

AFFIDAVIT OF POSTING  
ORDINANCE CB-0-29-85

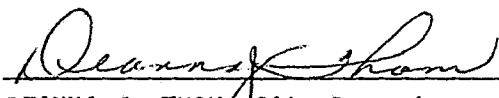
STATE OF OREGON            )  
                                  )  
COUNTIES OF CLACKAMAS    )  
    AND WASHINGTON         )  
                                  )  
CITY OF WILSONVILLE      )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

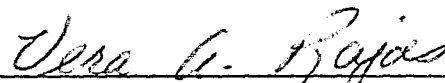
On the 27th day of March, I caused to be posted copies of the attached Ordinance CB-0-29-85, an ordinance amending the Comprehensive Plan Map of the City of Wilsonville (Application of Ash & Associates for a plan map amendment from primary open space to secondary open space (5-7 DU/AC) on a 1.3 acre portion of Tax Lot 100, T3S-R1W Section 13B) in the following four public and conspicuous places of the City, to wit:

- Wilsonville City Hall
- Wilsonville Post Office
- Lowrie's Food Market
- Kopper Kitchen

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 1st day of April, 1985.

  
\_\_\_\_\_  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me  
this 22<sup>nd</sup> day of April, 1985

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE No. 270

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF THE CITY OF WILSONVILLE (APPLICATION OF ASH & ASSOCIATES FOR A PLAN MAP AMENDMENT FROM PRIMARY OPEN SPACE TO SECONDARY OPEN SPACE (5-7 DU/AC) ON A 1.3 ACRE PORTION OF TAX LOT 100, T3S-R1W, SECTION 13B)

WHEREAS, an application was filed with the Wilsonville City Recorder on behalf of Ash and Associates for the purpose of amending the Wilsonville Comprehensive Plan Map from primary open space to secondary open space (5-7 du/ac) on a 1.3 acre portion of real property known as the Thunderbird Mobile Home Park, pursuant to the reasons and in accordance with the procedures set forth in the Wilsonville Comprehensive Plan. The application fee as required by Section 11.030(2) of the Wilsonville Code has been paid. The description of the real property, consisting of approximately 1.3 acres, for which the Amendment was filed, is set forth in Exhibit 4 attached hereto, and incorporated by reference as if fully set forth herein, and

WHEREAS, the Wilsonville Planning Commission scheduled and held a public hearing on the matter as required by the Comprehensive Plan, and said hearing was held on August 21, 1984, commencing at the hour of 7:00 o'clock, p.m., at Wilsonville City Hall, and subsequently continued to October 8, 1984, and again continued to November 13, 1984. Notice of the time, place and purpose of said hearings were duly and regularly given in a manner and for the time required by the provisions of the Comprehensive Plan. The required newspaper affidavit of publication and the City Recorder's Affidavit of Mailing

are on file in the office of the City Recorder and in the file of this Comprehensive Plan Amendment; and

WHEREAS, the Wilsonville Planning Commission, after said hearing, reviewed the records and files of this matter and considered and discussed the submittals of the applicant, together with reports of the Planning Director and public testimony given by the applicant, proponents and opponents, and upon conclusion of the hearing, voted to approve the requested Comprehensive Plan Map Amendment based upon findings of fact and subject to conditions, and recommended to the City Council the Comprehensive Plan Map be amended subject to said conditions. The findings of the Planning Commission, the procedures it followed, the exhibits and other evidence it considered, the conclusions it reached and recommendations it made are set forth in its Resolution entitled "Planning Commission Resolution 84PC1 - A Resolution Adopting Findings and Recommending to the City Council Approval of a Comprehensive Plan Map Amendment from Primary Open Space to Secondary Open Space (5-7 du/ac) on a 1.3 acre portion of Tax Lot 100, T3S-R1W, Section 13B, Ash & Associates, Applicant", which was finally completed, dated as of November 13, 1984, and filed with the Planning Commission's record of this Comprehensive Plan Amendment; and

WHEREAS, based upon the Planning Commission's aforementioned action, this matter came before the City Council at its regularly scheduled meeting for public hearing on March 18, 1985, and continued the matter to its regularly scheduled meeting of April 1 1985, whereat the public hearing was again opened, and the City Council reviewed the records and files on this matter and the findings, conclusions and recommendations of the Planning Commission, together with

the reports of the Planning Director and also heard and considered public testimony on the matter. The journal of the meeting was duly kept, recording those who spoke as proponents, opponents and others. Upon conclusion of the meeting/hearing, the City Council determined that the Comprehensive Plan Amendment request, upon motion duly made, seconded and adopted, be approved based upon the record in this matter and the adopted Planning Commission findings and recommendations as set forth in its Resolution (84PC1). A copy of the Planning Commission's Resolution is set forth in Exhibit 4, attached hereto, incorporated by reference as if fully set forth herein, and is expressly made a part of this Ordinance.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS, as follows:

Section 1. That the Comprehensive Plan of the City of Wilsonville, adopted May 3, 1982, shall be and the same is hereby amended so that the Comprehensive Plan Map designation of secondary open space (3-5 du/ac) shall now include the real property hereinabove described and upon final reading and enactment of this Ordinance, said property shall thereupon be designated in the Comprehensive Plan as secondary open space (3-5 du/ac), subject to the conditions set forth in Section 2 below, and not as primary open space.

Section 2. Development of the subject property shall be subject to the following conditions:

1. That the Planning Commission's approval for the addition of not more than eight mobile homesites within the Thunderbird Park is contingent upon the City Council approving the Plan Map Amendment as recommended by the Commission.

2. That Site Development Plans and mobile home installations be processed in accordance with the Conditions of Approval set forth in the Design Review Board's Resolution 82DR4 which are as follows:
  - A. That final construction drawings be submitted to the Public Works Department for review and approval of all sanitary sewer, water, storm drainage and street improvements prior to any site development.
  - B. That Site Development Plans, including the installation of mobile homes on each lot, be submitted to the City's Building Department for review and approval prior to any site development.
  - C. That all proposed landscaping be installed prior to occupancy of any new units, unless satisfactory arrangements have been made with the Planning Director for a deferral of landscaping installation consistent with the provisions of Chapter 4 of the Wilsonville Code.
3. Spaces 4 and 10 shall be deleted.
4. The new parking area north of space 1 shall be relocated and designed to function as a turn-around in the area where spaces 4 and 10 were proposed.

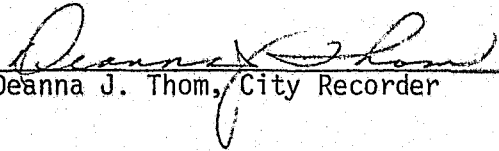
5. All mobile homes will be located so as to minimize the removal of additional trees and provide reasonable buffering (setbacks) from existing units. Each Site Plan must be approved by the Design Review Board prior to unit installation. Said approvals shall not allow more than eight units, within the 1.3 acre area. The Director may further require that additional trees and landscaping be provided to provide buffers and enhance the existing vegetation.
6. That this project is subject to review by the Tualatin Rural Fire District prior to issuance of the Building Permit.

Section 3. The Mayor, attested by the City Recorder, is hereby authorized and directed to cause this Amendment to the Wilsonville Comprehensive Plan to be appropriately noted upon the Plan Map in compliance with the dictates of Section 1 of this Ordinance.

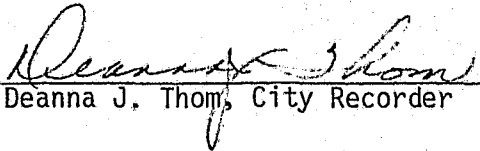
Section 4. It is hereby determined by the Wilsonville City Council and in the interests in public health and welfare and safety that an emergency exists, and this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

Submitted to the Council and read the first time at a regular meeting thereof on the 18th day of March, 1985, and scheduled for second reading at a regular meeting of the Council on the 1st day of April, 1985, commencing at the hour of 7:30 o'clock

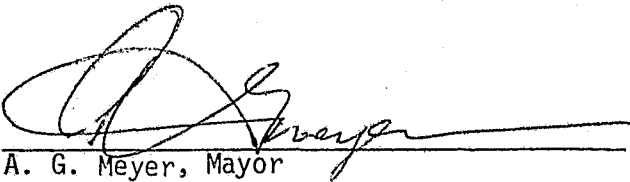
p.m. at the Wilsonville City Hall.

  
Deanna J. Thom, City Recorder

ENACTED by the Council on the 1st day of April,  
1985, by the following votes: YEAS 4 NAYS 0 1 Abstain

  
Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 3rd day of April,  
1985.

  
A. G. Meyer, Mayor

CITY OF



**PLANNING DEPARTMENT**  
**SUMMARY STAFF REPORT**

**TO:** City Council

**DATE:** March 5, 1985

**SUBJECT:** Thunderbird Plan Amendment

**MEETING DATE:** March 18, 1985

**ACTION REQUIRED:** The Council must hold a public hearing to consider the Planning Commission's findings and recommendations, together with any public testimony and then approve, deny or continue for further consideration.

**PREVIOUS ACTION TAKEN:**

The Planning Commission held a public hearing on August 21, 1984, continued to October 8 and November 13, adopted Resolution 84PC1, supported by findings and recommending to the City Council, adoption of the Amendment.

**CONCLUSIONARY FINDINGS:**

1. See attached Ordinance.
2. The procedures and standards for approval of Plan Amendments are set forth on pages 4 and 5 attached hereto as Exhibit 1A.

