

RESOLUTION NO. 1122

**A RESOLUTION EXERCISING CITY OF WILSONVILLE'S
OPTION TO TRACTS A AND B, PARK AT MERRYFIELD, CITY OF
WILSONVILLE, CLACKAMAS COUNTY, OREGON.**

WHEREAS, at the time of the development application for the Park at Merryfield (Revised January 12, 1989)(Lincoln Savings and Loan in connection with Century 21 Properties, David Orindorph, President), the then applications proposed dedication of Tracts A and B, to the City of Wilsonville. See Development Application (Revised 1-12-89) p. 1-8, marked Exhibit "A", attached hereto and incorporated here; and

WHEREAS, the City of Wilsonville, in response to the applicant's request in the application to dedicate, adopted Condition No. 15, Resolution No. 709 (March 20, 1989), as follows:

"The applicant shall dedicate Tract A and/or B at the option of the City; said option shall remain in effect up to and including the completion of building construction on the last lot in the entire subdivision. Nothing in this condition shall be construed to limit the establishment of the required homeowners' association to provide maintenance of Tract A and B until such time as the option dedication, if any, may occur."; and

WHEREAS, during the approval process for Stage II, Phase II, the subdivision slightly adjusted lotting patterns which preserved trees on previously proposed Lots 1 and 149. This, then caused a portion of Tract A north of Camelot and adjacent to and west of Tract B to be reduced, while most of previous Lot 149 and all of previous Lot 1 was added to Tract A, although not contiguous to the primary portion of Tract A. Additionally, the primary portion of Tract A adjacent to the previously proposed Lot 9 was reduced. Thus, the trees along Brown Road were preserved, Tract A was reconfigured and the reconfiguration provided the subdivision to increase in size by one lot, from 149 to 150. See Park at Merryfield plans by Alpha Engineering on record herein, respectively dated 1/9/89 revision Camelot Alignment, Sheet 1 of 2 and dated 4/9/90 revision phase two submittal, sheet 1 of 2; and

WHEREAS, Matrix Development Co. David Orindorph, president, is the apparent successor to interest to Century 21 Properties and has by Bargain and Sale Deed, granted,

bargained, sold and conveyed Tracts A and B to the Merryfield Owners' Association, Inc., an Oregon non-profit corporation, a copy of the deed is marked Exhibit "B" and incorporated herein. The City was concerned that its option contracts were being breached and was temporarily withholding building permits; and

WHEREAS, the Merryfield Owners' Association has now represented through correspondence of its attorney, William Ohle, that it is the current successor in interest to the aforementioned Tracts A and B and are willing to dedicate to the City, Tracts A and B if the City exercise its option as set forth in the above referenced Condition 15 through the public meeting process; and

WHEREAS, the City, Matrix and homeowners of the Park at Merryfield have shared concerns over the maintenance of the Tracts A and B, the presence of wetlands, and interfacing wetlands with a neighborhood park setting as illustrated in the planting plan, Matrix Development Corporation revised 10/15/92, Robert H. Foster, consultants, on record with the City in this matter; and

WHEREAS, the City Council finds that the City Building Official reports there are four lots within the Park at Merryfield subdivision upon which building permits have not been issued, but that he is doing plan checks for permits on two of those lots and has had notice that permits on the other two lots will be sought in the near future, and that time is of the essence so that the City does not lose its option rights; and

WHEREAS, the City Council has also taken into consideration of its fiscal management policies and in this regard, understands that a level one assessment has not revealed any indication of hazardous or toxic materials; and

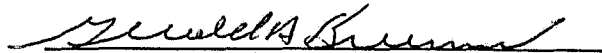
WHEREAS, the City Council finds that at this time, it is in the public's best interest to exercise the option to Tracts A and B to best preserve the natural resources and wetlands, time being of the essence and to eliminate the necessity to hold further building permits, but also desires to continue, to work with the Merryfield Owners' Association to establish neighborhood park amenities and to give consideration to deeding back to the Merryfield Owners Association portions of Tracts A and B if it can be established that the Association could maintain such land in harmony with the public interest in maintaining the natural resource and wetland open space.

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

1. The City of Wilsonville hereby exercises its option to Tracts A and B, Park at Merryfield, City of Wilsonville, Clackamas County, Oregon.
2. The City Manager, or her designee, is directed to work with the Merryfield

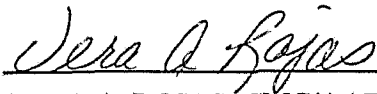
Owners Association to determine and to report back to the City Council with recommendations as to the best alternative(s) to providing neighborhood recreational amenities compatible with preservation of the natural resources and wetlands open space of Tracts A and B. Such recommendations shall address deeding portions of Tract A and/or B to the Merryfield Owners Association in order to accomplish this goal by September 1, 1994. Any such recommendations should also take into consideration Parks Master Planning.

