

ORDINANCE NO. 577

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 4-5 DU/AC TO RESIDENTIAL 2-3 DU/AC, APPROVING A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING ZONE (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL - 2 (PDR-2) AND APPROVING A STAGE I PRELIMINARY PLAN ON APPROXIMATELY 2.3 ACRES AT THE SOUTHEAST TERMINUS OF MOREY'S COURT OF TAX LOT 5400, SECTION 22DA, T3S, R1W, CLACKAMAS COUNTY, OREGON, URBAN SOLUTIONS, ACTING AS AGENT FOR JOHN AND CLYDENE SMITH, APPLICANT/OWNER, APPLICANT.

WHEREAS, John and Clydene Smith have requested a Comprehensive Plan Map Amendment, Zone Map Amendment and a Stage I Preliminary Plan of certain property described as Tax Lot 5400, in Section 22DA, T3S, R1W, Clackamas County, Oregon; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated November 15, 2004, wherein it reported that the request is consistent with and meets requirements for approval of a Comprehensive Plan Map Amendment and a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'B' held a public hearing on this request on November 29, 2004, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared a staff report to City Council dated November 15, 2004; and

WHEREAS, on December 20, 2004, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record of the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the proposed Comprehensive Plan Map Amendment and Zone Map Amendment meets the applicable approval criteria under the City's Comprehensive Plan and Land Development Code,

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

1. The City Council adopts the above-recited findings as findings of fact and incorporates them by reference and also adopts as findings the Planning Division staff report to the City Council dated December 10, 2004, attached hereto as Exhibit A.
2. The official Comprehensive Plan Map for the subject 2.3-acres is hereby amended from Residential 4-5 du/ac to Residential 2-3 du/ac on Tax Lot 5400 of Section 22DA, T3S-R1W, Clackamas County, Wilsonville, Oregon.
3. The official City of Wilsonville Zone Map for the subject 2.3-acres is hereby amended in Zoning Order 04DB23, attached hereto, from *Residential Agriculture-Holding (RA-H)* to *Planned Development Residential-2 (PDR-2)* on Tax Lot 5400 of Section 22DA, T3S-R1W, Clackamas County, Wilsonville.
4. The Stage I Preliminary Plan is hereby approved for the subject property.
5. The City Council has no conditions of approval for the Comprehensive Plan Map Amendment, Zone Map Amendment and Stage I Preliminary Plan.

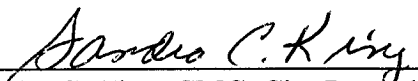
SUBMITTED to the Wilsonville City Council and read the first time at a public meeting thereof on the 20th day of December, 2004, commencing at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR and scheduled for a second reading at a special meeting thereof on the 18th day of January 2005 commencing at the hour of 7 p.m. at the Wilsonville Community Development Annex.



Sandra C. King, CMC, City Recorder

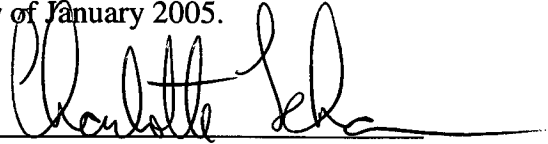
ENACTED by the City Council on the 18th day of January 2005, by the following

Votes: Yes: -5- No:-0-



Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this 20th day of January 2005.



CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Council President Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

Attachments:

Zoning Order 04DB23

Exhibit A - City Council Staff Report

Exhibit B - DRB Panel B Adopted Staff Report, Decision and Recommendation to Council

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

In the Matter of the Application of)
John and Clydene Smith)
for a Rezoning of Land and Amendment of) **ZONING ORDER 04DB23**
the City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

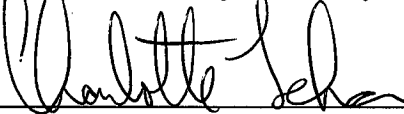
The above-entitled matter is before the Council to consider the application of John and Clydene Smith, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 5400 in Section 22DA, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the official Zoning Map as *Residential Agricultural-Holding*.

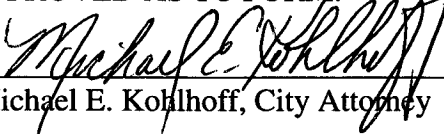
The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds that the application should be approved, and it is therefore,

ORDERED that approximately 2.3 acres of Tax Lot 5400 in Section 22DA, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *PDR -2*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

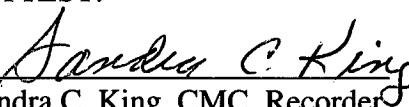
Dated: This 18th day of January 2005.



CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:


Michael E. Kohlhoff, City Attorney

ATTEST:


Sandra C. King, CMC, Recorder

**PLANNING DIVISION
STAFF REPORT TO CITY COUNCIL**

John And Clydene Smith

04DB23

**AMENDED, ADOPTED, AND RECOMMENDED BY THE
DEVELOPMENT REVIEW BOARD ON NOVEMBER 22, 2004
FOR
THE COMPERHENSIVE PLAN MAP AMENDMENT, ZONE MAP AMENDMENT
AND
STAGE I PRELIMINARY PLAN**

TO: Mayor Lehan and City Council

DATE: December 10, 2004 for the December 20, 2004 City Council public hearing

PREPARED BY: Blaise Edmonds, Manager of Current Planning

APPLICANT/OWNER: John And Clydene Smith

ZONING: Residential Agricultural Holding (RA-H).

REQUESTS:

The Applicants are requesting approval of the following for the subject property:

- A. Approve Comprehensive Plan Map Amendment (Residential 4-5 du/ac to Residential 2-3 du/ac).
- B. Approve Zone Map Amendment from Residential Agricultural – Holding (RA-H) to Planned Development Residential – 2 (PDR-2).
- C. Stage I Preliminary Plan, that would allow the creation of three parcels through a land partition.

LOCATION: The approximately 2.3-acre Willamette River property is located at the SE terminus of Morley's Court Wilsonville Road and is further described as Tax Lot 5400, Section 22AD, T3S-R1W, Clackamas County, Oregon.

SUMMARY

The Applicants are seeking approval of an amendment to the City's Comprehensive Plan Map and Zone Map, as well as Stage I Master Plan, Stage II Final Plan and Tentative Partition Plat to allow the incremental development of two (2) additional single-family homes with the potential of accessory dwelling units on two additional parcels to be created. Under the Applicant's proposal, the Comprehensive Plan Map designation would change from its current 4-5 dwelling

units per acre to 2-3 dwelling units per acre. The Zone Map designation would change from Residential Agricultural – Holding (RA-H) to Planned Development Residential – 2 (PDR-2).

The project, as proposed, would preserve the existing home on the subject property with contains an accessory dwelling unit. This addition would not significantly alter the ratio of multi-family to single-family housing (currently 53 to 41 percent). While the property has the potential of three additional units under the current comprehensive plan map designation (4-5 dwelling units per acre), the applicant believes that a larger parcel pattern is in keeping with other river front development. As the proposed parcels would be located on the river, the number of units, whether six (6) or nine (9) would likely only be affordable to relatively few households within the City.

Approximately 32 percent of the subject property is designated Significant Resource Overlay Zone (SROZ). The Applicants are not proposing any further development in this area. The Development Review Board recommends that a conservation easement be placed over this area to ensure its long term protection.

Residential development standards require that 25% of the site be set aside for outdoor recreation or open space. This requirement is met through the SROZ and the proximity of the proposed project to the park at the Water Treatment Plan and Wilsonville Tract.

Traffic from the proposed project is expected to be of a “de minimis” nature and therefore exempt from the City transportation concurrency requirements (Subsection 4.140(.09)(J)(2) of the City’s Development Code).

The tentative partition plat with conditions can fully be consistent with the applicable implementation measures and policies of the Comprehensive Plan.

Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision. The applicant is responsible for constructing all internal streets to the project to public street standards.

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Comprehensive Plan Amendment and Zone Map Amendment. The Development Review Board approval of the Stage I Preliminary Plan, Stage II Final Plan, Tentative Partition Plat and the Willamette River Greenway Conditional Use Permit are contingent upon Council approval of the Comprehensive Plan Amendment and Zone Map Amendment.

04DB23
John And Clydene Smith

Review Criteria: Planning and Land Development Ordinance: Sections 4.008-4.035; 4.113, 4.118; 4.124; 4.124.2; 4.139; 4.140; 4.155; 4.167; 4.171; 4.172; 4.176; 4.177; 4.178; 4.184; 4.197; 4.198; 4.200-4.264; 4.400-4.450; 4.500-4.514; 4.600-4.640.20. **Other Planning Documents:** Comprehensive Plan; Transportation Systems Plan (TSP); Metro's Urban Growth Management Functional Plan (new – not advertised in the original public hearing notice)

FINDINGS OF FACT

1. **Site Analysis Data - Existing Site Conditions:** Described on pages 3 and 4 of Exhibit 10.

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Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Residential – Morey's Landing
East	Residential – Morey's Landing
South	Willamette River
West	Residential - River Green

Natural Characteristics:

The subject site 's natural characteristics are described on page 4 of Exhibit 10.

Streets:

The subject property is located at and takes access from the southern terminus of Morey's Court. No new streets are proposed.

2. **Finding:** The Applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

REQUEST (A): Approve a COMPREHENSIVE PLAN MAP AMENDMENT for the site

CONCLUSIONARY FINDINGS FOR REQUEST (A):

Comprehensive Plan – Comprehensive Plan Changes

Pages 7 through 10 of the City of Wilsonville's Comprehensive Plan updated April 2004, provide the following procedure for amending the Comprehensive Plan:

Who May Initiate Plan Amendments

1. The owner of the subject property, through their authorized agent (the applicant), has made application to modify the Comprehensive Plan map designation for their property from 4-5 DU/AC to 2-3 DU/AC.

Application for Plan Amendment

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

Consideration of Plan Amendment

3. The Planning Division received the application on September 10, 2004. Staff did not make a determination of completeness within the 30 days required by the Development Code, therefore the application was complete on October 10, 2004.
4. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan):

- a. *The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.*
5. At the writing of this report, the applicant has satisfied Plan requirements of citizen involvement.
6. The applicant has provided response findings starting on page 6 of Exhibit 10 relative to the Citizen Involvement (Policies 1.1.1, 1.2.1, 1.3) portion of the Comprehensive Plan. Staff concurs with these findings.
7. The applicant has provided response findings starting on 7 of Exhibit 10 relative to Urban Growth Management (Policies 2.1.1, 2.2.1) portion of the Comprehensive Plan. While staff concurs with these findings, staff notes that the City is currently undergoing periodic review tasks of conducting a commercial and industrial lands inventory (Statewide Planning Goal 9 and the Metro Urban Growth Management Functional Plan (UGMFP) and housing inventory (Statewide Planning Goal 10 and UGMFP Title 1). Without the information from these inventories, staff is unable to evaluate whether the proposed partition would provide a balance between residential, industrial, and commercial use per Implementation Measure 2.1.1.c.
8. Per Policy 3.1.1.1 the City's Engineering Division will review any extension of public facilities to the proposed parcels.
9. The applicant has provided response findings for Policy 3.1.2 of the Comprehensive Plan on page 8 of Exhibit 10. Staff concurs with these findings.

10. The applicant has provided response findings for Policies 3.1.3, 3.1.4, and 3.1.5, beginning on page 9 of Exhibit 10. While concurring with these findings, staff notes that the Assistant City Engineer has providing conditions of approval for the easements that will required on the proposed plat for the extension of public services to each lot and that the Building Division will need to issue individual permits to each lot for the connection to these public facilities. The expense for the extension of these facilities onto the resultant lots of the proposed partition will be the responsibility of the future lot owners.
11. Beginning on page 11 of Exhibit 10, the applicant has provided response findings for Implementation Measures 3.1.6.a – 3.1.6.e, Implementation Measures 3.1.6.e g - 3.1.6.k, and Implementation Measures 3.1.6.s – 3.1.6.aa of the Comprehensive Plan. While concurring with these responses, Staff notes that the applicant's proposed Comprehensive Plan Map amendment to lower the density from 4-5 DU/AC to 2-3 DU/AC with the corresponding reduction in potential dwelling units from nine (9) to six (6) would not "improve the balance between housing, employment, and commercial activities within the City in order to reduce commuting" per Implementation Measure 3.1.6.o.10. The Community Development Director has determined (Exhibit 16) that the traffic generated by the proposed project would be of a "de minimis" nature and therefore exempt from the transportation concurrency requirements of the City.
12. Staff concurs with the applicant's findings relative to Policy 3.1.7 on page 15 of Exhibit 10 and notes that the future lot owners will be responsible for any applicable system development charges. All future improvements for storm water quantity, if any, will require a public works permit. All storm water quality improvements will need to be consistent with the City's Storm Water Master Plan. The applicant's proposed building envelopes should keep structures out of the floodplain area. All proposed structures will be reviewed through the building permit process to ensure they comply with the floodplain regulations.
13. Staff concurs with the applicant's findings on page 15 of Exhibit 10 relative Policy 3.1.8 (fire protection) and 3.1.9 (police protection). Fire protection, suitable to the Tualatin Valley Fire and Rescue Department will need to be installed prior to the issuance of a certificate of occupancy for all future structures on the proposed parcels.
14. Staff concurs with the applicant's findings relative to Policy 3.1.10 relative schools.
15. While concurring with the applicant's findings relative to Policy 3.1.11 relative to parks, recreation, open space on page 16 of Exhibit 10, staff notes that the open space tracks located throughout the Morey's Landing development are private (the path ways through them are public) and should not be claimed as open space for the subject application. The proposed partition would contain sufficient open space of its own accord.
16. While staff concurs with the applicant's findings relative to Policy 3.1.13, semi-public utilities, staff notes that appropriate easements for these utilities over the proposed parcels will need to be recorded with the partition plat.