**RECOMMENDATION:** Approval with Conditions set forth in attached Ordinance.



### EXHIBITS

The following Exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.  
A. Plan Amendment Procedures and Standards for approval.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
4. Others: Planning Commission Administrative Record and Resolution 84PC1

ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

At a glance, most land appears to be much the same as the lands surrounding it, with the exception of obvious differences such as topography and vegetation. However, a more detailed analysis can reveal distinct differences in the land composition and physical characteristics of nearly any two adjacent parcels of land. These differences can affect the overall suitability of a particular parcel of land for various types of land use. Each piece of land has a natural land use intensity potential which results from variations in its physical features and their interrelationships with natural processes, such as:

1. Underlying geological deposits and associated characteristics.
2. Types of surface soils and associated characteristics.
3. Water, the hydrologic cycle and natural drainage.
4. Slope of the land.
5. Vegetative cover (type and location).
6. Weather conditions.
7. Character of adjoining natural features and developments.

Certain combinations of these natural features and processes can create inherently hazardous or unstable conditions which have special significance to humans and their land use activities. These conditions, referred to as natural hazards, are more appropriately labeled physical or natural limitations and occur in the form of:

1. Flood plains and wetlands.
2. Runoff and erosion potentials.
3. Soil instability, including landslides, settlement, shrink/swell potential and earthquakes.

In addition to natural limitations, there are also natural potentials which can provide a more desirable living environment if given proper consideration in determining land use patterns and development design. The elements which offer these potentials are:

1. Existing vegetation.
2. Topography.
3. Wildlife and their associated habitats.
4. River, streams, lakes, and ponds.

Nature has provided a well-ordered and balanced system of events called natural cycles. These natural processes provide a logical basis for making land use decisions. By using nature as a guide to initial land use decisions, it is possible to minimize potential development hazards due to physical limitations of the land. It is also possible to maximize the preservation of natural processes, thereby insuring that

development occurs in harmony with the natural features of the community. This approach can also maintain and even enhance the natural aesthetic qualities of the community.

Following a detailed analysis of the characteristics of Wilsonville's natural environment, several areas of special concern were identified. They are:

1. Areas containing weak foundation soils, which are:  
soft or compressible and require special foundations engineering, or, severely limited and unsuited for development of streets and building.
2. Areas subject to seasonal or periodic flooding.
3. Areas with seasonally high ground water tables.
4. Areas of steep slope and subject to landslide and/or erosion.
5. Areas with severe septic tank limitations.
6. Fish and wildlife habitat and associated water courses and natural vegetation.

These areas are discussed in detail in the Physical Inventory report. The most significant areas identified are as follows:

1. Coffee Lake Creek/Seely Ditch - this area contains a peat bog which has a severely high water table and extremely low strength soils. The wet soil conditions are compounded by winter rains resulting in standing water over most of the area during the winter months.
2. Boeckman Creek and other small streams which have formed steep-sided canyons and ravines as they drain into the Willamette River. These steep slopes, as well as the steep banks along the Willamette River itself, are extremely unstable and subject to landslide and/or excessive erosion.
3. The flood plains along the Willamette River and Seely Ditch which are subject to seasonal and/or periodic high water following heavy storms.
4. Several stands of natural vegetation scattered throughout the City, particularly along natural drainageways. These areas provide visual relief from urban development plus run-off/erosion control and habitat for wildlife.

Generally, all intensive urban development creates conflicts with open space and associated wildlife areas. However, careful management within and adjacent to these areas can significantly reduce these conflicts. Open-space-use management can also increase public safety by controlling development in hazardous areas while preserving valuable natural resources.

As previously noted, the City has identified several environmentally sensitive areas that warrant special use management consideration in order to preserve water quality, visual quality, and sensitive wildlife habitats. The significant development impact zones of these areas do not extend beyond their physical boundaries. However, uncontrolled development of adjacent properties could also diminish the natural quality of these areas. Therefore, it is necessary to establish development standards for properties along the fringe of the sensitive areas. Examples of such standards include regulated removal and replacement of vegetation and trees, storm drainage and erosion controls, open space setbacks and slope development restrictions. The economic loss of development of open space lands can be compensated for through such techniques as density transfers and density bonuses.

Many of these open space areas also provide scenic views, although no significant site-specific viewpoints have been identified. The Physical Inventory Report identifies the following general scenic views:

1. The Willamette River from the water, its bank and from the I-5 bridge.
2. Numerous stands of trees throughout the City.
3. Mt. Hood.
4. Boeckman Creek.

These views can be observed from numerous locations throughout the City and are not threatened by development in accordance with current standards. Therefore, special scenic view standards are considered impracticable and unnecessary.

The City has determined that there is no significant commercial timber resource in the numerous stands of trees throughout the City. However, as noted, they have been considered worthy of protection to preserve wildlife habitats and the community's air and visual quality.

Other environmental resources investigated in the Physical Inventory Report include mineral and aggregate deposits. Based on the Report, there are no known mineral deposits in the City. There are some gravel deposits along the I-5 corridor north of the Willamette River. However, these deposits are of low grade in both quality and quantity. In addition, further excavation of these deposits would significantly conflict with the urban uses planned along the I-5 corridor. Therefore, no provisions have been made to protect this resource.

In addition to these factors, one of the major aspects of Wilsonville's natural environment is its relationship to agricultural land. LCDC goals include a goal to preserve our agricultural lands.

Wilsonville's 1971 General Plan set objectives to allow for the continuation of agriculture as a viable part of the community's

economy. Agricultural activities still exist as an interim use, within the City. However, conflicts between agriculture and urban development minimize this potential in the future. In recognition of this factor, the City has established an urban growth boundary to protect prime agricultural lands, outside of the urban area. The City's growth boundary has been established in consideration of the placement of existing and planned utilities in relation to existing and planned development patterns and provides sufficient vacant land for continued growth over the next 20 years.

As a basic framework for land use decisions in these areas, the following goals and objectives have been established. Many of these goals and objectives are complemented by policies in the parks and open space sections of the Public Facilities Element.

LCDC Goal #3: To preserve and maintain agricultural lands.

#### CITY OF WILSONVILLE

GOAL 4.4: Develop a City that helps to preserve agricultural land by serving and protecting the agricultural lands outside its urban boundary. Discourage agricultural uses within the urban boundary.

OBJECTIVE 4.4.1: Provide a buffer use or transition zone between urban and adjacent agricultural areas.

OBJECTIVE 4.4.2: Protect existing agricultural uses if so desired by the owner.

LCDC Goal #5: To conserve open space and protect natural and scenic resources.

#### CITY TO WILSONVILLE

GOAL 4.5: Conserve and create open space throughout the City for specified objectives.

GOAL 4.6: Encourage identification and conservation of natural, scenic and historic areas within the City.

OBJECTIVE 4.4.3: To develop an attractive and economically sound community.

OBJECTIVE 4.4.4: Identify buildings of unusual or outstanding architectural style from earlier eras. Encourage preservation of these structures.

OBJECTIVE 4.4.5: Ensure that open space conforms to the characteristics of the land, type of land use, adjacent land uses and City needs.

OBJECTIVE 4.4.6: Develop open, limited or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

OBJECTIVE 4.4.7: Identify areas of natural and scenic importance and give them priority in selection of public open space, and extend public access to, and knowledge of such areas, to encourage public involvement in their preservation.

OBJECTIVE 4.4.8: Protect the river-connected wildlife habitat and encourage a maximum inter-tie of the Willamette River Greenway to open space areas of the City and regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks.

LCDC Goal #6: To maintain and improve the quality of the air, water, and land resources of the state.

LCDC Goal #7: To protect life and property from natural disasters and hazards.

#### CITY OF WILSONVILLE

GOAL 4.7: Regulate development in potential disaster and hazard areas.

OBJECTIVE 4.4.9: Ensure adequate storm drainage.

OBJECTIVE 4.4.10: Define risks of development by using maps showing flood plains and flood ways. Restrict buildings in the flood plains and prohibit buildings in the floodway.

OBJECTIVE 4.4.11: Establish public ordinances that require planning engineering to minimize potential effects of natural hazards.

OBJECTIVE 4.4.12: Require all future utilities to be placed underground.

OBJECTIVE 4.4.13: Provide available information, when requested, to those interested in developing land in areas of the following hazards:

- a) 100 year floods
- b) slides and earthquake damage
- c) wind damage, possible tree topping

LCDC Goal #15: To protect, conserve, and maintain the natural, scenic, historical, agricultural, economic, and recreational quality of lands along the Willamette River as the Willamette River Greenway.

CITY OF WILSONVILLE

GOAL 4.8: To preserve the Willamette River Greenway based on the boundaries and regulations set forth in Ordinance #62.

In combination these goals and objectives form the foundation for an integrated community design that preserves the integrity and aesthetic quality of the natural environment while allowing for development. It is the underlying intent of the Plan to reconcile these factors, through site planning and design, so that they complement each other. The maintenance of a pleasant place to live and work is the major motivating force of this element. Wilsonville's agricultural and rural heritage has long given it a sense of openness accented by lines and clusters of trees and other natural vegetation.

- POLICY 4.5.1:
- a. The major natural drainageways, environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary or secondary open space.
  - b. Primary open space is intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:
    - (1) 100 year floodways.
    - (2) Slopes greater than 20%.
    - (3) Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
    - (4) Major natural drainage channels.
  - c. Secondary open space is intended to serve as a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use and design review process, except when the proposal is a part of a planned development.