ADOPTED by the Wilsonville City Council at a special meeting this 5th day of July, 1994 and filed with the City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

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

Exhibit "A"

DEVELOPMENT APPLICATION
THE PARK AT MERRYFIELD
(FORMERLY WILSONGREEN)
WILSONVILLE, OREGON

APPLICANT

CENTURY 21 PROPERTIES
7160 SW HAZELFERN ROAD
TUALATIN, OREGON 97062
(503) 684-2762

PREPARED BY

ALPHA ENGINEERING, INC.
1750 SW SKYLINE BLVD.
PORTLAND, OREGON 97221
(503) 297-1458

(REVISED 1-12-89)

INTRODUCTION

The subject property is designated Residential 1-3 units per acre on the Comprehensive Plan, and zoned PDR, Planned Development Residential.

The applicants are requesting PDR, Stage I, Preliminary Plat approval for a 149 lot subdivision and Stage II approval for Phase I development of 45 lots. The plat represents a modification of previous land use actions for this site. Prior actions were related to various development plans for Wilsongreen.

The present development plan will be known as The Park at Merryfield. It contains 49.83 acres and is designed at 3 units per acre, with a minimum lot size of 7000 square feet, and an average lot size of 8100 square feet.

PRIOR LAND USE ACTIONS

The property was originally zoned (R10PD) in 1979, under the provisions of Ordinance 136. It was subsequently legislatively rezoned to PDR when the City revised the Zoning Code, in 1980.

In May 1980 the Planning Commission reviewed and approved a preliminary plat for 150 units (33 MF & 117 SF), known as Wilsongreen. This development plan was never final platted. Although Stage II and Design Review Plans were approved for the 33 unit apartment complex.

In November of 1983 the Planning Commission considered and subsequently denied a revised preliminary plat for 210 lots. The denial was based on the fact that the proposal exceeded the allowable density based on the Comprehensive Plan. (83PC32).

It is presumed that the combination of prior actions for Wilsongreen confirms the allowable density at 150 units. It is further assumed that these prior actions affect the areas designated as primary and secondary open space, as well as modifications thereto. This matter is discussed in more detail under the subheading of Open Space.

COMPLIANCE WITH COMPREHENSIVE PLAN

LAND USE

The proposed plat contains 49.83 acres and is to be subdivided into 149 lots. This equals a density of 2.99 units per acre, based on the provisions of Section 4.136 of the Code. This is consistent with the designated density for the site, at 3 units per acre. It is also consistent with the density of prior approvals for this site.

OPEN SPACE

A portion of the site is designated open space on the Comprehensive Plan. This area includes some low lying, poorly drained woodland, open pasture and trees along the southern portion of the site. The designated area contains 14.97 acres.

The proposed plat seeks to modify the open area to accommodate the revised lot pattern. It identifies the majority, but not all, of the designated area as Tracts A and B. Tract A contains 9.1 acres, while Tract B contains 1.8 acres. Combined there is 10.9 acres of permanent, public open space, which equals 21% of the site. This area can be counted towards required outdoor living area. The open space is proposed to be dedicated to the City as permanent open space. Allowable density has been transferred from this area consistent with Section 4.136 (5) of the Wilsonville Code.

The western portion of the open space is designated primary open space on the Comprehensive Plan. The eastern portion is designated as secondary open space. According to the Comprehensive Plan:

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

and design review process, except when the proposal is part of a planned development. These areas include the following:

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

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

The planning staff's report notes that Tracts A & B as proposed do not seem to conform to the Comprehensive Plan criteria for designation of open space, as either primary or secondary. They further do not precisely align with the designated area on the Plan Map. A search of the prior zoning and platting records for this site provide the explanation of this discrepancy.

The property was originally zoned in 1979 (79ZC1, ORD. 136). The City's Planning Commission held hearings in April and May of 1979 to consider the zone change from RA-1 to R-10 PD. They adopted their Resolution 79ZC1 on May 14, 1979. The Commission's findings and recommendations were then considered by the City Council on August 6 and 20, 1979. The Council took final action approving the zone change through adoption of Ordinance 136, on Oct. 1, 1979.

The on May 20, 1980 the Planning Commission considered and approved the Wilsongreen Preliminary Plat, 80PC9. The plat contained a proposed dedication of 14.86 acres of open space adjacent to the Parkwood Estate park dedication and along the southern portion of the site.