17. The City's Community Development Director has reviewed the applicant's proposal relative to traffic impacts and determined the impact would be below the threshold of a "de minimis" impact per Section 4.140(.09)(J)(2), which implements Implementation Measure 4.1.1.i of the Comprehensive Plan.
18. The applicant's response findings to Policy 4.1.4 and Implementation Measures 4.1.4.b, d, and e begin on page 18 of Exhibit 10. The applicant did not respond to Implementation Measures 4.1.4.g, j, l, o, p, t, and bb which describe the City's desire for demonstration of economic need for housing type, demonstration of housing diversity, how the project will help the housing/jobs balance, satisfy local needs and desires for type and price levels, meet the needs of employees, or provide ample yard space for residents.
19. To determine a rough approximation of price for the proposed parcels, staff looked at the valuation for the Bucks Landing subdivision, a five (5)-lot river-front subdivision completed approximately three (3) years ago. Average lot size in this development is .75 acres (32,845 SF). The Clackamas Count Tax Roll shows an average valuation for these lots of \$247,194 and an average home price (including land) for those lots with homes of \$649,937. Staff estimates (see table below) that over 500 households in the City (based on the year 2000 Census figures) would be able to afford river front lots (based on a 30 year mortgage with six (6)% interest and less than 30% of household gross household income devoted to mortgage).

Annual Income ¹		Households	Mortgage Amount					
Range		5,927	\$600,000	\$650,000	\$700,000	\$800,000	\$900,000	\$1,000,000
			Monthly payment ²					
			\$3,597.30	\$3,897.08	\$4,196.85	\$4,796.40	\$5,395.95	\$5,995.51
			Percent of Gross Monthly Income (high end of range)					
\$0	\$10,000	240	431.68%	467.65%	503.62%	575.57%	647.51%	719.46%
\$10,000	\$14,999	216	287.80%	311.79%	335.77%	383.74%	431.70%	479.67%
\$15,000	\$19,999	338	215.85%	233.84%	251.82%	287.80%	323.77%	359.75%
\$20,000	\$24,999	295	172.68%	187.07%	201.46%	230.24%	259.02%	287.80%
\$25,000	\$29,999	356	143.90%	155.89%	167.88%	191.86%	215.85%	239.83%
\$30,000	\$34,999	398	123.34%	133.62%	143.90%	164.45%	185.01%	205.57%
\$35,000	\$39,999	284	107.92%	116.92%	125.91%	143.90%	161.88%	179.87%
\$40,000	\$44,999	413	95.93%	103.92%	111.92%	127.91%	143.90%	159.88%
\$45,000	\$49,999	244	86.34%	93.53%	100.73%	115.12%	129.51%	143.90%
\$50,000	\$59,999	457	71.95%	77.94%	83.94%	95.93%	107.92%	119.91%
\$60,000	\$74,999	754	57.56%	62.35%	67.15%	76.74%	86.34%	95.93%
\$75,000	\$99,999	893	43.17%	46.77%	50.36%	57.56%	64.75%	71.95%
\$100,000	\$124,999	484	34.53%	37.41%	40.29%	46.05%	51.80%	57.56%
\$125,000	\$149,999	203	28.78%	31.18%	33.58%	38.37%	43.17%	47.96%
\$150,000	\$199,999	171	21.58%	23.38%	25.18%	28.78%	32.38%	35.97%
	\$200,000	181	21.58%	23.38%	25.18%	28.78%	32.38%	35.97%

¹ Source of household income: U.S. Census Bureau

² Based on a six (6)-interest rate – source mortgage-calc.com

20. Overall, staff concludes that whether, six (6) or nine (9) units, the applicant's proposal would create additional housing within the City, albeit for a limited amount of the City's population, and therefore is in the best interest of the public. Additionally, given that approximately a third (32%) of the subject property contains significant natural resources, flood plain area, or steep slopes, larger parcels would better protect the natural resources on the site.

21. The applicant's response findings to Policy 4.1.5 begin on page 22 of Exhibit 10. The applicant's response findings do not indicate how the areas of identified Significant Resource Overlay Zone, Willamette River Greenway, and Flood Plain will be conserved per Implementation Measures 4.1.5.d, e, k, m, other than an indication that these areas will not be developed. All water dependent uses (i.e. boat docks) will require appropriate permits from the Oregon Department of State Lands and U.S. Army Corps of Engineers. The Willamette River Greenway Conditional Use Permit will be discussed in findings beginning on page **Error! Bookmark not defined.** See also the discussion of a conservation easement for these areas designated SROZ on page **Error! Bookmark not defined.**

b. *The granting of the amendment is in the public interest.*

22. The applicant's proposal to change the current Comprehensive Plan Map designation from 4-5DU/AC to 2-3 DU/AC would allow for the development of two (2) additional single-family homes and the potential of two (2) additional accessory dwelling units with each home, for a total of six units over three (3) lots. The current Comprehensive Plan Map designation (4-5 DU/AC) would allow for an additional seven (7) units, or a total of nine (9) units over three (3) lots. The applicant argues (page 19 of Exhibit 10) that the loss of these three lots "is more than made up for by the pending application by Renaissance Development" (69 lot subdivision west of Canyon Creek Road south). While the loss of three units is likely minimal in the overall housing picture of the City, the larger lots created by the applicant's proposal and the make up for the loss of three lots by \$750,000 homes in the Renaissance Homes Development does not, in staff's opinion, satisfy the public's interest in housing that meets a wide variety of income levels (Implementation Measure 4.1.4.b), assures sufficient and affordable housing is available to households of all income levels that live or have a member working within the City (Implementation Measure 4.1.4.k), improves the balance of jobs and housing (Implementation Measure 4.1.4.l), satisfies local need and desires relative to home price (Implementation Measure 4.1.4.o), or meets the needs of employees working in the City (Implementation Measure 4.1.4.p). However, despite the foregoing, staff recognizes that the proposed parcels would be river front property, market rate for which, whether six or nine units, would likely be outside the reach of many would be lot buyers in the City.

c. *The public interest is best served by granting the amendment at this time.*

23. As stated above, the proposed amendment would permit additional housing within the City and the loss of three potential units to the City's overall housing needs would be minimal. Additionally, a larger parcel pattern would better preserve the natural resources on site.

- d. *The following factors have been adequately addressed in the proposed amendment:*
- Suitability of the various areas for particular land uses and improvements;*
 - Land uses and improvements in the area;*
 - Trends in land improvement;*
 - Density of development;*
 - Property values;*
 - Needs of economic enterprises in the future development of the area;*
 - Transportation access;*
 - Natural resources; and*
 - Public need for healthful, safe and aesthetic surroundings and conditions.*

24. The above have been adequately addressed in the applicant's findings relative to the policies and implementation measures of the Comprehensive Plan beginning on page 5 of Exhibit 10.

e. *Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.*

25. The City is in the process of completing a housing needs analysis in compliance with Title 1 of the Metro Urban Growth Management Functional Plan. While there is a generally understood need for additional housing within the City, Staff cannot gauge whether the applicant's proposal would adequately address the City's housing needs as is required in Title 1.

Public Notice

26. Public Notice of the November 22, 2004, Development Review Board and the December 20, 2004, City Council public hearings regarding this application was mailed and posted on November 1, 2004.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

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

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

27. The "Residential Development" portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. The September 2004 Development Summary completed by City staff indicates that approximately 22.4% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR) (26.6% when properties

zoned "Village" are factored in). Of the land currently zoned PDR, only 5.8% percent is vacant (20.86% when "Village" zone is considered). While single family development currently makes up over 41% of the housing units in the City, the 2000 Census figures for Wilsonville shows a vacancy rate of 2.6% for owner-occupied housing units in the City. By comparison, multi-family housing makes up almost 53% of the housing stock in the City and was at a 9.5% vacancy rate in 2000. Of the 5,937 'occupied housing units' in the City in the year 2000, 3,199 (54%) were owner occupied, and 2,738 (46%) were renter-occupied. (The Census figures do not make a distinction between single-family detached housing and attached housing [condos, etc.]). While the Census figures show a greater percentage of the city's housing stock being owner occupied, the vacancy rate would suggest a higher demand for this type of housing.

Landuse

<i>Type</i>	<i>Total Acres</i>	<i>% of Total</i>	<i>Acres in Use</i>	<i>% of Type</i>	<i>% of Total</i>	<i>Acres Vacant</i>	<i>% Vacant - Type</i>
PDC	340	7.23%	267	78.53%	5.68%	73	21.47%
PDI	1084	23.05%	902	83.21%	19.18%	182	16.79%
PDR	1051	22.35%	990	94.20%	21.05%	61	5.80%
R	110	2.34%	85	77.27%	1.81%	25	22.73%
RA-H	650	13.82%	301	46.31%	6.40%	349	53.69%
PF	594	12.63%					
Annexed 04	200	4.25%					
Other	673	14.31%					
Total	4702	100.00%				690	
PDR + Village	1251	26.61%	990	79.14%	21.05%	261	20.86%

Housing Units

Type	Total	% of Total
Apartment	3692	47.44%
Condominium	427	5.49%
Duplex	68	0.87%
Mobile Homes	22	0.28%
Mobile Home/Park	416	5.35%
Single Family ¹	3157	40.57%
Single Family ²	3161	40.60%
Single Family ³	3164	40.62%
Total¹	7782	100.00%
Total²	7786	
Total³	7789	

¹ without project

² with four (4) additional units

³ with seven additional units

Census 2000

Dwelling Units	6407
Owner occupied	5937
<i>Vacant</i>	470
For Sale Only	17.90%
For Rent	61.10%
Rec/Occ use	11.30%
<i>Vacancy Rate</i>	
Owner	2.60%
Rental	9.50%

The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount.

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

28. The current Comprehensive Plan designation for the subject properties is Residential with a density range of 4-5 dwelling units per acre. The Zoning Map identifies the subject property as Residential Agricultural – Holding (RA-H). The Planned Development Regulations of the Development Code require that all sites, which are greater than two (2) acres, such as the subject property, be developed as Planned Developments. The applicant proposes a net density of 2.61 dwelling units per acre. The Comprehensive Plan allows a range of densities from 0-1 dwelling units per acre to over 20 dwelling units per acre. Adjoining properties to the west, north, and east of the proposed project are also designated residential on the Comprehensive Plan Map of the City with a density of 4-5 dwelling units per acre. The Morey’s Landing and RiverGreen developments have developed at this higher density,

adjoining riverfront lots and parcels have developed at a lower density. While this higher density would allow the possibility three (3) additional dwelling units (beyond the applicant's proposal), the subject property's topography and natural resources make it more suitable for lower density development. Approximately 32% of the site is identified as being in the City's Significant Resource Overlay Zone (more of the site is contained in Willamette River Greenway). Additionally, the site contains a ravine that will likely require significant fill to provide buildable area. The applicant's proposed density (2-3 dwelling units per acre) would require less site manipulation (fill activity; natural resource destruction) than the site's current 4-5 dwelling units per acre.

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

29. With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals.

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

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

METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

31. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City's Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicant is requesting a Comprehensive Plan Map change from the existing 4-5 dwelling unit per acre to 2-3 dwelling units per acre and a zone change to Planned Development Residential - 2 (PDR-2) which would correspond to a Comprehensive Plan Map density of 2-3 dwelling units per acre.

SUMMARY FINDING FOR REQUEST (A):

32. The applicant's proposed Comprehensive Plan Amendment meets all applicable requirements, and its approval may be recommend to the City Council.

DRB RECOMMENDATION FOR REQUEST (A):

Based on findings **Error! Reference source not found.** through **Error! Reference source not found.**, the Development Review Board recommends that the City Council **approve** Comprehensive Plan Amendment.

REQUEST (B): Approve a ZONE MAP AMENDMENT for the site

CONCLUSIONARY FINDINGS FOR REQUEST (B):

The subject properties are currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map amendment from RA-H to PDR-2 is intended to serve as a procedure to evaluate the conversion of urbanizeable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G, below.

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

B1. The applicant has provided findings in Exhibit 10 addressing the tentative plat criteria and the zone map amendment criteria.

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

B2. The applicant's response findings to this criterion are found on page 26 of Exhibit 10. Compliance with the City's Comprehensive Plan is reviewed in Request A. Staff is recommending approval of the proposed Comprehensive Plan Map amendment, with conditions of approval contained in this staff report. Approval of the proposed amendment to the Zoning Map is contingent upon approval of the Comprehensive Plan Map amendment by the City Council.

B3. The land area of the proposed partition is 2.3 acres. The applicant is proposing to change the Comprehensive Plan designation from 4-5 dwelling units per acre to 2-3 dwelling units per acre. Proposed are a total of 3 parcels with each parcel allowing the opportunity for accessory dwelling units, making the gross density of the proposed partition of 2.6 dwelling units per acre. Net density (gross minus SROZ) would be 3.8 dwelling units per acre.

Comprehensive Plan – Residential Development

Variety/Diversity of Housing

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

- B4.** The applicant's proposal would provide an incremental net addition of four (4) dwelling units. Response findings to 4.198(.01)(A) speak to the need for additional single-family housing in the City.

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

- B5.** Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. Future lot owners will be responsible for providing on-site storm water detention for water quality and quantity, if required under the City's Storm Water Master Plan. The applicant/current owner will also be responsible for producing and recording easements adequate to allow all proposed parcels access from Morey Court and the extension of public and semi-public utilities to each parcel. With the exception of the on-site well used for irrigation, the applicant/current owner will be required to cap all existing on-site utilities prior to the issuance of building permits by the City.

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

- B6.** The applicant/owner will be required to pay the equitable share (as determined by the Community Development Director) of all applicable system development charges.
- B7.** The entirety of the subject property has a Comprehensive Plan designation of Residential, 0-1 dwelling units per acre. The applicant is proposing a Comprehensive Plan Map designation of 2-3 dwelling units per acre. See Request A, beginning on page **Error! Bookmark not defined.** of this report.

