

ORDINANCE NO. 655

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURAL - HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL - 4 (PDR-4) ZONE ON APPROXIMATELY 11.42 ACRES COMPRISING TAX LOTS 800, 850, 860, 870, 880 & 900 OF SECTION 24, T3S, R1W, CLACKAMAS COUNTY, OREGON. MR. BEN ALTMAN OF SFA DESIGN GROUP ACTING AS AGENT FOR THE APPLICANT RENAISSANCE DEVELOPMENT, APPLICANT.

WHEREAS, Renaissance Development has requested a Zone Map Amendment of certain property described in attached Zoning Order DB07-0071; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared an a staff report, with conditions, to the Development Review Board dated August 4, 2008, wherein it reported that the request is consistent with and meets requirements for approval of a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'A' held a public hearing on this request on August 11, 2008, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared a supplemental staff report to City Council dated October 6, 2008 (Exhibit A2); and

WHEREAS, on October 6, 2008, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the staff recommended Zone Map Amendment, of Tax Lots 800, 850, 860, 870, 880 & 900 comprising approximately 11.42 acres, meets the applicable approval criteria under the City's land development code.

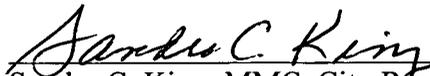
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts as findings and conclusions the foregoing recitals and the staff report in this matter labeled as Exhibit A2, as amended by language to Conditions of Approval PDD 13.a; PDE 5; and PDI 9 which were read into the record on first reading, and the new Conditions of Approval PFE 42; and additional language to NRE 2; as read into the record second reading, which Exhibit is attached hereto and incorporated herein as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order: DB07-0071, attached hereto, from *Residential Agricultural - Holding (RA-H)* zone to *Planned*

Development Residential - 4 (PDR-4) zone on Tax Lots 800, 850, 860, 870, 880 & 900 of Section 24, T3S, R1W, Clackamas County, Oregon, as depicted in Zoning Order DB07-0071, the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 6th day of October 2008, and scheduled the second reading on October 20, 2008 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 20th day of October 2008, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 21st day of October, 2008.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

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

Attachments:

1. Zoning Order DB07-0071
Attachment 1. Legal description
Attachment 2: Map depicting zone change
2. Exhibit A2: Planning Division Staff Report and Memorandum to City Council, dated October 6, 2008 and amended October 20, 2008.

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
WILLAMETTE LANDING SUBDIVISION**

In the matter of the application of)
Mr. Ben Altman of SFA Design Group,)
acting as agent for the applicant,)
Renaissance Development, for a) **ZONING ORDER DB07-0071**
rezoning of land and amendment)
of 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 Mr. Ben Altman, acting as agent for the applicant, Renaissance Development, for a Zone Map Amendment (Case File 07DB-0071) 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, 850, 860, 870, 880 & 900 in Section 24, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Wilsonville Zoning Map as *Residential Agricultural – Holding (RA-H)*.

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

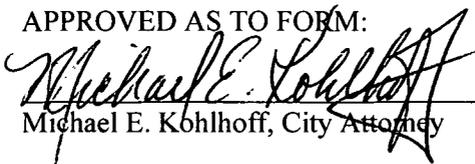
ORDERED that Tax Lots 800, 850, 860, 870, 880 & 900 in Section 24, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *Planned Development Residential - 4 (PDR-4)*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 20th day of October, 2008.



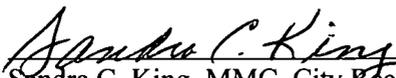
CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:



Michael E. Kohlhoff, City Attorney

ATTEST:



Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description
Attachment 2: Map depicting zone change

EXHIBIT A2

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI-JUDICIAL STAFF REPORT
WILLAMETTE LANDING RESIDENTIAL PLANNED DEVELOPMENT**

Public Hearing Date: October 6, 2008
Application Number: DB07-0071 Zone Map Amendment
Property Owner: Joy Abele
Applicant: Renaissance Development

REQUEST: Mr. Ben Altman of SFA Design Group, acting as agent for the applicant, is seeking approval of Zone Map Amendment from the RA-H Zone to Planned Development Residential - 4 (PDR-4) Zone to allow development of 33 residential lots in one phase, along with associated site improvements, for the property located at 8455 SW Metolius Lane, which is east of SW Metolius Lane; and south of SW Sandy Court, and SW Salmon Lane. The development site area is comprised of six (6) parcels, the area of which is approximately 11.42 acres.

The Development Review Board approved the following applications: Approved a Tentative Subdivision Plat; Stage I Preliminary Plan; Stage II Final Plan; Type 'C' Tree Removal Plan; and Site Design Review Plan; SROZ map refinement; Significant Resource Impact Report for the common elements of the proposed subdivision, and approved five (5) waivers.

Comprehensive Plan Designation: Residential 6 - 7 du/ac

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

STAFF AND DEVELOPMENT REVIEW BOARD RECOMMENDATIONS: Approve the Zone Map Amendment with no conditions of approval.

Project Location: 8455 SW Metolius Lane. The subject site is east of SW Metolius Lane; and south of SW Sandy Court, and SW Salmon Lane. The property lies south of SW Wilsonville Road. The subject property is more particularly described as being Tax Lots 800, 850, 860, 870, 880 & 900; Section 24; T3S R1W; Clackamas County; Wilsonville, Oregon.



Vicinity Map

APPLICABLE REVIEW CRITERIA:

Zoning Review Criteria:	
Sections 4.008-4.035	Application Procedure
Section 4.100	Zoning Purpose
Section 4.118 (as applicable)	Standards Applying to All Planned Development Zones
Subsection 4.118(.02)	Utilities
Section 4.118(.03)	Waivers
Section 4.120 (as applicable)	Residential Agricultural - Holding (RA-H) Zone
Section 4.124.4 (as applicable)	Planned Development Residential (PDR-4) Zone
Section 4.139.00 – 4.139.10	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations and Stage II Final Approval
Section 4.155	Parking
Section 4.172	Flood Plain Regulations
Section 4.176	Landscaping, Screening and Buffering
Section 4.184	Conditional Uses
Section 4.197	Zone Map Amendment
Subsection 4.140(.07)(A)(1)	Owner's Authorization of Affected Property for Development
Section 4.200 – 4.290	Land Divisions
Sections 4.400 – 4.450	Site Design Review
Sections 4.600 -4.620(.20)	Tree Preservation and Protection
Other Planning Documents:	
Metro's Urban Growth Management Functional Plan	
Storm Water Master Plan	
Transportation Systems Plan	

Staff Reviewers: Michael R. Wheeler, Associate Planner and Blaise Edmonds, Manager of Current Planning.