Subsequently, in May 1982, the City adopted its new Comprehensive Plan and Development Code, Ordinances 209 and 210. It was as part of this action that the open space area shown on the Wilsongreen Preliminary Plat was designated as open space on the new Comprehensive Plan map.

The western low lying area and the area abutting the Parkwood Estates dedication was designated as Primary Open Space. The treed eastern portion, where multi-family development had been approved, was designated as Secondary Open Space.

Therefore, the record reveals that open space designations, on the subject site, simply reflected the prior approved land use actions. This was apparently done to avoid conflicts between the approved preliminary plat and strict application of the open space criteria in the Comprehensive Plan.

In this regard, the current preliminary plat is proposed as a modification of the Wilsongreen Stage I Master Plan. This subsequently leads to a modification of the Comprehensive Plan Map to reflect the present development pattern for open space. The proposed plat conforms generally to the Wilsongreen open space, but not precisely. Never the less, it is assumed that such flexibility is appropriate, given the history of prior actions on this property.

It is understood that the record reflects an intent to provide certain areas for permanent open space and others for selective removal of trees for development. Further, these specific areas do not conform strictly to the criteria for primary and secondary open space, set forth in the Comprehensive Plan.

Therefore, it is assumed that minor modifications to the specific configuration of open space could be adjusted through preliminary plat review, without the necessity for a Comprehensive Plan Map amendment. The Plan Map should, however, be legislatively corrected based on the modifications approved for the plat.

Specifically, the proposed plat provides for a similar open space configuration adjusted to accommodate the new lot and street pattern. It maintains an expansion of the Parkwood dedication along the north east boundary, but provides for single family lots in the southeast portion, where 33 multi-family units had previously been planned. The change in lot pattern results in a reduction of open space by 4.07 acres.

CONSIDERATION OF OPEN SPACE CRITERIA

Primary Open Space

- (1) There is no 100 year floodway, as defined by Federal Flood Insurance Rate (FIRM) Maps, affecting the subject property. This general area is designated on the FIRM Map (Panel 4 Of 5, 410025 0004 B) as a Zone C, or areas of minimal flooding. There is no defined floodway or flood plain for this area. The lower portion of the site is, however, poorly drained and subject to seasonal flooding or ponding.

The staff report references a 170 foot flood elevation. However, the record provides no documented evidence of a defined flood elevation. The area is poorly drained. Proposed cuts, fills and drainage improvements will alter the flood of ponding pattern. The degree of drainage improvements necessary will depend in part on how the open area is to be used, if at all. No specific use of this low lying area is proposed by the applicant.

- (2) There are no major areas with slopes greater than 20%. There is a small portion of the site, immediately south of the Lehan property, that approaches 20% for a short distance. These steeper slopes are within the area to be set out as permanent open space. All other portions of the site are considerably flatter than 20%.
- (3) There are significant stands of trees on the site. The southeast area is heavily wooded with a mix of conifers and deciduous trees. This equals about one fourth of the designated open space. The southwest portion, approximately 37% of the open space, is predominantly deciduous and riparian vegetation. The south central, 37%, is open pasture with scattered trees.

A strict reading of the open space criteria would apply primary designations to both the east and west treed areas, but not the central pasture land. However, the prior plat approval allowed for development to occur within the eastern treed area. It provided for an extension of the park dedication from Parkwood Estates, but allowed development to the south. Therefore, the southern portion was designated as secondary open space.

The proposed plat provides a similar open space configuration, but moves Camelot Street south and provides single family lots instead of apartments. This allows for a 1.8 acre addition (Tract B) to the

Parkwood open space and results in continuity of the visual and functional aspects of the open space. This 1.8 acres conforms to the heavily treed area with a primary designation.

To the west, the southern lot lines of lots 26, 27, 28 and 29 are very close to the lot lines of lots 25, 26 and 27 of the Wilsongreen plat. There encroach into the trees to about the same degree.

The central pasture area has only scattered trees and therefore would not conform to the primary designation criteria.

- (4) There are no major drainage channels on the site. It is a low lying, poorly drained area at the head of a minor drainage channel that is more clearly defined south of the subject site.

While this low lying area is not a major drainage it is poorly drained. Further, flat the topography creates limitations for street and utility services for development of the lower pasture area. Therefore, the lower flat areas have been included within the open space, even though it doesn't meet the primary criteria.

