unit per 6,000 square feet.

(.04) Other standards:

A. Minimum lot width at building line: Thirty-five (35) feet.

B. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.

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.”

92. Finding: Based on the Tentative Plat provided by the applicant, the average lot size is approximately 5,560 SF, which exceeds the 5,000 SF average. The applicant has not requested a waiver from this requirement.

93. Finding: All proposed lot sizes are greater than the 4,000 SF.

94. Finding: Minimum density at build out proposed is .65 units per 6,000 SF (103 units / (955,972 SF / 6,000 SF)).

95. **Finding:** Lot depths range from 86 to 112 feet.
96. **Finding:** The applicant is not requesting a waiver from the minimum lot width at building line.
97. **Finding:** The applicant is requesting a waiver from the minimum street frontage requirements for lots 7, 51, 52, and 60. The applicant shall seek approval from the City Engineer for the placement of the driveway aprons to those lots to ensure safe maneuverability.
98. **Finding:** The applicant is not requesting any waivers from the minimum setback criteria.
99. **Finding:** Deleted on May 13, 2002.
100. **Finding:** Of the estimated 265,567 SF of open space proposed in this subdivision, approximately 127,522 SF of that would be in rear yards (48% of total open space).
101. **Finding:** The applicant's submittal documents do not specify, however, it appears that none of the proposed home types of the application are over 35 feet in height.
102. **Finding:** The gross acreage of the proposed subdivision is 21.95 acres. At build out, staff estimates a gross density of one unit per 9,281 SF or one unit per .2 acres (955,972 SF/103 units).
103. **Finding:** Staff estimates that the footprints of the proposed house models range from approximately 2,492 SF to 2,906 SF. Proposed lot sizes range from 4,544 SF to 9,396 SF. It is the applicant's intent to site house model types proportionate to the size of the site. Lot coverage for the largest proposed house plan on the smallest proposed lot is approximately 64% (2,906/4,544). As with all new single-family houses developed in the City, Planning staff will approve all building plans relative to setbacks, SROZ encroachment, and lot coverage.
104. **Finding:** Staff is proposing a minimum five (5) foot setback for all single level decks (less than 30 inches in height) and a 15-foot setback for all decks greater than 30 inches or more than one story.

4.237 (.06) – Access

105. **Finding:** Subsection 4.124.4 (PDR-4 Zone) requires a minimum lot width at building line of 35 feet. While the proposed tentative subdivision plat proposes the creation of four (4) flag lots, all lots have sufficient width to allow for 35 feet at building line.
106. **Finding:** The applicant is proposing public streets for the project. Subsection 4.124.4 requires 35 feet of minimum street frontage for each lot. This frontage can be reduced to 24 feet when a lot fronts a cul-de-sac. The applicant requests a waiver from this standard for proposed lots 7, 51, 52, and 60. Subsection 4.237(.06)(B) grants the DRB the authority to

waive the frontage requirements "where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation". Staff concurs with the applicant's waiver request, provided placement of driveways does not cause conflict in traffic circulation and are subject to approval by the City Engineer and the Fire Marshall.

4.237(.07) – Through Lots

107.Finding: Lots 1-7, 52-53, and 60-65 are all through lots abutting Boeckman Road. With sidewalks, lot depths range from 110 to 112 feet. Access to these lots is proposed from within the proposed development via "B" Street. The applicant proposed to screen these lots from Boeckman Road with street trees, a white vinyl fence, an arborvitae hedge, and a 5-foot chain line or cedar privacy fence. The proposed CC&Rs for the project place the maintenance of this screening treatment with the Homeowners Association.

4.237(.08) – Side Lot Lines

108.Finding: With the exception of lots 52 and 7, it appears all lot side lines are proposed perpendicular to the street upon which the lots face. Staff is recommending that the City Engineer be granted approval authority for the alignment of the driveways for lots 7 and 52 to ensure adequate sight distance and access maneuverability.

4.237(.09) – Large Lot Land Divisions

109.Finding: Staff does not consider the 103 lots of the proposed subdivision to be large lots. The proposed improvements shown on the 'Preliminary Utility Plan' present the possibility of nine (9) (retaining existing houses) to 14 (not retaining existing houses) additional lots. This potential future platting identifies the potential location of streets and utility stubbing to serve these lots.

4.237(.10) – Building Line

110.Finding: The applicant is not requesting, nor is staff recommending, the establishment of building lines.

4.237(.11) – Build-To-Line

111.Finding: The applicant has not requested, nor is staff recommending, any build-to-lines.

4.237(.12) – Land for Public Purposes

112.Finding: The applicant only proposes to dedicate appropriate street rights-of-way for the project including road frontage for Boeckman Road. The applicant will be required to dedicate all public utility easements deemed necessary by the City Engineer for the project prior to Certificate of Occupancy.

4.237(.13) – Corner Lots

113.Finding: All radii in the proposed subdivision plat are in excess of 10 feet.

4.262 – Improvements – Requirements

114.Finding: The City Engineer's PF condition #3 requires the installation of all public utilities to the City's Public Works standards.

4.264 – Improvements – Assurance

115.Finding: The applicant has not specified what assurances will be furnished to the City for the complete installation of all improvements. The applicant shall provide cost estimate and securities acceptable to the City Engineer for the completion of all public improvements.

LOT LINE ADJUSTMENTS- 4.233

4.233(.01)

116.Finding: The applicant has requested, and staff is reviewing, the application for lot line adjustments of Tax Lots 1500 and 1600 with of the subdivision application.

4.233(.02)

117.Finding: The resulting lots of the proposed lot line adjustments would not conform to the requirements of the PDR-4 zone. They would, however, continue to conform to the RA-H zone. Staff recommends that the Comprehensive Plan amendment be granted to the entirety of the project including Tax Lots 1500 & 1600 and that the Zone Map amendment apply only to the 21.95 acres of the subdivision proposal.

118.Finding: The following steps will need to occur, in sequence, to allow the City to approve the applicant's desired subdivision of land for 'Boeckman Park':

1. All lots must have taxes paid in full. In order for a deed or survey to be recorded at the county, taxes for that property must be paid in full by the time the document is recorded.
2. A property line adjustment survey for existing Lots 9 and 10, similar to what is shown on submitted survey, affecting the two lots must be recorded along with the deed descriptions for the new lots. The current owner(s) of the two lots and the City must sign the documents to be recorded.
3. Existing lot 8 must be partitioned and recorded with the deed description for the new lots. The current owner(s) of the lot and the City must sign the documents to be recorded.
4. The existing Lots 7, 6, 5, 4, and 3 along with the Southerly partitioned portion of Lot 8 and the adjusted Southwesterly portion of Lots 9 and 10 must be conveyed to the applicant and recorded with the county. All parties involved must sign the documents to be recorded.
5. The conveyed lots must be re-plated and all private easements vacated and recorded with the county. All existing public easements shall remain and be shown on the re-plated survey. The current owner(s) of the lots and the City must sign the documents to be recorded.