PROJECT SUMMARY

A very detailed project narrative is provided by the applicant, found in Sections 1 and 3 of Exhibit D1. This narrative adequately describes the project, the requested application components, and proposed findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, staff has relied upon the applicant's submittal documents, rather than repeat their contents again here.

Zone Map Amendment

The applicant proposes to amend the zoning map, removing the site from the Residential Agricultural - Holding Zone (RA-H), and placing it in a Planned Development Residential (PDR-4) zone. Demonstration of compliance with relevant review criteria are found in companion Stage I Preliminary Plan application DB07-0073. The approval decision of the Board is a recommendation to City Council. The companion applications are subject to Council approving the Zone Map Amendment.

Density: The applicant proposes to enable the development of 33 dwellings on 11.42 acres, resulting in a gross density at 2.89 du/acre, and a net density of 5.73 du/acre. The proposal conforms to the designated density of 6- to 7 dwelling units per acre specified by the Comprehensive Plan. The proposed development seeks to maximize density to increase affordability of the housing units, and to further reduce the overall unit cost. The project achieves the City's planned density objective for this site.

DRB ADOPTED CONDITIONS OF APPROVAL
(Amended and Adopted August 11, 2008)

Condition Numbering Key

Prefix = Division or Department

PD = Planning Division Conditions

BD = Building Division Conditions

PF = Engineering Conditions.

NR = Natural Resources Conditions

TR = SMART/Transit Conditions

FD = Tualatin Valley Fire & Rescue Conditions

Request A: SI07-0002: SROZ Map Refinement & Significant Resource Impact Report Review

Natural Resources Conditions:

Significant Resource Overlay Zone Map Refinement:

NRA 1. This action amends the SROZ map, pursuant to Section 4.139.09.01 (D), as part of the land use approval for the Willamette Landing subdivision, as illustrated on the drawing entitled SROZ Map Refinement (Sheet 5 of 13 of Exhibit D2), as entered into the record on October 6, 2008.

Request B: DB07-0071: Zone Map Amendment

Planning Division Conditions:

PDB 1. This action recommends adoption of the Zone Map amendment to the City Council, as entered into the record on October 6, 2008.

Request C: DB07-0072: Conditional Use

Planning Division Conditions:

PDC 1. This action approves a conditional use for the recreational amenities proposed within the Willamette River Greenway, as entered into the record on October 6, 2008.

PDC 2. Any areas that have soil disturbed, or vegetation removed, in the Significant Resource Overlay Zone shall be restored and replanted with native plants as approved by the Natural Resources Program Manager.

PDC 3. ~~Upon completion of the proposed landing pad and ramp, the applicant shall arrange for a final inspection to be conducted by the Natural Resources Program Manager. (Deleted by the DRB on 8/11/2008).~~

Request D₁: DB07-0073: Stage I Preliminary Plan

Planning Division Conditions:

PDD 1. This action approves the request regarding DB07-0073, for the plans submitted with this application, approved by the Development Review Board, and stamped "Approved Planning Division". Approval for the Stage I Final Plan will expire two years after this action, per Section 4.140(.09)(I).

Request D₂: DB07-0074: Tentative Subdivision Plat for 33 lots

Planning Division Conditions:

PDD 2. This action approves the Tentative Subdivision Plat for 33 lots (Sheet 4 of 13 of Exhibit D2), as entered into the record on October 6, 2008, for the proposed project. This approval is contingent upon City Council approval of a companion Zone Map Amendment (DB07-0071).

PDD 3. Prior to approval of the Final Subdivision Plat, the applicant/owner shall:

- a. Assure that the lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
- b. Submit an application for Final Plat review and approval on the Planning Division Site Development Application and Permit form. The Applicants/Owners shall also provide materials for review by the City's Planning Division in accordance with Section 4.220 of City's Development Code. Prepare the Final Plat in substantial accord with the Tentative Subdivision Plat dated August, 2007, as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or by minor revisions approved by the Planning Director.
- c. Submit final construction plans, to be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, Natural Resources Manager, and the City Building Official, prior to the project's construction.
- d. Submit final drawings and construction plans for the water quality/detention facilities and their outfalls for review and approval of the City Engineer, the Natural Resources Manager and the Environmental Services Division. These plans shall show the SROZ boundary over the development proposal.
- e. Supply the City with a performance bond, or other security acceptable to the Community Development Director, for all capital improvements required by the project.
- f. Illustrate existing and proposed easements, on the Final Plat.
- g. Dedicate all rights-of-way and easements necessary to construct all private and public improvements required for the project.
- h. The extent of City mapped Significant Resource Overlay Zone (SROZ) on the subject property shall be placed in a conservation easement on the final plat. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the City's Natural Resources Plan. This conservation easement to be shown on the final plat will replace the existing SROZ line (the County Surveyor will not allow the SROZ demarcation on the plat). Additionally, a plat note, with language similar to the following, will be required on the final plat: "Tract 'B' is subject to a conservation easement, as recorded in document no. _____, Clackamas County Records, over its entirety, for the benefit of the City of Wilsonville, to preserve the City's mapped significant resources."
- i. Assure the use of a consistent street-naming convention for the interior private street. Private drives shall not be named, but shall rely upon their access frontage for addressing.
- j. Submit a waiver of the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
- k. Provide the City with a recordable instrument guaranteeing the City the right to enter

the site and plant, remove, or maintain approved street trees that are located on private property.

- l. Provide the City Attorney Conditions, Covenants, and Restrictions (CC&Rs) for a Homeowners' Association that shall be formed as specified in Section 4.210.01(B)(17), for the development. The Association shall have responsibility for maintenance of all shared private drives, recreation facilities, treatment facilities, open spaces, and fences within the development. The CC&Rs shall be reviewed and approved by the City Attorney, prior to recording the Final Plat.
- m. The Applicants/Owners shall work with United Disposal Services, Inc (Allied Waste Company) which reviews access. The plat will be evaluated for compliance and conformance at the time of Final Subdivision Plat review.
- n. The Applicants/Owners shall coordinate the proposed locations and associated infrastructure design with the franchise utilities. Should permanent/construction easements or rights-of-way be required to construct the public improvements or to relocate a franchised utility, the Applicants/Owners shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the Applicants/Owners shall obtain written approval from the appropriate utility prior to commencing any construction. Any easements shall be shown on the final plat.
- o. Remove or relocate the existing dwelling and accessory structures, sufficient to comply with all yards (i.e., setbacks) approved by this action.