Secondary Open Space

Lots 1-8 and 143 - 149 are within the area designated as secondary on the Plan Map. While this area has significant trees, it was previously approved for development. The proposed plat provides for 15 single family lots instead of 33 apartments. In addition to the public open space, setback standards provide for 65% of each lot to remain open through building location. These lots conform as close as possible with the area designated as secondary open space.

Lots 9, 10 - 16 and 138 - 142 are proposed within the area designated as primary, but do not conform to any of the primary criteria. This area further does not conform to the criteria for secondary open space. This portion of the site contains no Willamette Greenway, no high voltage powerline easements, no slopes between 12% and 20%, and no designated historic sites. Again, however, the lowest, flatter portions are difficult to serve for development and have been left as open space.

These lots can be served with utilities and they result in a more economical usage of the street improvements. The open area between lots 9 and 10, and 142 and 143

has been provided to link the open space on both sides of the street.

We believe the proposed lot and open space pattern complies with the Comprehensive Plan criteria and is a reasonable modification of the prior Wilsongreen plat.

HOUSING DEVELOPMENT

The City's Plan seeks to provide for diverse housing types coordinated with the social and economic needs of the community. It further provides for various densities throughout the city. The area surrounding the subject site is designated Urban Low Density Residential.

"The purpose of this district is to provide for low density single-family residential areas.

The following areas should be designated and developed at urban low density:

- a. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
- b. Undeveloped areas adjacent to existing suburban low density developments, or near the fringe of the urban growth boundary.
- c. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

In order to encourage originality, flexibility, and innovation in land development, and minimize monotonous standardized subdivisions, all subdivisions will require a Planned Development Review (PDR)."

The Merryfield plat is designed at a low density consistent with the surrounding development pattern. It is actually very similar to the original Wilsongreen plat, which was previously approved. It recognizes the natural wetland area and stand of trees along the southern boundary. These areas are set aside as permanent open space. The main collector street for the plat has been realigned slightly to allow linkage of the open space area to Brown Road. This area had previously been planned for 33 apartments. The revised plat will provide for 20 single family lots in this area, plus additional open space. This will provide a better buffer for the adjacent low density lots to the south.

The plat further provides for improved street access to the two existing homes within the development area. These are the Young and Lehan properties. They are under separate ownership but are effected by the platting of the property around them.

The Planned Development process is used to allow the transfer of density from the open space area. It also allows for some flexibility in setbacks, particularly on corner lots. This is discussed in more detail in the Code compliance section of this report.

HOUSING BALANCE

Goal 4.3 Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this Goal while maintaining a reasonable balance between the economics of building and the cost of supplying public services. This Goal identifies the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. This Goal also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe and healthful living environment.

Under this Goal the City has adopted several objectives and policies that create a framework for managing housing development to meet the Goal. Most of these objectives and policies are linked to development standards in the Code and are addressed as a matter of Stage II review. There is one, however, that warrants discussion relative to the preliminary plat and Stage I Master Plan. It is as follows:

Objective 4.4.3 Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future...;

The proposed development consists of a revised preliminary plat, but actually substantially conforms to the approved Stage I master Plan for Wilsongreen.

It lies within traffic zone 13, which abuts zones 12 and 14. The master planned area includes a total of 49.83 acres of residential land west of Brown Road and north of Wilsonville Road.

The master plan is designed to create single family lots at 3 units per acre. While the lot sizes vary it is not intended to create significantly different housing types.

The entire 49.83 acres are designated for urban low density at 1-3 units per acre.

Objective 4.3.4 Balance ratios (targets) are to be set as follows:
50% multi-family; 40% single-family (including manufactured housing located in subdivisions and modular homes) and 10% for mobile homes and manufactured housing located in mobile home parks.

Because of normal building cycles, it would be expected that any single family projection for a specific type of housing might vary by 50% from the units calculated for a specific housing type. Interim targets are to be set for a five year interval and will be recalculated at each periodic review period. The building average will be allowed to vary as much as 30%, but shall not exceed the long term goal. Permits exceeding more than 30% of an interim goal or exceeding the long term goal may be specifically excepted by the City Council on a case-by-case basis.

To assure balance in location of housing types, no traffic zone shall have a single housing type exceeding 60% of the long term goal calculated for the sum total of the primary traffic zone, and all adjacent traffic zones.

The surrounding area west of Brown Road is largely undeveloped, except for a few large lot homes near Wilsonville Road, Parkwood Estates and the Wood Middle School. The Parkwood Estates plat has been improved with streets and utilities but only has a few homes built or under construction, at this time. The current, including vacant, platted lots, and planned housing mix in traffic zones 12, 13 and 14 is shown in the following table.

Housing in these zones includes single family homes, apartments and mobile homes.