Zone Map

- B8.** The subject properties are currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes a change to Planned Development Residential – 2 (PDR-2) zone to accommodate four (4) additional dwelling units, retaining the existing single-family dwelling unit and accessory dwelling unit, for a project total of six (6) dwelling units.

Significant Natural Resources

- B9.** The applicant has provided a depiction of the SROZ and Impact Area boundaries relative to the proposed project, which is also described in the project narrative (Exhibits 12 and

10). Based on the material submitted to date, it appears that only the existing structure on the property would encroach into the SROZ or its Impact Area. A significant resource impact report may be required for a structure(s) on Parcel 3 depending on the placement and amount of required fill for any structure(s) in the ravine. See condition of approval **Error! Reference source not found.** For development that encroaches into the SROZ and its Impact Area, the applicant shall either identify how the proposed development is exempt under Subsection 4.139.04 or demonstrate compliance with the SRIR Review Criteria of Subsection 4.139.05 (.03).

- B10.** The Development Code allows the DRB to place a conservation easement over areas designated Significant Resource Overlay Zone. Staff is recommending a conservation easement be placed over the SROZ on the subject property (see condition of approval **Error! Reference source not found.**) and that plat notes be developed identifying what activities can and cannot take place in the conservation easement.

Area of Special Concern

- B11.** The Comprehensive Plan does not identify the subject property as an area of special concern.

Criterion 'C': *"In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text."*

- B12.** The subject properties are designated "Residential" on the City's Comprehensive Plan Map. The applicant's response findings to this criterion begin on page 27 of Exhibit 10. While generally concurring with the applicant's findings, staff notes the following:

Implementation Measure 4.1.4.b: Variety in Housing Type and
Implementation Measure 4.1.4.d: Diversity of Housing Types

- B13.** As the applicant's proposal only includes a zone change and partition request, the type of housing that will be built on the proposed parcels cannot be evaluated. That is to say that the applicant is not the builder or developer. Suffice to say however, that the provision of river front lots will ultimately yield higher end homes, affordable to a small portion of Wilsonville households. The low vacancy rates of similar river front partitions and subdivisions in the City provide circumstantial evidence that there is demand for the type of land use proposed by the applicant. Adequate public services could be made available to the site.

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

- B14.** The City is in the process of conducting a housing needs assessment in an effort to establish these targets and to comply with Metro Title 1 and Statewide Planning Goal 10. The City's Comprehensive Plan, prior to its November 2000 update, the City had

established a 50% multi-family, 40% single-family target for housing in the City. The September 2004 Development Summary estimate by the City indicates a current split of 52.93% multi-family to 41.44% single-family. The proposed project would change this split to 52.90% multi-family and 41.47% single-family.

Criterion 'D' – Public Facilities

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

B15. The applicant’s response findings are found on page 28 of Exhibit 10. Additionally, the City Engineer’s Public Facilities (PF) conditions, imposed upon the subsequent Stage II Final Plan application, will require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project.

Criterion 'E' – Significant Resource Overlay Zone

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

B16. The applicant’s response findings are found on page 28 of Exhibit 10. Additionally, the Natural Resources Program Manager’s Report, to be provided regarding the subsequent Stage II Final Plan application, will prescribe conditions of approval and specific requirements to address these encroachments.

Criterion 'F'

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

B17. The applicant’s response finding on pages 28 and 29 of Exhibit 10 indicates intent to partition the subject property and sell the created parcels as the market allows. The current owner intends to remain in the existing home while identifying and building a house on Parcel 1.

Criterion 'G'

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

B18. Staff is recommending conditions of approval for the proposed project that should bring the project into compliance with all applicable development standards.

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

B19. Staff has made affirmative findings for subsection 4.197(.02)(A)-(G), above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject code criteria.

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

B20. Staff is recommending approval of the Stage I Preliminary Plan of the proposed project, with conditions of approval. A City Council Zoning Order will be required prior to approval of the remaining applications, reviewed later in this report.

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

B21. Staff is recommending a condition of approval that would implement the City Council Zoning Order, contingent on the completion of the conditions of approval adopted by City Council.

SUMMARY FINDING FOR REQUEST (B):

B22. The applicant's proposed Zone Map Amendment meets, with conditions of approval, all applicable requirements, and its approval may be recommend to the City Council.

DRB RECOMMENDATION FOR REQUEST (B):

Based on findings **Error! Reference source not found.** through **Error! Reference source not found.**, the Development review Board recommends that the City Council **approve** the Zone Map Amendment.

REQUEST (C): Approve a STAGE I PRELIMINARY PLAN for the site

Error! Reference source not found.

CONCLUSIONARY FINDINGS FOR REQUEST (C):

Site Information. *Subsections 4.009(.01) and 4.140(.07)(A)(1):*

- C1. The applicant has demonstrated ownership of the subject property in the form of written title report, Exhibit 7.
- C2. The subject property is proposed to be rezoned from Residential Agricultural - Holding Zone (RA-H) to a Planned Development Residential – 2 (PDR-2) zone. The proposed residential use of the property is in compliance with uses typically found in the zone.

Subsection 4.140(.05): *Planned Development Permit Process*

- C3. The proposed project is not allowed to proceed nor receive a building permit until all applicable review criteria have been satisfied. By the applicant's submittal, these criteria have been met.

Subsection 4.140(.07)(A): *Preliminary Approval (Stage One) Application Requirements*

- C4. The application for Stage I Preliminary Plan approval has been made by the owner of the property. The applicant's proposal has been developed by the professional services Urban Solutions and Andy Paris and Associates Inc. This criterion is satisfied.

Subsections 4.140(.07)(B) & 4.035(.04): *Preliminary Approval (Stage One) Application Requirements and Site Development Permit Application*

- C5. The applicant indicates (Exhibit 23) a commitment to move forward with the final platting of the proposed partition shortly after receiving approval from the City and marketing the resultant properties thereafter. These criteria are met.

SUMMARY FINDING FOR REQUEST (C):

- C6. The applicant's proposal satisfies all applicable Code requirements and standards, as discussed above. The applicant's proposal can be made to satisfy all applicable Code requirements for approval of a Stage I Preliminary Plan, if the proposed conditions of approval are included.

DRB RECOMMENDATION FOR REQUEST (B):

Based on conclusory findings **Error! Reference source not found.** through **Error! Reference source not found.**, the Development Review Board recommends that the City Council approve the applicant's request for Stage I Preliminary Plan.

EXHIBITS

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

Exhibit No.	Description
A	Staff Report (this document)
1	Vicinity Map (Public Notice Map)
2	Application form; dated 9/10/2004
3	Letter from Ben Altman to Blaise Edmonds dated September 8, 2004 regarding Smith application for Plan & Zone Amendment, Stage I & II, Partition Plat, and Greenway Conditional Use permit
4	General submittal requirements for Stage I and Stage II applications completed by the applicant, date stamped September 10, 2004
5	Quitclaim Deed, Jack David Marsden, Grantor – Grace Lee Marsden, Grantee dated May 28, 1982
6	An agreement regarding access and development restriction dated July 1999
7	Preliminary Subdivision Guarantee Supplemental Report for John Smith Trustee prepared by Pacific Northwest Title Tri-County
8	Sheet 1 of 2 Preliminary Plan for Partition (Tentative Partition Plat)
9	Sheet 2 of 2 Preliminary Plan for Partition (Building Envelopes)
10	Land Use Application prepared by Urban Solutions and Andy Paris & Associates, Inc. dated September 7, 2004
11	Comprehensive Plan Map (Applicant's Exhibit 1) contained in Exhibit 10
12	Aerial photograph depicting SROZ boundary (Applicant exhibit 2) contained in Exhibit 10
13	Map showing subject tax lot (Applicant exhibit 4) contained in Exhibit 10
14	Property Description (Applicant's exhibit 5) contained in Exhibit 10
15	Supplemental to the partition plat (Applicant exhibit 6)
16	Letter from Eldon Johansen to Ben Altman dated May 12, 2004

Exhibit No.	Description
	regarding proposed 3-lot partition (Applicant exhibit 7) contained in Exhibit 10
17	Agreement regarding access (Applicant exhibit 8) contained in Exhibit 10
18	Topographic map of subject site (Applicant exhibit 9) contained in Exhibit 10
19	Floodway data for subject site (Applicant exhibit 11) contained in Exhibit 10
20	Established Dock Patter (Applicant exhibit 12) contained in Exhibit 10
21	Termination of Development Restriction dated July 1, 2004 (Applicant exhibit 13) contained in Exhibit 10
22	Partial release of access agreement (Applicant exhibit 14) contained in Exhibit 10
23	Letter from Clydene (Dee) Smith and John Smith to Blaise Edmonds (Applicant exhibit 15) dated September 7, 2004 regarding Statement of commitment to two year time period for proposed partitioning Tax Lot 5400, Map 3 1 W 22DA, 10840 SW Morey Court, Wilsonville, OR
24	Letter from Jerry Renfro to Clydene and John Smith (Applicant exhibit 16) dated August 19, 2004 regarding sprinkler systems
25	Letter from Susan and John Schenk to City Planning Division, City of Wilsonville, dated November 7, 2004 referencing File #04DB23
26	Letter from Urban Solutions dated November 29, 2004, regarding revised request for separate docks→

City of



WILSONVILLE
 in OREGON

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

December 3, 2004

DEVELOPMENT REVIEW BOARD PANEL B

Project Name: Ben Altman Urban Solutions/John and Clydene Smith

Case File No. 04DB23

Applicant/Owner: Ben Altman Urban Solutions/John and Clydene Smith

Proposed Action: Approval of
 (A) Comprehensive Plan Map Amendment from Residential 4-5 du/ac to Residential 2-3 du/ac
 (B) Zone Change from RA-H to PDR-2
 (C) Stage I Preliminary Plan
 (D) Tentative Partition Plat
 (E) Approval of Stage II Final Plan
 (F) Approval of Greenway Conditional Use Permit
 (G) Approval of Type A Tree Removal Permit

Property Description: Tax Lot 5400, Section 22DA, T3S-R1W, Clackamas County, Wilsonville, Oregon

Location: The property is 2.30 acres located off Morey Court, Wilsonville, Oregon

On November 29, 2004 at the meeting of the Development Review Board Panel B, the following decision was made on the above-referenced proposed development application.

- **The Development Review Board recommends that the City Council approve the Comprehensive Plan Map Amendment from Residential 4-5 du/ac to Residential 2-3 du/ac, a Zone Change from RA-H to PDR-2, and the Stage I Preliminary Plan. A City Council public hearing date is set for December 20, 2004.**
- **The Development Review Board approves Tentative Partition Plat, the Stage II Final Plan, the Greenway Conditional Use Permit, and the Type A Tree Removal Permit. This approval is contingent upon City Council approval of items (A), (B), and (C).**

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



This decision has been finalized in written form and placed on file in the city records at the Wilsonville City Annex this 3rd day of December 2004 and is available for public inspection. This decision shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written Notice of Decision, unless appealed or called up for review by the Council in accordance with this Section. *WC Sec. 4.022.*

- Written decision is attached.

This approval will expire on **December 3, 2006.**

For further information, please contact the Wilsonville Planning Division located at the Community Development Building, 8445 SW Elligsen Road, Wilsonville, Oregon, 97070 or write to Wilsonville Planning Division, 30000 SW Town Center Loop E, Wilsonville Oregon 97070 or telephone at 503-682-4960.

Attachments: Adopted Resolution 04DB23 including Exhibit 26 Memo dated November 29, 2004 from Ben Altman/Urban Solutions, and Exhibit A, Adopted Staff Report

DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 04DB23
URBAN SOLUTIONS/CLYDENE AND JOHN SMITH

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A COMPREHENSIVE PLAN MAP AMENDMENT FROM *RESIDENTIAL 4-5 DU/AC TO RESIDENTIAL 2-3 DU/AC*, A ZONE MAP AMENDMENT FROM *RESIDENTIAL AGRICULTURE-HOLDING ZONE (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL - 2 (PDR-2)*, A STAGE I PRELIMINARY PLAN FOR A RESIDENTIAL PARTITION OF ONE LOT INTO THREE PARCELS AND APPROVING A STAGE II FINAL PLAN, WILLAMETTE RIVER GREENWAY CONDITIONAL USE PERMIT, AND WAIVER FROM THE STREET FRONTAGE REQUIREMENTS OF THE PDR-2 ZONE. THE SITE IS LOCATED ON 2.3 ACRES AT THE SOUTHEAST TERMINUS OF MOREY COURT ON TAX LOTS 5400, SECTION 22DA, T3S-R1W, CLACKAMAS COUNTY, URBAN SOLUTIONS, ACTING AS AGENT FOR THE SMITHS, APPLICANT/OWNER.

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(.01) and 4.440(1) of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared reports on the above-captioned subject dated November 15, 2004, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on November 22, 2004, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff reports, and

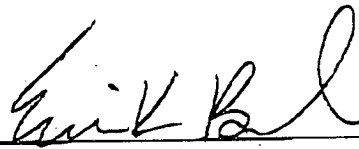
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby recommend that the City Council approve

- (A) *Comprehensive Plan Map Amendment from Residential 4-5 du/ac to Residential 2-3 du/ac;*
- (B) *Zone Map Amendment from Residential Agricultural Holding (RA-H) to Planned Development Residential - 2 (PDR-2), consistent with said recommendations.*
- (C) *Stage I Preliminary Plan for a residential partition;*

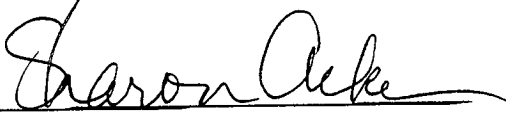
And, subject to that approval, does hereby approve the Stage II Final Plan, Tentative Partition Plat, Willamette River Greenway Conditional Use Permit, Type A Tree Removal Permit, and the Waiver to the street frontage requirements of the PDR-2 requested by the applicant and adopts the staff report attached hereto as Exhibit A, with modified findings, recommendations and conditions of approval contained therein with specific allowance of the proposed boat dock, ramp, landing and pervious trail as described in the November 29, 2004 letter to the DRB from Ben Altman, Urban Solutions, Exhibit 26, and authorizes the Planning Director to issue a Site Development Permit consistent with said recommendations.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 29th day of November 2004, and filed with the Planning Administrative Assistant on December 3, 2004. A City Council hearing date is scheduled for December 20, 2004 on this matter.