These areas include the following:

- (1) Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.
- (2) High voltage powerline easements.
- (3) The 100 year flood plain fringe.

- (4) Slopes between 12% and 20%.
- (5) Designated historic sites.
- (6) Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

- d. Primary undeveloped portions of secondary open space may be used towards satisfaction of open space requirements. A density transfer credit of not more than 10% of the designated primary open space will also be allowed.

NOTE: In vegetated areas the visual impact of the trees, etc., is to be preserved. Any clearing of trees for development should be from the interior of the stand.

- e. Due to potential hazards to human health, the high voltage powerline easements within the City shall be designated as secondary open space. No residential structures shall be allowed within the easements and any development, particularly residential, adjacent to the easements will be carefully reviewed.

Any proposed non-residential development within powerline easements shall be coordinated with and approved by the Bonneville Power Administration or Portland General Electric Company, depending on the easement ownership.

POLICY 4.5.2: To protect the integrity of the Willamette River Greenway, the City shall establish standards for the development of non-water related and non-water dependent uses. These standards shall:

- a. Direct all development away from the river.
- b. Establish a minimum setback from the low-water line where no vegetation can be removed, and only allow selective vegetation removal within the remaining portion of the Greenway Boundaries with revegetation required.
- c. Establish a minimum setback from the river banks for all uses.
- d. Provide protection of public and private property, as well as public safety.
- e. Provide necessary and needed public access to the river oriented through public lands.

POLICY 4.5.3: Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system.



NOTE: It is not the intent of this Policy to encourage unsightly and unsafe open ditches. Rather open drainage systems should be designed to accent natural creeks and drainage channels and provide an attractive park-like appearance.

The urbanization element established an urban growth boundary and, as noted, the transition from rural to urban land use often creates conflicts.

POLICY 4.5.3: To minimize the impact of urban development on adjacent rural and agricultural lands a combination open space and low density land use designation may be employed.

The design of developments within the community can be regarded from two viewpoints: the design of structures as they relate to site and function (architectural design) and, their relationship to the surrounding area (community design). Both aspects are of equal importance.

Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.

POLICY 4.5.4: All proposed developments, except single family dwellings outside of designated open space areas, shall be subject to site plan (including landscaping) and architectural design review approval. Single family subdivisions shall be subject to design review for approval of street tree plans. Individual (single family) dwellings to be located within a designated secondary open space area shall be subject to site plan review for removal of trees and vegetation. They shall, however, not be subject to architectural review.

POLICY 4.5.5: Minimum open space and landscaping standards shall be established, emphasizing the incorporation of natural vegetation and unique topographic features in site design. Additional landscaping may be required based on the scale and type of development and its compatibility with abutting land uses.

NOTE: Landscaping and/or open space may be used to buffer non-compatible uses. It is intended to soften the visual impact and provide a sense of openness and should be used to complement good building designs and may be used to screen certain types of development.

POLICY 4.5.6: Sign standards shall be established to control the visual impact of signs on the community and minimize sign clutter.

over Objectives, Policies, text and map; Objectives shall take precedence over Policies, text and map; Policies shall take precedence over text and map. The land use map is only a visual illustration of the intent of the Plan. For example, the map illustrated separated land use planning districts designated as residential, commercial and industrial. However, there are provisions within the Plan text whereby under a Planned Development Review certain mixes of these uses may actually be permitted. Therefore, the lines separating uses on the map are not rigid and inflexible. The lines for residential districts do, however, provide a basis for computing permitted densities or total number of allowable units within a given development.

The City Council shall have final authority for the interpretation of the text and/or map.

### Plan Amendments

This Plan has been designed to provide some flexibility in interpretation in an effort to be market responsive and minimize the need for Plan amendments. However, since it is impossible and impractical to allow for all possible combinations of land development proposals, it is probable that a Plan amendment may be necessary. In addition, economic and social conditions change over time as do land use laws. Therefore, Plans must be periodically reviewed to consider changed circumstances. As noted above, periodic review of local Plans is also required by State law.

#### 1. Who May Initiate Plan Amendments.

An amendment to the adopted Plan may be initiated by:

- a. The City Council
- b. The Planning Commission
- c. Application of the property owner(s) or contract purchaser(s) affected or his or their authorize agent.

#### 2. Application for Plan Amendments

An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City, shall be accompanied by a Plan Amendment Fee.

#### 3. The Consideration of Plan Amendments.

- a. Amendments to the maps or text of the Comprehensive Plan shall only be considered by the City Council after receiving findings and recommendations from the Planning Commission at their regular or special meetings in February, August, October and December.
- b. Amendments must be initiated as provided in this section at least 60 days prior to the month in which they are to be considered by the Planning Commission.
- c. In addition, the Planning Commission and City Council shall hold a public hearing in the month of February, 1983, for the purpose of conducting a comprehensive review of the maps and text of this plan. The Planning Commission and City Council shall hold such Plan review hearings regularly for this purpose at three-year intervals thereafter.
- d. This Plan, and each of its elements, shall be opened for amendments that consider compliance with the Goals and Ob-

jectives and Plans of the Metropolitan Service District (Metro) or its successor, on an annual basis. Annual amendment and revision for compliance with the above regional Goals, Objectives and Plans shall be consistent with any schedule for re-opening of local Plans approved by the Land Conservation and Development Commission (L.C.D.C.).

This provision is not to be construed as waiving any legal rights which the City may have to challenge the legality of a regional Goal, Objective or Plan provision.

- e. Notwithstanding the foregoing provisions, the Council may conduct a public hearing at any time to consider an amendment to the Plan text or Plan map when the Council finds that the consideration of such amendments are necessary to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said text or Plan map.

#### 4. Standards for Approval of Plan Amendments.

In order to grant a Plan amendment, the City Council shall find that:

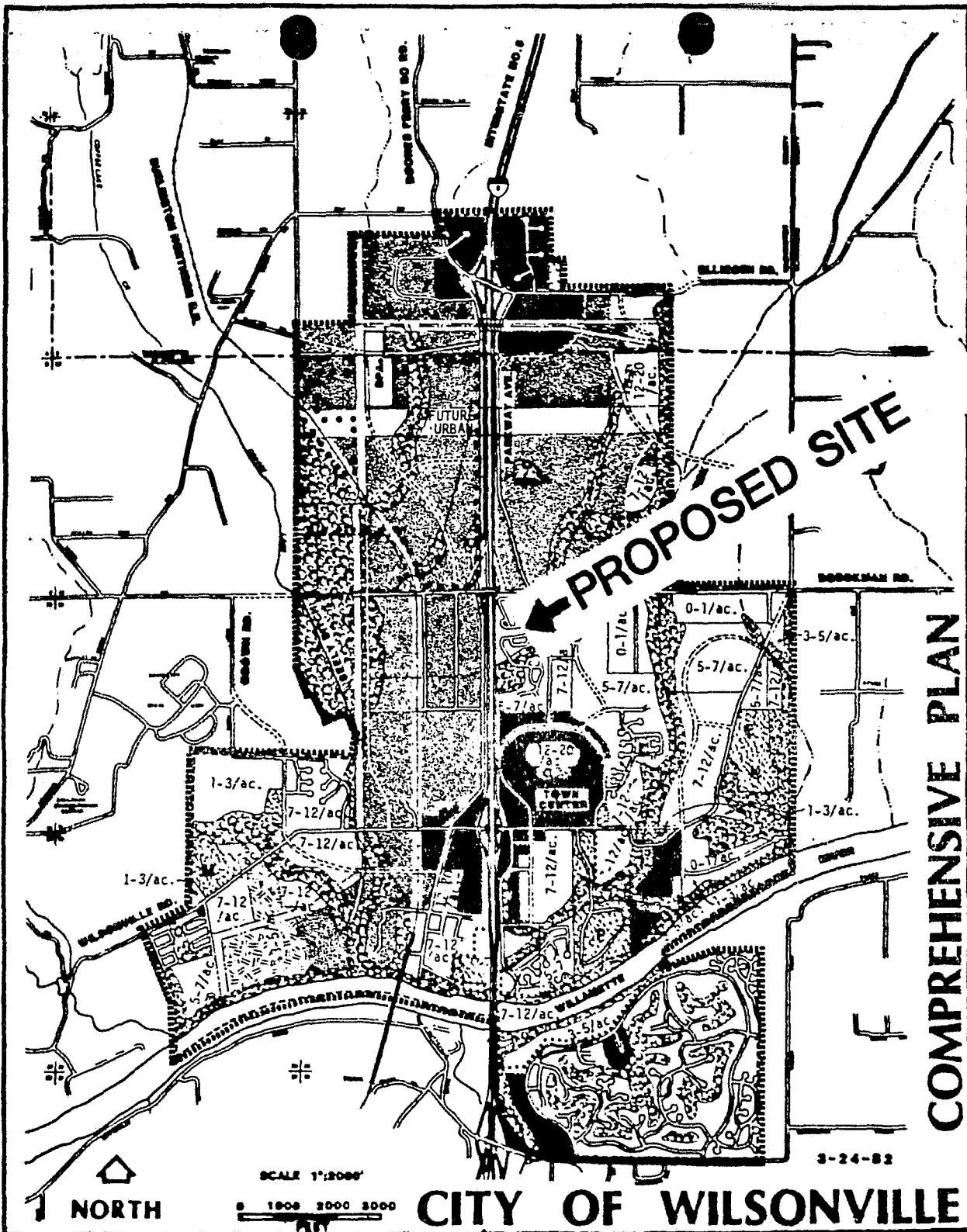
- a. The proposed amendment is in conformance with the text portions of the Plan not being considered for amendment.
- b. The granting of the amendment is in the public interest.
- c. The public interest is best served by granting the amendment at this time.
- d. The ~~factors~~ <sup>following factors</sup> in ORS 215.055 were consciously considered. ~~These factors~~ include the various characteristics of the areas in the City; the suitability of the various areas for particular land uses and improvements; the land uses and improvements in the areas, trends in land improvement, density of development; property values; the needs of economic enterprises in the future development of the area; transportation access; natural resources and the public need for healthful, safe and aesthetic surroundings and conditions.