PDD 4. Prior to the Start of Construction, the applicant/owner shall:

- a. Assure that the natural areas with the Significant Resource Overlay Zone (SROZ) shall not be disturbed, except for approved storm water detention and water quality facilities and outfalls, subject to final approval of the construction drawings by the City Engineer and the Natural Resources Manager. During construction (i.e. streets, installing utilities, excavation), the developer shall install temporary six (6) foot high chain link fencing along the SROZ boundary so that it is not disturbed. In addition to Building Division Review, final grading plans for the water quality/detention facilities and outfalls shall be reviewed and approved by the City's Environmental Services Division and Natural Resources Manager, to ensure inclusion of a soil erosion control treatment plan that will minimize impact to the resources in the SROZ.
- b. Assure that construction and site development shall be carried out in substantial conformance with the Tentative Subdivision Plat dated August, 2007, as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or with minor revisions approved by the Planning Director under a Class I administrative review process.

PDD 5. The applicant/owner shall install all public streets and utilities.

PDD 6. Prior to Final Plat approval, the applicant/owner shall provide the City with a recordable instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

PDD 7. The applicant/owner shall secure signatures of approval of the Final Plat from the Planning Director and Community Development Director. Following such authorization, the Final Plat may be recorded, according to the procedures employed by the City Engineer.

PDD 8. The recommended conditions of the City Engineer, Building Official, and Natural Resources Program Manager are hereby incorporated as conditions of approval (Exhibits F1.1 – F1.4).

PDD 9.	Approval of the Tentative Subdivision Plat will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the DRB for just cause.
PDD 10.	All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.
PDD 11.	The applicant/owner shall be required to provide the proportionate share of all system development charges that apply to this project. Such amount and proportion of these charges shall be determined by the Community Development Director.
PDD 12.	The City Engineer shall have the authority to grant final approval of the driveway alignments for all lots.
PDD 13.	The applicant/owner shall provide the following:
	a. A minimum 15-foot-wide public pedestrian access easements over Tracts "A" and "B". <u>"C"</u>
PDD 14.	The applicant/owner is granted waivers, as follows:
	a. Minimum density less than minimum required 60 lots – Approved for 33 lots (i.e., 27 fewer lots than required).
	b. Minimum frontage on a public street – Approved for less than 35 feet, for lots 1 – 5, 13 – 15, and 21 - 33.
	c. Minimum side yard less than seven (7) feet for two stories – Approved for five (5) feet for all lots, <i>except on the north boundaries of Lots 8, 11 and 12. (Amended by DRB on 8/11/2008).</i>
	d. Minimum rear yard less than 20 feet for two stories – Approved for 15 feet for all lots, <i>except Lots 9, 10, 12 and 13. (Amended by DRB on 8/11/2008).</i>
	e. Minimum tree removal mitigation less than 1:1 – Approved mitigation of 1:4 (i.e., one replacement tree for each four removed), including street trees, and payment to the City Tree Fund, as further required by Condition PDH 2.
PDD 15.	Because the proposed application shows areas of development within the current 2008 FEMA floodplain map, the applicant shall be required to take both of the following actions prior to approval of a grading permit for the site and prior to final subdivision plat approval: (A) Applicant shall obtain a conditional letter of map revision (CLOMR) from FEMA for the adjustment of the floodplain map boundary around the pond. Assuming that the letter is favorable, applicant shall then obtain a final letter of map amendment (LOMR) from FEMA regarding the floodplain map boundary around the pond. (B) The applicant shall submit evidence demonstrating that, in the event that FEMA is unwilling to modify the floodplain map boundary around the pond, it is feasible to provide additional flood storage capacity consistent with normal FEMA requirements around the pond. This evidence shall include a statement and graphic illustrations from an eligible professional engineer explaining why the cut and fill is feasible and shall include a statement that the functionality of the proposed land division configuration, including lots, pedestrian circulation, and streets, will not be changed by the cut and fill. The evidence shall also state that each lot where cut and fill will occur will still be able to accommodate a single-family dwelling. The evidence submitted shall include a graphic illustration of the proposed cut and fill.

Request E: DB07-0074: Stage II Final Plan

Planning Division Conditions:

PDE 1. This action approves the request Stage II Final Plan for the plans submitted with this application, approved by the Development Review Board, and stamped "Approved Planning Division".

	Approval for the Stage II Final Plan will expire two years after this action, per Section 4.140(.09)(I).
PDE 2.	The Applicant/Owner shall develop the site for use as a 33-lot residential planned development, unless altered by a subsequent Board approval, or minor revisions are approved by the Planning Director under a Class I administrative review process.
PDE 3.	The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.
PDE 4.	The Applicant/Owner shall provide all future purchasers of lots in the project with a copy of the conditions of approval adopted by the City.
PDE 5.	The Applicant shall dedicate a minimum 15-foot-wide public access easement over Tracts "A" and "B" " <u>C</u> " from Metolius Ln. to Memorial Park for pedestrian use.
PDE 6.	The Applicant shall convey Tract "B" as a conservation easement. The method to be used for this conveyance shall be as detailed in Condition PDD 3.h of companion application DB07-0073, for the Tentative Subdivision Plat.
PDE 7.	The applicant/owner is granted waivers, as follows:
	<ul style="list-style-type: none"> a. Minimum density less than minimum required 60 lots – Approved for 33 lots (i.e., 27 fewer lots than required). b. Minimum frontage on a public street – Approved for less than 35 feet, for lots 1 – 5, 13 – 15, and 21 - 33. c. Minimum side yard less than seven (7) feet for two stories – Approved for five (5) feet for all lots, <i>except on the north boundaries of Lots 8, 11 and 12. (Amended by DRB on 8/11/2008).</i> d. <i>Minimum</i> rear yard less than 20 feet for two stories – Approved for 15 feet for all lots, <i>except Lots 9, 10, 12 and 13. (Amended by DRB on 8/11/2008).</i> e. Minimum tree removal mitigation less than 1:1 – Approved mitigation of 1:4 (i.e., one replacement tree for each <i>four removed</i>), <i>including street trees, and payment to the City Tree Fund, as further required by Condition PDH 2.</i>
PDE 8.	At the time the applicant removes the cul-de-sac 'bulbs' at the ends of SW Salmon Ln., and SW Sandy Ct., the applicant shall install appropriate landscape materials within the area of the former 'bulbs'. The applicant shall coordinate the choice of such landscape materials with the owners of abutting lots affected by the removal of the cul-de-sac 'bulbs'.
PDE 9.	<i>Applicant shall coordinate with City Engineering Staff to develop a traffic management plan to limit construction traffic on Rogue Lane to maximize vehicular, pedestrian and bicycle safety. (New condition added by the DRB on 8/11/2008).</i>