Eric Bohard, Chair
Development Review Board, Panel B

Attest:



Sharon Acker
Planning Administrative Assistant

City of

WILSONVILLE
in OREGON



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

VIA: Certified Mail, Return Receipt Requested

December 3, 2004

John & Clydene Smith
10840 SW Morey Court
Wilsonville OR 97070

Re: Case File 04DB23

Two copies of the Development Review Board's Decision and Resolution No. 04DB23 are enclosed. **Please note that your signature acknowledging receipt and acceptance of the Conditions of Approval is required to be returned to the Planning Division before the decision is effective.** One copy is provided for this purpose. Please sign and return to the undersigned. Thank you.

Sharon Acker
Planning Administrative Assistant
City of Wilsonville
30000 SW Town Center Loop E
Wilsonville OR 97070

cc: Ben Altman
Urban Solutions
P O Box 4063
Wilsonville, OR 97070



"Serving The Community With Pride"

Sign off accepting Conditions of Approval

Case File # 04DB23

Project Name: _____

The Development Review Board's Decision and Conditions of Approval have been received and accepted by:

Signature

Title

Date

Signature

Title

Date

This decision is not effective unless this form is signed and returned to the planning office as required by WC Section 4.140(.09)(L).

Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development.

Please sign and return to:

Sharon Acker
Planning Administrative Assistant
City of Wilsonville
30000 SW Town Center Loop E
Wilsonville OR 97070

04DB23 (A) – (H)
Urban Solutions for the Smiths
Comprehensive Plan Amendment
Zone Map Amendment
Stage I Preliminary Plan
Tentative Partition Plat
Stage II Final Plan
Willamette River Greenway Conditional Use Permit

ADOPTED CONDITIONS OF APPROVAL FOR REQUESTS (A) – (G):
November 29, 2004

REQUEST (A) - Comprehensive Plan Map Amendment

- A1. This action recommends adoption of the Comprehensive Plan amendment to the City Council, as entered into the record on November 22, 2004.

REQUEST (B) - Zone Map Amendment

- B1. This action recommends adoption of the Zone Map amendment and Stage I Preliminary Plan to the City Council, as entered into the record on November 22, 2004.

REQUEST (C) - Stage I Preliminary Plan

- C1. This action recommends adoption of the Zone Map amendment and Stage I Preliminary Plan to the City Council, as entered into the record on November 22, 2004.
- C2. The Stage I Preliminary Plan will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the DRB for just cause.

REQUEST (D): Tentative Partition Plat

- D1. This action approved the tentative plat as entered into the record on November 22, 2004 except as modified below.
- D2. The extent of City mapped Significant Resource Overlay Zone (SROZ) on the subject property shall be placed in a conservation easement on the final plat. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the City's Natural Resources Plan. This conservation easement to be shown on the final plat will replace the existing SROZ line (the County Surveyor will not allow the SROZ demarcation on the plat). Additionally a plat note, with language similar to the following, will be required on the final plat: Tract _ is subject to a conservation easement, as recorded in document no _____, Clackamas County Records, over its entirety for the benefit of the City of Wilsonville to preserve the City's mapped significant resources.
- D3. The applicant shall develop access and utility easements for those easements depicted on the tentative plat (Exhibit 8). Said easements shall specify maintenance responsibilities between the lot owners, be developed to City public works standards, and shall be reviewed, and if found acceptable, approved by the City's Legal Department, prior to City approval of the final plat. Approved easements shall be recorded in Clackamas County with the final plat.

- D4. A plat note shall be developed and made part of the final plat that substantially conforms to the following: access for fire apparatus shall be per the Tualatin Valley Fire and Rescue.

REQUEST (E): Stage II Final Plan

- E1. This action approves the Stage II Final Plan as entered into the record on November 22, 2004.

REQUEST (F): Willamette River Greenway Condition Use Permit

- F1. This action approved the Willamette River Greenway Condition Use Permit for the boat docks depicted in Exhibit 15. The boat docks are subject to the Use Management Standards of Subsection 4.514(.01-.06) of the City's Development Code.
- F2. Planning Division staff shall review all building permit applications for proposed structures, path/trail extensions, or utility installation in Parcels 2 and 3 to determine whether a significant resource impact report will be required.

Other Conditions of Approval

- I1. This action hereby approves the applicant's requested waiver to the street frontage requirements of the PDR-2 standards (Section 4.124.2 of the City's Development Code).

Building Division:

The following is a list of conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents. Review of the complete working drawings may reveal that those assumptions were incorrect and /or may expose additional code concerns.

1. **ATTENTION!** *A new fire code will be approved by the state within the next year. Any construction permitted after the new code has gone into effect must meet the requirements of the new code.*
2. **ACCESS.** If more than two R-3 occupancies or any commercial or multi-family buildings are accessed from a road, then approved fire department apparatus access within 150 feet hose-lay fashion of all exterior walls shall be provided. (UFC Section 902.2.1) Note that this applies only to that portion of the road providing access to more than two dwellings.
3. **ACCESS ROAD SPECS.** Provide fire department apparatus access within 150 feet hose-lay fashion of all exterior walls. Access roadways shall not be located closer than 20 feet to a structure unless topographical restrictions dictate the location. The road shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches, unless otherwise approved by the fire marshal. Minimum required widths and clearances shall be maintained at all times. (UFC Section 902.2.2.1, 902.2.4.1) Dead-end apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. (UFC Section 902.2.2.4)
4. **FIRE FLOW.** The following applies to all residential buildings over 3600 square feet. (Including the garage) No building shall be constructed, altered, enlarged, moved or repaired in a manner that by reason of size, type of construction, number of stories or any combination thereof creates a need for a

fire flow in excess of 3000 gpm at 20 psi residual pressure, or exceeds the available fire flow at the site of the structure. (UFC 903.3) One of the ways that fire flow may be reduced is to install a fire sprinkler system.

5. HYDRANTS. A Fire hydrant or hydrants shall be installed when required by the fire code.
6. FLOODWAY. No building may be constructed in the floodway. Buildings constructed in the flood zone shall meet City of Wilsonville and FEMA requirements.

Engineering Division:

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

The requirement for a Traffic Impact Analysis was waived per a letter dated May 12, 2004 from Eldon Johansen, Community Development Director.

- PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required.

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

- PF 2. All public utility/improvement plans submitted for review shall be based upon a 24"x36" or 22"x34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PF 3. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at it's cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- PF 4. Plans submitted for review shall meet the following general format:
- a. Composite public/private utility improvement and grading plan.
 - b. Detailed public/private utility improvement and grading plan.
 - c. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a 15-ft. wide public easement and shall be conveyed to the City on its dedication forms.
 - d. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
 - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.

- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - g. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
 - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
 - i. All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be prepared by a Registered Professional Engineer of the State of Oregon.
 - j. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
 - k. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
 - l. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD version 2000.
- PF 5. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 6. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within easement areas.
- PF 7. Proposed Parcels 1 and 2 shall be required to connect to City sewer and water service. The applicant shall provide a plan prepared by a Registered Professional Engineer that shows how they propose to provide these services.
- PF 8. If the new impervious surface on the lots exceeds 5,000 square feet, the applicant shall be required to meet water quality requirements for the proposed development per the standards of Clean Water Services of Washington County.
- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.

Natural Resources Program Manager:

This memorandum includes staff conditions of approval. The conditions of approval are based on the submitted Tentative Partition Plat, and Stage II Final Plan. The conditions of approval apply to the applicant's submittal of construction documents (i.e. engineering drawings).

CONDITIONS OF APPROVAL:

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

Significant Resource Overlay Zone

1. The Significant Resource Overlay Zone (SROZ) and its associated 25-foot Impact Area boundaries shall be depicted for the stream corridor on the site plans (e.g. grading plans) submitted for Parcels 2 and 3.
2. Rename the "25' Resource Buffer" the "25 foot Impact Area".
3. Pursuant to Section 4.139.03, .04 and .05, the applicant's for Parcels 2 and 3 shall demonstrate proposed development within or adjacent to the boundary of the Significant Resource Overlay Zone (SROZ) is exempt or will not impact the Significant Resource. Proposed non-exempt development within the SROZ, or development which may impact the SROZ, requires the applicant to submit a Significant Resource Impact Report (SRIR), prior to obtaining a grading permit, for review and approval by the City of Wilsonville.
4. Pursuant to Section 4.139.04, the applicant's for Parcels 2 and 3 shall demonstrate proposed exempt development (e.g. maintenance and repair of trails) within the 25-foot Impact Area and the Significant Resource Overlay Zone (SROZ) has been designed to avoid, minimize and mitigate impact to the significant natural resources.
5. All landscaping, including herbicides used to eradicate noxious weeds and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager. Native plants are required for landscaping in the SROZ.
6. Prior to any site grading or ground disturbance, the applicant's for Parcels 2 and 3 are required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.

Stormwater Management

7. Pursuant to Policy 9.3.2 of the City of Wilsonville's Stormwater Master Plan, on-site water quality facilities are required when proposed development increases impervious area by more than 5,000 square feet. The applicant's submittal indicates more than 5,000 square feet of impervious area (i.e. building envelopes) may be added to each lot.

8. Submit a drainage report and drainage plans for each lot. The report and plans shall demonstrate the proposed water quality treatment facilities satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards. Refer to Stormwater Master Plan Policy 9.3 (Stormwater Quality Policies).
9. Profiles and plan views of the proposed water quality treatment facilities shall be submitted. These profiles and plan views shall include, if applicable, proposed plant species and plant placement, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan and SROZ, including but not limited to:
 - a. **Policy 9.3.4 (Shading of Waterbodies); and**
 - b. **Policy 9.4.1 (Landscaping in conjunction with stormwater facilities).**
10. Pursuant to Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for proposed water quality treatment facilities prior to approval for occupancy of the associated development on each lot.
11. Pursuant to Implementation Measure 9.4.1.1, access should be provided for the entire perimeter of the water quality treatment facilities. At a minimum, at least one access shall be provided for maintenance and inspection. Access roads should have a minimum width of 15 feet and a maximum slope of 15%.

Other

12. Pursuant to Section 4.176(.03) of the Planning and Land Development Ordinance, native plant materials shall be used wherever practicable. If feasible, the applicant shall incorporate native plantings within the landscape areas of each lot.
13. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall submit an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
 - c. Gravel construction entrance;
 - d. Stockpiles and plastic sheeting;
 - e. Sediment fence;
 - f. Inlet protection (Silt sacks are recommended);
 - g. Dust control;
 - h. Temporary/permanent seeding or wet weather measures (e.g. mulch);
 - i. Limits of construction; and
 - j. Other appropriate erosion and sedimentation control methods.

ADOPTED STAFF REPORT
WILSONVILLE PLANNING DIVISION
SMITH PARTITION
DEVELOPMENT REVIEW BOARD PANEL 'B'
NOVEMBER 29, 2004

Public Hearing Date: November 22, 2004
Date of Report: November 15, 2004
Application: 04DB23 Requests (A) - (H)

Description of Proposal/Requests: Three Lot Partition

Urban Solutions, acting as agent for Clydene and John Smith, proposes the partition of parcel into two additional parcels for a total of three (3) parcels for the property located southeast terminus of Morey's Court. The applicant is also requesting a comprehensive plan map amendment and zone change to accommodate the proposed partition. Total site area is 2.3 acres (Exhibit 8).

Requests and Staff Recommendation:

(A) *Approve Comprehensive Plan Map Amendment (Residential 4 - 5 du/ac to Residential 2 - 3 du/ac)*
Staff Recommendation: Approve the request with conditions of approval beginning on page 31 of this report.

(B) *Approve a Stage I Preliminary Plan*
Staff Recommendation: Approve the request with conditions of approval beginning on page 31 of this report.

(C) *Approve a Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential - 2 (PDR-2)*
Staff Recommendation: Approve the request with conditions of approval beginning on page 31 of this report.

(D) *Approve a proposed three (3) parcel tentative partition plat*
Staff Recommendation: Approve the request with conditions of approval beginning on page 31 of this report.

(E) *Approve a Stage II Final Plan*
Staff Recommendation: Approve the request with conditions of approval beginning on page 31 of this report.

(F) *Approve Greenway Conditional Use Permit*
Staff Recommendation: Approve the request with conditions of approval beginning on page 31 of this report.

(G) *Approve Type 'A' Tree Removal Permit for the removal of one (1) tree*
Staff Recommendation: Approve the request. Staff has previously approved the removal of this tree.

(H) *Approve one (1) requested waivers to the Wilsonville Code*
Staff Recommendation: Approve the requested waiver.

Location: The subject property is located at the southeast terminus of Morey's Court, more specifically described as Tax Lot 5400, in Section 22DA; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.