#### 5. Public Notice Requirements.

- a. Notice of public hearings before the Planning Commission and City Council concerning proposed Plan amendments shall be published in a newspaper of general circulation in each of the three calendar weeks prior to the date of the hearing(s). A written notice of proposed amendments shall be posted in at least three conspicuous public places within the City not less than ten (10) days prior to the hearing(s). Written notice of map amendments shall be mailed to owners of property within 300 feet of the properties or property described in the notice at least ten (10) days prior to the date of the hearing(s).

What's the  
side  
and  
community  
Balance

LIST



COMPREHENSIVE PLAN

CITY OF WILSONVILLE

<p>0 to 20 <b>RESIDENTIAL</b> (dwelling units per acre)</p>	<p> <b>PUBLIC LANDS</b></p>	<p> <b>POWER LINE EASEMENTS</b></p>
<p> <b>COMMERCIAL</b></p>	<p> <b>CITY LIMITS</b></p>	<p> <b>WILLAMETTE RIVER GREENWAY BOUNDARY</b></p>
<p> <b>INDUSTRIAL PARK</b></p>	<p><b>P - PARKS</b></p>	<p> <b>PROPOSED STREETS</b></p>
<p> <b>OPEN SPACE</b> (all open space is not shown on map - see plan text)</p>	<p><b>E - ELEMENTARY SCHOOL</b></p>	<p> <b>URBAN GROWTH BOUNDARY</b></p>
<p> <b>CONTINUING AGRICULTURE</b> (future conversion density)</p>	<p><b>M - MIDDLE SCHOOL</b> <b>H - HIGH SCHOOL</b></p>	<p> <b>FUTURE URBAN GROWTH BOUNDARY</b></p>

PLANNING COMMISSION  
RESOLUTION NO. 84PC1

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM OPEN SPACE TO RESIDENTIAL (5 - 7 DU/AC) ON A 1.3 ACRE PORTION OF TAX LOT 100, T3S-R1W, SECTION 13B, ASH & ASSOCIATES, 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(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on August 21, 1984, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to forward said findings and recommendations to the City Council for final action; and further authorizes issuance of a PDR Planned Development Permit for site development of ten (10) mobile home spaces, upon adoption of the recommended Plan Map Amendment.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 21st day of August, 1984, and filed with the Wilsonville City Recorder this same day.

\_\_\_\_\_  
Chairman, Planning Commission

Attest:

\_\_\_\_\_

## FINDINGS

The following Findings are hereby adopted by the Planning Commission in its consideration of the application as submitted in accordance with the Comprehensive Plan and Zoning Regulations.

1. The applicant is requesting a Comprehensive Plan Map Amendment to redesignate 1.3 acres of open space to Residential, 5 to 7 dwelling units per acre. The purpose of the request is to allow the addition of ten new homesites within the Thunderbird Mobile Home Park.

The subject property is currently zoned PDR - Planned Development Residential under the provisions of the Thunderbird Park Master Plan. The proposal would remove 1.3 acres of the nine acres currently designated as open space within the Park.

2. The applicant has submitted statistical data regarding the net effect of the proposed Amendment on open space and housing unit count. The net effect would be the removal of 1.3 acres of open space and the addition of ten homesites. This would result in a net density of 4.9 units per acre with 36% open space.

The Comprehensive Plan density for the remainder of the Park is 5 to 7 dwelling units per acre, while the PDR zoning designation requires a minimum of 25% open space.

3. In December of 1981, the Planning Commission reviewed a PDR Stage II request to authorize the addition of 21 mobile home lots within the Thunderbird Park. Ten of the requested lots were those identified in the instant application. At that time, the Commission adopted Findings that while adequate facilities were available to serve the site, the removal of the open space would require a Comprehensive Plan Map Amendment.

Therefore, based on the previous Findings which are attached hereto by reference as Exhibit 4, the Commission finds that the instant application involves a Plan Map

Amendment with the primary issues being housing versus open space. All of the relevant Comprehensive Plan policies have been adequately addressed in the original zoning of the Thunderbird Park.

4. The Commission finds that the removal of 50 to 60 Douglas Fir have been identified by the applicant and will not significantly diminish the available open space within the City nor within the Thunderbird Park itself. Further, the trees to be removed will be from the interior of the existing open space area which is consistent with the Comprehensive Plan policies for preserving the perimeter visual impact of existing stands of trees.

The Commission further finds that the addition of ten homesites will assist in providing affordable housing within the City and is further found to be within the allowable densities designated for the Park.

### CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission to assure completion of the project in accordance with the Comprehensive Plan, Zoning and Design Review Regulations.

1. That the Planning Commission's approval for the addition of ten mobile homesites within the Thunderbird Park is contingent upon the City Council approving the Plan Map Amendment as recommended by the Commission.
2. That Site Development Plans and mobile home installations be processed in accordance with the Conditions of Approval set forth in the Design Review Board's Resolution 82DR4 which are as follows:
  - A. That final construction drawings be submitted to the Public Works Department for review and approval of all sanitary sewer, water, storm drainage and street improvements prior to any site development.
  - B. That Site Development Plans, including the installation of mobile homes on each lot, be submitted to the City's Building Department for review and approval prior to any site development.
  - C. That all proposed landscaping be installed prior to occupancy of any new units, unless satisfactory arrangements have been made with the Planning Director for a deferral of landscaping installation consistent with the provisions of Chapter 4 of the Wilsonville Code.



### EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
4. Others: Administrative records of 81PC26 and 82DR4.

D. Thunderbird Mobile Home Park - Comprehensive Plan Map  
Amendment from open space to Residential (5-7 du/ac)  
on a 1.3 acre portion of Tax Lot 100, T3S-R1W, Section 13B

Ben Altman presented the staff report noting that Ash & Associates did submit a request about a year and a half ago for additional units to be added to the Thunderbird as home sites. The Commission authorized a portion of those originally submitted, but denied 10 spaces which were within an area designated as open space on the Plan Map. The Commission, with a finding, required a Plan Amendment to approve the ten spaces as it was outside of the Stage II permit process. Subsequently, the applicant has submitted a request for a Plan Amendment to redesignate that portion of the open space to Residential, 5 to 7 du per acre to allow the additional ten home sites. The applicant has submitted a calculation of the net effect on the open space area. It affects 1.3 acres of the total open space within the City. The proposal would remove existing trees from the interior portion of the existing stand of trees which is also consistent with our design standards in our Comp Plan. There is a need for affordable housing within the City, therefore, the proposal is consistent with the housing policy of the Comp Plan and does not appear to be in substantial conflict to the open space portion of the Plan.

Altman noted that a number of residents of the Park testified at the original hearing in support of preserving the trees. The following winter he received numerous calls requesting that the managers of the Park be required to remove trees for safety purposes. He also noted that he had received an equal amount requesting that they not cut the trees.

Co-Chairman Williams opened the public hearing, asking for proponents.

Bill Roth, landscape architect for Thunderbird, noted he felt that removing the 1.3 acres from the designated open space would not have any possible effect on the community as a whole.

Co-Chairman Williams asked for opponents.

Timothy Miller, attorney representing James and Nancy Phillips, questioned Ben if the proposed road to serve the ten new spaces was a requirement of the City Code for access. Ben replied that it was not necessarily a requirement other than for obvious traffic flow reasons. If the space was not provided, probably at least one space would have to be eliminated for a turn-around area. It would also have to be reviewed by the Fire District as it is narrow.

Mr. and Mrs. Phillips are the current tenants of the space which is proposed to be eliminated for the road. Mr. Miller noted that upon reviewing the mobile home rental agreement executed by the Thunderbird Mobile Home Club and the applicable Residential and Landlord Tenant Law, it was apparent that the mobile club did not have the legal right to terminate the tenancy of the Phillips for the purpose

of putting the road through. The only condition under which tenancy can be terminated are failure to pay the rent, violation of the rules and regulations of the park and, with one year's notice, for purposes of converting the entire park to a different use. At present they do not have the legal right to complete the access as proposed to the Planning Commission.

Mr. Miller further noted that the Phillips became aware of the plan of the applicant from an August 6 letter to them from Stan Ash, which he read into the record.

Mr. Miller submitted to the Planning Commission that the Plan Amendment cannot be approved until the question of Mr. Ash's or the Thunderbird Mobile Home Club's legal right to access through Space 251 is decided, and in fact, if the applicant has the legal right to access.

Dale Taliaferro, Space 183, questioned Mr. Ash on how wide the mobile homes are which will be moving into the new spaces. Stan Ash replied double-wide homes. Taliaferro asked if the Plan which they received is the plan which will be voted on tonight. The Commission replied they have the same plan which he has. Taliaferro questioned the 36% open space remaining after addition of ten new mobile home spaces - 36% of what? He noted he went out and counted the number of trees to be cut down for the new homes - and stopped counting at 85, when Stan noted he would be cutting down 50 to 60 trees. He stated that Stan could only be putting in five double-wides as his plan showed each space being only 30 feet wide.