Building Division Conditions:

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|---------------|---|
| BDE 1. | CONDITION. GEOTECH FINAL REPORT. The final report from the project geotech for the site-wide grading shall be submitted, reviewed and approved by the Building Division before any home permits may be issued. |
| BDE 2. | CONDITION. GEOTECH REPORT. A lot-specific geotech report shall be required for each building permit submittal. Exception: a single geographic report may cover multiple lots when those lots all have similar geographic conditions. |
| BDE 3. | CONDITION. RETAINING walls in the floodplain shall be designed to resist hydrostatic pressure and all other pertinent forces and effects of flood waters. Such walls shall be designed by an engineer or architect familiar with such walls. |
| BDE 4. | CONDITION. FLOOD ZONE. Unless specifically exempted by the building official, each submittal for a building permit shall include a completed FEMA elevation certificate. |
| BDE 5. | ADVISORY. GRADING. Lots shall be graded so as to drain surface water away from foundation |

walls. Surface drainage shall be directed to the street, alley, or other approved storm sewer conveyance as required by the City. Surface drainage may drain to a park or other open area when so approved by the City. Surface drainage shall only be directed to an adjoining building lot when expressly approved by the City. (Oregon Residential Specialty Code Section R401.3)

BDE 6. ADVISORY. RETAINING WALLS over 4 feet in height (measured from the bottom of the footing to the top of the wall) or of any height when supporting a surcharge require a building permit.

Tualatin Valley Fire and Rescue Conditions:

FDE 1. CONDITION. SIGNAGE. There shall be a marquee or similar approved signage located on lot 13 (or possibly 16) for lots 14 and 15. The design of the sign shall be approved by the fire marshal. The location of the sign shall be approved by the City and the fire marshal.

FDE 2. CONDITION. NO PARKING. Private Street "B" shall have no parking signs and painted curbs along both sides of the street.

FDE 3. CONDITION. FIRE HYDRANTS. The location and number of fire hydrants shall be approved by the fire marshal.

Engineering Division Conditions:

Standard Comments:

PFE 1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.

PFE 2. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

PFE 3. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PFE 4. Plans submitted for review shall meet the following general criteria:

- a. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- d. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- e. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- f. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
- g. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- h. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- i. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- j. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

- k. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD version 2004.

PFE 5. Submit plans in the following format and order:

- a. Cover sheet
- b. General note sheet
- c. Existing conditions plan.
- d. Erosion control and tree protection plan.
- e. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- f. Grading plan, with 1-foot contours.
- g. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- h. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- i. Street
- j. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
- k. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.
- l. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure.
- m. Composite franchise utility plan.
- n. City of Wilsonville detail drawings.
- o. Illumination plan.
- p. Striping and signage plan.
- q. Landscape plan.

PFE 6. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.

PFE 7. The applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality before disturbing any soil on the respective site.

PFE 8. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate proposed storm pipe sizing and existing pipe sizing from tie-in point to outfall.

PFE 9. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

PFE 10. Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance.

Estimated Weekday PM Peak Hour Trips
Through Wilsonville Road Interchange Area

19

- ~~**PFE 25.** The existing Wilsonville Road interchange area fails to meet City or ODOT operational standards. As per City Resolution 2049, the Willamette Landing Development will not be able to receive Stage II approval until a Cooperative Improvement Intergovernmental Agreement between the City and ODOT is completed, and the first phase of the Wilsonville Road interchange improvements are planned and funded. [Deleted per Deputy City Engineer, Exhibit F1.4.]~~
- PFE 26.** Storm water detention is not required for this project.
- PFE 27.** Condition of the existing outfall for the 12" CMP storm pipe at the Willamette River shall be evaluated by City Engineering Staff; if need be, outfall shall be repaired or reconstructed at the expense of applicant to meet current City Public Works Standards.
- PFE 28.** The applicant shall be required to establish a homeowners association with responsibility to maintain the private stormwater features and water quality facilities.
- PFE 29.** Sanitary sewer mains shall be placed on the north and west sides of streets, 8 feet off face of curb for the proposed 14-foot wide travel lanes; water mains shall be placed on the south and east sides of streets, 5 feet off face of curb; storm mains shall be placed at street centerline.
- PFE 30.** From material submitted, it appears that most or all lots shall connect to a gravity sanitary system. If some lots are unable to be serviced via the gravity sanitary system, a privately maintained pump system shall be installed.
- PFE 31.** The proposed site is currently served by three 6" water mains. City Public Works Standards state, "No fire hydrant shall be connected to a main of less than 8 inches diameter." Applicant shall extend the water system to connect to the existing 8" City water line located in Memorial Park and install a fire hydrant in Memorial Park at a location to be identified by City staff; costs of the fire hydrant assembly shall be reimbursable through SDC credits. Applicant shall coordinate construction work within Memorial Park with City staff.
- PFE 32.** The development shall install a looped, minimum 8" diameter water system through the site tying into all three 6" water mains and the new 8" water connection. Provide a water system analysis stamped by a Professional Engineer Registered in the State of Oregon showing that the required minimum fire flow of 1,500 gallons per minute (gpm) can be met while maintaining a minimum residual pressure of 20 pounds per square inch (psi).
- PFE 33.** A pedestrian linkage shall be provided from Private Street "B" to the sidewalk in the central open space.
- PFE 34.** For the proposed street widths of 28 feet, parking shall be allowed on one side only with adequate signage posted.
- PFE 35.** On private street Tracts "D" and "E", applicant shall provide the City with a public sanitary, stormwater, and water pipeline easement over their entirety.
- PFE 36.** On private street Tract "D", the Applicant shall provide a 6-foot wide Public Utility Easement concurrent with the sidewalk easement. On private street Tract "E", the Applicant shall provide a 8-foot wide Public Utility Easement adjacent to the west boundary of Tract "E" to allow services to Lots 13, 14, and 15.
- PFE 37.** Based on material submitted, locations of water services are not shown. On private street Tract "D", water meters shall be placed immediately behind the public utility and sidewalk easement. On private street Tract "E", water meters shall be placed immediately behind the sidewalk. Applicant shall provide a water pipeline easement that includes all water service lines up to and including the water meters.