Applicant: Urban Solutions, agent for the Property Owners

Owners: Clydene and John Smith

Comp. Plan Designation: Residential 0 – 1 du/ac

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

Vicinity Map: Exhibit 8

Staff Reviewer: Paul Cathcart AICP, Associate Planner

Review Criteria: **Planning and Land Development Ordinance:** Sections 4.008-4.035; 4.113, 4.118; 4.124; 4.124.2; 4.139; 4.140; 4.155; 4.167; 4.171; 4.172; 4.176; 4.177; 4.178; 4.184; 4.197; 4.198; 4.200-4.264; 4.400-4.450; 4.500-4.514; 4.600-4.640.20. **Other Planning Documents:** Comprehensive Plan; Transportation Systems Plan (TSP); Metro's Urban Growth Management Functional Plan (new – not advertised in the original public hearing notice)

Note: The statutory 120-day time limit applies to this application. The application was received on September 10, 2004. Staff did not deem the application complete within the required 30 day time-frame therefore the application was complete on October 10, 2004. As the applicant's requests are contingent on a Comprehensive Plan Map amendment, the 120-day rule does not apply to this application.

OVERALL SUMMARY OF ISSUES

The applicant is seeking approval of an amendment to the City's Comprehensive Plan Map and Zone Map, as well as Stage I Master Plan, Stage II Final Plan and Tentative Partition Plat to allow the incremental development of two (2) additional single-family homes with the potential of accessory dwelling units on two additional parcels to be created. Under the applicant's proposal, the Comprehensive Plan Map designation would change from its current 4-5 dwelling units per acre to 2-3 dwelling units per acre. The Zone Map designation would change from Residential Agricultural - Holding (RA-H) to Planned Development Residential - 2 (PDR-2).

The project, as proposed, would preserve the existing home on the subject property with contains an accessory dwelling unit. This addition would not significantly alter the ratio of multi-family to single-family housing (currently 53 to 41 percent). While the property has the potential of three additional units under the current comprehensive plan map designation (4-5 dwelling units per acre), the applicant believes that a larger parcel pattern is in keeping with other river front development. As the proposed parcels would be located on the river, the number of units, whether six (6) or nine (9) would likely only be affordable to relatively few households within the City.

Approximately 32 percent of the subject property is designated Significant Resource Overlay Zone (SROZ). The applicant is not proposing any further development in this area. Staff recommends that a conservation easement be placed over this area to ensure its long term protection.

Residential development standards require that 25% of the site be set aside for outdoor recreation or open space. This requirement is met through the SROZ and the proximity of the proposed project to the park at the Water Treatment Plan and Wilsonville Tract.

Traffic from the proposed project is expected to be of a "de minimis" nature and therefore exempt from the City transportation concurrency requirements (Subsection 4.140(.09)(J)(2) of the City's Development Code).

The tentative partition plat is not fully consistent with the applicable implementation measures and policies of the Comprehensive Plan.

Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision. The applicant is responsible for constructing all internal streets to the project to public street standards.

OVERALL RECOMMENDATION FOR REQUESTS (A) - (H):

Staff recommends that the Development Review Board find that the Comprehensive Plan Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Tentative Partition Plat, Willamette River Greenway Conditional Use Permit with the addition of proposed conditions herein, meet all applicable requirements, and may recommend their approval to the City Council.

FINDINGS OF FACT

1. **Site Analysis Data - Existing Site Conditions:** Described on pages 3 and 4 of Exhibit 10.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Residential – Morey’s Landing
East	Residential – Morey’s Landing
South	Willamette River
West	Residential - River Green

Natural Characteristics:

The subject site ‘s natural characteristics are described on page 4 of Exhibit 10.

Streets:

The subject property is located at and takes access from the southern terminus of Morey’s Court. No new streets are proposed.

2. **Finding:** The Applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

REQUEST (A): Approve a COMPREHENSIVE PLAN MAP AMENDMENT for the site

CONCLUSIONARY FINDINGS FOR REQUEST (A):

Comprehensive Plan – Comprehensive Plan Changes

Pages 7 through 10 of the City of Wilsonville’s Comprehensive Plan updated April 2004, provide the following procedure for amending the Comprehensive Plan:

Who May Initiate Plan Amendments

- A1. The owner of the subject property, through their authorized agent (the applicant), has made application to modify the Comprehensive Plan map designation for their property from 4-5 DU/AC to 2-3 DU/AC.

Application for Plan Amendment

- A2. The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

Consideration of Plan Amendment

- A3. The Planning Division received the application on September 10, 2004. Staff did not make a determination of completeness within the 30 days required by the Development Code, therefore the application was complete on October 10, 2004.

- A4. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan):

- a. *The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.*
- A5. At the writing of this report, the applicant has satisfied Plan requirements of citizen involvement.
- A6. The applicant has provided response findings starting on page 6 of Exhibit 10 relative to the Citizen Involvement (Policies 1.1.1, 1.2.1, 1.3) portion of the Comprehensive Plan. Staff concurs with these findings.
- A7. The applicant has provided response findings starting on 7 of Exhibit 10 relative to Urban Growth Management (Policies 2.1.1, 2.2.1) portion of the Comprehensive Plan. While staff concurs with these findings, staff notes that the City is currently undergoing periodic review tasks of conducting a commercial and industrial lands inventory (Statewide Planning Goal 9 and the Metro Urban Growth Management Functional Plan (UGMFP) and housing inventory (Statewide Planning Goal 10 and UGMFP Title 1). Without the information from these inventories, staff is unable to evaluate whether the proposed partition would provide a balance between residential, industrial, and commercial use per Implementation Measure 2.1.1.c.
- A8. Per Policy 3.1.1.1 the City's Engineering Division will review any extension of public facilities to the proposed parcels.
- A9. The applicant has provided response findings for Policy 3.1.2 of the Comprehensive Plan on page 8 of Exhibit 10. Staff concurs with these findings.
- A10. The applicant has provided response findings for Policies 3.1.3, 3.1.4, and 3.1.5, beginning on page 9 of Exhibit 10. While concurring with these findings, staff notes that the Assistant City Engineer has providing conditions of approval for the easements that will required on the proposed plat for the extension of public services to each lot and that the Building Division will need to issue individual permits to each lot for the connection to these public facilities. The expense for the extension of these facilities onto the resultant lots of the proposed partition will be the responsibility of the future lot owners.
- A11. Beginning on page 11 of Exhibit 10, the applicant has provided response findings for Implementation Measures 3.1.6.a – 3.1.6.e, Implementation Measures 3.1.6.e g - 3.1.6.k, and Implementation Measures 3.1.6.s – 3.1.6.aa of the Comprehensive Plan. While concurring with these responses, Staff notes that the applicant's proposed Comprehensive Plan Map amendment to lower the density from 4-5 DU/AC to 2-3 DU/AC with the corresponding reduction in potential dwelling units from nine (9) to six (6) would not "improve the balance between housing, employment, and commercial activities within the City in order to reduce commuting" per Implementation Measure 3.1.6.o.10. The Community Development Director has determined (Exhibit 16) that the traffic generated by the proposed project would be of a "de minimis" nature and therefore exempt from the transportation concurrency requirements of the City.

- A12. Staff concurs with the applicant's findings relative to Policy 3.1.7 on page 15 of Exhibit 10 and notes that the future lot owners will be responsible for any applicable system development charges. All future improvements for storm water quantity, if any, will require a public works permit. All storm water quality improvements will need to be consistent with the City's Storm Water Master Plan. The applicant's proposed building envelopes should keep structures out of the floodplain area. All proposed structures will be reviewed through the building permit process to ensure they comply with the floodplain regulations.
- A13. Staff concurs with the applicant's findings on page 15 of Exhibit 10 relative Policy 3.1.8 (fire protection) and 3.1.9 (police protection). Fire protection, suitable to the Tualatin Valley Fire and Rescue Department will need to be installed prior to the issuance of a certificate of occupancy for all future structures on the proposed parcels.
- A14. Staff concurs with the applicant's findings relative to Policy 3.1.10 relative schools.
- A15. While concurring with the applicant's findings relative to Policy 3.1.11 relative to parks, recreation, open space on page 16 of Exhibit 10, staff notes that the open space tracks located throughout the Morey's Landing development are private (the path ways through them are public) and should not be claimed as open space for the subject application. The proposed partition would contain sufficient open space of its own accord.
- A16. While staff concurs with the applicant's findings relative to Policy 3.1.13, semi-public utilities, staff notes that appropriate easements for these utilities over the proposed parcels will need to be recorded with the partition plat.
- A17. The City's Community Development Director has reviewed the applicant's proposal relative to traffic impacts and determined the impact would be below the threshold of a "de minimis" impact per Section 4.140(.09)(J)(2), which implements Implementation Measure 4.1.1.i of the Comprehensive Plan.
- A18. The applicant's response findings to Policy 4.1.4 and Implementation Measures 4.1.4.b, d, and e begin on page 18 of Exhibit 10. The applicant did not respond to Implementation Measures 4.1.4.g, j, l, o, p, t, and bb which describe the City's desire for demonstration of economic need for housing type, demonstration of housing diversity, how the project will help the housing/jobs balance, satisfy local needs and desires for type and price levels, meet the needs of employees, or provide ample yard space for residents.
- A19. To determine a rough approximation of price for the proposed parcels, staff looked at the valuation for the Bucks Landing subdivision, a five (5)-lot river-front subdivision completed approximately three (3) years ago. Average lot size in this development is .75 acres (32,845 SF). The Clackamas Count Tax Roll shows an average valuation for these lots of \$247,194 and an average home price (including land) for those lots with homes of \$649,937. Staff estimates (see table below) that over 500 households in the City (based on the year 2000 Census figures) would be able to afford river front lots (based on a 30 year mortgage with six (6)% interest and less than 30% of household gross household income devoted to mortgage).

Annual Income ¹		Households	Mortgage Amount					
Range		5,927	\$600,000	\$650,000	\$700,000	\$800,000	\$900,000	\$1,000,000
			Monthly payment ²					
			\$3,597.30	\$3,897.08	\$4,196.85	\$4,796.40	\$5,395.95	\$5,995.51
			Percent of Gross Monthly Income (high end of range)					
\$0	\$10,000	240	431.68%	467.65%	503.62%	575.57%	647.51%	719.46%
\$10,000	\$14,999	216	287.80%	311.79%	335.77%	383.74%	431.70%	479.67%
\$15,000	\$19,999	338	215.85%	233.84%	251.82%	287.80%	323.77%	359.75%
\$20,000	\$24,999	295	172.68%	187.07%	201.46%	230.24%	259.02%	287.80%
\$25,000	\$29,999	356	143.90%	155.89%	167.88%	191.86%	215.85%	239.83%
\$30,000	\$34,999	398	123.34%	133.62%	143.90%	164.45%	185.01%	205.57%
\$35,000	\$39,999	284	107.92%	116.92%	125.91%	143.90%	161.88%	179.87%
\$40,000	\$44,999	413	95.93%	103.92%	111.92%	127.91%	143.90%	159.88%
\$45,000	\$49,999	244	86.34%	93.53%	100.73%	115.12%	129.51%	143.90%
\$50,000	\$59,999	457	71.95%	77.94%	83.94%	95.93%	107.92%	119.91%
\$60,000	\$74,999	754	57.56%	62.35%	67.15%	76.74%	86.34%	95.93%
\$75,000	\$99,999	893	43.17%	46.77%	50.36%	57.56%	64.75%	71.95%
\$100,000	\$124,999	484	34.53%	37.41%	40.29%	46.05%	51.80%	57.56%
\$125,000	\$149,999	203	28.78%	31.18%	33.58%	38.37%	43.17%	47.96%
\$150,000	\$199,999	171	21.58%	23.38%	25.18%	28.78%	32.38%	35.97%
	\$200,000	181	21.58%	23.38%	25.18%	28.78%	32.38%	35.97%

¹ Source of household income: U.S. Census Bureau

² Based on a six (6)-interest rate – source mortgage-calc.com

- A20. Overall, staff concludes that whether, six (6) or nine (9) units, the applicant's proposal would create additional housing within the City, albeit for a limited amount of the City's population, and therefore is in the best interest of the public. Additionally, given that approximately a third (32%) of the subject property contains significant natural resources, flood plain area, or steep slopes, larger parcels would better protect the natural resources on the site.
- A21. The applicant's response findings to Policy 4.1.5 begin on page 22 of Exhibit 10. The applicant's response findings do not indicate how the areas of identified Significant Resource Overlay Zone, Willamette River Greenway, and Flood Plain will be conserved per Implementation Measures 4.1.5.d, e, k, m, other than an indication that these areas will not be developed. All water dependent uses (i.e. boat docks) will require appropriate permits from the Oregon Department of State Lands and U.S. Army Corps of Engineers. The Willamette River Greenway Conditional Use Permit will be discussed in findings beginning on page 30. See also the discussion of a conservation easement for these areas designated SROZ on page 23.
- b. *The granting of the amendment is in the public interest.*
- A22. The applicant's proposal to change the current Comprehensive Plan Map designation from 4-5DU/AC to 2-3 DU/AC would allow for the development of two (2) additional single-family homes and the potential of two (2) additional accessory dwelling units with each home, for a total of six units over three (3) lots. The current Comprehensive Plan Map designation (4-5 DU/AC) would allow for an additional seven (7) units, or a total of nine (9) units over three (3) lots. The applicant argues (page 19 of Exhibit 10) that the loss of these three lots "is more than made up for by the pending application by Renaissance Development" (69 lot subdivision west of Canyon

Creek Road south). While the loss of three units is likely minimal in the overall housing picture of the City, the larger lots created by the applicant's proposal and the make up for the loss of three lots by \$750,000 homes in the Renaissance Homes Development does not, in staff's opinion, satisfy the public's interest in housing that meets a wide variety of income levels (Implementation Measure 4.1.4.b), assures sufficient and affordable housing is available to households of all income levels that live or have a member working within the City (Implementation Measure 4.1.4.k), improves the balance of jobs and housing (Implementation Measure 4.1.4.l), satisfies local need and desires relative to home price (Implementation Measure 4.1.4.o), or meets the needs of employees working in the City (Implementation Measure 4.1.4.p). However, despite the foregoing, staff recognizes that the proposed parcels would be river front property, market rate for which, whether six or nine units, would likely be outside the reach of many would be lot buyers in the City.

c. *The public interest is best served by granting the amendment at this time.*

A23. As stated above, the proposed amendment would permit additional housing within the City and the loss of three potential units to the City's overall housing needs would be minimal. Additionally, a larger parcel pattern would better preserve the natural resources on site.

d. *The following factors have been adequately addressed in the proposed amendment:*
Suitability of the various areas for particular land uses and improvements;
Land uses and improvements in the area;
Trends in land improvement;
Density of development;
Property values;
Needs of economic enterprises in the future development of the area;
Transportation access;
Natural resources; and
Public need for healthful, safe and aesthetic surroundings and conditions.

