

RESOLUTION NO. 1109

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FROM RA-1 TO PDR; APPROVING A STAGE I MASTER PLAN AND STAGE II PRELIMINARY PLAT APPROVAL FOR A 167 LOT SINGLE FAMILY SUBDIVISION LOCATED ON 55.9 ACRES OF PROPERTY THAT IS SOUTH OF WILSONVILLE ROAD, NORTH OF THE WILLAMETTE RIVER AND EAST OF THE RIVERGREEN SUBDIVISION AND IS SPECIFICALLY IDENTIFIED AS TAX LOTS 1701, 1800, 1890 AND 2100; SECTION 22; T3S-R1W; CLACKAMAS COUNTY, OREGON (AKA RWL SUBDIVISION).

WHEREAS, upon due notice, a public hearing on Zoning Order No. 94PC18 has been scheduled and heard on June 6, 1994 and duly continued to June 20, 1994; which Zoning Order proposes that the Council adopt the Planning Commission's Resolution recommending approval (with conditions) of the application of Harold and Judith Hummelt for a zone change and order amending the official zoning map from *Residential (R)* to *Planned Development Residential (PDR)* for a 55.9 acre parcel identified as Tax Lots 1701, 1800, 1890 and 2100; Section 22; T3S-R1W; Clackamas County, Oregon; and for preliminary plat approval for a 167 lot single family subdivision named the RWL Subdivision; and

WHEREAS, the City Council adopts the Planning Commission's Resolution with certain modifications to the findings, conclusions and conditions, and has directed staff to prepare this Resolution which will adopt Zoning Order No. 94 P.C. 18 with the modifications as determined by the City Council in its decision of June 20, 1994, and to present it to Council for adoption.

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

1. Zoning Order No. 94PC18, a copy of which is marked as Exhibit A attached hereto and incorporated by reference as fully set forth herein, is adopted and so ordered;

2. The Planning Director is authorized to amend the official zoning map in keeping with the decision herein;

3. The property owner(s) of the parcel (and any future owners) shall accept the City Council's Conditions of Approval and such acceptance shall be placed and kept with the City Recorder. Any proposed amendments or modifications of any Condition shall be brought back to the Council for their approval and shall be subject to the public hearing notice and process as set forth in the Wilsonville Code.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of June, 1994, and filed with the Wilsonville City Recorder this same date.

Gerald A. Krummel
GERALD A. KRUMMEL, Mayor

ATTEST:

Vera A. Rojas
VERA A. ROJAS, CMC/AEE, City Recorder

SUMMARY of Votes:

| | |
|-------------------|------------|
| Mayor Krummel | <u>AYE</u> |
| Councilor Lehan | <u>AYE</u> |
| Councilor Benson | <u>AYE</u> |
| Councilor Hawkins | <u>AYE</u> |
| Councilor Sempert | <u>AYE</u> |

7/6/94
Vera -
to your office for
in your name
copy of the
200. I hope you will
have your signature
and, thank you.

Copies
Deer Books ✓
to Krummel ✓
Annex ✓
Sorenson ✓
Deer file ✓
Vera ✓

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

In the Matter of the Application of)
Harold and Judith Hummelt for a)
rezoning of land and amendment of) **ZONING ORDER 94PC18**
the Wilsonville Zoning Map as set)
forth in Section 4.102 of the Code)

The above entitled matter is before the Wilsonville City Council to consider the application and request of Harold and Judith Hummelt for a zone change and order amending the official Zoning Map from **RESIDENTIAL AGRICULTURE - One Acre Minimum (RA-1)** to **PLANNED DEVELOPMENT RESIDENTIAL (PDR)** for 55.9 acres of land identified as Tax Lots 1701, 1800, 1890 and 2100; Section 22; T3S-R1W; Clackamas County, Oregon. The property is generally located south of Wilsonville Road, east of the Rivergreen Subdivision and north of the Willamette River. This application includes a request for the City Council to approve a Stage I Master Plan and a Stage II Preliminary Plat for a 167 lot single-family subdivision named RWL Subdivision.

The Wilsonville Planning Commission held a public hearing on this application on May 9, 1994, and , after closing the hearing, adopted Resolution No. 94 PC 18 which recommends that the Council **APPROVE** the Zone Map Amendment; Master Plan and Preliminary Subdivision Plat subject to thirty-three (33) Conditions of Approval for the subdivision along with findings as proposed by Planning Staff and modified by the Commission.

It appears to the City Council that the Planning Commission's record of proceedings, along with the Commission's recommendations which have been forwarded to the Council, is complete and factual and the Council hereby adopts the following Findings, the amended Conditions of Approval and, in doing so, finds that this application should be **APPROVED**.