PFE 38.	Recorded plats indicate that the temporary cul-de-sac easements located on Sandy Court and Salmon Lane shall expire upon extending these streets. Applicant shall be required to reconstruct these cul-de-sacs so that the streets lie within the existing right-of-ways; applicant shall provide the City with the necessary temporary construction easements from the owners of lots 6, 7, 8, 17, and 42 in Day Dream Ranch. Additionally, if the reconstruction of Metolius Lane impacts Lot 1 in Day Dream Ranch, applicant shall provide the necessary temporary construction easement from the property owner.
PFE 39.	When Applicant reconstructs the existing cul-de-sacs on Sandy Court, Salmon Lane and Metolius Lane, applicant shall relocate existing water meters, when needed, to the landscape median between sidewalk and curb.
PFE 40.	<p>Applicant shall work with City staff to minimize construction traffic impacts on existing neighborhoods.</p> <p>The application shows areas of the proposed development located within the existing 1987 FEMA floodplain map¹; City understands that the applicant has submitted to FEMA for a map for an amendment to the floodplain map.</p> <p>Applicant shall either:</p> <ol style="list-style-type: none"> 1) Submit to the City an approved final letter of map amendment refinement from FEMA in support of the current design submittal; pending further study by engineering a flood gate may be required , or 2) Modify their current design submittal to allow hydraulic connectivity between the Willamette River and the onsite pond area providing flood storage capacity consistent with FEMA requirements, and provide calculations supporting the design in the Stormwater Analysis submittal.
PFE 41.	Design and construction of improvements within the 100-yr flood plain shall be in conformance with the Public Works Standards, Section 4.172, "Flood Plain Regulations" of the Wilsonville Development Code, and all applicable federal, state, and local statutes and rules governing floodplains and flood hazard areas.
PFE 42.	With exception of Street B, the private street as shown on submitted material as Tract "D" shall be constructed as a public roadway and shall be in conformance with the Public Works Standards in regards to structural cross section, vertical alignment and horizontal alignment. Waivers will be granted for that portion of the Transportation Systems Plan and the Public Works Standards regarding to the horizontal cross section of the Residential street – minimum 32-foot width, curb to curb, a minimum 33-foot right-of-way located at back of curb, and five-foot wide curb tight sidewalks located within public sidewalk easements, and the radius requirement where Tract "D" connects with Metolius Lane. The minimum curb radius for residential streets is 25 feet, which will require a slight change to lot 20. As constructed, the street will be dedicated as a public street.

Natural Resources Conditions:

Significant Resource Overlay Zone:

NRE 1. The applicant shall submit the SROZ refinement mapping as ARCGIS shape files or a compatible format.

NRE 2. Pursuant to Section 4.139.03, .04 and .05, the applicant shall demonstrate proposed development (i.e. proposed grading in the Tract "B" open space area between lots 1 and 33) within or adjacent to

¹ The City adopted a revised map in 2008. This revised map is applicable, despite the direct reference to a 1987 map in the City's Public Works Standards.

the boundary of the Significant Resource Overlay Zone (SROZ) is exempt or will not impact the Significant Resource. Proposed non-exempt development within the SROZ, or development which may impact the SROZ, requires the applicant to submit a Significant Resource Impact Report (SRIR), prior to obtaining a grading permit, for review and approval by the City of Wilsonville.

As shown on draft October 6, 2008 City Council minutes, the applicant will work with city staff to design and provide public access from the proposed public street at its southeastern radius across the proposed private tract to memorial Park, subject to methods to preserve the privacy of the remaining private tract.

NRE 3. Pursuant to Section 4.139.04, the applicant shall demonstrate proposed exempt development (i.e. private pedestrian pathway) within the 25-foot Impact Area has been designed to avoid, minimize and mitigate impact to the significant natural resources.

NRE 4. All landscaping, including herbicides used to eradicate noxious weeds and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager. Native plants are required for landscaping in the SROZ.

NRE 5. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.

Stormwater Management:

NRE 6. Submit a final drainage report and drainage plans. The report and plans shall demonstrate the proposed water quality treatment facility satisfies the requirements of the City of Wilsonville's Public Works Standards.

NRE 7. Profiles and plan views of the proposed water quality facility shall be submitted. These profiles and plan views shall include proposed plant species and plant quantities, elevations, slopes, outlet, and other information consistent with requirements of the Public Works Standards.

NRE 8. Pursuant to Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed water quality treatment facility prior to approval for occupancy of the associated development.

NRE 9. Pursuant to the Public Works Standards, access shall be provided to all areas of the proposed water quality treatment facility. At a minimum, at least one access shall be provided for maintenance and inspection.

Other:

NRE 10. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant's erosion and sedimentation control plan shall incorporate the following techniques and methods, where necessary:

- a. Stockpiles and plastic sheeting;
- b. Inlet protection (Silt sacks are recommended);
- c. Dust control;
- d. Temporary/permanent seeding or wet weather measures (e.g. mulch);
- e. Limits of construction; and
- f. Other appropriate erosion and sedimentation control methods.

NRE 11. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities (e.g. DEQ NPDES #1200-C permit).

Request F: DB07-0075: Signs (not Master Sign Plan)

Planning Division Conditions:

PDF 1. This action approves the proposed signs, as illustrated in Sheet 8 of 13 of Exhibit D2, as further modified by these conditions of approval. The signs shall be limited to two (2) signs, totaling 14.26 SF.

PDF 2. The Applicant/Owner of the property shall ensure that the sign is installed in substantial compliance with the revised plans approved by the Development Review Board. Minor changes to the approved signage may be reviewed by the Planning Division through a Class I Administrative Review.

PDF 3. The Applicant/Owner shall obtain all necessary building permits and all applicable electrical codes and permits from the City of Wilsonville needed for the installation of the proposed, modified signage. Illumination of the sign shall not shine on, or interfere with, the roadway.

PDF 4. The Applicant/Owner shall work with the City's Engineering Division, prior to the issuance of a building permit for the sign, to stake the outline of the proposed, modified sign to assure that the placement of the sign meets sight distance requirements for the intersection of the adjoining project driveways, the private street (Tract D), and that the proposed, modified sign would not be in any utility easement.

Request G: DB07-0074: Five (5) Waivers

[Note: The five (5) requested waivers are included as conditions of the Stage II approval, Request E, on page 11, above.]