119.Finding: Staff recommends that the applicant submit all necessary documentation in one packet. All documents requiring City signatures must be reviewed and approved. The applicant must submit a copy of the recorded deed documents and status of taxes before a Public Works Permit can be issued. Mylars of all surveys (property line adjustments and as described in the engineering conditions PF 3) must be submitted before the issuance of any temporary occupancy.

SITE DESIGN REVIEW

4.400 – 4.450

Architecture

Implementation Measure 4.1.4.y of the Comprehensive Plan provides that *“Housing units shall be designed, constructed, and maintained so that the community is assured of safe, sanitary, and convenient living conditions in dwellings that are sound, energy efficient, and attractive in their appearance. Conservation of housing resources shall be encouraged through code enforcement, renovation, and rehabilitation of the existing housing stock.”* The Development Code does not provide for the architectural review of single-family homes.

120.Finding: The applicant proposes a variety of two-story house products. Building footprints range from 2,492 SF to 2,906 SF. Exterior materials appear to include hardy plank and shake siding in neutral colors with masonry accents. Design elements include large dormers in prairie style with garages recessed or flush with the front of the house with forward porches. This style of house most closely resembles the housing type in Canyon Creek Meadows, but is not out of character with other subdivisions in the area.

Section 4.176: Landscaping

121.Finding: Sheet 3 of the revised plans dated 4/17/02 is the applicant’s proposed landscape plan. This plan identifies the proposed placement of street trees and the planting scheme for Tract ‘F’. The street profiles proposed on Sheet 3 (of the original application) identify planter strips on each side of the internal streets and two planter strips along the Boeckman Road frontage. These planter strips are to contain street trees and what appear to be shrubs. Staff is recommending that the applicant work with staff to specify appropriate shrub types for these planter strips.

4.176(.10) – Completion of Landscaping

122.Finding: The applicant/owner 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 applicant will be required to post a bond or other security for each phase of the project.

4.176(.02) - Screening:

Boeckman Road

123.Finding: Staff has received a request from a neighbor who attended the applicant’s public meeting on the proposed project asking for a brick wall similar to that along the frontage of Wilsonville Meadows.

124.Finding: Sheet S-2 and applicant exhibit S-6 from the original application) present a screening plan for the Boeckman Road frontage of the project. The plan uses two planter strips with offset street trees, a 42 inch white vinyl rail fence, a hedge of arbor vitae with a fence backing the arbor vitae which, in staff’s opinion meets the ‘High Screen Landscaping Standard’ of Subsection 4.176(.02)(E), which in staff’s opinion is the appropriate screening standard for the Boeckman Road frontage of the project.

Eastern Perimeter

125.Finding: Sheet 3 (revised and dated 4/17/02) provides a "Buffer Enhancement Planting Schedule" for Tract "F", the 50-foot buffer to the drainage swale that borders the subject properties on the east side. The planting schedule includes four species of trees (146 trees overall), and five species of shrubs (259 plants overall).

Southern Perimeter

126.Finding: The applicant's revised narrative proposes a six-foot solid fence will be installed along the southern perimeter of the property adjacent to Wilsonville Meadows No. 2 and No. 5. The applicant is proposing to remove the row of Scotts Pines from Lots 19 through 22 and the Cottonwoods in the southern portion of proposed lots 16-18 and the Cedars from proposed Lot 15. The arborist report proposes to save the row of cedars in the southeast corner of the site. The arborist report rates the Scotts Pines in excellent condition and the Cottonwoods in good condition. To further buffer the proposed development from the existing Wilsonville Meadows No. 5 and No. 2, staff suggests a requirement that the CC&Rs for the project require a minimum of two, two-inch caliper trees be planted in each rear yard.

Western Perimeter:

127.Finding: The southwest corner of the site is primarily within the Significant Resource Overlay Zone. The proposed plat would back lots 49-52 to the western property line. This corner of the site begins to see significant grade changes. The applicant proposes to save the Ponderosa Pine in the rear of proposed Lots 50-51 and grade Lots 49-52 to match the grade of the property to the west. The applicant is proposing a retaining wall along the rear lot lines of Lots 44-49. The proposed walls would encroach the Impact Area of the SROZ. Staff recommends the applicant be required to perform an SRIR to be approved by staff prior to the approval of the final plat to further examine the development encroachment. The applicant has not indicated whether there is need for drainage outlet along the retaining wall.

4.176(.06)(C) - Street Trees:

128.Finding: The applicant is proposing a total of 213 street trees for the project, including 174 Red Sunset Maples, 18 Summit Ash, 21 Red Oak (see Sheet 3 of revised plans dated 4/17/02). Summit Ash is not identified as a street species under this section of the Code. Staff's limited research indicates that this tree can be expected to grow 45 feet in height with a 'pyramidal to ovate' shape. The applicant proposes to replace the originally proposed Aristocrat Pear with Summit Ash.

129.Finding: The proposed landscape plan alternates the placement of the trees on internal streets between the planter strip and behind the planter strip on lot lines.

130.Finding: The proposed half street improvement along Boeckman Road includes two planter strips. The applicant is proposing 3 inch caliper Red Oaks in the outer most planter (north) and 1 ¾ inch Red Sunset Maple with alternate spacing for the inner most (south) planter, which meets code.

Tree Preservation and Protection

131.Finding: The arborist report supplied by the applicant identifies 249 trees on-site over 6 inches in diameter at 4 ½ feet from the ground for an estimated total of 3,503 caliper inches of tree growth. The report also proposes to remove 154 trees (approximately 1,761 caliper inches), transplant 16 (188 caliper inches) and 95 to be saved (approximately 1,554 caliper inches). The majority of the trees to be saved are reported in 'Fair' or 'Good' condition. The majority of the trees to be removed are reported in 'Good' or 'Excellent' condition. The proposed landscape plan would install 213 streets trees, 21 at three (3) inch caliper, 192 at 1 3/4 inch caliper, for an estimated 399 caliper inches of tree growth. The landscape also proposes 146 trees to be planted in Tract 'F' although of a smaller, undetermined initial caliper (staff presumes one (1) inch or smaller) for an estimated maximum of 146 caliper inches.