CURRENT AND LONG TERM HOUSING GOAL
TRAFFIC ZONE 13

	Current # Units	% Total	Long Term Goal Target %	Goal Units	Net Growth Units
SF	126	47	40	277	151
MF	144	53	50	346	202
MH	0	0	10	69	69
Total	<u>270</u>	<u>100</u>	<u>100</u>	<u>692</u>	<u>422</u>

TRAFFIC ZONE 12

SF	306	64	40	684	378
MF	104	22	50	856	652
MH	67	14	10	171	104
Total	<u>477</u>	<u>100</u>	<u>100</u>	<u>1711</u>	<u>1408</u>

TRAFFIC ZONE 14

SF	3	100	40	0	0
MF	0	0	50	0	0
MH	0	0	10	0	0
Total	<u>3</u>	<u>100</u>	<u>100</u>	<u>0</u>	<u>0</u>

Based on the City's original planning projections, the above table shows that under this policy there is a net growth potential in traffic zone 13 of 422 units, of which 151 can be single-family. The proposed 149 units is within this limit. The net growth for zone 12 is 1408 units, of which 378 could be single-family. Zone 14 is all industrial, although there are currently 3 existing houses. No new housing is planned in zone 14. The three houses are expected to be replaced with industrial development sometime in the future. The total planned and proposed distribution for the three zones is:

	<u>Comp. Plan</u>	<u>Proposed, including built/approved</u>
SF	961	581
MF	1202	248
MH	240	67
Total	<u>2403</u>	<u>896, net growth 1507 units</u>

The proposed plat calls for 149 SF, no multi-family and no mobile homes. The figures include the remaining 67 lots available in Parkwood Estates, all existing units and the proposed 149 lots.

The long term goal for traffic zones 13 is 40% single-family or 277 units. The current ratio is 47%. The addition of the proposed 149 units would change the ratio to 66%. However, this is within the long term goal for the zone, which is 151 more units.

ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

This section of the City's Plan addresses the natural environment, including vegetation, wetlands and flood plains. It seeks to blend the natural features of properties with development patterns. Other Plan objectives focus on natural hazards and run-off and erosion.

The subject site contains a low lying drainage retention area or wetland. It also contains a stand of trees, mostly along the southern boundary. All of the wetland area and a major portion of the treed area has been set aside as open space. This is consistent with the Wilsongreen approval, except that there is more open space provided and access to public streets has been increased. This is also consistent with the open space designation on the Comprehensive Plan.

Storm drainage has been designed to conform with the natural drainage pattern while protecting adjacent properties from increased run-off. The wetland area will provide a natural filter for sediment carried in storm run-off.

COMPLIANCE WITH DEVELOPMENT CODE

The site is zoned PDR, Planned Development Residential and subject to the provisions of Sections 4.122, PDR; 4.136, Development standards; 4.139, Planned Development Permit; and 4.200, Subdivision.

LOT PATTERN

The plat is design with a minimum lot size of 7000 square feet. Lots range from 7000 to 22,000 square feet with an average lot size of 8360 square feet. The total lot count is 149, plus open space equal to 10 acres. All blocks are well below the maximum 1260 feet.

Adequate building site are created with safe and convenient access.

BUILDING SETBACKS

The standard lot in the 1-3 unit per acre range is 15,000 square feet as set by the R, Residential, Section 4.121. However, the Planned Development Residential zone allows for flexibility in lot sizes. With the lot sizes proposed the standard of Section 4.121 (7) (d) and (e) would apply, except as waived or modified by the Planning Commission. These standards are as follows:

(d) For lots 7000 to 10,000 square feet:

1. Minimum width at building line: 60 feet
2. Minimum street frontage: 50 feet,
35 ft. on cul-de-sac
3. Minimum depth: 85 feet
4. Setbacks
Front 20 feet,
corner lot 10 feet or 20% of width
Rear 20 feet
Side 5 feet
5. Building height 35 feet
6. Maximum lot coverage 35%

(e) For lots 10,000 to 20,000 square feet:

1. Minimum width at building line: 70 feet
2. Minimum street frontage: 60 feet,
35 ft. on cul-de-sac
3. Minimum depth: 95 feet
4. Setbacks
Front corner lot 25 feet, 25 feet both yards
Rear 25 feet
Side 7 feet, 1 story,
10 feet, 2 story
5. Building height 35 feet
6. Maximum lot coverage 30%

The applicants are requesting approval of one set of standards to apply to all lots. These are generally consistent with those set for lots of 7000 to 10,000 square feet. They specifically request the following:

SETBACKS

- | | |
|----------------|------------------------|
| Front and Rear | 20 feet |
| Corner Lots | 15 feet on side street |
| Side - 1 story | 5 feet |
| Side - 2 story | 6 feet |

LOT COVERAGE

35% maximum on all lots for all buildings

PHASING

The plat is proposed to be developed in three phases. The first phase will consist of 45 lots. Phase II will be 53 lots, with phase III being the remaining 51 lots. Phase boundaries are shown on the plat.