Request H: DB07-0075: Type 'C' Tree Removal Plan

Planning Division Conditions:

PDH 1. The applicant shall provide the City's Planning Division with an accounting of trees to be removed in the required Type 'C' tree removal plan per the approval of the Development Review Board.

PDH 2. A waiver to the required tree removal mitigation is hereby approved. Tree removal mitigation for the project shall be as follows:

194 Mitigation Trees, each minimum 2-inch caliper (deciduous) or 10 – 12 feet tall (coniferous); and,

60 Street Trees, each minimum 2-inch caliper (deciduous) or 10 – 12 feet tall (coniferous).

The applicant shall make a payment to the City Tree Fund in the amount of \$8.00 for each tree removed and not mitigated on-site, including areas of Tract "B" subject to subsequent requests for tree removal permits.

PDH 3. The Applicant/Owner shall replace 254 mitigation trees, per Section 4.620 WC, which shall be installed prior to approval of the final subdivision plat. See Finding H3.

PDH 4. The applicant shall submit an application and fee for a Type 'C' tree removal permit, including a final tree removal plan, prior to the issuance of a grading permit by the City's Building Division.

PDH 5. Prior to issuance of the tree removal permit application required by Condition PDH 4, above, the Applicant/Owner shall install six-foot-tall chain-link fencing, with ground-mounted metal stakes a maximum of eight (8) feet on centers, along the north edge of the SROZ boundary, and beneath the drip-line of all trees proposed to be retained. This fencing shall remain in place throughout construction of the adjacent dwellings.

PDH 6. The applicant has demonstrated by substantial evidence that it is infeasible to identify selective thinning for trees within the SROZ at the present time because of the large mass of trees. The applicant shall be responsible for coordinating with the city's arborist in identifying trees to remain in the SROZ area. This information shall be submitted in the form of a Type 'C' Tree Removal Plan (Class III) application and shall be approved by the DRB prior to removal of the trees within the SROZ. The trees that are subject to this application are located in proposed Tract B. The applicant has demonstrated by substantial evidence that it is infeasible to identify selective thinning for trees within the SROZ at the present time because of the large mass of trees. The applicant shall be responsible for coordinating with the city's arborist in identifying trees to remain in the SROZ area. This information shall be submitted in the form of a Type 'C' Tree Removal Plan (Class III) application and shall be approved by the DRB prior to removal of the trees within the SROZ. The trees that are subject to this application are located in proposed Tract B.

Request I: DB07-0076: Site Design Review

Planning Division Conditions:

PDI 1. This action approves the request regarding DB07-0076, for the plans submitted, with this application, approved by the Development Review Board, and stamped "Approved Planning Division". Approval for the Site Design Review Plans will expire two years after this action, per Section 4.140(.09)(I).

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

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

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

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

- a. Assure that construction and site development shall be carried out in substantial accord with the Site Design Review plans identified in condition PDI 1, above, as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or by minor revisions approved by the Planning Director under a Class I administrative review process.
- b. Submit final plant specifications for shrubs and street trees in the project's rights-of-way, planter strips, and pedestrian pathway easements to Planning Division staff for review and approval. Prior to and during construction, Planning Division staff may consider revisions to these specifications as a Class I development application. The applicant shall note that such approval does not require public notice. Following construction, Planning Division staff may consider revisions to these specifications as a Class II development application. The applicant shall note that such approval requires public notice.

- c. Assure that all shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans when available. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within a 3 year time period.
- d. Install water-wise or drip-type irrigation to ensure the longevity of all landscaped common areas. Such irrigation plan shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval and landscape plan. Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary.
- e. Improve open space and recreation areas prior to occupancy of any dwelling or structure within the subdivision, in accordance with the plans approved at the October 6, 2008, public hearing.
- f. Assure that street light standards shall be positioned to illuminate the entrances to intersecting pedestrian paths. Exterior lights shall be positioned in such a way to prevent glare on adjacent streets. Repositioning of light standards and/or installation of hoods or baffles may subsequently be required by Planning Division staff to achieve this requirement.
- g. Coordinate with the U.S. Postal Service regarding the locations of mailbox stations. The U.S. Postmaster has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located so as to not diminish required sidewalk or pathway widths, nor obstruct pedestrian movement, nor interfere with fire hydrants or public and private utilities.

PDI 6. Planning Division staff shall have authority to approve all retaining walls reviewed by the City's Building Division relative to materials and encroachment to the SROZ and its associated Impact Area.

PDI 7. The applicant shall submit a request to the Planning Division staff for review and approval of the final landscaping installation, prior to occupancy of any dwellings.

PDI 8. The applicant shall submit a final street tree planting plan, illustrating, at a minimum, one street tree per lot, and demonstrating compliance with the provisions of Section 4.176(.06)(D).

PDI 9. Prior to final subdivision plat approval, the applicant shall construct a minimum five (5) foot-wide pedestrian path over Tracts "A", B", "C" and "D", within a minimum 15-foot-wide easement dedicated to the public for pedestrian pathway, enabling access to Memorial Park from Metolius Lane. Such easements shall be planted with trees and shrubs appropriately designed for this access (Sheet 9 of 13 of Exhibit D2).

MASTER EXHIBITS LIST:

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

- A. DRB Staff Report – Project Summary - on file with the Planning Division (PD)
- A2. *City Council Staff Report and Memorandum dated October 6, 2008*
- B. Findings of Fact - on file with the Planning Division (PD)
- C. Conclusionary Findings - on file with the PD

Applicant's Written and Graphic Materials:

D1. Land Use application, date received October 12, 2007, and January 8, May 7, and July 11, 2008, and including - on file with the Planning Division (PD):