Trees proposed to be transplanted

Tree #	Survey Point #	Tree Species	Diameter	Condition
694	16913	Ponderosa Pine	6	Good
695	16912	Ponderosa Pine	15	Good
697	16902	Ponderosa Pine	10	Good
699	16909	Ponderosa Pine	12	Good
701	13044	Ponderosa Pine	15	Good
703	16906	Spruce	12	Good
728	17741	Blue Spruce	8	Excellent
731	17747	Columnar Scotts Pine	6	Excellent
734	17604	Deodara Cedar	93 ⁽¹⁾	Excellent
735	17600	Austrian Pine	13	Excellent
767	12235	Douglas Fir	12x5 ⁽²⁾	Excellent
768	12236	Douglas Fir	13	Excellent
770	12238	Douglas Fir	13	Excellent
771	12239	Douglas Fir	12	Excellent
772	12240	Douglas Fir	15	Excellent
775	12243	Douglas Fir	13	Excellent
Total			188	

SOURCE: Tree Survey & Preservation Plan for Boeckman Park Subdivision, Wilsonville, Or, March 11, 2002

- (1) Assume 13" until verified.
- (2) Assume 12" until verified.

132.Finding: The applicant is willing to plant an additional two trees per lot (206 trees) as part of the tree mitigation. The placement of these trees is proposed primarily for back yards although one tree is proposed for both the front and back yards along 'B', 'C' and 'D' streets. These additional trees would eliminate the caliper inch deficit within three (3) years. While this mitigation ratio would replace the lost tree mass in half the amount of time (as compared to mitigation without these additional trees), staff feels it could present conflicts with the extension of utilities to individual lots, especially where the trees are proposed for the front yards. In addition, trees on the interior of a lot would be subject to unauthorized property owner removal that could be difficult for City staff to track. In staff's opinion, a more reasonable compromise would be to place one mitigation tree per lot in the rear. Lots

15 through 33 should continue with two rear yard trees. The addition of these trees would bring the caliper inch deficit to 991 inches that could be replaced with 3 to 4 years.

133. Finding: While Subsection 4.610.40(.01) states in part that “the application of the standards of this section [tree preservation and protection] shall not result in a reduction of square footage or loss of density”, subsection 4.610.10(.01)(B) states “no development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles.” The applicant proposes to transplant 16 trees (188 caliper inches) of the existing trees on site (see Exhibit TT) to elsewhere on the site (most likely the central park area).

134. In addition, staff has identified an additional 22 trees that the applicant proposes to remove that staff believe have the potential to be incorporated into the site plan. These trees comprise 318 caliper inches and would be primarily found in setback areas of the proposed site plan. The preservation of these trees will be dependent on the accuracy of the tree survey and the final grading plan. Prior to final grading, staff recommends that a field meeting be held with the applicant, the consulting arborist, the excavator for the site, and staff to determine the feasibility of preserving these trees. It is conceivable that these trees may not be retained.

<u>Tree number</u>	<u>Tree species</u>	<u>Diameter (inches)</u>	<u>Condition</u>
696	Ponderosa Pine	15	Good
698	Ponderosa Pine	13	Good
700	Ponderosa Pine	14	Good
702	Ponderosa Pine	11	Good
709	Flowering Cherry	9	Good
710	Fir	12	Excellent
711	Fir	15	Excellent
712	Fir	15	Excellent
714	Fir	13	Excellent
715	Fir	13	Excellent
718	Ponderosa Pine	15	Excellent
719	Deodara Cedar	29	Excellent
720	Pin Oak	21	Excellent
729	A.B. Pine	14	Excellent
730	Deodara Cedar	10	Excellent
745	Blue Spruce	20	Excellent
746	Coast Pine	20	Excellent
750	Row of Cedar		Excellent
819	Scotts Pine	9	Excellent
820	Scotts Pine	16	Excellent
823	Scotts Pine	20	Excellent
824	Plum	15	Excellent
			318

135. Finding: The applicant has revised the site plan to remove the retaining wall along the rear of these lots and retain the trees in proposed Lots 52 and 53.

- 136.Finding:** The applicant proposes to prune a number of trees in the SROZ to remove dead branches and other hazards. The 'Tree Preservation Specifications' proposes to have a certified arborist perform this work.
- 137.Finding:** Staff also recommends that the proposed CC&Rs be modified to require two trees be planted in the rear yards of proposed Lots 15-33.
- 138.Finding:** There also appears to be a conflict between the grading plan and the arborist report about the removal of trees along the northern lot line of Tax Lot 1600. Staff recommends that any tree removal on tax lots that are not a part of the subdivision proposal be performed through a separate Tree Permit with the City's Planning Division.
- 139.Finding:** While not on the property of the proposed development, staff has observed a significant Oak tree on Tax Lot 100 that overhangs into proposed Lots 51 and 52. Depending on the placement of the houses on these lots and the final grade of the lots, there is a potential that the branches of this tree would need to be pruned. Staff recommends that any pruning of this tree be done in conjunction with the owner of Tax Lot 100 and the applicant's arborist.

Oregon Statewide Planning Goals

- 1) **Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
140. **Finding:** The review and decision to be rendered on this application will adhere to all public notice requirements of ORS 197 and WC 4.013 and will provide comment on the application through the public hearing of Wilsonville's Development Review Board on March 11, 2002 and May 13, 2002 and the City Council on April 1, 2002.
- 2) **Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*
141. **Finding:** This application is being reviewed using the City of Wilsonville's Comprehensive Plan, Development Code, Public Facilities Transportation Strategy, Public Facilities Water Strategy, and Natural Resources Plan, and which implements the City's land use planning process.
- 3) **Agricultural Lands:** *To preserve and maintain agricultural lands.*
142. **Finding:** The project being proposed is on land that is currently zoned Residential Agricultural-Holding, a rural residential zoning district in the City of Wilsonville. The currently owner of Tax Lot 1500 operates a small scale Llama farm. Under the proposed project, the Llama operation be relocated to another location. Loss of this operation would not significantly alter the balance of agricultural lands in the City or region.
- 4) **Forest Lands:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*
143. **Finding:** The project, as proposed, should not disrupt any forest land base.
- 5) **Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To conserve open space and protect natural and scenic resources.*
144. **Finding:** The project proposes the development of a storm water detention facility that would use an existing drainage swale in the defined Significant Resource Overlay Zone (SROZ). The applicant also proposes to reshape and plant the currently deteriorated drainage swale. This proposed enhancement should improve the functionality of the drainage entering the resource area. As a condition of approval for the project, the applicant must submit a

Significant Resource Impact Report as well as construction drawings for final approval to Planning staff, the City Engineer and the Natural Resources Manager to ensure a design that will not impact the resource area.