Mr. Taliaferro noted that Stan was required to put in a new culvert next to the old one. He put the new one in on top of the old one. He had to riprap the road going into Section 2, which he has not done. He noted that Stan had cut down more trees than he was allowed to do when he put in his last new mobile homes. Stated he definitely disapproved of this project.

Irvin Lundin, Space 252, noted the street would be going in behind his home. He was told when he bought his home that there would be no mobile homes going in behind him - instead, there would be trees, walkways, picnic tables, putting greens, etc. He noted that he will then live on a corner lot which will be very hard to sell. He asked that Stan find another way in which to add his homes without disturbing those who are already settled.

Betty Minnick, Space 182, stated that she spoke against Stan's proposal in 1981. She noted that Stan has taken out 15 loads of trees behind their home. Stated he has broken the rules and regulations again and again and felt they are not protected and the same thing will happen again.

Howard Smith noted he agreed with Mr. Lundin in that there should be a way in which Stan could place more mobile homes without disturbing too many people and without taking out too many trees.

Larry Bishop, Space 186, stated when they moved in they were told the same thing - no trees would be taken out and the park would be left as is. Since they have taken the trees out, they get all the south wind and it sounds as if they are on the freeway. As far as a shortage of homes, he noted there were probably 20 to 30 homes in the park which are not being sold now.

Mike Kohlhoff asked if Mr. Bishop and Mr. Lundin had any written representations regarding the removal of the trees, or if it was all oral. Mr. Lundin noted it was an oral representation, but he did know where the salesman was at this time.

Shirley Kerlin, Space 187, stated she was told by different people that the trees would be there, nothing else would be coming into the park and there would be greenways behind her house. She bought in 1977 and still does not have a greenway. There is a definite noise factor with the trees gone.

James Phillips, Space 251, noted the reason they bought where they did was that they were told there would be a greenway behind their home.

Norm Minnick, Space 182, noted he objected strongly to this proposal in 1981 and was objecting to it again. He noted that this spring Jungwirth Logging came in and took 15 loads of logs out and then sent a caboodle in. He felt the caboodle probably did damage to the tree roots which will result in more trees coming down on the mobile homes.

Wayne Palmer, attorney representing Ash & Associates, noted that Stan did inform the Phillips of the plans to move the mobile home. There was no date stated in the letter of the improvements to be made. Mr. Miller's response to the letter was a threat to Ash Meadows that they either pay the Phillips \$43,500 or he would testify before the Planning Commission tonight. He also noted this is a 30-day rental agreement with no fixed term. He felt Mr. Miller's testimony was more appropriate before a court of law and not the Planning Commission.

Bill Roth noted the Fire District will require the new road to go through for the emergency vehicle access. He noted the plan is a reduced copy with a scale of 1" = 100' which is why Mr. Taliaferro thought each space was only 30 feet wide. Concerning the riprap of the road, he noted they have civil engineers who have made recommendations on the roads and made tests of the bearing capacity of the soil.

Mike Williams questioned how they calculated the open space remaining after the addition of the ten homes. He noted he ended up with 33% rather than the 36%. Bill Roth replied that he used his 100 scale drawing, took all the land in the mobile home park, then took all the areas not being used for units and noted measurements for both.

Co-Chairman Williams closed the public hearing.

Arland Andersen suggested the Planning Commission take a look at the site.

Co-Chairman Williams suggested that Stan Ash notify Ben when the area was staked and ready for viewing.

Arland Andersen moved to continue the hearing to the September 10 meeting and have Ben call the Planning Commissioners when Stan has the site ready for viewing. Helen Burns seconded the motion which passed 6-0.

#### COMMISSIONERS' CONCERNS

Lew Hendershott pointed out that the large Willamette Factors sign across from his home still has not been before the Planning Commission.

Lew questioned Ben about the French Prairie Road overlaying. Ben replied that time ran out and they chose to wait until the Street of Dreams was over. Lew asked Ben if he was aware that the Fairway Village apartments extend from 6" to 12" onto adjoining property other than that designated on the plan they submitted. Ben noted the City withheld the final plat until a lot line adjustment was made.

( Meeting was adjourned at 9:30 p.m.



# PLANNING DEPARTMENT

## SUMMARY STAFF REPORT

**TO:** Planning Commission

**DATE:** October 4, 1984

**SUBJECT:** Continuation of Hearing - Thunderbird Plan Amendment 84PC1

**MEETING DATE:** October 8, 1984

**ACTION REQUIRED:** Approval or denial.

### PREVIOUS ACTION TAKEN:

Hearing opened August 21, 1984, testimony taken and hearing continued to September 10, 1984. Subsequently, the hearing was continued to October 8, 1984, at the applicant's request.

### CONCLUSIONARY FINDINGS:

1. See original Staff Report - 84PC1 - and Minutes of August 21, 1984 hearing.
2. As outlined in the original Report, the primary Comprehensive Plan issue is one of balancing the open space goals and objectives against those of housing.

However, in considering this issue, the Commission must evaluate the effect on existing residents. That is, negative testimony has been received regarding removal of trees and open space that has historically existed. Apparently the park owners have made certain verbal representations about the trees remaining. These representations, coupled with the City's open space designation on the Comp Plan have led to individuals making site selection decisions to have open space and trees in their backyard.

### SUPPLEMENTAL FINDINGS:

3. The issue of the Phillips' legal rights as tenants is not within the purview of the Commission. However, the road alignment resulting in a displacement of existing residents is a land use issue appropriately reviewed by the Commission.

The Commission finds that the road extension through space 251 would certainly improve traffic circulation. Although, thru traffic is not necessarily a requirement. There are several areas in the park that function well with turn-arounds on dead-end streets.

The displacement of a home is certainly a far greater negative impact than would result from the inconvenience caused by a lack of thru traffic. Further, public safety and circulation would not seriously be affected if a hammer-head turn-around is provided. This, however, would require that space 4 and/or 10 as proposed be eliminated for the turn-around.

This would also eliminate the corner lot situation for space 252, identified by Mr. Lundin.

4. The Site Plan submitted does not accurately reflect the location of the home immediately north of the new space number 1. This unit is actually parallel to the proposed road extension. Therefore, the proposed new parking area would be adjacent to the home and abut the driveway.

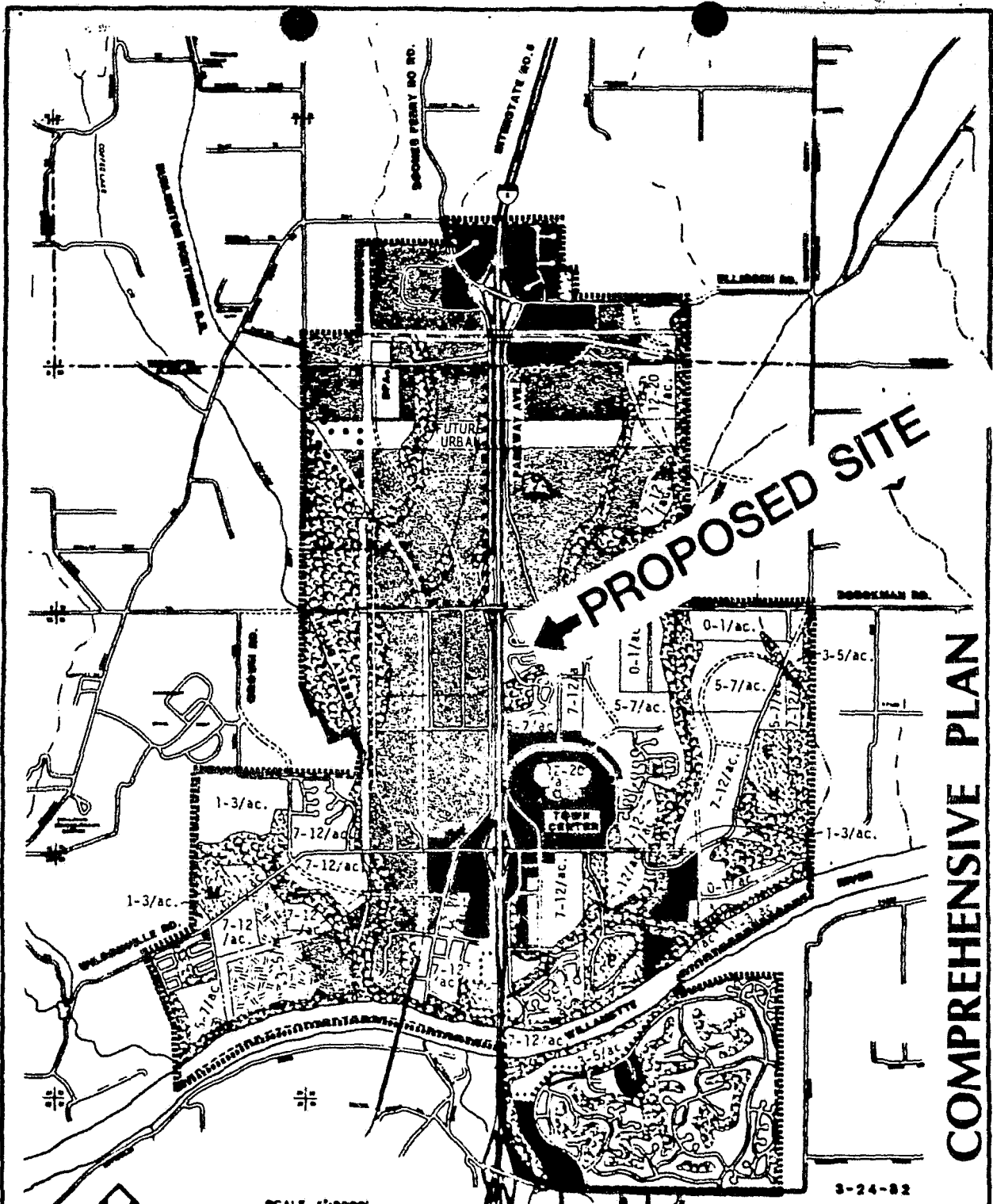
This situation can be corrected if the parking area is moved to the south in place of spaces 4 and 10. This would serve as the turn-around addressed in Finding 3 above and provide a buffer area adjacent to the existing unit.