WILSONVILLE CITY COUNCIL

ADOPTED CONDITIONS OF APPROVAL

**94PC 18
HUMMELT SUBDIVISION**

**Stage I Master Plan,
Zone Map Amendment,
and
Stage II, Phase I, II and III Preliminary Subdivision Plat.**

Amended June 6 1994

Revised June 20, 1994

Revised June 27, 1994

1. The City Council approves the Phase I, II and III Stage II preliminary subdivision plat, the Stage I Master Plan and the zone map amendment from **RA-1** to **PDR**.
2. Provide the Planning Department a legal description of the property being rezoned for the Stage I master plan and zone map amendment.
3. The developer shall comply with all requirements of the City Building Department's report and the Tualatin Valley Fire and Rescue District. An analysis shall be accomplished to provide sufficient fire protection for the open areas that the bicycle/pedestrian paths will traverse.
4. The developer shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
5. The subdivision lots shall not be sold or conveyed until such time the final plat is recorded with Clackamas County or all improvements are bonded in accordance with State Law and to the satisfaction of the City Engineer.
6. The Covenants Conditions and Restrictions for the subdivision shall prohibit structures within the Santa Fe gas line easement and on any other private or public easement.
7. The developer shall submit an application to the Design Review Board for a street tree program, bicycle and pedestrian way facilities design, landscape plan for outdoor living, proposed signs, and fence/wall details. Said application must be approved by the DRB prior to occupancy of any house in the subdivision.

8. The developer shall provide the Design Review Board a tree/farm management plan for the Filbert trees in outdoor living areas and describe how the trees will be maintained by the Home Owners Association. The developer shall remove Filbert trees as required and provide a landscaped, open space plan within the open spaces to give real open park recreation areas for convenient use by residents. The open space planned for Tract C and north of the power lines would be an open play field such as a regulation or near regulation soccer field as can be placed on the Tract, deferring to Design Review Board. Given the central park condition No. 36, play ground apparatus need not be located at Tract C.
9. The Planning Commission recommends and the Council adopts the following lot development standards and waivers:
 - A. Minimum width at building line: 40 feet.
 - B. Minimum street frontage: fifty (50) feet, except 20 feet for lots which front a cul de sac or eye brow curve, and for Tract I which will serve Tax Lot 1700 of map T1W-R3S.
 - C. Minimum lot depth: 85 feet.
 - D. Minimum front yard setback: 15 feet. Minimum garage setback: 20 feet. Minimum corner lot, street-side yard setback for all lots: 15 feet, except for lots less than 7,000 sq. ft. in size which shall have a minimum 10-foot street-side yard setback.
 - E. Minimum rear yard 20 feet, 15 feet if backing onto open space areas.
 - F. Minimum side yard setback: Five (5) feet for lots below 10,000 SF. For lots greater than 10,000 square feet the minimum side yard setback shall be seven (7) feet for one story houses and ten (10) feet for two story houses.
 - G. Maximum building height: two and one-half stories or 35 feet.
 - H. Maximum lot coverage: 35% for lots below 10,000 SF, 30% for lots greater than 10,000 SF.
 - I. The Planning Commission approved waivers to ROW and street width standards throughout the proposed development so that a functional relationship between street widths and anticipated daily traffic amounts can be developed. Through streets will be 36-foot wide streets within 50 foot wide right-of-ways. Cul-de-sac and loop street in eastern portion of Phase I (serves 15 dwellings or 150 ADT) are proposed to have 28 feet of pavement within 42 ROWs. The loop street serving Phase III is proposed to have 32 foot pavement width within a 46 foot wide ROW. The stub street located between tracts L and K shall be 28 feet wide within a 42 foot ROW with sidewalks on both sides.

10. This approval waives the 25% outdoor living area requirement as determined by the Design Review Board in accordance with the direction and decision of the City Council.
11. Lots proposed within Primary Open Space, and Willamette River Greenway Boundary shall be identified in a conservation easement (includes Tract G also). The applicants shall record the conservation easement in Phase III final plat with the Clackamas County Clerk's office, and indicate the easement on the land sale deed for each affected lot. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Department. Furthermore, the conservation easement shall be clearly delineated on all sales information for public/buyers inspection.
12. The west access road shown connecting Phase I with Willamette Way East shall be constructed to the Public Works Standards in a public easement.
13. Lots fronting secondary streets, shall have a five (5) foot wide, curb-tight, concrete sidewalk, along the entire frontage. All sidewalks shall be constructed to meet Americans with Disabilities Act regulations.
14. Prior to occupancy of any house in this subdivision, the developer shall construct five (5) foot wide, concrete sidewalks, off-set five (5) feet from the curb with planting strips on both sides of the connector street between Willamette Way East and the subdivision lots, and through Tracts A and B.
15. Prior to occupancy of any house in a particular phase, the developer shall construct all of the pedestrian/bicycle paths within that phase to a minimum width of eight (8) feet of pavement within a minimum ten (10) foot wide right-of-way or public use easement. The developer shall construct a pedestrian path in the area of lots 112-114 to connect the cul de sac bulb with Tract L and the adjacent north-south Bonneville Power Administration (BPA) easement.