- 6) **Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water, and land resources of the state.*

145. **Finding:** The applicant's proposed enhancement to the drainage swale in the southwest corner of the site should improve the water quality entering Boeckman Creek. Grading of the proposed site would alter the topography of the subject properties, but should not create hazardous conditions or adversely impact off-site storm water runoff. The applicant will be required to obtain all necessary building, engineering and soil erosion control permits to minimize the off-site impacts during construction.

- 7) **Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*

146. **Finding:** The project, as proposed, should not create a threat of a natural disaster or hazard.

- 8) **Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

147. **Finding:** The project, as proposed, provides recreational opportunities for future residents of the project via dedicated park area and open space.

- 9) **Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

148. **Finding:** The project, as proposed, is a 103-lot subdivision that has provided economic opportunities for the applicant's design team and, if approved, should provide opportunities for the construction trades and retailers and other services after completion.

- 10) **Housing:** *To provide for the housing needs of the citizens of the state.*

149. **Finding:** The project, as proposed, would replace five of the existing homes on the subject properties with 103 additional single family home lots which would provide 98 additional single-family housing options within the City.

- 11) **Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

150.Finding: Currently there are adequate public facilities along Boeckman Road and Boeckman Creek to accommodate the development of this project. The applicant will be required to pay the applicable system development charges for the utilities that will be used as part of this project. The applicant is also required to build a half-street improvement in front of the eastern two-thirds of the project to provide adequate traffic capacity for that anticipated to be generated by the project.

12) Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

151.Finding: A Transportation Impact Study was completed for this project detailing the anticipated traffic impacts from the project. The City Engineer has specified conditions of approval designed to accommodate the transportation impacts of the proposed project.

13) Energy Conservation: *To conserve energy.*

152.Finding: The applicant for this project is encouraged to utilize energy efficient equipment and appliances where practicable.

14) Urbanization: *To provide for the orderly and efficient transition from rural to urban land use.*

153.Finding: The project is being proposed on property that is currently zoned Residential Agricultural-Holding – a low density, residential zoning district within the City. The proposed project is surrounded on the east and south with other single-family subdivisions. With the conditions of approval proposed in the staff report, staff believes the project can efficiently transition from RA-H zoning to the higher density Planned Development Residential – 4 zoning.

15) Willamette River Greenway: *To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

154.Finding: The project is outside of the Willamette River Greenway and will not diminish the natural, scenic, historical, agricultural, economic or recreational qualities of lands along the Willamette River.

METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

155.Finding: Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite 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 applicant is requesting a zone change to

Planned Development Residential – 4 (PDR-4) which corresponds to a Comprehensive Plan Map density of 5-7 dwelling units per acre.

156.Finding: Deleted on May 13, 2002.

Conclusions

Staff recommends that the applications for Comprehensive Plan Map amendment, Zone Map amendment, and Stage I Master Plan be reviewed and forwarded as a positive recommendation by the Development Review Board to City Council for a hearing on June 13, 2002 with the conditions of approval contained herein. Further, staff recommends that the applications for the Lot Line Adjustment, Tentative Subdivision Plan, Stage II Final Plan, and Site and Design Plans be reviewed and action taken on them under a separate public hearing of the Development Review Board.

Staff is suggesting this separation of application hearings to make a more clear distinction between the elements of the Comprehensive Plan relative to quantity and type of new residential development, open space requirements, resource protection, and public service provision and the specific design details of the subdivision plat, final plan, and site/design plans.

Based on a staff analysis of other recent subdivisions approved in the City, the proposed project, including rear yards as open space, has less open space per lot than other subdivisions in the City that did not count rear yards as open space. In addition, the applicant has submitted a 'Riparian Buffer Analysis' that seems to imply a request for a change of the SROZ boundary line for the drainage channel leading to Boeckman Creek in the southwest corner of the site. A change in the SROZ boundary requires a Significant Resource Impact Report (SRIR), which was not received as part of this application.

02DB03

**Boeckman Park
Comprehensive Plan Map Amendment
Zone Map Amendment
Stage I Preliminary Plan
Tentative Subdivision Plat
Lot Line Adjustment
Stage II Final Plan
Site and Design Plans
Type 'C' Tree Permit**

**AMENDED AND ADOPTED Conditions of Approval
May 13, 2002**

The application and supporting documents are hereby adopted for approval with the following conditions:

02DB03(1)

Comprehensive Plan Map Amendment

1. This action recommends to the City Council adoption of the Comprehensive Plan amendment as entered into the record on May 13, 2002.

Zone Map Amendment and Stage I Preliminary Plan

2. This action recommends to the City Council adoption of the Zone Map amendment and Stage I Preliminary Plan as entered into the record on May 13, 2002.

Tentative Subdivision Plat, Lot Line Adjustment, Stage II Final Plan, Site and Design Plans

02DB03(2)

3. This action approves the Tentative Subdivision Plat for 103 lots, Stage II Final Plans, and Site and Design Plans entered into the record on May 13, 2002 for the proposed project. These approvals are contingent upon City Council approval of the Comprehensive Plan Amendment and Zone Map amendment.
4. This action approves the tentative lot adjustment for Tax Lots 1500 and 1600 of Map 13A, T3S, R1W, Clackamas County Oregon.

02DB03

EXHIBIT A

5. Final subdivision plat shall be reviewed by the City's Planning Division in accordance with Section 4.220 of City's Development Code and with the procedure described in Finding No. 118.s
6. The final subdivision plat shall demarcate the Significant Resource Overlay Zone and its associated Impact Area.
7. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
8. Construction and site development shall be carried out in substantial accord with the tentative subdivision plat dated April 16, 2002, approved by the Development Review Board unless altered with Board approval, or as amended by conditions or with minor revisions by the Planning Director.
9. The lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
10. The applicant/owner shall supply the City with a performance bond or other security acceptable to the Community Development Director for all capital improvements required by the project.
11. In the event the project proceeds in more than one phase of construction, the applicant/owner shall supply the Planning Director with an anticipated schedule of construction and shall communicate to the Planning Director in writing any significant changes in the anticipated schedule.
12. The natural areas with the Significant Resource Overlay Zone (SROZ) shall not be disturbed except for pathways, and the approved storm water detention and water quality facility in Tract 'B' 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) in creating the lots for sale, the developer shall install temporary six (6) foot high chain link fencing along the 50 foot SROZ buffer so that it is not disturbed. In addition to the Building Division Review, final grading plans for the water quality/detention facility in Tract 'B' shall be reviewed and approved by the City's Environmental Services Division and Natural Resources Manager to ensure a soil erosion control treatment plan that will minimize impact to the resources in the SROZ.
13. The Significant Resource Overlay Zone (SROZ) shown on City mapping for Tract 'C' and Tract 'F' shall be identified in a conservation easement. The applicant shall record the conservation easement with the final plat with the Clackamas County Clerk's office, and identify the easement on the land sale deed for the affected lot. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division. Furthermore, the conservation easement

shall be shown on all sales information for public/buyer's inspection. The conservation easement shall be reviewed by the City Attorney prior to recording the final plat.