<u>Section (tab)</u>	<u>Item</u>
1	Incomplete Application Response, including: Letter from B. Altman, SFA Design Group; dated 7/10/2008 Tree Removal and Mitigation Plan 100-year Floodplain Gross Site Area Supplemental Findings – Tree Mitigation Supplemental Findings – Minimum Density Letter from M. Robinson; dated 7/8/2008 Letter from B. Altman, SFA Design Group; dated 4/23/2008 Supplemental Findings Revisions to Plans and Narrative Tree Removal and Mitigation Plan Minimum Density Waiver 100-year Flood Plain Gross Site Area Letter from B. Altman, SFA Design Group; dated 3/13/2008 Letter from B. Altman, SFA Design Group; dated 1/4/2008 Table 1: Land Area Summary Table 2: Summary Data for Individual Trees [Void – Replaced by revised arborist report.] Acknowledgement Form; dated 11/14/2007 Letter regarding Incomplete Application; dated 11/13/2008
2	Application form
3	Applicant's Narrative, including: General Information Comprehensive Plan Zone Change (i.e., Zone Map Amendment) Compliance with Development Code Final Conclusion
4	Zone Change Boundary, including: Legal Description, Parcel 1 Exhibit Sketch
5	Significant Resource Impact Report, including: Significant Resource Impact Report, by SWCA; dated 10/2007
6	Letter from Corps of Engineers; dated 3/14/2008 Letter re: Forest Deferral w/attachments, by J. Abele; dated 3/10/2008
7	Arborist Report, by W. H. Knapp & Associates, LLC; dated 7/9/2008
8	Preliminary Storm Water Analysis, by SFA Design Group, LLC; dated 10/8/2007
9	Flood Plan, including: Map: FIRM, dated 1/6/1982 Map: FBFWM, dated 1/6/1982 Flood Profiles Drawing: Detail – West end of Existing Dwelling Drawing: Detail – East of Existing Pond Aerial Photo; dated 1996 Copy of Drawing: Floodplain Mitigation Plan Letter from L. Lappin, PE, w/attachments; dated 7/9/2008 Letter to FEMA w/attachments; dated 7/10/2008
10	Traffic Impact Analysis; dated 10/2007

- 11 Mailing Labels
- 12 Neighborhood Meeting Materials
- 13 Title Report & Real Estate Purchase and Sales Agreement
- 14 Drawings (Reduced size; Site Plans), See Itemization, Below
- 15 Drawings (Reduced size; Typical Building Plans), See Itemization, Below
- 16 Draft Declaration of Protective Covenants, Conditions and Restrictions

D2. Full Size Drawings/Plan Sheets - on file with the PD:

Sheet No.	Sheet Title
1	Title Sheet
2	Existing Conditions
3	<i>Zone Change - Stage I Master Plan in the Council packet</i>
4	<i>Pre Plat – Stage II Master Plan in the Council packet.</i>
5	SROZ Map Refinement
5	Tree Preservation/Resource Plan
6	Grading/Erosion Control and Storm Drainage Plan
6A	Floodplain Mitigation Plan
7	Street and Utility Plan
8	Street Tree, Sign Detail and Landscape Plan
9	Circulation Plan
10	Tree Removal and Protection Plan
11	Mitigation Tree Planting Plan
12	Open Space/Recreational Areas Plan
13	Lighting Plan

(The staff report and all related graphic references to the SROZ boundary should name the southern line, not northern most line, of the identified maps.) (Added by the DRB on 8/11/2008).

D3. Color and Materials Board:

None Submitted

E1. Letters (neither For nor Against):

- 1. *Email from Gail Curtis, Senior Transportation Planner, dated November 9, 2007*

E2. Letters (In Favor):

- 1. Letter from G. and G. Embury; dated 7/28/2008

E3. Letters (Opposed) - on file with the Planning Division (PD):

- 1. Letter from C. and V. Owen; dated 7/25/2008
- 2. *Written testimony from Chris Owen submitted at meeting on 8/11/2008*

F1. Staff Submittals - on file with the PD

1. Memo from D. Walters; Building Plans Examiner; dated 4/1/2008
2. Memo from K. Rappold, Natural Resources Program Manager; dated 1/31/2008
3. Memo from S. Adams, Deputy City Engineer; dated 12/14/2007
4. Memo from S. Adams, Deputy City Engineer; dated 6/16/2008
5. Tax Map, 3S 1W Section 24; not dated
6. Tax Map, 3S 1W Section 24CB (neighboring portion); not dated
7. Map: FIRM, dated 6/18/2008
8. Map: FBFWM, dated 6/18/2008 [Note: This map is not yet available.]
9. Plat of Day Dream Ranch (portions)

G1. Exhibits Submitted Subsequent to Completeness Determination - on file with the PD

1. Letter from B. Fitch, PE; dated 7/21/2008

H1. Exhibits Submitted at City Council Hearing

1. Letter, Steve and Susan Fiske, dated 8/28/08
2. Letter, Casey Stephens, dated 9/2/08
3. Letter, Deputy City Engineer, dated 9/4/08

FINDINGS OF FACT

1. Existing Site Conditions:

The subject site is comprised of six (6) parcels, totaling 11.42 acres. The applicant has provided a site description in the project narrative (Pages 3 through 6 of Section 3 of Exhibit D1). The subject property is currently zoned Residential Agricultural - Holding Zone (RA-H).

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Residential (Day Dream Ranch)
East	Public open space (Memorial Park)
South	Willamette River
West	Residential (Day Dream Ranch)

Natural Characteristics:

The subject site contains moderate- to steeply-sloping terrain. A variety of tree species are scattered throughout the site. An dwelling and accessory structures are currently located at 8455 SW Metolius Lane (Tax Lot 900).

Streets:

The site abuts SW Metolius Lane on the west; and, SW Sandy Court and SW Salmon Lane on the north. Each of these streets is public.

Previous Planning Applications Relevant to the subject property:

The property owner previously sought and received approval of a development permit for an addition to the then-existing dwelling, and for development in the flood plain (Case File No. 01 DB14).

2. The areas designated Significant Resource Overlay Zone (SROZ) includes a wetland (Local Wetlands Inventory - LWI - Site Number 2.08), and upland forested wildlife habitat (Site Number: 2.07U) associated with the Willamette River corridor. Situated on the north side of the property, the wetland is a manmade pond within an area previously used for agriculture. The wetland area has a designated 50-foot Title 3 wetland buffer.
3. The wetland area was dependent on an artesian well as the source of hydrology. Vegetation is dominated primarily by reed canarygrass (a non-native, invasive plant species) in the pond with Pacific willow and red-osier dogwood around the perimeter. The pond is approximately 1.10 acres in size.
4. The upland forested wildlife habitat is located along the eastern property boundary of the property. It is a combination of native forest and tree plantation. Even-aged Douglas-fir stands comprise the largest portion of the plantation trees on-site. A large percentage of the understory is dominated by non-native, invasive plant species.
5. The applicant's Significant Resource Impact Report delineated specific resource boundaries and provided a justification for the proposed map refinement of the SROZ. The applicant's SRIR contained all the required information, including a physical analysis, ecological analysis, and development recommendations.
6. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.
7. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.

8. The statutory 120-day time limit applies to this application. The application was originally received on October 12, 2007. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the applicant on November 13, 2007, of missing items. On January 8, March 10, and May 7, 2008, the applicant submitted additional materials intended to complete the application. For procedural reasons, the applicant resubmitted the application on July 11, 2008, at which time, it was deemed complete. The City must render a final decision for the request, including any appeals, by November 8, 2008.