OFF-STREET PARKING

Each lot will provide sufficient room for, at least, two off-street parking spaces. It is assumed that each home will have a garage with accompanying driveway.

ACCESS AND EGRESS

Access and egress to and from the development will be via Camelot Street, the main collector street which loops through the development. It will intersect with Brown Road at southeast end and 110th and Brown Road at the northwest end. Additional right of way will be dedicated for Brown Road, consistent with the dedication from Parkwood Estates. The intersection at the north end of the site will require coordination with Dammasch State Hospital for appropriate right of way and alignment of Camelot with Brown Road/110th.

Local access will be via cul-de-sacs from the main collector. All streets will be public and designed to full city standards, including curbs and sidewalks. No reduced road way widths are proposed.

The streets are coordinated with the surrounding development. Parkwood Lane will be extended into the development and intersected with the Camelot Street. Queen's Court provides a street stub for access to the two lots north of Parkwood Lane that are not part of this plat. The development abuts State property to the west and school property to the south, so no other provisions for future streets extensions have been made. This is consistent with the Street master plan and the prior plat approval.

All streets will be named without duplication within the fire district. The proposed names are the same as on the Wilsongreen preliminary plat.

OPEN SPACE AND OUTDOOR LIVING AREA

There is 10 acres of dedicated open space in Tract A. This equals 20% of the site. In addition, 65% of each lot will be open yard area. A major portion of the vegetation on the site is protected by the open space dedication. Some selective tree removal will be required for construction of the street and homes in the southeast portion of the development. It is noted that an extensive tree survey was prepared by the prior applicants and is on file with the Planning Department. The natural drainage corridor on the site will be protected and enhanced to provide adequate drainage capacity.

PUBLIC FACILITIES

Adequate public facilities are available to serve the site. Sanitary sewer will be provided via an existing 8 inch line.

Water will be extended from the existing 8 inch line and looped through the site, interconnecting with the line in

Parkwood Estates. Fire hydrants will be provided consistent with fire district standards.

Storm drainage will be designed to protect downstream properties while carrying the run-off from the development.

Streets, including Brown, 110th and Wilsonville Road are not yet up to full urban standard in this area. The development will provide additional right of way and intersection improvements for Brown Road.

Current traffic counts are not available for this area. However, the development will be phased with opportunities for the Planning Commission to further evaluate traffic at the Stage II review for each phase. The first phase of 45 lots is not expected to create significant traffic impacts. Further all of the homes will not be built at the same time. The 45 lot will be developed over a period of several months, possibly up to a year. Subsequent phases would follow in a similar manner and timing.

EASEMENTS

Easements are provided for all utilities, including the high pressure gas line that runs north/south through the site. A 20 foot access easement is also provided to the Young property from the main collector street. All utilities will be placed underground.

STREET TREES

A street tree plan will be presented to the Design Review Board for their approval prior to filing of the final plat.

STREET LIGHTING

Street lighting will be provided consistent with public works standards. The pole design and spacing will be submitted for Design Review.

Conclusions - Planned Development Permit Criteria

- A. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, Development map and ordinances adopted by the City.

This report submitted with the application demonstrates the proposed development complies with the policies of the Comprehensive Plan and the standards of the Zoning, Subdivision and Planned Development Regulations.

Approval will provide for needed single-family lots, consistent with the housing balance goals of the Comprehensive Plan. The lots are sized for compatibility with the neighborhood and provide for protection of natural features and open space on the site.

- B. 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 of service D, on existing arterial and collector streets and will avoid non-residential traffic traversing local residential streets.

Street improvements will be provided by the applicant along Brown Road consistent with those made by the developers of Parkwood Estates. The street system provides for continuation of Parkwood Lane into the site intersecting with the main collector street. Traffic impacts will be phased over time as each lot is developed. There will ample time to further evaluate appropriate street improvements and methods of financing through subsequent Stage II reviews for phases two and three.

All streets will be public and built to full urban standards, with curbs and sidewalks.

- C. The location, design, size and uses can be adequately served by existing public facilities and services.

Adequate public facilities are available to serve the site, and the proposed plat provides for an orderly, safe and healthful development.