14. The applicant shall waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
15. The Development Review Board adopts the following lot development standards and waivers:
 - A. Rear yard setback for all lots is 20 feet. Allow decks below 30 inches in height next to the rear property line minimum at ten (10) foot set back.
 - B. Lot coverage: 75% maximum.
 - C. Five (5) foot wide concrete sidewalks on all streets.
 - D. Lot width, depth and proposed height of structures meet code.
 - E. Street cross sections per "Typical Street Section" of the "Preliminary Site Plan" dated February 15, 2002, as corrected.
 - F. Minimum street frontage at less than 35 feet for lots 7, 51, 52 and 60.
16. A Homeowners' Association shall be formed as specified in the CC&Rs for the development. The Association shall have responsibility for maintenance of all shared private drives, parks and open spaces, and fences within the development. The CC&Rs shall be reviewed by the City Attorney prior to recording the final plat.
17. The applicant shall obtain a Type 'C' Tree Removal Permit on the Planning Department Site Development Application and Permit form prior to site grading. The applicant shall provide an arborist report and a final grading impact analysis (grade changes) on trees being retained. Prior to site grading, the applicant shall install a 6 foot high chain link fence with metal posts securely installed into the ground along the drip line of the trees shown for preservation, which is facing the construction areas. The fence shall remain in place during the entire construction period.
18. The applicant shall work with staff and the consulting arborist for the project in the development of the final plat and grading plan to preserve to the greatest extent possible the trees identified by staff in Exhibit GG. Furthermore, the applicant shall meet with staff, the consulting arborist, and the excavator on the project site prior to site grading to identify which of the 22 (6" or greater caliper) trees identified by staff in Exhibit GG can feasibly be retained. For each 6" caliper tree being removed the applicant shall mitigate and replant with 2" caliper tree (2" caliper for deciduous tree or replant 8' high conifer tree). Prior to and during construction, Planning staff will consider removal of diseased, hazardous trees, or trees in wrong location relative to site development.

19. Tree No. 629 (42" Douglas Fir) shall be retained.
20. The applicant shall submit to the City Engineer a transportation management plan to minimize PM peak-hour impacts at the Wilsonville interchanges.
21. As a Category 2 water user under Ordinance 514, the applicant is hereby required to defer installation of landscaping, except for erosion control purposes until after the City's new water treatment plant is producing sufficient water for irrigation, as determined by the Community Development Director. The applicant shall provide security equal to 110% of the cost of the landscaping as determined by the Community Development Director to be filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period once the water treatment plant is producing sufficient water for irrigation or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.
22. To ensure the longevity of all landscaped common areas, the applicant shall install water-wise or drip-type irrigation. 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. Landscaping, except for erosion control, shall not be planted until the City's new water treatment plant is producing sufficient water for irrigation purposes. Water source from outside the City may be used to irrigate new landscaping.
23. 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.
24. The recommended conditions of the City Engineer, Building Official, the Natural Resources Manager and the Environmental Services Division are hereby incorporated as conditions of approval (Exhibits T, S and U respectively).
25. The Stage I Preliminary Plan, Stage II Final Plans, and the Site and Design plans 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.
26. Light standards shall be positioned to illuminate the entrances next to 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 be required.

27. All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.
28. The developer shall coordinate with the U.S. Postal Service about the locations of mailbox stations. The U.S. Post Master 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 as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants or public and private utilities.
29. The tentative subdivision plat will expire two (2) years after final approval, however, upon good cause shown, the Development Review Board shall extend such plat approval for one additional year.
30. The applicant shall submit for the review and approval of the City Engineer, the Natural Resources Manager and the Environmental Services Division drawings and construction plans for the water quality/detention facility in Tract 'B' and its outfall to the drainage channel to Boeckman Creek. These plans shall show the SROZ boundary over the development proposal.
31. A Significant Resource Impact Report (SRIR) shall be prepared for the proposed development encroachments within Tracts 'B' and 'C' and the SRIR shall be reviewed **and if all of the code criteria are satisfied**, approved by staff prior to approval of the final plat. This report will need to provide construction details for the following: the proposed retaining wall along the rear of proposed lots 44, 45, 46, 47, 48, 49; the proposed water quality and detention facility in Tract 'B'; the western end of Street 'D'; and grading of lot 33. For development that encroaches into the SROZ and 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).
32. Subject to approval by the Wilsonville City Council and the applicant, the applicant will offer a 15-foot wide bicycle/pedestrian path easement to extend the entire length of the western, southern and eastern boundary of the SROZ area on the subject properties to connect with future 'Minor Off-Street Bike/Pathway' identified on the City's Bicycle and Pedestrian Master Plan.
33. Deleted on May 13, 2002.
34. The applicant shall improve the recreation areas prior to occupancy of any house within the subdivision in accordance with plans submitted for the May 13, 2002 public hearing.
35. The applicant/owner is required to provide the proportionate share of all system development charges that apply to this project.
36. The paved portion of the entry drive shall be widened to 44 feet and include:

- a) Two (2) 20-foot travel lanes, one (1) 4-foot center median landscape island, and one (1) five foot sidewalk on the east side of the drive, and one five foot sidewalk through Tract 'H'.
37. A pedestrian connection of at least 15 feet in width shall be provided to the pedestrian connection from Wilsonville Meadows No. 7 at the southeast corner of the site.
38. The applicant shall plant **and retain and ensure that they remain in good growing condition**, one (1) deciduous tree, 2-inch caliper, at the rear yards, and two (2) 2-inch caliper deciduous trees in Lots 15-33. The trees on the southerly lots shall be solar friendly as determined by the project landscape architect and Planning staff. The CC&Rs for the project shall be modified to include a requirement to maintain these trees in the rear yard of each lot. These trees shall not be removed unless a Type 'B' tree permit is approved.
39. Access to the SROZ areas identified on the site, with the exception of pedestrian easements, shall be cordoned off from public access with a barrier that allows wildlife migration.
40. Prior to final plat approval, the applicant shall provide the City with 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.
41. The City Engineer shall grant final approval of the driveway alignments for Lots 7 and 56.
42. The applicant shall supply to Planning Division staff for review and approval plant specifications for shrubs in the project's planter strips.
43. Planning Division staff shall have approval authority to all retaining walls reviewed by the City's Building Division relative to materials and encroachment to the SROZ and its associated Impact Area.