CONCLUSIONARY FINDINGS DB07-0071 ZONE MAP AMENDMENT

The applicant's response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Section 1 of Exhibit D1, and pages 1 through 92 in Section 3 of Exhibit D1, are hereby incorporated in this staff report as findings for approval.

The subject premise is currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map Amendment from RA-H to PDR-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 City Council must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion 'A'

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

1. The applicant has provided findings in Sections 1 and 3 of Exhibit D1 addressing the tentative subdivision plat criteria and the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent upon approval by the City Council.

Criterion 'B'

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

Comprehensive Plan Designation: Residential 6 - 7 dwelling units per acre.

2. The applicant's planning consultant has analyzed housing density on pages 41 through 46 of Section 3 of Exhibit D1, and in Section 1 of Exhibit D1.
3. The gross site area is 11.42 making the gross density of the proposed subdivision at 2.89 dwelling units per gross acre. Based on the gross/net acreage calculations, the demonstrated density for the site is calculated based on the standards of the implementing zone. The 6 – 7 du/ac density is intended to be implemented by the PDR-4 zone. The net site area, less street rights-of-way is 10.0 acres, or 434,846 sq. ft.. Net density (gross minus streets minus SROZ) is 3.3 dwelling units per acre, which is deficient of the allowed Comprehensive Plan density range by 2.7 dwelling units per acre. The net site area (gross, minus exempt land within the SROZ) is 8.2 du/ac, or 359,209 sq. ft. (Page 7 of 92 of Section 3 of

Exhibit D1), which yields a net density of 4.0 du/ac, which is 2.0 du/ac short of meeting the minimum required Comprehensive Plan density. The Code enables a variety of calculation methods to be used to determine compliance, which the applicant has used.

4. The site is constrained in meeting this minimum density by the presence of the existing pond and the protected natural resources (i.e., SROZ, Willamette River Greenway). Metro Title 12, regarding the protection of existing residential neighborhoods, enables a reduction in the required minimum density. The DRB approved a waiver to this end.

Comprehensive Plan – Residential Variety/Diversity of Housing

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

5. The applicant’s proposal would provide a *net* increase of 32 residential dwelling units on the site. The applicant’s response findings to 4.198.01(A) speak to the providing for additional single-family and attached housing in the City, meeting these measures.

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

6. Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. The applicant will also be responsible for improving a loop connecting SW Salmon Lane to SW Sandy Court, adjacent to the project.

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

7. 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.

Zone Map Amendment

8. The subject property is currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes to change the zone to the Planned Development Residential (PDR-4) zone to accommodate a total of 33 single-family dwelling units, as proposed.

Significant Natural Resources

9. Based on the material submitted, the Significant Resource Overlay Zone (SROZ) is currently located on a large portion of the subject property. The SROZ area is 4.7 acres, or approximately 41.1% of the site. The applicant is proposing an SROZ map refinement, reducing the SROZ area to 1.73 acres, or approximately 15% of the site. This request is examined in Request A of this report.

Area of Special Concern

10. The Comprehensive Plan does not identify the subject property as being in an Area of Special.
Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of

personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”

11. Because of the slowdown in the economy, and the national home mortgage crisis, there are higher vacancy rates for subdivisions in the City. This may appear to provide circumstantial evidence that there is not a demand for the housing product proposed by the applicants. However, the proposed Zone Map Amendment is to implement the residential objectives of the Comprehensive Plan, converting the site’s existing RA-H zone to the proposed PDR-4 zone, meeting IM 4.1.4b. Adequate public services can 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.”

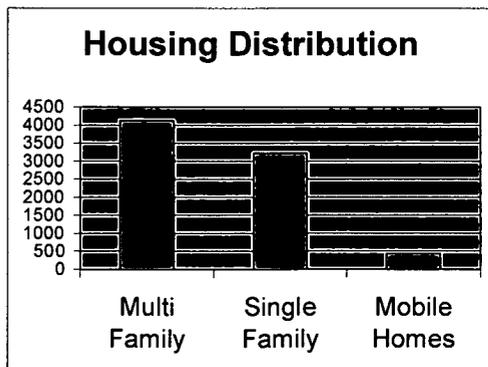
12. The applicant has indicated that a variety of house models are proposed for the project. Proposed are detached single-family dwelling units meeting IM 4.1.4.d.

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

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

Housing Units

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



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.

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

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

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

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

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

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

17. There is SROZ located on the subject premises. The applicant has demonstrated that the project's design will minimize impacts to the resource (following the requested SROZ map refinement), despite the proposed pathway encroachments into the Impact Area on Tract D.

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."

18. The applicant's submittal documents indicate the intent to develop 33 new single-family dwellings/lots, as shown on the tentative plat (Sheet 4 of 13 of Exhibit D2), after final approvals are obtained from the City. The applicant suggests that construction is planned within 2 years (Page 34 of 92 of Section 3 of Exhibit D1).

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."

19. The Board further finds that the applicant's proposal, together with conditions of approval for the proposed project, will bring it into compliance with all applicable development standards.

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

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

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

21. Staff recommends approval of the proposal, together with appropriate conditions of approval. A City Council Zoning Order regarding the proposed Zone Map Amendment will be required subsequent to contingent approval of the remaining applications.

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

22. Staff recommends adoption of these findings, and recommended conditions, to the Development Review Board in review of the application to modify the Zone Map designation from RA-H to PDR-4. Upon recommendation of approval by the Board, these will be forwarded to the City Council for final action.

Traffic:

23. The traffic study completed for this project (Section 10 of Exhibit D1) indicates the proposed streets will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.
24. The proposed project is adjacent to existing single-family homes to the north, and west. Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The applicant's proposal would add to the City's housing diversity of single-family housing. With regard to traffic, through the conditions of approval recommended by staff, the project could be adequately served with urban services designed to minimize off-site impacts on the project.

Metro's Urban Growth Management Functional Plan

25. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the revision of the City's Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicant is requesting a zone change to Planned Development Residential (PDR-4) which corresponds to a Comprehensive Plan Map density of 6 - 7 dwelling units per acre.

26. The applicant's proposal does not fully achieve compliance with the minimum density required at build-out. Metro's Functional Plan provides that this deficiency is justified, in order to approximate the density of adjacent, surrounding neighborhoods. See the applicants' response findings found on pages 41 through 46 of Section 3 of Exhibit D1, and Section 1 of Exhibit D1.