OK

BARGAIN AND SALE DEED



KNOW ALL MEN BY THESE PRESENTS, That
 MATRIX DEVELOPMENT CORPORATION, an Oregon corporation, hereinafter called grantor,
 for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
 MERRYFIELD OWNERS ASSOCIATION, an Oregon corporation,
 hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the
 tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
 of Clackamas, State of Oregon, described as follows, to-wit:

Tracts A and B, PARK AT MERRYFIELD, in the City of Wilsonville, County of Clackamas
 and State of Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$...none.....

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this day of May....., 19..94.; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

MATRIX DEVELOPMENT CORPORATION

DAVID L. ORINGDULPH, President

(If executed by a corporation, affix corporate seal and use the form of acknowledgment opposite.)

STATE OF OREGON,)
) ss.
 County of)
 This instrument was acknowledged before me on
 19....., by.....

STATE OF OREGON,)
) ss.
 County of Washington.....)
 This instrument was acknowledged before me on..... May.....
 19 94, by..... David L. Oringdulph
 President
 of..... Matrix Development Corporation.....

(SEAL) Notary Public for Oregon
 My commission expires:

Notary Public for Oregon
 My commission expires: OCT 20, 1995
 PEG MCLOWRY
 NOTARY PUBLIC-OREGON
 COMMISSION # 982479
 MY COMMISSION EXPIRES OCT. 20 1995

GRANTOR'S NAME AND ADDRESS

 GRANTEE'S NAME AND ADDRESS
 After recording return to:
 Merryfield Owners Association
 20835 S.W. Camelot St.
 Wilsonville, OR 97070
 NAME, ADDRESS, ZIP

 Until a change is requested all tax statements shall be sent to the following address:
 same as noted above

 NAME, ADDRESS, ZIP

STATE OF OREGON,)
) ss.
 County of)
 I certify that the within instru-
 ment was received for record on the
 day of 19.....,
 at o'clock M., and recorded
 in book/reel/volume No..... on
 page or as fee/file/instru-
 ment/microfilm/reception No.....,
 Record of Deeds of said county.
 Witness my hand and seal of
 County affixed.

 NAME TITLE
 By..... Deputy

SPACE RESERVED FOR RECORDER'S USE

1114. A Resolution Accepting an Appeal and Setting a Public Hearing Date and Scope of Review of Design Review Board Denial of Capital Realty's Application for a New Tenant Directory/Monument Sign in town Center (Case File #94 SR 10). (6/20/94)
1115. A Resolution Adopting the Fiscal Year 1994-95 Budget for the City of Wilsonville. (6/27/94)
1116. A Resolution Appropriating Funds as Provided in the Adopted budget for Fiscal Year 1994-95. (6/27/94)
1117. A Resolution Revising Appropriations for the Fiscal Year 1993-94. (6/27/94)
1118. A Resolution Declaring the city's Election to Receive State Revenues. (6/27/94)
1119. A Resolution of the Wilsonville City Council Amending Resolution No. 1034 and Increasing the Fees for the Planning Department's Review of Building Permits and for Landscape and Architectural Field Inspections for Multi-Family, Commercial and Industrial Developments. (6/27/94)
1120. A Resolution Confirming, Approving and Ratifying Six and One-Tenth Percent (6.1%) Systems Development charge Inflationary Cost Impact as Measured by the Annual Change in the Pacific Northwest Construction Cost Index. (6/27/94)
1121. A Resolution Authorizing the City of Wilsonville to Levy Property Taxes as Provided in the Adopted Budget for Fiscal Year 1994-95. (6/27/94)