The main pathway within the area covered by the east-west BPA easement shall be a minimum of twelve (12) feet in width. This pathway shall connect with the sidewalk of the proposed collector street, just east of the north-south BPA easement and Willamette Way East. This path shall be constructed with Phase I. The Planning Commission yields the final design and location of the bicycle and pedestrian paths decisions to the Design Review Board.
16. The plat shall be revised to provide for a ten foot wide easement or easements to provide for possible future pathway construction between the site and Tax Lot 1900 of Clackamas County tax map 23 B somewhere between lots 145 and 147.
17. In Phase I, the developer shall construct the northerly loop street shown connecting the Morey's Landing collector street with Willamette Way East.
18. When Morey's Lane is terminated, at Phase I construction, the developer shall immediately provide an unobstructed, paved, two-way access road to Tax Lots 1900, 2000, 2100, and the Morey tract so that those properties

are not land-locked from Wilsonville Road. Said road shall meet the Tualatin Valley Fire District requirements for emergency vehicle access.

19. The portion of Tax Lot 2100 which is shown on the preliminary plat as the Morey Tract shall not be included as a part of the final subdivision plat. This parcel shall be demonstrated to have been legally created prior to the recording of any phase which includes land contributed from this parcel, or a remedial land partition plat approval shall be required at that time.
20. Parking is not allowed at the intersections between the curbed, squeeze or choke points.
21. The developer shall coordinate with U.S. Post Service about the locations of mail box stations. The U.S. Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants, public and private utilities.
22. The zone map amendment will expire two years after final approval if no development has occurred on the property within that time; provided, however, upon good cause shown the Planning Commission may extend such zone change for an additional year. In the case of Planned Development Zones, the zone change will not expire if substantial development has occurred on part of the land initially zoned and if development was completed in phases.
23. The subdivision must be part of a homeowners' association as required in the PDR zoning regulations as stated below:

"Deed restrictions. A copy of all protective deed restrictions proposed for the subdivision area shall accompany the final plat and specifications of all easements and dedications as required by the Planning Commission."
24. Proposed lots 1, 2, 3 and 59 shall not have vehicular access to Morey's Lane.
25. In Phase II, the developer shall verify adequate turn-around on the cul-de-sac between Tracts K and L with the Tualatin Valley Fire District.
26. The developer shall preserve two large maple trees, a magnolia tree and two birch trees that are located on the south side of the old red storage building and adjacent to the east side of Morey Lane, as set forth in attachment "B" of Mr. Offer's memorandum of June 13, 1994, which is in the record. The developer and the City shall follow the recommendations of the arborist report in an effort to preserve these trees. The City Engineer may authorize that the alignment of the road to the south of these trees be shifted 10 to 15 feet further south and may allow on-street parking to be eliminated in order to narrow the street if such measures are recommended by the arborist's report to better protect the trees.
27. The developer shall comply with the conditions of approval required by the Engineering Department memorandum, except as noted in Condition 31.

and Condition PF-14 where parking will be permitted on both sides of the street (Recommended by the Commission).

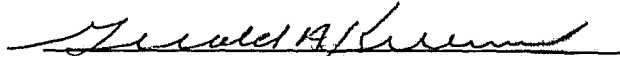
28. During construction, (i.e. streets, installing utilities, excavation) in creating the lots for sale, the developer shall install temporary fencing along the boundaries of the Primary Open Space so that the POS areas are not disturbed. The developer shall coordinate with the Planning Department to determine the exact Primary Open Space boundaries before constructing Phase I.
29. These conditions of approval shall be recorded in the deed records together with the final plat at Clackamas County. This condition is intended to require disclosure of all the conditions in the title reports.
30. The applicant shall install a barrier at the end of the street in the northeast corner of property south of lot 16 and north of lot 17.
31. The City Engineer's Condition of Approval (PF-10) is amended to read that the 1-foot non-vehicle access reserve strips do not apply to the roads that enter the Smith and Edwards properties.
32. Each home builder or owner shall construct a five (5) foot wide, concrete sidewalk off-set five (5) feet from the curb with a planting strip along the entire frontage of the main-through street that would directly connect to an access out of the property as set forth in submitted Exhibit 'U' which is highlighted to show intent. Sidewalks may be constructed with the public easement for any lots less than 100 feet. Each home builder or owner shall construct their sidewalk when Building Permits are issued.
33. The Design Review Board shall make recommendations for uniform plantings and require a street tree plan that provides continuity of design throughout the subdivision streets.
34. The large conifer tree on Lot 140 shall be preserved.
35. There shall be no dumping of building refuse or any other kind in the canyon area to the east or to any canyon area.
36. There will be established a central park involving Lots 80, 81, 82, 95, a portion of 96 and 94, the westerly line generally following the westerly line of Morey Lane and that the applicant shall maintain a minimum density of 165 lots. In keeping with Condition No. 8, tot lot apparatus shall be installed on the central park. The applicant is relieved of installing any playground apparatus in Tract C.
37. There will be established for access purposes, a gate area in the fence from Tract C to Autumn Park.

IT IS THEREFORE ORDERED that the property above-described is hereby rezoned from **RESIDENTIAL (R)** to **PLANNED DEVELOPMENT RESIDENTIAL (PDR)** and such rezoning be and the same 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.

The property subject this Zoning Order is also subject to the Order of the City Council in respect thereto made.

DATED this 20th day of June, 1994.



GERALD A. KRUMMEL, Mayor

ATTEST:
City Recorder
City of Wilsonville

By Vera A. Rojas
City Recorder