5. The trees that were removed were authorized by the Planning Director, based on the recommendations of a forestry specialist. The approval was granted following the heavy winter storms that downed several trees. The other trees were removed as normal and necessary maintenance.
6. The road and drainage work addressed by Mr. Taliaferro are being constructed in accordance with plans approved by the City's Public Works Director. To date, this work is incomplete, thus no riprap. This will be handled through the Public Works' inspection process.

#### RECOMMENDATION:

Approve as specified in Resolution 84PC1 with the following modifications:

1. Spaces 4 and 10 shall be deleted.
2. The new parking area north of space 1 shall be relocated and designed to function as a turn-around in the area where spaces 4 and 10 were proposed.
3. All mobile homes will be sited so as to minimize the removal of additional trees. Each Site Plan must be approved by the Planning Director prior to unit installation.



PROPOSED SITE

COMPREHENSIVE PLAN

NORTH  
SCALE 1"=2000'  
0 1000 2000 3000

CITY OF WILSONVILLE

3-24-82

<p>0 to 20 <b>RESIDENTIAL</b> (dwelling units per acre)</p>	<p> <b>PUBLIC LANDS</b></p>	<p>--- POWER LINE EASEMENTS</p>
<p> <b>COMMERCIAL</b></p>	<p>--- CITY LIMITS</p>	<p>..... WILLAMETTE RIVER GREENWAY BOUNDARY</p>
<p> <b>INDUSTRIAL PARK</b></p>	<p>P - PARKS</p>	<p>----- PROPOSED STREETS</p>
<p> <b>OPEN SPACE</b> (all open space is not shown on map - see plan text)</p>	<p>E - ELEMENTARY SCHOOL</p>	<p>—— URBAN GROWTH BOUNDARY</p>
<p> <b>CONTINUING AGRICULTURE</b> (future conversion density)</p>	<p>M - MIDDLE SCHOOL</p>	<p>..... FUTURE URBAN GROWTH BOUNDARY</p>
	<p>H - HIGH SCHOOL</p>	



PLANNING COMMISSION  
RESOLUTION NO. 84PC1

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM OPEN SPACE TO RESIDENTIAL (5-7 DU/AC) ON A 1.3 ACRE PORTION OF TAX LOT 100, T3S-F1W, SECTION 13B, ASH & ASSOCIATES, APPLICANT

*Continued  
to Nov. 13, 84*

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(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on August 21, 1984, and continued to October 8, 1984, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to forward said findings and recommendations to the City Council for final action; and further authorizes issuance of a PDR Planned Development Permit for site development of eight (8) mobile home spaces, upon adoption of the recommended Plan Map Amendment.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 8th day of October, 1984, and filed with the Wilsonville City Recorder this same day.

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Chairman, Planning Commission

Attest:

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## FINDINGS

The following Findings are hereby adopted by the Planning Commission in its consideration of the application as submitted in accordance with the Comprehensive Plan and Zoning Regulations.

1. The applicant is requesting a Comprehensive Plan Map Amendment to redesignate 1.3 acres of open space to Residential, 5 to 7 dwelling units per acre. The purpose of the request is to allow the addition of ten new homesites within the Thunderbird Mobile Home Park.

The subject property is currently zoned PDR - Planned Development Residential under the provisions of the Thunderbird Park Master Plan. The proposal would remove 1.3 acres of the nine acres currently designated as open space within the Park.

2. The applicant has submitted statistical data regarding the net effect of the proposed Amendment on open space and housing unit count. The net effect would be the removal of 1.3 acres of open space and the addition of ten homesites. This would result in a net density of 4.9 units per acre with 36% open space.

The Comprehensive Plan density for the remainder of the Park is 5 to 7 dwelling units per acre, while the PDR zoning designation requires a minimum of 25% open space.

3. In December of 1981, the Planning Commission reviewed a PDR Stage II request to authorize the addition of 21 mobile home lots within the Thunderbird Park. Ten of the requested lots were those identified in the instant application. At that time, the Commission adopted Findings that while adequate facilities were available to serve the site, the removal of the open space would require a Comprehensive Plan Map Amendment.

Therefore, based on the previous Findings which are attached hereto by reference as Exhibit 4, the Commission finds that the instant application involves a Plan Map

Amendment with the primary issues being housing versus open space. All of the relevant Comprehensive Plan policies have been adequately addressed in the original zoning of the Thunderbird Park.

4. The Commission finds that the removal of 50 to 60 Douglas Fir have been identified by the applicant and will not significantly diminish the available open space within the City nor within the Thunderbird Park itself. Further, the trees to be removed will be from the interior of the existing open space area which is consistent with the Comprehensive Plan policies for preserving the perimeter visual impact of existing stands of trees.

The Commission further finds that the addition of ten homesites will assist in providing affordable housing within the City and is further found to be within the allowable densities designated for the Park.

### CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission to assure completion of the project in accordance with the Comprehensive Plan, Zoning and Design Review Regulations.

1. That the Planning Commission's approval for the addition of ten mobile homesites within the Thunderbird Park is contingent upon the City Council approving the Plan Map Amendment as recommended by the Commission.
2. That Site Development Plans and mobile home installations be processed in accordance with the Conditions of Approval set forth in the Design Review Board's Resolution 82DR4 which are as follows:
  - A. That final construction drawings be submitted to the Public Works Department for review and approval of all sanitary sewer, water, storm drainage and street improvements prior to any site development.
  - B. That Site Development Plans, including the installation of mobile homes on each lot, be submitted to the City's Building Department for review and approval prior to any site development.
  - C. That all proposed landscaping be installed prior to occupancy of any new units, unless satisfactory arrangements have been made with the Planning Director for a deferral of landscaping installation consistent with the provisions of Chapter 4 of the Wilsonville Code.

EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

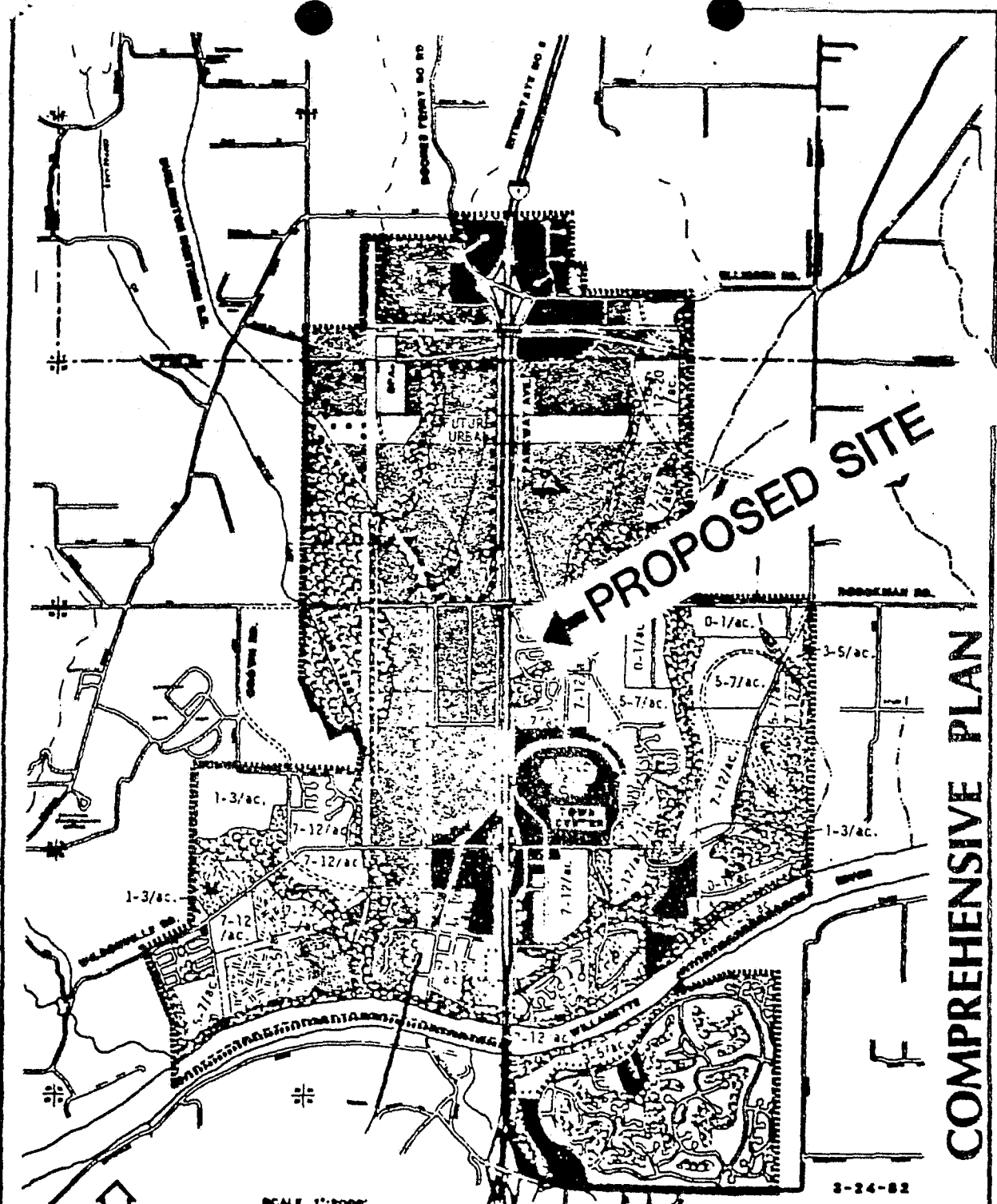
1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
4. Others: Administrative records of 81PC26 and 82DR4.