1103. A Resolution Authorizing Finance Director to Enter Into Lease-Purchase Agreement with Bank of America and Funding and Redesignating Lease-Purchase Agreement to be Tax Exempt Under Internal Revenue Code. (4/4/94)
1104. A Resolution Approving City of Wilsonville, Thrifty PayLess, Inc. and Pay Less Drug Stores, Northwest, Inc. Development Agreement and Authorizing the Mayor to Execute the Development Agreement on Behalf of the City. (5/2/94).
1105. A Resolution of the City of Wilsonville Authorizing the City Engineer to Execute a Modification to the Professional Services Agreement with ASCG Consulting Engineers, Inc. to Provide Professional Services Consisting of Surveying and Limited Construction Management for the Project Commonly Referred to as the Reconstruction of Boones Ferry Road Between Barber Street and Boeckman Road. (5/2/94)
1106. A Resolution Supporting the Establishment of a Library Futures Committee and Appointing Steve Turner, Library Director, as the City's Representative. (5/16/94)
1107. A Resolution of the City of Wilsonville, Oregon, Relating to the Urban Renewal Agency of the City of Wilsonville Urban Renewal Bonds, Series 1994. (6/6/94)
1108. A Resolution of the City of Wilsonville Exempting the City From Competitive Bidding Requirements and Authorizing the City Manager to Sign a Professional Services Agreement with OTAK Consulting Engineers, Inc. to Provide Engineering Services for the Construction of the Boones Ferry Park-Memorial Park Bikeway. (6/20/94)
1109. A Resolution Adopting a Zone Order Amending the Official Zone Map from RA-1 to PDR; Approving a Stage I Master Plan and Stage II Preliminary Plat Approval for a 167 Lot Single Family Subdivision Located on 55.9 Acres of Property that is South of Wilsonville Road, North of the Willamette River and East of the Rivergreen Subdivision and is Specifically Identified as Tax Lots 1701, 1800, 1890 and 2100; Section 22; T3S-R1W; Clackamas County, Oregon (aka RWL Subdivision) (6/20/94)
1110. A Resolution Declaring Two Sewage Shredders and an Electrical Control Panel as Surplus Personal Property and Transferring Ownership Without Competitive Bids to the City of Okanogan, Washington. (6/20/94)
1111. A Resolution Adopting the Canvass of Votes of the May 17, 1994, Special Election for Ballot Measure 3-10, a Three-Year Serial Levy for Street Maintenance, Parks Maintenance and Gang Prevention/Intervention Programs in the City of Wilsonville. (6/20/94)
1112. A Resolution Authorizing the Amendment of the Intergovernmental Cooperation Agreement Between the Metropolitan Area Communications Commission and Its Member Jurisdictions. (6/20/94)
1113. A Resolution Declaring the City's Eligibility to Receive State Shared Revenues. (6/20/94)

1091. A Wilsonville City Council Resolution that Amends the Planning Commission's Condition of Approval No. 17 for Their Approval of Wilsonville Autoparts Wholesale (Case File No. 93 PC 35); REBCO Properties, Applicant. (3/7/94)
1092. A Resolution Approving the Bid Process; Accepting the Lowest Responsible Bidder; Verifying Capital Outlay Funding; Declaring Surplus a 1976 Massey-Ferguson Tractor and a 1987 Rousseu M42, DSP Flail Arm Mower; and Authorizing the Purchase of a Tractor with Flail Head Brush Cutter and a Tractor with Hard Hose Traveler Irrigation System. (3/7/94)
1093. A Resolution Approving the bid Process, Accepting the Lowest Responsible Bid, Awarding the Contract for Janitorial Services to the Lowest Responsible Bidder, and Verifying Project Funding. (3/7/94)
1094. A Resolution of the City of Wilsonville Exempting the City from Competitive Bidding Requirements and Authorizing the City Manager to Sign a Professional Services Agreement with MacKay & Sposito, Inc., to Provide Engineering Services for the Planned Overlay of Southwest Town Center Loop West. (3/7/94)
1095. A Resolution Accepting the Oregon Department of Transportation Draft Hearing Study Report for the Wilsonville Road and Stafford Road Interchanges and Repealing Resolution No. 1065. (3/7/94)
1096. A Resolution Appointing Representatives to the West Linn/Wilsonville Intergovernmental Coordinating Committee. (3/7/94)
1097. A Resolution Calling for a Three-Year Serial Levy for Street Maintenance, Parks Maintenance, Gang Prevention Programs, and Public Use of the Wilsonville High School and Sports Fields to be Voted Upon at the Primary Election to be Held May 17, 1994. (3/7/94)
1098. A Resolution Adopting Fiscal Management Policies. (3/21/94)
1099. A Resolution Staggering the Terms of Budget Committee Members in Order to be in Compliance with ORS 294.336(5), Budget Committee. (4/4/94)
1100. A Resolution Authorizing the Mayor of the City of Wilsonville to Execute Tri-County Metropolitan Transportation District and City of Wilsonville Joint Operating Agreement Modification No. 2. (4/4/94)
1101. A Resolution of the Wilsonville City Council that Requires the Developer to Construct a Bike Path/Pedestrian Pathway Between Hazelwood Subdivision and Wood Middle School and Remanding this Matter Back to the Design Review Board for the Specific Location and Design of the Pathway. (4/4/94)
1102. A Resolution Initiating the Vacation of a Portion of Property Dedicated to the City of Wilsonville by the Robert Randall Co., and Accepting Property Dedicated to the City by the Plat of Wilsonville Meadows No. 6; and Setting a Public Hearing Date. (4/4/94)