A24. The above have been adequately addressed in the applicant's findings relative to the policies and implementation measures of the Comprehensive Plan beginning on page 5 of Exhibit 10.

e. *Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.*

A25. The City is in the process of completing a housing needs analysis in compliance with Title 1 of the Metro Urban Growth Management Functional Plan. While there is a generally understood need for additional housing within the City, Staff cannot gauge whether the applicant's proposal would adequately address the City's housing needs as is required in Title 1.

Public Notice

A26. Public Notice of the November 22, 2004, Development Review Board and the December 20, 2004, City Council public hearings regarding this application was mailed and posted on November 1, 2004.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

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

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

A27. The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. The September 2004 Development Summary completed by City staff indicates that approximately 22.4% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR) (26.6% when properties zoned “Village” are factored in). Of the land currently zoned PDR, only 5.8% percent is vacant (20.86% when “Village” zone is considered). While single family development currently makes up over 41% of the housing units in the City, the 2000 Census figures for Wilsonville shows a vacancy rate of 2.6% for owner-occupied housing units in the City. By comparison, multi-family housing makes up almost 53% of the housing stock in the City and was at a 9.5% vacancy rate in 2000. Of the 5,937 ‘occupied housing units’ in the City in the year 2000, 3,199 (54%) were owner occupied, and 2,738 (46%) were renter-occupied. (The Census figures do not make a distinction between single-family detached housing and attached housing [condos, etc.]). While the Census figures show a greater percentage of the city’s housing stock being owner occupied, the vacancy rate would suggest a higher demand for this type of housing.

Landuse

Type	Total		Acres in		% of		% Vacant - Type
	Acres	% of Total	Use	% of Type	Total	Acres Vacant	
PDC	340	7.23%	267	78.53%	5.68%	73	21.47%
PDI	1084	23.05%	902	83.21%	19.18%	182	16.79%
PDR	1051	22.35%	990	94.20%	21.05%	61	5.80%
R	110	2.34%	85	77.27%	1.81%	25	22.73%
RA-H	650	13.82%	301	46.31%	6.40%	349	53.69%
PF	594	12.63%					
Annexed 04	200	4.25%					
Other	673	14.31%					
Total	4702	100.00%				690	
PDR + Village	1251	26.61%	990	79.14%	21.05%	261	20.86%

Housing Units

Type	Total	% of Total
Apartment	3692	47.44%
Condominium	427	5.49%
Duplex	68	0.87%
Mobile Homes	22	0.28%
Mobile Home/Park	416	5.35%
Single Family ¹	3157	40.57%
Single Family ²	3161	40.60%
Single Family ³	3164	40.62%
Total¹	7782	100.00%
Total²	7786	
Total³	7789	

¹ without project

² with four (4) additional units

³ with seven additional units

Census 2000

Dwelling Units	6407
Owner occupied	5937
<i>Vacant</i>	470
For Sale Only	17.90%
For Rent	61.10%
Rec/Occ use	11.30%
<i>Vacancy Rate</i>	
Owner	2.60%
Rental	9.50%

The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount.

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

A28. The current Comprehensive Plan designation for the subject properties is Residential with a density range of 4-5 dwelling units per acre. The Zoning Map identifies the subject property as Residential Agricultural – Holding (RA-H). The Planned Development Regulations of the Development Code require that all sites, which are greater than two (2) acres, such as the subject property, be developed as Planned Developments. The applicant proposes a net density of 2.61 dwelling units per acre. The Comprehensive Plan allows a range of densities from 0-1 dwelling units per acre to over 20 dwelling units per acre. Adjoining properties to the west, north, and east of the proposed project are also designated residential on the Comprehensive Plan Map of the City with a density of 4-5 dwelling units per acre. The Morey’s Landing and RiverGreen developments have developed at this higher density, adjoining riverfront lots and parcels have developed at a lower density. While this higher density would allow the possibility three (3) additional dwelling units (beyond the applicant’s proposal), the subject property’s topography and natural resources make it more suitable for lower density development. Approximately 32% of the site is identified as being in the City’s Significant Resource Overlay Zone (more of the site is

contained in Willamette River Greenway). Additionally, the site contains a ravine that will likely require significant fill to provide buildable area. The applicant's proposed density (2-3 dwelling units per acre) would require less site manipulation (fill activity; natural resource destruction) than the site's current 4-5 dwelling units per acre.

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

A29. With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals.

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

A30. The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

A31. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City's Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicant is requesting a Comprehensive Plan Map change from the existing 4-5 dwelling unit per acre to 2-3 dwelling units per acre and a zone change to Planned Development Residential - 2 (PDR-2) which would correspond to a Comprehensive Plan Map density of 2-3 dwelling units per acre.

SUMMARY FINDING FOR REQUEST (A):

A32. The applicant's proposed Comprehensive Plan Amendment meets all applicable requirements, and its approval may be recommend to the City Council.

STAFF RECOMMENDATION FOR REQUEST (A):

Based on findings of fact 1 - 2, analysis and conclusionary findings A1 through A32, staff recommends that the Development Review Board forward the Comprehensive Plan Amendment to City Council for a hearing on December 20, 2004, along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are found on page31 of this report.

REQUEST (B): Approve a ZONE MAP AMENDMENT for the site

CONCLUSIONARY FINDINGS FOR REQUEST (B):

The subject properties are currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map amendment from RA-H to PDR-2 is intended to serve as a procedure to evaluate the conversion of urbanizeable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G, below.

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

- B1. The applicant has provided findings in Exhibit 10 addressing the tentative plat criteria and the zone map amendment criteria.

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

- B2. The applicant's response findings to this criterion are found on page 26 of Exhibit 10. Compliance with the City's Comprehensive Plan is reviewed in Request A. Staff is recommending approval of the proposed Comprehensive Plan Map amendment, with conditions of approval contained in this staff report. Approval of the proposed amendment to the Zoning Map is contingent upon approval of the Comprehensive Plan Map amendment by the City Council.
- B3. The land area of the proposed partition is 2.3 acres. The applicant is proposing to change the Comprehensive Plan designation from 4-5 dwelling units per acre to 2-3 dwelling units per acre. Proposed are a total of 3 parcels with each parcel allowing the opportunity for accessory dwelling units, making the gross density of the proposed partition of 2.6 dwelling units per acre. Net density (gross minus SROZ) would be 3.8 dwelling units per acre.

Comprehensive Plan – Residential Development

Variety/Diversity of Housing

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

- B4. The applicant's proposal would provide an incremental net addition of four (4) dwelling units. Response findings to 4.198(.01)(A) speak to the need for additional single-family housing in the City.

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

- B5.** Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. Future lot owners will be responsible for providing on-site storm water detention for water quality and quantity, if required under the City's Storm Water Master Plan. The applicant/current owner will also be responsible for producing and recording easements adequate to allow all proposed parcels access from Morey Court and the extension of public and semi-public utilities to each parcel. With the exception of the on-site well used for irrigation, the applicant/current owner will be required to cap all existing on-site utilities prior to the issuance of building permits by the City.

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

- B6.** The applicant/owner will be required to pay the equitable share (as determined by the Community Development Director) of all applicable system development charges.
- B7.** The entirety of the subject property has a Comprehensive Plan designation of Residential, 0-1 dwelling units per acre. The applicant is proposing a Comprehensive Plan Map designation of 2-3 dwelling units per acre. See Request A, beginning on page 10 of this report.

Zone Map

- B8.** The subject properties are currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes a change to Planned Development Residential – 2 (PDR-2) zone to accommodate four (4) additional dwelling units, retaining the existing single-family dwelling unit and accessory dwelling unit, for a project total of six (6) dwelling units.

Significant Natural Resources

- B9.** The applicant has provided a depiction of the SROZ and Impact Area boundaries relative to the proposed project, which is also described in the project narrative (Exhibits 12 and 10). Based on the material submitted to date, it appears that only the existing structure on the property would encroach into the SROZ or its Impact Area. A significant resource impact report may be required for a structure(s) on Parcel 3 depending on the placement and amount of required fill for any structure(s) in the ravine. See condition of approval F1. For development that encroaches into the SROZ and its Impact Area, the applicant shall either identify how the proposed development is exempt under Subsection 4.139.04 or demonstrate compliance with the SRIR Review Criteria of Subsection 4.139.05 (.03).
- B10.** The Development Code allows the DRB to place a conservation easement over areas designated Significant Resource Overlay Zone. Staff is recommending a conservation easement be placed over the SROZ on the subject property (see condition of approval D1) and that plat notes be developed identifying what activities can and cannot take place in the conservation easement.

Area of Special Concern

- B11.** The Comprehensive Plan does not identify the subject property as an area of special concern.

Criterion 'C': *"In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text."*

- B12.** The subject properties are designated “Residential” on the City’s Comprehensive Plan Map. The applicant’s response findings to this criterion begin on page 27 of Exhibit 10. While generally concurring with the applicant’s findings, staff notes the following:

Implementation Measure 4.1.4.b: *Variety in Housing Type and*

Implementation Measure 4.1.4.d: *Diversity of Housing Types*

- B13.** As the applicant’s proposal only includes a zone change and partition request, the type of housing that will be built on the proposed parcels cannot be evaluated. That is to say that the applicant is not the builder or developer. Suffice to say however, that the provision of river front lots will ultimately yield higher end homes, affordable to a small portion of Wilsonville households. The low vacancy rates of similar river front partitions and subdivisions in the City provide circumstantial evidence that there is demand for the type of land use proposed by the applicant. Adequate public services could be made available to the site.

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

- B14.** The City is in the process of conducting a housing needs assessment in an effort to establish these targets and to comply with Metro Title 1 and Statewide Planning Goal 10. The City’s Comprehensive Plan, prior to its November 2000 update, the City had established a 50% multi-family, 40% single-family target for housing in the City. The September 2004 Development Summary estimate by the City indicates a current split of 52.93% multi-family to 41.44% single-family. The proposed project would change this split to 52.90% multi-family and 41.47% single-family.

Criterion ‘D’ – Public Facilities

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

- B15.** The applicant’s response findings are found on page 28 of Exhibit 10. Additionally, the City Engineer’s Public Facilities (PF) conditions, imposed upon the subsequent Stage II Final Plan application, will require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project.

Criterion ‘E’ – Significant Resource Overlay Zone

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

B16. The applicant's response findings are found on page 28 of Exhibit 10. Additionally, the Natural Resources Program Manager's Report, to be provided regarding the subsequent Stage II Final Plan application, will prescribe conditions of approval and specific requirements to address these encroachments.

Criterion 'F'

"That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

B17. The applicant's response finding on pages 28 and 29 of Exhibit 10 indicates intent to partition the subject property and sell the created parcels as the market allows. The current owner intends to remain in the existing home while identifying and building a house on Parcel 1.

Criterion 'G'

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

B18. Staff is recommending conditions of approval for the proposed project that should bring the project into compliance with all applicable development standards.

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

B19. Staff has made affirmative findings for subsection 4.197(.02)(A)-(G), above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject code criteria.

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

B20. Staff is recommending approval of the Stage I Preliminary Plan of the proposed project, with conditions of approval. A City Council Zoning Order will be required prior to approval of the remaining applications, reviewed later in this report.

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

B21. Staff is recommending a condition of approval that would implement the City Council Zoning Order, contingent on the completion of the conditions of approval adopted by City Council.

SUMMARY FINDING FOR REQUEST (B):

B22. The applicant's proposed Zone Map Amendment meets, with conditions of approval, all applicable requirements, and its approval may be recommend to the City Council.

STAFF RECOMMENDATION FOR REQUEST (B):

Based on findings of fact 1 - 2, analysis and conclusionary findings B1 through B22, staff recommends that the Development Review Board forward the Zone Map Amendment to City Council for a hearing on December 20, 2004, along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are begin on page 31 of this report.

REQUEST (C): Approve a STAGE I PRELIMINARY PLAN for the site

CONCLUSIONARY FINDINGS FOR REQUEST (C):

Site Information. *Subsections 4.009(.01) and 4.140(.07)(A)(1):*

- C1. The applicant has demonstrated ownership of the subject property in the form of written title report, Exhibit 7.
- C2. The subject property is proposed to be rezoned from Residential Agricultural - Holding Zone (RA-H) to a Planned Development Residential - 2 (PDR-2) zone. The proposed residential use of the property is in compliance with uses typically found in the zone.

Subsection 4.140(.05): *Planned Development Permit Process*

- C3. The proposed project is not allowed to proceed nor receive a building permit until all applicable review criteria have been satisfied. By the applicant's submittal, these criteria have been met.

Subsection 4.140(.07)(A): *Preliminary Approval (Stage One) Application Requirements*

- C4. The application for Stage I Preliminary Plan approval has been made by the owner of the property. The applicant's proposal has been developed by the professional services Urban Solutions and Andy Paris and Associates Inc. This criterion is satisfied.

Subsections 4.140(.07)(B) & 4.035(.04): *Preliminary Approval (Stage One) Application Requirements and Site Development Permit Application*

- C5. The applicant indicates (Exhibit 23) a commitment to move forward with the final platting of the proposed partition shortly after receiving approval from the City and marketing the resultant properties thereafter. These criteria are met.