Development Review

TO: Paul Cathcart, Associate Planner
FROM: Don Walters, Plans Examiner
DATE: 12/21/01 (Re-reviewed 3/5/02) 3rd Review 4/29/02
SUBJECT: DEVELOPMENT REVIEW # 02DB03R. (Relabeled as 02DB03 Revised)
 (Relabeled as 02DB03R revised)

Building Department:
 8445 SW Elligsen Road
 PH: (503) 682 - 4960
 (8:00 AM - 5:00 PM)
 FAX: (503) 682 - 7025

PROPOSED BOECKMAN PARK SUBDIVISION

(File under: Annex/CD Public/Building Development Review)

The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents.

Review of the complete working drawings may reveal that those assumptions were incorrect and/or may expose additional code concerns.

1. Lots shall have positive drainage for storm water from rain drains or under-floor low-point drains to streets or a storm drain as approved by the building official. Any storm drain piping not located within the street right-of-way shall be in a public easement. If surface storm drains (swales) are allowed by the City Engineering Department, they shall be in a public easement with permanent access as acceptable to the City.
2. The site shall be graded in such a manner that no surface storm water shall drain onto surrounding properties except as specifically approved by the building official. Exception: properties adjacent to the water quality and detention facilities may drain into those facilities if such drainage is acceptable to the City of Wilsonville Engineering and Environmental Services Department.
3. 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.
4. Any retaining walls over 4' in height (measured from the bottom of the footing ~~of the wall~~ to the top of the wall) will require calculations and a separate permit. The lots adjacent to the bottom of the retaining walls shall be graded in such a way so as to not promote "ponding" of storm water adjacent to the walls.

02DB03

EXHIBIT A

The remaining comments reflect the ~~re-review of these~~ review of the revised plans by the fire marshal on 3/5/02.

5. Fire hydrants shall be placed as shown, adjacent to Track "H", lots ~~36, 56, 78, 88, 100, 110~~ 34, 54, 75, 83, 94, 103.
6. The *Proposed Improvements* showing *Retained or Not Retained* houses on page 5 (of 6) of the plans shows a 20' wide private street. The fire code does not allow parking along either side of a 20 foot street. The submitted plat shall have no parking areas clearly marked, with a note referring to the Uniform Fire Code (UFC) for required signage.
7. Tracks "A" and "G" will be ~~the required second~~ additional access for the fire department as per the applicant. A minimum of 2 accesses are required by the UFC. The design and construction of ~~the~~ each access shall be approved by the fire marshal. There shall be a gate equipped with a Knox lock, or Knox box containing a gate key, installed to fire marshal specifications, blocking vehicle access passage installed across ~~the~~ each access. The gate shall be at least ~~18 to 20~~ 40 feet off of the roadway. ~~The~~ Each access shall be at least 20 feet in width with a driving surface acceptable to the fire marshal. The driving surface shall extend out to the roadway.
8. The corner of the 15 foot driveway for Lot 2 shown on the *Proposed Improvements Retaining Existing Houses* does not meet the fire code requirement for a minimum width of 20 feet (for the corner section of roadway. The 15 foot width is ok for the straight sections.) and a minimum radius of 25 feet.
9. A properly positioned fire department turn-a-round is required for Lot 2 of the *Proposed Improvements Retaining Existing Houses*, or the house shall have a fire sprinkler system.
10. The turn-around adjacent to Tract "C" is a required fire department turn-around. (UFC Section 902.2.2.4) It shall have NO PARKING signage and curbs marked as per the UFC. The depth of the turn-around shall be at least 65 feet, if no parking is allowed directly opposite the turn-around, or 73 feet, if parking is allowed.

EXHIBIT 'T'

ENGINEERING DEPARTMENT
MEMO

DATE: May 16, 2002

TO: Paul Cathcart, Associate Planner

FROM: Michael A. Stone PE, City Engineer

RE: *Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Boeckman Park Subdivision (02 DB 03)*

Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions.

At the request of Staff DKS Associates has completed a Traffic Impact Analysis dated November 16, 2001.

- PF 1. 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.
- PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. At the completion of the installation of any required public improvements, and before the final punch list inspection will be performed the Engineer:
- a) Shall perform a record survey of the completed improvements and prepare a set of 'record drawings'. Said 'record drawings' shall be furnished on 24" X 36" Mylar sheets (minimum thickness 3 mil.), along with an electronic AutoCAD drawing (version 2000 or older) on a 3 ½" floppy diskette or compact diskette.
 - b) Shall submit a complete set of the recorded subdivision/partition plat and shall be furnished on 24" X 36" Mylar sheets (minimum thickness 3 mil.), along with an electronic AutoCAD copy (version 2000 or older) on a 3 ½" floppy diskette or compact diskette.
- PF 4. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity.

02DB03

EXHIBIT A

If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a Professional Land Surveyor registered in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.

PF 5. Plans submitted for public utility improvements plans submitted for review shall be based upon a 24"x36" format, the City of Wilsonville Public Work's Standards and the following general format:

- A. Composite Utility Plan
- B. Detailed Utility Plan and Grading Plan.
- C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
- D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
- E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- F. 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.
- G. All new public utility/improvements and/or utilities shall be installed underground.
- H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
- I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a Registered Professional Engineer of the State of Oregon.
- J. Erosion Control Plan that conforms to the current edition of the Unified Sewerage Agency of Washington County "Prevention and Sediment Control Plans Technical Guidance Handbook."
- K. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.

PF 6. To assure that the quality of stormwater leaving the site after development will be equal to or better than the quality of stormwater leaving the site before development, adequate erosion control and retention/detention measures shall be installed, operated and maintained in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 and the Storm Water Master Plan. Maintenance plans for on-site facilities shall be required and approved prior to occupancy.

PF 7. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.