# MEMO

City of Wilsonville

TO: CITY COUNCIL  
FROM: JUDEE

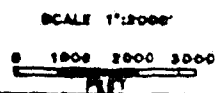
Please note that the Thunderbird public hearing was continued from August 21, 1984 to October 8, 1984. However, the Commission did not have a quorum to meet on October 8, 1984 and, subsequently, the Thunderbird hearing was continued to November 13, 1984.



COMPREHENSIVE PLAN

3-24-82

NORTH



CITY OF WILSONVILLE

0 to 20	<b>RESIDENTIAL</b> (dwelling units per acre)		<b>PUBLIC LANDS</b>	- - - - POWER LINE EASEMENTS
	<b>COMMERCIAL</b>	- - - -	CITY LIMITS	..... WILLAMETTE RIVER GREENWAY BOUNDARY
	<b>INDUSTRIAL PARK</b>	P	PARKS	- - - - PROPOSED STREETS
	<b>OPEN SPACE</b> (all open space is not shown on map - see plan text)	E	ELEMENTARY SCHOOL	
	<b>CONTINUING AGRICULTURE</b> (future conversion density)	M	MIDDLE SCHOOL	
		H	HIGH SCHOOL	..... FUTURE URBAN GROWTH BOUNDARY

PLANNING COMMISSION  
RESOLUTION NO. 84PC1

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM PRIMARY OPEN SPACE TO SECONDARY OPEN SPACE (5-7 DU/AC) ON A 1.3 ACRE PORTION OF TAX LOT 100, T3S-R1W, SECTION 13B, ASH & ASSOCIATES, 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(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on August 21, 1984, continued to October 8, 1984, and again continued to November 13, 1984, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to forward said findings and recommendations to the City Council for final action; and further authorizes issuance of a PDR Planned Development Permit for site development of eight (8) mobile home spaces, upon adoption of the recommended Plan Map Amendment.

ADOPTED by the Planning Commission of the City of Wilsonville, at a regular meeting thereof this 13th day of November, 1984, and filed with the Wilsonville City Recorder this same day.

Attest:

Judith A. Grewer

Richard L. Williams

Chairman, Planning Commission



## FINDINGS

The following Findings are hereby adopted by the Planning Commission in its consideration of the application as submitted in accordance with the Comprehensive Plan and Zoning Regulations.

1. The applicant is requesting a Comprehensive Plan Map Amendment to redesignate 1.3 acres of open space to Residential, 5 to 7 dwelling units per acre. The purpose of the request is to allow the addition of ten new homesites within the Thunderbird Mobile Home Park.

The subject property is currently zoned PDR - Planned Development Residential under the provisions of the Thunderbird Park Master Plan. The proposal would remove 1.3 acres of the nine acres currently designated as open space within the Park.

2. The applicant has submitted statistical data regarding the net effect of the proposed Amendment on open space and housing unit count. The net effect would be the removal of 1.3 acres of open space and the addition of ten homesites. This would result in a net density of 4.9 units per acre with 36% open space.

The Comprehensive Plan density for the remainder of the Park is 5 to 7 dwelling units per acre, while the PDR zoning designation requires a minimum of 25% open space.

3. In December of 1981, the Planning Commission reviewed a PDR Stage II request to authorize the addition of 21 mobile home lots within the Thunderbird Park. Ten of the requested lots were those identified in the instant application. At that time, the Commission adopted Findings that while adequate facilities were available to serve the site, the removal of the open space would require a Comprehensive Plan Map Amendment.

Therefore, based on the previous Findings which are attached hereto by reference as Exhibit 4, the Commission finds that the instant application involves a Plan Map

Amendment with the primary issues being housing versus open space. All of the relevant Comprehensive Plan policies have been adequately addressed in the original zoning of the Thunderbird Park.

4. The Commission finds that the removal of 50 to 60 Douglas Fir have been identified by the applicant and will not significantly diminish the available open space within the City nor within the Thunderbird Park itself. Further, the trees to be removed will be from the interior of the existing open space area which is consistent with the Comprehensive Plan policies for preserving the perimeter visual impact of existing stands of trees.

The Commission further finds that the addition of eight homesites will assist in providing affordable housing within the City and is further found to be within the allowable densities designated for the Park.

5. A hearing was opened August 21, 1984, testimony taken and the hearing was continued to September 10, 1984. The hearing was continued to October 8, 1984, at the applicant's request. On October 8, the Commission failed to secure a quorum to allow for a final decision, and continued the hearing to November 13.
6. At the October 9, 1984 meeting, upon continuing the hearing, the Commission directed the applicant to more clearly identify the road alignment and trees to be removed to accommodate the road.

The applicant has marked the road alignment with survey ribbon. The road would require the removal of 18 trees.

Removal of trees for unit placement on lots is proposed on a lot-by-lot basis, as specific units are sited. Lot lines and unit placements are to be adjusted to minimize tree removal.

The Commission finds that there are actually two issues involved in the removal of trees and the addition of more home sites. One issue involved is the preservation, replacement and/or enhancement of existing vegetation. The other is removal of open space and replacing it with home sites.

The tree removal issue is simpler to address. Trees can be replaced. Even though they need time to mature to an equal height and mass, they are a renewable resource. Further, existing vegetation can be enhanced by periodic thinning and reforestation. Supplemental plantings can also enhance a forested area by adding accent or filling in naturally occurring gaps.

Conversely, however, once open space is removed for development, it can only be recovered by removal of the development that replaced it. Therefore, a greater emphasis must be given to the consideration of open space, versus removal of vegetation.

In considering this issue, the Commission must evaluate the effect on existing residents. That is, negative testimony has been received regarding removal of trees and open space that has historically existed. Apparently the park owners have made certain verbal representations about the trees remaining. These representations, coupled with the City's open space designation on the Comp Plan, have led to individuals making site selection decisions to have open space and trees in their backyard.

However, no evidence has been submitted indicating that adjacent residents have paid or are paying additional charges to secure specific rights of open space, over that of other Park residents.

Even so, the Commission has set a precedent of giving significant status to expectations established from Master Development Plans and the Comprehensive Plan.

The Commission finds that the Park residents, as a whole, have a right to expect open space that was represented on the Park Master Plan. Further, it is acknowledged that those adjacent to the open space have an increased expectation over that of residents farther away although, they are not considered to have significantly greater rights than other residents. Special consideration should be given to setbacks for residents that have enjoyed the open area in their backyards.

The proposed Plan provides for an open area or setback between Lots 1, 2, 3 and 4 and existing

lots to the east. Further, findings 7 and 8 address setback issues related to Lots 4 and 10 and the proposed parking area at the north-east end of the addition.

This setback is similar to those provided by greenway strips throughout the Park. This area can be relandscaped and will provide additional backyard area, even though reduced in size.

7. The Site Plan submitted does not accurately reflect the location of the home immediately north of the new space number 1. This unit is actually parallel to the proposed road extension. Therefore, the proposed new parking area would be adjacent to the home and abut the driveway.

This situation can be corrected if the parking area is moved to the south in place of spaces 4 and 10. This would serve as the turn-around addressed in finding 3 above and provide a buffer area adjacent to the existing unit.

8. The trees that were recently removed were authorized by the Planning Director, based on the recommendations of a forestry specialist. The approval was granted following the heavy winter storms that downed several trees. The other trees were removed as normal and necessary maintenance.
9. The road and drainage work addressed by Mr. Taliaferro is being constructed in accordance with plans approved by the City's Public Works Director. To date, this work is incomplete, thus no riprap. This will be handled through the Public Works' inspection process.
10. The issue of the Phillips' legal rights as tenants is not within the purview of the Commission. However, the road alignment resulting in a displacement of existing residents is a land use issue appropriately reviewed by the Commission.

The Commission finds that the road extension through space 251 would certainly improve traffic circulation. Although, thru traffic is not necessarily a requirement. There are several areas in the Park that function well with turn-arounds on dead-end streets.

- (4) Major natural drainage channels.
- c. Secondary open space is intended to serve as a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use and design review process, except when the proposal is a part of a planned development.

These areas include the following:

- (1) Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.
  - (2) High voltage powerline easements.
  - (3) The 100-year flood plain fringe.
  - (4) Slopes between 12% and 20%.
  - (5) Designated historic sites.
  - (6) Small stands of trees and heavily vegetated areas adjacent to primary open space areas.
- d. Primary undeveloped portions of secondary open space may be used towards satisfaction of open space requirements. A density transfer credit of not more than 10% of the designated primary open space will also be allowed.