SUMMARY FINDING FOR REQUEST (C):

- C6. The applicant's proposal satisfies all applicable Code requirements and standards, as discussed above. The applicant's proposal can be made to satisfy all applicable Code requirements for approval of a Stage I Preliminary Plan, if the proposed conditions of approval are included.

STAFF RECOMMENDATION FOR REQUEST (C):

Based on findings of fact 1 - 2, analysis and conclusionary findings C1 through C6, staff recommends that the Development Review Board **approve** the applicant's request for Stage I Preliminary Plan as illustrated in the proposed partition plat (Exhibit 8), along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are found on page 31 of this report.

REQUEST (D): Approve a TENTATIVE PARTITION PLAT for the site

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

D1. Staff concurs with the applicant's response findings on page 41 of Exhibit 10. Staff notes that because a home owners' association is not proposed, the easements for access and utilities will need to specify responsibilities for maintenance of common areas. See condition of approval D1. Staff is also recommending a conservation easement over the portion of the property identified as SROZ. See finding D26 and condition of approval D1.

Section 4.220: Final Plat Review

D2. Staff concurs with the applicant's response finding on page 42 of Exhibit 10. Staff notes that due to recent court rulings, final plat review will require notice to surrounding property owners and will be processed through a Class II Administrative Review process.

Subsection 4.236: General Requirements – Streets

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

D3. Staff concurs with the applicant's response finding on page 43 of Exhibit 10.

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

D4. The applicant is not proposing any additional streets for access to the proposed partition parcels.

4.236(.04): Creation of Easements

D5. Staff concurs with the applicant's response finding on page 43 of Exhibit 10. The proposed easements for access and utilities will need to be reviewed and approved by the City's legal department prior to approval of the final plat. See condition of approval D1. The plat will also need to make reference to the options presented by the Tualatin Valley Fire and Rescue (Exhibit 24) relative to fire apparatus access to the proposed parcels. Final certificate of occupancy for the future homes on these parcels cannot be granted until TVF&R is satisfied with adequate access for fire apparatus.

4.236(.06),(.07),(.08),(.09): Streets

D6. Staff concurs with the applicant's response findings on page 44 of Exhibit 10.

4.237(.01): Blocks

D7. The applicant is not proposing any new or additional streets, therefore blocks will not be created. Prior access easements over Morey's Court provide the existing property, and will provide the proposed parcels with access.

4.237(.02): Easements

D8. The applicant's response finding on page 45 of Exhibit 10 indicate "appropriate easements will be provided as part of the final plat. Proposed easements are shown on the preliminary plat". Staff's proposed condition of approval D1 stipulates that all easements on the final plat shall be specified per the City's Public Works Standards and shall be approved by the City Engineer prior to the issuance of engineering permits for the project. Easements shall also be reviewed and approved by the City's legal department prior to approval of the final plat. See condition of approval D1.

4.237(.03): Pedestrian and bicycle pathways

D9. Staff concurs with the applicant's response finding on page 45 of Exhibit 10. Staff notes that as no new streets are required or proposed, sidewalks and bicycle pathways are not required.

4.237(.04): Tree Planting

D10. The applicant is not proposing any additional trees as part of the proposed partition. Approximately 32 percent of the subject property is designated significant resource overlay zone (SROZ), which contains a significant number of trees. Staff is recommending the SROZ be placed in conservation easement (see finding D26). As no new streets are required or proposed, streets trees are not required.

4.237(.05): Lot Size and Shape

D11. The applicant has requested, and staff is recommending approval of, a zone change to the Planned Development Residential – 3 (PDR-2) zoning designation. Subsection 4.124., PDR-2 specifies the following for lot size and shape:

- “(01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build-out: One unit per 20,000 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential dwelling unit. Thirty percent (30%) for all buildings.”

D12. The applicant's response findings to these criteria are found pages 37 and 38 of Exhibit 10. With the exception of the proposed waiver to the minimum street frontage requirement, the applicant's proposal meets these criteria. Based on the Tentative Partition Plat provided by the applicant (Exhibit 8), staff notes the following:

D13. The average lot size is approximately 34,443 SF (gross) and 23,677 SF (net – without SROZ), which exceeds the 16,000 SF average.

D14. All proposed lot sizes are greater than the 12,000 SF.

D15. Required minimum density at build-out is one (1) dwelling unit per 20,000 SF. The applicant's proposal meets this requirement (1.57 net acres * 43,560 SF) / 20,000 SF = 3.4 (4) dwelling units). The applicant's proposal would allow one (1) unit per 16,698 SF (gross acreage) or one (1) unit per 11,365 SF (net acreage without SROZ).

D16. The minimum lot depth would be that of Parcel 1 at 174.92 feet.

D17. The applicant is requesting a waiver from the minimum street frontage requirements for all three proposed parcels. This waiver request is describe on page 31 and 32 of Exhibit 10. Due to relatively low traffic volume and the use of reciprocal access easements, staff supports the applicant's request for this waiver as described in Exhibit 10.

D18. The applicant indicates that homes on the future lots will not exceed 35 in height.

D19. Proposed parcel sizes range from 14,879 SF to 47,960 SF. As with all new single-family houses developed in the City, Planning staff will approve all building plans relative to setbacks and lot coverage.

4.237(.06): Access

D20. Staff concurs with the applicant's response finding on page 46 of Exhibit 10 and supports the applicant's request for a waiver to the 30 foot street frontage requirement of Subsection 4.124.2 (PDR-2 Zone) as is allowed in Subsection 4.237(.06)(B).

4.237(.07): Through Lots

D21. This code criterion is not applicable to the subject request.

4.237(.08): Side Lot Lines

D22. Staff concurs with the applicant's response finding on page 47 of Exhibit 10.

4.237(.09): Large Lot Land Divisions

D23. The applicant's response finding (page 47 or Exhibit 10) indicate that, as the applicant is seeking a reduction in allowed density, there would be no provision for future partitioning. Depending on the placement of future homes on the proposed parcels, future partitioning beyond that in the applicant's proposal may be feasible. Such a proposal would require a similar analysis to that provided in this staff report based on the applicable review criteria of the time.

4.237(.10): Building Line

D24. No building lines are required or requested.

4.237(.11): Build-To-Line

D25. Build-to-lines are neither required nor requested. However, the applicant is proposing building envelopes, limiting the areas on the proposed lots for future homes. These lines are not required on the plat, but shall be used by Planning Division staff as part of the review of future structures on the proposed parcels. Said building envelopes do not waive other requirements of the Development Code such adherence to SROZ, Willamette River Greenway, and Flood Plain regulations.

4.237(.12): Land for Public Purposes

D26. Subsection 4.139.06(.09) states that "for any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract". The purpose of the conservation easement is to conserve and

protect resources as well as to prohibit certain activities that are inconsistent with the purposes of this section. This conservation easement will need to be shown on the final plat, replacing the existing SROZ line (the County Surveyor will not allow the SROZ demarcation on the plat). Additionally a plat note, with language similar to the following, will be required: Tract _ is subject to a conservation easement, as recorded in document no _____, Clackamas County Records, over its entirety for the benefit of the City of Wilsonville to preserve the City's mapped significant resources. See condition of approval D1.

4.237(.13): Corner Lots

D27. No corner lots are proposed.

4.262: Improvements – Requirements

D28. The City Engineer's condition PF2 requires the installation of all public utilities to the City's Public Works standards.

4.264: Improvements – Assurance

D29. Extension of all public utilities to the proposed parcels from public rights-of-way or easements shall be per the City's public Works standards. The City's Engineering division shall review all easements for the extension of public facilities. As no additional public streets or utilities are proposed by the applicant, assurance of the required public facilities to each of the future homes will be through the certificate of occupancy process.

SUMMARY FINDING FOR REQUEST (D):

D30. The applicant's proposed Tentative Partition Plat can be made to meet all applicable requirements, through the imposition recommended conditions of approval.

STAFF RECOMMENDATION FOR REQUEST (D):

Based on findings of fact 1 - 2, analysis and conclusionary findings D1 through D30, staff recommends that the Development Review Board approve the Tentative Partition Plat (Exhibit 8), along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are begin on page 31 of this report.

REQUEST (E):

Approve STAGE II FINAL PLAN for all site improvements and buildings within the entire project

CONCLUSIONARY FINDINGS FOR REQUEST (E):

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

- “1. *The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.*
2. *That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.*
3. *That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”*

4.140(.09)(J)(1): Compliance with Comprehensive Plan and Applicable Plans

- E1.** Requests A and B above have reviewed the proposed application against the requirements of the Comprehensive Plan. The applicant's requests will be reviewed against the City's Development Code in findings below.

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

- E2.** The City's Community Development Director has determined (Exhibit 16) that the traffic generated by the applicant's proposal would “not cause increased traffic above that which is exempted by the City's Development Code through the most probably used intersections and at the Wilsonville intersections”.
- E3.** The existing property takes access through a joint access easement at the southern terminus of Morey Court. The applicant is not proposing any road improvements, but rather will make use of additional access easements for the two (2) additional parcels to be created under this proposal. These easements will need to be approved by the City's legal department prior to final plat approval of the partition. See condition of approval D1.
- E4.** The applicant/owner will be required to pay all applicable system development charges, including supplemental street development charges.

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

- E5.** Policy 3.1.2 and Implementation Measures 3.1.2.a and 3.1.2.e of the Comprehensive Plan require that urban development only be allowed where necessary facilities and services can be provided. The proposed project has available to it (see below), or will be required to make available to it, adequate facilities to serve the project. The applicant is proposing a 15 foot wide access and utility easement across Parcel 1 that would traverse the shared parcel line of Parcels 2 and 3. These easements will need to be reviewed and approved by the City's legal department prior to approval of the final plat.

Sanitary Sewer

- E6. Policy 3.1.4 and Implementation Measures 3.1.4.b and 3.1.4.f specify the responsibilities for providing sanitary sewer service to new development. An 8-inch sanitary sewer line is available.

Water

- E7. Policy 3.1.5 and Implementation Measures 3.1.5.c and 3.1.5.d specify the responsibility for providing water service to new development. The applicant is responsible for the extension of water lines to serve the project, subject to the City's Public Works Standards. Public water is available to the site via an 8-inch line. With exception of the existing well used for irrigation, the existing wells will need to be capped prior to the issuance of building permits.

Roads

- E8. The applicant is not proposing any public street improvements. The Tualatin Valley Fire and Rescue Transportation Systems Manager has made recommendations (Exhibit 24) for improvements to accommodate fire apparatus. These options will need be referenced in the plat for the reference of future lot owners.

Storm Drainage

- E9. The developer of the project has the responsibility to fund and install all necessary storm water facilities to meet the requirements of the City's Storm Water Master Plan. Determination of the need of storm water facilities will be made at the time of building permit for each parcel. Any storm water facility created in the Significant Resource Overlay Zone or Impact Area will require a Significant Resource Impact Report. Approval of this SRIR by staff would be required prior to the issuance of a certificate of occupancy.
- E10. The final design and installation of all storm water facilities will require a public works permit from the City's Engineering Division. The design shall ensure that water will not be discharged at an erosive velocity to the drainage swale in the SROZ, or their outfalls.

Schools

- E11. Staff concurs with the applicant's response finding to this subject on page 16 of Exhibit 10.

Parks

- E12. Policy 3.1.11 and Implementation Measures 3.1.11.a, 3.1.11.b, 3.1.11.d, 3.1.11.e, 3.1.11.g, 3.1.11.i, 3.1.11.j, 3.1.11.o, and 3.1.11.p specify the responsibility of providing parks in new development.
- E13. With the exception of the reference to the open space tracks of Morey's Landing, Staff concurs with the applicant's response findings to parks and open space on page 16 of Exhibit 10. These open space areas are private (with the exception of trails through them) and are for the use of the Morey's Landing residents.

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

- E14. The applicant is not proposing any on-site park area. Approximately 32 percent of the subject property is in SROZ. The applicant is also proposing an additional boat dock for parcels 2 and 3.

Open Space Area

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

- E15.** Subsection 4.113(.02)(A) requires "at least twenty-five percent (25%) of the area (residential development) shall be open space, excluding streets." This section also allows "required rear yard areas and other landscaped areas that are not within required front or side yards and may be counted as part of the required open space." Approximately 32 percent of the subject property is designated SROZ which may used to be meet open space requirements. No additional development is proposed in the SROZ. Parcels 2 and 3 would have access to this open space area.
- E16.** The closest public park would be the park at the City's Water Treatment Plant. The proposed project would also be within a half mile of Boones Ferry Primary and Wood Middle Schools.

Public Services

- E17.** The City staff has consulted with public service providers (e.g., Sheriff, Tualatin Valley Fire & Rescue, South Metro Area Rapid Transit, etc.) within the City about the potential of providing service to the subject project. Some providers have provided a written response (Exhibit 24).

Semi-Public Utilities

- E18.** The applicant is proposing a 15 wide access and utility easement along the parcel line of Parcels 2 and 3 and a utility easement along a portion of the east side of Parcel 2. The applicant/owner will need to consult with the private utility providers (e.g., gas, electric, cable, waste collection, etc.) within the City about the potential of providing service to the subject project.

SUMMARY FINDING FOR REQUEST (E):

- E19.** The applicant's proposed Stage II Final Plan can be made to meet all applicable Code requirements through required conditions of approval.

STAFF RECOMMENDATION FOR REQUEST (E):

Based on findings of fact 1 - 2, analysis and conclusionary findings E1 through E19, staff recommends that the Development Review Board approve the applicant's Stage II Final Plan (Exhibit 8), along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are found on pages 31 of this report.

REQUEST (F):

Approve a WILLAMETTE RIVER GREENWAY CONDITION USE PERMIT for boat dock

The applicant's description of the existing and proposed boat dock, including how access to the dock is obtained, is found on pages 49 and 50 of Exhibit 10. See also Exhibit 15 depicting the proposed boat docks.