- PF 8. No excess soil material from the excavation of streets or foundations shall be allowed to remain or be stockpiled on any lots or tracts during or after construction that may cause pooling or flooding of water on adjoining properties.
- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF 10. The applicant shall provide a looped public water system off of the existing Boeckman line and all interior lines shall be looped within the proposed development.
- PF 11. The applicant shall remove all abandoned water service lines in the public right-of-way and plug at service connection to main. Line abandonment and road repair shall conform to Water Department requirements and City of Wilsonville Public Works Standards.
- PF 12. The Transportation Master Plan calls for the construction of a (48)-foot wide improvement within a (62)-foot wide right-of-way along the project frontage. Holding the existing centerline of the right-of-way as the centerline of the proposed street improvement, the applicant shall dedicate rights-of-way to provide for (31)-feet from the centerline to the south right-of-way line adjacent to the project frontage. A (6)-foot public utility easement outside of the aforementioned right-of-way shall also be dedicated.
- PF13 The applicant shall construct a (48)-foot wide street improvement (all-concrete roadway, curb and gutter, sidewalk, storm water and streetlights) along the project frontage using the vertical alignment previously given to the Engineer by Staff. The costs associated with the south (24)-feet of the improvement will be the applicant's responsibility, the costs associated with the north (24)-feet (construction and necessary right-of-way acquisition to (31)-feet from centerline) will be given as credits by the City towards the applicant's Street System Development Charges. Staff understands that a certain portion of the improvements along the project frontage can not be reasonably constructed at this time due to the need to raise the grade substantially as the road crosses Boeckman Creek. These improvements will not be constructed at this time, however the estimated costs of these improvements shall be deposited with the City.
- PF 14. The applicant shall submit to the City Engineer an engineer's estimate for all improvements on Boeckman Road with each section of the improvements as referenced above.
- PF 15. All required pavement markings, in conformance with the Transportation Master Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.

- PF 16. There shall be no vehicular parking or access along Boeckman Road. A one- (1) foot non-vehicular access easement shall be dedicated on the subdivision adjoining the Boeckman Road right-of-way.
- PF 17. The applicant shall install a temporary sidewalk along that portion of Boeckman Road where the improvements are delayed due to the vertical grade issues.
- PF 18. The project properties bordering Boeckman Road shall be at grades to accommodate the proposed future improvements along Boeckman Road.
- PF 19. The proposed Tract "A" and Tract "G" shall be for the use of pedestrians and emergency vehicles only. The applicant shall satisfy all City of Wilsonville and Tualatin Valley Fire and Rescue requirements for proposed Tract. The applicant shall be responsible for the installation of gate(s) with Knox Lock boxes subject to Tualatin Valley Fire Marshall's approval. The Tract shall be Portland Cement Concrete paved and designed to accommodate emergency vehicles. Commercial driveways shall be located at each end of the Tract. The applicant shall provide all necessary public easements to the City of Wilsonville.
- PF 20. The applicant shall provide concrete paved pedestrian linkages and public pedestrian easements in the following locations:
- East edge of Tract "B" from Streets "C" and "D".
 - In Tract "F" from the intersection of Streets "D" and "E" to the southeast corner of project and matching into existing pedestrian easement to Wilsonville Meadows #7.
 - In Tract "D" between Streets "C" and "D"
- PF 21. The applicant shall provide wheelchair ramps at the following locations to provide access to pedestrian paths and recreation areas:
- Northeast bulb cul-de-sac.
 - Southeast bulb cul-de-sac.
 - Southwest corner of proposed Lot 34.
- PF 22. The applicant shall provide handrails at all pedestrian pathways adjacent to retaining walls.
- PF 23. The applicant shall create a no parking zone at the hammerhead in front of proposed Lot 34 and along the north and west side of the hammerhead. The curb shall be marked as specified by Fire Marshall.
- PF 24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
- PF 25. The applicant shall remove brickwork from plan within proposed public streets.

PF 26. Cul-de-sacs shall meet the following minimum requirements of the City of Wilsonville Public Works Standards:

- Cul-de-sac shall not be more than 600 feet in length unless extenuating conditions exist.
- Cul-de-sac curb radius shall be 45 feet.
- Transitions into cul-de-sac shall be 25-foot radius at the curb.
- Cul-de-sac shall serve a maximum of 20 homes.

PF 27. The applicant shall contact SMART regarding making the site as transit friendly as possible. This project has potential for transit ridership and measures shall be taken to enhance transit access to the site and pedestrian connections to transit.

PF 28. The applicant shall install riprap at the upstream and downstream locations of the exposed sanitary sewer crossing to protect existing armor wall from erosion damage.

PF 29. The applicant shall coordinate the location of street trees in the landscaping design so as not to interfere with the utility service crossing in the utility design.

PF 30. All retaining walls on project site shall be design by a Registered Professional Engineer licensed in the State of Oregon and the engineer shall submit a design of each wall to the Engineering Department. The engineer shall also submit a letter certifying each retaining wall constructed according to the design.

PF 31. The applicant shall provide (2) twenty foot travel lanes separated by a four foot planter strip on Street "A". Distances shall be from face of curb to face of curb. All landscaping shall provide for adequate sight distance.

EXHIBIT 'U'

COMMUNITY DEVELOPMENT MEMORANDUM

To: Paul Cathcart, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: January 28, 2002

RE: **Proposed 113 lot, single family subdivision (02DB03 – Boeckman Park)**

COMMENTS/REQUIREMENTS:

The following comments are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require comments to be modified by staff.

1. The proposed preliminary site plan for the Boeckman Park Subdivision shall include all areas designated Significant Resource Overlay Zone (SROZ) for the subject property. Pursuant to Ordinance No. 516 and the City of Wilsonville's Natural Resources Plan, the tributary of Boeckman Creek within Tax Lots 1600 and 1700 was determined to be a Goal 5 "significant" resource. All proposed development within the SROZ is subject to the limitations and requirements of Ordinance No. 516 and the Planning and Land Development Code. It appears the proposed cul-de-sac for "D" Street, the proposed Tract "B" water quality and detention pond, and proposed utilities are within the SROZ and impact area. The following information shall be included on the preliminary site plan:
 - a. The SROZ and impact area boundaries shall be depicted for the tributary of Boeckman Creek and the riparian area associated with Boeckman Creek within Tax Lots 1600 and 1700.
 - b. The SROZ and impact area boundaries shall be depicted for the west fork of Meridian Creek within Tax Lot 800.
2. Submit a drainage report. The report shall demonstrate the proposed water quality and detention ponds satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards.
3. Profiles of the proposed detention and water quality ponds shall be submitted. These profiles shall include proposed plant species and plant placement, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan, including but not limited to:

02DB03

EXHIBIT A

a. Policy 9.3.4 (Shading of Waterbodies); and

b. Policy 9.4.1 (Landscaping in conjunction with stormwater facilities).

4. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant has not submitted an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
 - a. Gravel construction entrance;
 - b. Stockpiles and plastic sheeting;
 - c. Sediment fence;
 - d. Inlet protection;
 - e. Dust control;
 - f. Temporary/permanent seeding or wet weather measures (e.g. mulch); and
 - g. Other appropriate erosion and sedimentation control methods.
5. 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.
6. The applicant shall comply with all applicable requirements of the Army Corps of Engineers and Oregon Division of State Lands for construction activities that may impact wetlands or waterways.
7. The applicant shall submit a Significant Resource Impact Report (SRIR) for proposed non-exempt development within the Significant Resource Overlay Zone and its associated Impact Area. The SRIR shall comply with the requirements of Section 4.139.05. The Natural Resources Manager and Planning staff will review and approve the SRIR and any mitigation requirements in accordance with Section 4.139.05 & .06.
8. The applicant shall submit information necessary to justify an exemption from the Significant Resource Overlay Zone (SROZ) regulations. The submitted information will be reviewed and approved by the Natural Resources Manager and Planning staff. Unless exempted, the proposed development shall comply with the SROZ regulations, which may include the preparation of a Significant Resource Impact Report.



**NOTICE OF DECISION
WILSONVILLE CITY COUNCIL
ORDINANCE NO. 546**

PROJECT NAME: Boeckman Park Subdivision Case File No. 02DB03(1)

Applicant/Owner: Claremont Construction

Proposed Action: Comprehensive Plan Map Amendment from Residential 0-1 DU/AC to Residential 5-7 DE/AC, a Zone Map amendment from Residential Agriculture-Holding (RA-H) to Planned Development Residential-4 (PDR-4_ and a Stage I Preliminary Plan for a 103-lot subdivision.

Property Description: Tax Lots 800, 900, 1000, 1300, 1400 and 1700, Section 13A and those portions of Tax Lots 1500 and 1600 of Section 13A that are not included in the proposed lot line adjustment.

Location: Boeckman Road

On June 13, 2002, at a special meeting of the City Council the public hearing and first reading of Ordinance No. 546 was held. The City Council conducted the second reading of Ordinance No. 546 at their regular meeting of June 17, 2002, and took the following action on the above-referenced proposed development application

- Adopted Ordinance No. 546.

This decision has been finalized in written form as Ordinance No. 546, and placed on file in the city records at the Wilsonville City Hall this 18th day of June, 2002, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeal (LUBA) in accordance with ORS Chapter 197 within twenty-one days from the date of the decision.

For further information, please contact the Wilsonville Planning Department, Community Development Building, 8445 SW Elligsen Road, or telephone (503) 682-4960.



AFFIDAVIT OF MAILING
WILSONVILLE CITY COUNCIL
NOTICE OF DECISION

Ordinance No. 546

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Residential 0-1 Dwelling Units Per Acre To Residential 5-7 Dwelling Units Per Acre And Approving A Zone Map Amendment From Residential Agriculture – Holding (RA-H) To Planned Development Residential-4 (PDR-4) Together With A Stage I Preliminary Plan On Tax Lots, 800, 900, 1000, 1300, 1400, 1500 (Southerly Portion) 1600 (Southerly Portion) And 1700 Of Section 13A, T3S-R1W, Clackamas County, Wilsonville Oregon, Dan Grimberg, Claremont Construction, Applicant.

STATE OF OREGON)
CLACKAMAS COUNTY)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached City Council Notice of Decision is a true copy of the original notice; that on June 18, 2002, I did cause to be mailed copies of such notice in the exact form hereto attached to the individuals and businesses listed in Exhibit "A":

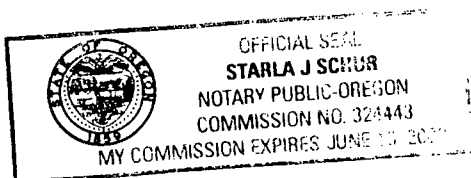
Witness my hand this 18 day of June 2002

Sandra C. King
Sandra C. King, CMC, City Recorder

Subscribed and sworn to before me this 18th day of June 2002.

Starla J. Schur
NOTARY PUBLIC, STATE OF OREGON

My commission expires: June 16, 2003



John Darling
LDC Design Group Inc
CTS Engineers Inc
3300 NW 211th Terrace
Hillsboro, OR 97124

Beak Consultants Inc
317 SW Alder St #800
Portland OR 97204

Steve Hultberg
Perkins Coie
1211 SW Fifth Ave #1500
Portland, OR 97204-3715

Craig McManus
28440 SW Highland Cir
Wilsonville OR 97070

Doris Wehler
6855 SW Boeckman RD
Wilsonville OR 97070

Ben Altman
P.O. Box 4063
Wilsonville OR 97070

Beth and Mike Timm
7400 SW Boeckman Rd
Wilsonville OR 97070

Dennis Hubel
28184 SW Willow Creek DR
Wilsonville OR 97070

Betsie Weil
28169 SW Willow Creek Dr
Wilsonville OR 97070

John and Anne Cheney
28511 SW Cascade Lp
Wilsonville OR 97070

Dave and Claudie Riewald
7310 SW Boeckman
Wilsonville OR 97070

Phyllis Vadin
7140 Boeckman RD
Wilsonville OR 97070

Joyce and Robert Campbell
7550 SW Boeckman Rd
Wilsonville OR 97070

Kelly Lang
28445 SW Highland Cr
Wilsonville OR 97070

Ray Valone
METRO
600 NE Grand Ave
Portland OR 97232-2736

Sonya Kazen
ODOT Region 1
123 NW Flanders St.
Portland OR 97209-4037

Eamonn and Kathleen Hughes
6940 SW Boeckman Rd
Wilsonville OR 97070

Donna Jensen
7020 SW Boeckman RD
Wilsonville OR 97070

Frank and Phyllis Vidin
7140 SW Boeckman RD
Wilsonville OR 97070

Larry and Lola Larson
7200 SW Boeckman RD
Wilsonville OR 97070

Clair and Bethyl Cain
7270 SW Boeckman RD
Wilsonville OR 97070

David & Karen Schaefer
28529 SW Cascade Loop
Wilsonville OR 97070

**Ordinance No. 546
Notice of Decision
Exhibit A**

Dan Grimberg
P.O. Box 91010
Portland OR 97291-0100

Terry Kinney
15500 SW Jay Street
Beaverton OR 97006

Warren & Barbara Reincke
28519 SW Cascade Loop
Wilsonville OR 97070

John & Angie Srofflegen
28800 SW Meadows Loop
Wilsonville OR 97070

Tim Knapp
11615 SW Jamaica
Wilsonville OR 97070

Ray & Meridee Super
28420 SW Highland Cir
Wilsonville OR 97070

Todd Tolboe
28675 SW Sandlewood DR
Wilsonville OR 97070

John Ludlow
29173 SW Courtside DR
Wilsonville OR 97070

Jon C Jensen Jr
30803 SW Grahams Ferry Rd
Wilsonville OR 97070

John Jensen
7020 SW Boeckman RD
Wilsonville OR 97070