NOTE: In vegetated areas the visual impact of the trees, etc. is to be preserved. Any clearing of trees for development should be from the interior of the stand.

POLICY 4.5.4: All proposed developments, except single-family dwellings outside of designated open space areas, shall be subject to Site Plan (including landscaping) and architectural design review approval. Single-family subdivisions shall be subject to design review for approval of street tree plans. Individual (single-family) dwellings to be located within a designated secondary open space area shall be subject to site plan review for removal of trees and vegetation. They shall, however, not be subject to architectural review.

The displacement of a home is certainly a far greater negative impact than would result from the inconvenience caused by a lack of thru traffic. Further, public safety and circulation would not seriously be affected if a hammer-head turn-around is provided. This, however, would require that space 4 and/or 10 as proposed be eliminated for the turn-around.

This would also eliminate the corner lot situation for space 252, identified by Mr. Lundin.

11. In combination, the City's goals and objectives for environmental resources and community design form the foundation for an integrated community design that preserves the integrity and aesthetic quality of the natural environment while allowing for development. It is the underlying intent of the Plan to reconcile these factors, through site planning and design, so that they complement each other. The maintenance of a pleasant place to live and work is the major motivating force of this element. Wilsonville's agricultural and rural heritage has long given it a sense of openness accented by lines and clusters of trees and other natural vegetation. It is the desire of the City to allow development to occur in harmony with natural features, not one at the expense of the other.

- POLICY 4.5.1: a. The major natural drainageways, environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary or secondary open space.
- b. Primary open space is intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:
- (1) 100 year floodways
  - (2) Slopes greater than 20%
  - (3) Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.

POLICY 4.5.5: Minimum open space and landscaping standards shall be established, emphasizing the incorporation of natural vegetation and unique topographic features in site design. Additional landscaping may be required based on the scale and type of development and its compatibility with abutting land uses.

NOTE: Landscaping and/or open spaces may be used to buffer non-compatible uses. It is intended to soften the visual impact and provide a sense of openness and should be used to complement good building designs and may be used to screen certain types of development.

12. The Design Review Board has set site development standards for the additional units in Resolution 82DR4. The net loss of 1.3 acres of primary open space still provides for open area in excess of the PDR requirements. Individual site design review of units within the 1.3 acre area will meet the criteria set forth in Policy 4.5.4 for Secondary Open Space. It will further provide reasonable protection of setbacks for existing residents, while allowing for economically justifiable development. However, in order to secure this protection, the subject area must be designated as Secondary Open Space, rather than straight residential with a specified density. The Secondary Open Space designation will maintain a more substantial review standard for tree removal than a residential designation would. It further would not set a guarantee of any specific number of units, rather the units would be approved on an individual site design basis.

### CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission to assure completion of the project in accordance with the Comprehensive Plan, Zoning and Design Review Regulations.

1. That the Planning Commission's approval for the addition of not more than eight mobile homesites within the Thunderbird Park is contingent upon the City Council approving the Plan Map Amendment as recommended by the Commission.
2. That Site Development Plans and mobile home installations be processed in accordance with the Conditions of Approval set forth in the Design Review Board's Resolution 82DR4 which are as follows:
  - A. That final construction drawings be submitted to the Public Works Department for review and approval of all sanitary sewer, water, storm drainage and street improvements prior to any site development.
  - B. That Site Development Plans, including the installation of mobile homes on each lot, be submitted to the City's Building Department for review and approval prior to any site development.
  - C. That all proposed landscaping be installed prior to occupancy of any new units, unless satisfactory arrangements have been made with the Design Review Board for a deferral of landscaping installation consistent with the provisions of Chapter 4 of the Wilsonville Code.
3. Spaces 4 and 10 shall be deleted.
4. The new parking area north of Space 1 shall be relocated and designed to function as a turn-around in the area where Spaces 4 and 10 were proposed.
5. All mobile homes will be sited so as to minimize the removal of additional trees and provide reasonable buffering (setbacks) from existing units. Each site Plan must be approved by the Design Review Board prior to unit installation. Said approvals shall not allow more than eight units, within the 1.3 acre area. The Board may further require that additional trees and landscaping be



provided to provide buffers and enhance the existing vegetation.

6. That this project is subject to review by the Tualatin Rural Fire District prior to issuance of the Building Permit.

EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
4. Others: Administrative records of 81PC26 and 82DR4.

EXCERPT FROM THE PLANNING COMMISSION MINUTES OF NOVEMBER 13, 1984:

C. Thunderbird Comp Plan Amendment - Continuation of public hearing - from Open Space to Residential on a 1.3 acre portion of Tax Lot 100, T3S-R1W, Section 13B

Ben presented the staff report, noting he had revised the findings since the August 21 meeting. He addressed the issue of housing versus open space and within the open space element, he addressed the replacement of existing vegetation wherein you are changing the configuration of open space as it exists as opposed to actually removing it from the open space and replacing it with development. The applicant plans to site each home to minimize the removal of the trees with the specific removal of 18 trees to allow for the extension of the access road into the new area. His conclusion was that the best control, rather than redesignating the site to residential, would be to redesignate it from primary to secondary open space which provides for a design review level.

Altman noted there are concerns which have been raised relating to safety regarding the Fir trees. They are a fairly unstable tree as far as ability to withstand wind storms. His conclusion was that the redesignation to a secondary open space area can provide for individual site design and location of each unit with a maximum of eight units, but not a guaranteed eight (depending on the siting) would be the most appropriate.

The Plan which was submitted showed a new parking area at the north end of the new road extension. A site inspection showed the plan was drawn in error as far as the existing mobile home on the east side of the road - the home is more parallel to the road and the parking lot would be abutting the driveway. Altman's recommendation would be to delete the parking area and move it to the south end of the road where it would also serve as a turn-around. This would reduce the number of units to eight - the number of units would be determined by the siting of each individual unit. However, by saving the one lot and adding eight, the total will be nine.

Lew Hendershott questioned if the Tualatin Rural Fire District has a regulation regarding the depth of the hammerhead turn-around. Altman replied the maximum is 1200 feet.

Mike Williams questioned what criteria we would use in the future to determine if we would allow a lot to be created. Altman replied he felt it would be a matter of where the line would be drawn relative to the space necessary for the unit and the number of trees which would need to be removed to accomplish that. Williams noted the Planning Commission Resolution states the Commission is authorizing the issuance of a PDR Planned Development Permit for the site development of eight units, yet no one knows where each unit will be or even if there will be eight units. Marian Wiedemann noted the Design Review Board would then have to review each unit separately. Altman stated he was trying to allow it to be done at staff level.

Mike Williams opened the public hearing, asking for proponents.

Stan Ash clarified that the 18 trees which would be cut down are in the way of the new roadway. He noted they initially stated they would be removing about 60 trees. This was the number if the ten homesite units were put in and the renters wanted to have most of the trees removed from their

homesites. He noted tenants like the trees until they have gone through a windstorm and then want them removed. Stated there were less than 10% of the homes up for resale.

Mike Williams asked Mr. Ash if he understood that each home coming in would have to go through Design Review Board. Mr. Ash replied that he agreed with this.

Rich Fruhwirth, Property Manager for Thunderbird, also noted there were approximately 10% of the existing homes up for resale. In some instances, he questioned if the homes were actually for sale, and noted a rule violation case wherein the renter put up a "For Sale" sign in his window the next day. He also noted that Stan was correct in saying tenants want the trees to stay when they first move in, and after going through a windstorm, ask that the trees be removed. He described how they decide to remove a tree. Stated he felt there is an extreme need for quality adult housing in the City.

Mike Williams asked for opponents.

Altman noted, for the record, that in his experience with the mobile home park-during the winter months he would receive calls requesting that the Park be ordered to remove the trees and an equal number of calls requesting that they be stopped from removing trees.

Mike Williams closed the public hearing and asked for discussion from the Planning Commission.

Lew Hendershott suggested that Condition of Approval 5 be changed to read: ". . . must be approved by the Design Review Board prior to unit installation."

Mike Williams suggested the following change to Condition of Approval 1:

- "1. That the 1.3 acre parcel identified as primarily open space shall be redesignated as Secondary Open Space and that the approval of up to eight homesites is contingent upon the City Council approving the Plan Map Amendment as recommended by the Commission in accordance with Design Review Board Resolution 82DR4 and the City Comprehensive Plan."

and in Condition of Approval 2.C., change the words "Planning Director" to "Design Review Board".

Lew Hendershott added Condition of Approval 6:

- "6. That this project is subject to review by the Tualatin Rural Fire District prior to issuance of the Building Permit."

Helen Burns moved to approve the Thunderbird Mobile Home Park Comprehensive Plan Map Amendment from open space to Residential (5-7 du/ac) on a 1.3 acre portion of Tax Lot 100, T3S-R1W, Section 13B, with the following additions and changes:

That Condition of Approval 1 be changed to read as follows:

- "1. That the 1.3 acre parcel identified as primarily open space shall be redesignated as Secondary Open Space and that the approval of up to eight homesites is contingent upon the City Council approving the Plan Map Amendment as recommended by the Commission in accordance with Design Review Board Resolution 82DR4 and the City Comprehensive Plan."

and in Condition of Approval 2.C., change the words "Planning Director" to "Design Review Board", and add Condition of Approval 6:

- "6. That this project is subject to review by the Tualatin Rural Fire District prior to issuance of the Building Permit."

Stan Maves seconded the motion which passed 5-0.