4.510(.01)(A-C): Findings in Support Conditional Use Permit.

F1. Staff concurs with the applicant's response findings on page 51 of Exhibit 10. Staff notes that notice of this request was sent to the Oregon State Parks on November 1, 2004.

4.184(.01)(A): Authorization to Grant or Deny Conditional Uses

F2. Staff concurs with the applicant's response finding on page 52 and 53 of Exhibit 10. Staff notes that the applicant/owner will need to obtain all appropriate permits from the Oregon Department of State Lands and U.S. Army Corps of Engineers. Staff has proposed conditions of approval D1 that the Planning Director review all future structures, trails, or the extension of utilities to the proposed docks for a determination of whether additional conditional use permits will be required.

4.514(.014-.06): Conditional Use Permit – Use Management Standards

F3. Uses subject to the conditional use granted in this application (boat docks) are subject to the use management standards of this subject. See condition of approval F1. The boat docks are water dependent and related uses and are therefore not subject to the 75-foot setback upland from the top of the bank.

SUMMARY FINDING FOR REQUEST (F):

F4. The applicant's proposed Tentative Partition Plat can be made to meet all applicable requirements, through the imposition recommended conditions of approval.

STAFF RECOMMENDATION FOR REQUEST (F):

Based on findings of fact 1 - 2, analysis and conclusionary findings F1 through F4, staff recommends that the Development Review Board approve the Conditional Use Permit as described in Exhibit 10 and depicted in Exhibit 15, along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval begin on page 31 of this report.

Request (G):

Approve a Type A TREE REMOVAL PERMIT for the removal of one tree

The applicant's application includes a request to remove a dead 36 inch (diameter at 4 ½ feet above the ground) in what would be Parcel 3.

Section 4.610.10(.01): Standards for Tree Removal

G1. Staff concurs with the applicant's response findings on page 56 of Exhibit 10. Staff notes that the trees within the SROZ are not identified. However, the applicant indicates that these trees will be preserved.

4.610.20: Type A Tree Permit

G2. While Staff concurs with the applicant's response finding on page 56 of Exhibit 10, Staff has previously given the owner permission to remove the subject 36 inch walnut as it is dead and therefore does not require a permit for its removal.

Request (H):

Approve a WAIVER TO MINIMUM STREET FRONTAGE REQUIREMENT in the PDR-2 Zone

The applicant's application includes a request (page 31 of Exhibit 10) to waive the street frontage requirements of the PDR-2 Zone for the proposed parcels. As discussed in previously in Request C, staff concurs with the applicant's response findings on pages 31 and 32. Staff recommends the Development Review Board grant this waiver request per the findings in Exhibit 10.

EXHIBITS

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

Exhibit No.	Description
A	Staff Report (this document)
1	Vicinity Map (Public Notice Map)
2	Application form; dated 9/10/2004
3	Letter from Ben Altman to Blaise Edmonds dated September 8, 2004 regarding Smith application for Plan & Zone Amendment, Stage I & II, Partition Plat, and Greenway Conditional Use permit
4	General submittal requirements for Stage I and Stage II applications completed by the applicant, date stamped September 10, 2004
5	Quitclaim Deed, Jack David Marsden, Grantor – Grace Lee Marsden, Grantee dated May 28, 1982
6	An agreement regarding access and development restriction dated July 1999
7	Preliminary Subdivision Guarantee Supplemental Report for John Smith Trustee prepared by Pacific Northwest Title Tri-County
8	Sheet 1 of 2 Preliminary Plan for Partition (Tentative Partition Plat)

Exhibit No.	Description
9	Sheet 2 of 2 Preliminary Plan for Partition (Building Envelopes)
10	Land Use Application prepared by Urban Solutions and Andy Paris & Associates, Inc. dated September 7, 2004
11	Comprehensive Plan Map (Applicant's Exhibit 1) contained in Exhibit 10
12	Aerial photograph depicting SROZ boundary (Applicant exhibit 2) contained in Exhibit 10
13	Map showing subject tax lot (Applicant exhibit 4) contained in Exhibit 10
14	Property Description (Applicant's exhibit 5) contained in Exhibit 10
15	Supplemental to the partition plat (Applicant exhibit 6)
16	Letter from Eldon Johansen to Ben Altman dated May 12, 2004 regarding proposed 3-lot partition (Applicant exhibit 7) contained in Exhibit 10
17	Agreement regarding access (Applicant exhibit 8) contained in Exhibit 10
18	Topographic map of subject site (Applicant exhibit 9) contained in Exhibit 10
19	Floodway data for subject site (Applicant exhibit 11) contained in Exhibit 10
20	Established Dock Patter (Applicant exhibit 12) contained in Exhibit 10
21	Termination of Development Restriction dated July 1, 2004 (Applicant exhibit 13) contained in Exhibit 10
22	Partial release of access agreement (Applicant exhibit 14) contained in Exhibit 10
23	Letter from Clydene (Dee) Smith and John Smith to Blaise Edmonds (Applicant exhibit 15) dated September 7, 2004 regarding Statement of commitment to two year time period for proposed partitioning Tax Lot 5400, Map 3 1 W 22DA, 10840 SW Morey Court, Wilsonville, OR
24	Letter from Jerry Renfro to Clydene and John Smith (Applicant exhibit 16) dated August 19, 2004 regarding sprinkler systems
25	Letter from Susan and John Schenk to City Planning Division, City of Wilsonville, dated November 7, 2004 referencing File #04DB23
26	Letter from Urban Solutions dated November 29, 2004, regarding revised request for separate docks→

EXHIBIT 26
11-29-04
040823

Urban Solutions

△△△ Delivering Desired Futures

PO Box 4063 △ Wilsonville, OR 97070 △ 503-682-9361
Fax 503-682-9365 △ Email: urban.solutions@verizon.net

TO: Wilsonville DRB and Kerry Rappold
FROM: Ben Altman
DATE: November 29, 2004

RE: Revised Request for Separate Docks – Smith 04DB23

The applicants and their representatives had the opportunity to meet with City legal staff and Kerry Rappold this morning to review issues raised in my November 22nd written testimony. Based on this meeting, I am submitting this request modifying the proposed dock configuration.

As mentioned in the November 22 testimony, we had submitted for a combined dock and access ramp, based on input from staff (Kerry). But, apparently there was some misunderstanding about how the SROZ would be applied in this case. As it turns out, we are, in fact, eligible for the 120 square foot impervious surface impact exemption provided under Section 4.139.04(.15). With this exemption, we are allowed to separate the two docks, one per Lot, each with their own separate access ramp.

Therefore we are requesting a modification to the application to allow the separation of the docks and access ramps. A revised sketch is attached.

As we understand this exemption, it will allow up to 120 square feet of impervious surface impact per Lot within the SROZ. This limited area impact may be used either for the ramp landing and/or improvements, such as steps, to the existing pathways. Anticipated “Improvements” associated with this modification for each Lot may include the following:

- Two pilings to anchor the access ramp;
- A small landing pad, probably a metal crate framed in concrete;
- Minor leveling to create steps for the existing pathway (Lot 2) to improve walkability along the steep grade;
- Surface treatment for the pathway (Lot 2) will include treated wood or rock to frame steps, and wood chips or other pervious natural material as ground cover;

EXHIBIT NO. 6

Revised Exhibit 6

SUPPLEMENTAL TO THE
PRELIMINARY PARTITION PLAN

OF TAX LOT 5400 (MAP 3-1W-22DA)

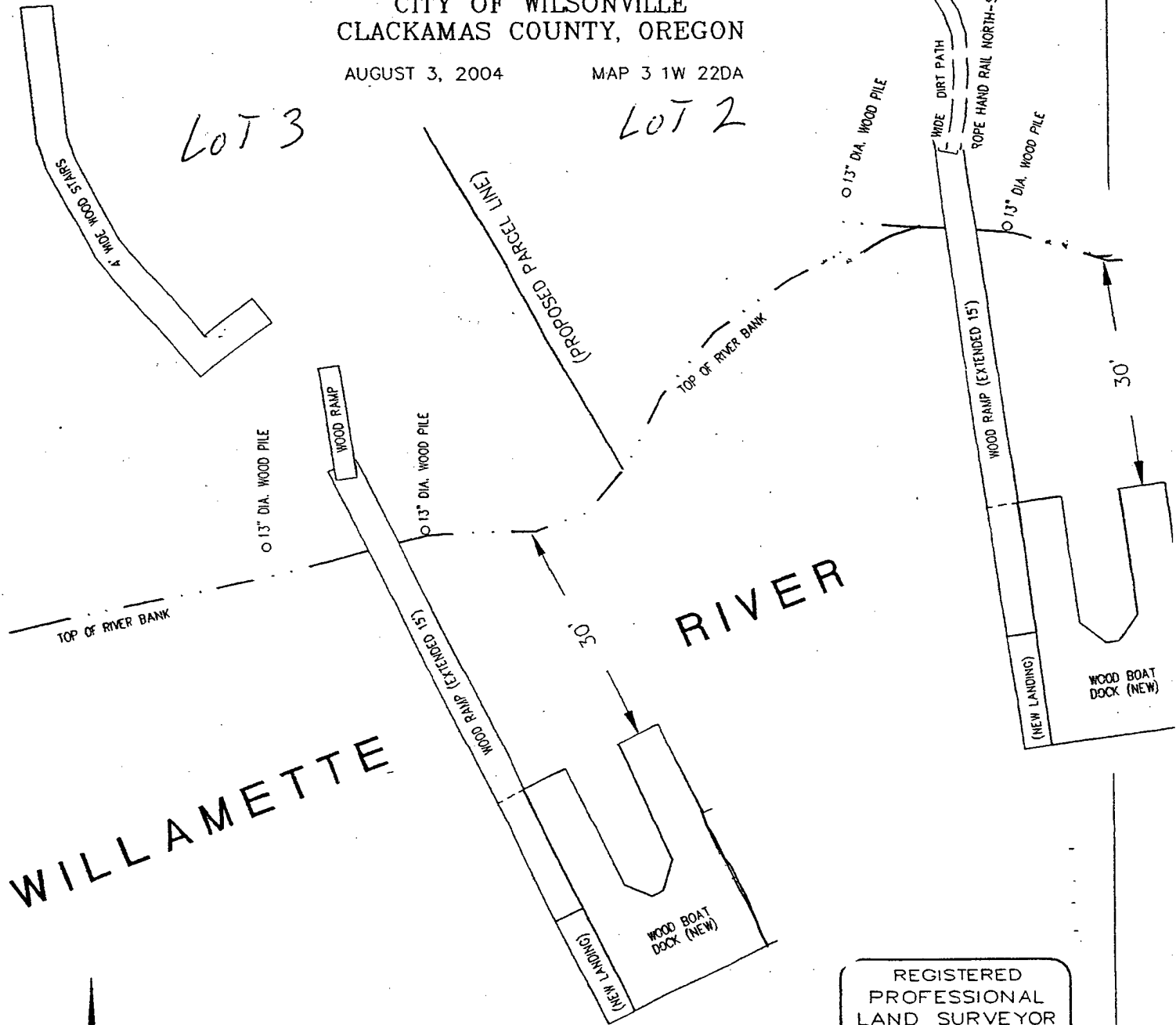
IN THE SE 1/4 SEC. 22, T.3S., R.1W., W.M.
CITY OF WILSONVILLE
CLACKAMAS COUNTY, OREGON

AUGUST 3, 2004

MAP 3 1W 22DA

LOT 3

LOT 2



WILLAMETTE

RIVER



SCALE 1" = 20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

William H. Shenk

OREGON
JULY 21, 1992
WILLIAM H. SHENK
2563

EXPIRES : JUNE 30, 2006

PREPARED BY:
ANDY PARIS AND ASSOCIATES, INC.
16057 S.W. BOONES FERRY ROAD
LAKE OSWEGON, OREGON 97035
PH: 503-636-3341

- As determined necessary, by the City's Natural Resource Manager, mitigation will also be provided in the form of removal of non-native vegetation and replanting of native plants;
- The Code already allows for normal and necessary maintenance of the pathway or stairway, but might also include removal of non-native vegetation and replanting of native plants.

With this exemption and modification, our concern about the docks is resolved.

We also had the opportunity to discuss the Conservation Easement and what it would entail. Based on input from staff, including some sample easements, we are comfortable with providing the easement over the SROZ Area. We will provide the easement, as approved by legal staff, as part of the Final Plat application. The easement will be shown on the Plat, essentially replacing the SROZ line.

We also have come up with one additional issue we want addressed by the Board. The applicant has spent considerable time reviewing house plans for Lot 1. They have had difficulty finding a desirable building plan that fits the proposed width of the lot, with standard setbacks. We had initially set the lot width based on the location of the existing gas line easement. But, since the lot width seems to be a problem, we are now considering moving the gas line easement and widening Lot 1 10-15 feet. We do not see this a problem in that it does not appreciably change the lot areas. There is still ample room on Lot 2.

So, we simply request that the DRB's decision includes an allowance to adjust the width of Lot 1 up to 15 feet.

Thank you for your consideration.

DRB PANEL B
November 29, 2004
BOARD DISCUSSION:

04DB23 Ben Altman/John Smith

Amend Resolution including letter from Ben Altman dated 11/29/04 and with the following language on page 2 of the Resolution, the first paragraph, fifth line, insert:

Approval contained therein "with specific allowance of the proposed boat dock, ramp, landing and pervious trail as described in the November 29, 2004 letter to the DRB from Ben Altman, Urban Solutions, Exhibit 26."

MOTION:

To adopt the changes in the Conditions of Approval as read into the record for Resolution 04DB23 including the inclusion of a letter from Ben Altman dated November 29, 2004. Moved by George, seconded by Straight-Millan. Motion passed 5-0.