

RESOLUTION NO. 1183

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE CITY'S OFFICIAL ZONE MAP FROM RA-1 TO PDR FOR TAX LOT 600, T3S-R1W, SECTION 13A, CLACKAMAS COUNTY, OREGON; APPROVING SPECIFIC MODIFICATIONS TO THE ORIGINAL WILSONVILLE MEADOWS STAGE I MASTER PLAN WHICH IS GENERALLY LOCATED EAST OF BOECKMAN CREEK, SOUTH OF BOECKMAN ROAD AND WEST OF WILSONVILLE ROAD; APPROVING STAGE II SITE DEVELOPMENT PLANS FOR 28 SINGLE FAMILY LOTS AND 338 APARTMENTS (HATHAWAY VILLAGE); AND APPROVING TWO PRELIMINARY SUBDIVISION PLATS FOR THE SINGLE FAMILY LOTS FOR ROBERT RANDALL AND ASSOCIATES - APPLICANTS.

WHEREAS, the Robert Randall Company filed a land use application with the City Planning Department on February 17, 1994, requesting a Zone Change from RA-1 (Residential Agricultural - one acre minimum) to PDR (Planned Development Residential) for approximately 2.78 acres of property identified as Tax Lot 600, T3S-R1W, Section 13A, asking to modify the original Stage I Master Plan for their 147+ acre planned development which is commonly known and referred to as "Wilsonville Meadows" and asking for Stage II Final Site Development approval for the two single family subdivision plats and for the final phase of the apartments which consist of 338 apartment units and the associated recreational facilities; and

WHEREAS, planning staff determined that the application was complete and that it had been submitted in compliance with Wilsonville Code (WC) Section 4.008 (Application Procedures - General) and, therefore, the Planning Director subsequently scheduled this matter for a public hearing before the Planning Commission in accordance with WC Sections 4.011 (Notice and Public Hearing Procedures) and 4.012 (Hearings Procedures), and

WHEREAS, after providing all the required public notice(s) in compliance with state law and local code, the Wilsonville Planning Commission considered this item at their regularly scheduled public hearing held on April 10, 1995, at which time the Commission accepted testimony and evidence and then continued the public hearing to April 25, 1995, and subsequently, continued the entire proceeding to May 8, 1995; and

WHEREAS, the Planning Commission, after accepting written and oral public testimony both in favor and in opposition, recommended that the Wilsonville City Council **APPROVE** the requests of Robert Randall & Associates to: 1) change the zoning of a 2.78 acre parcel identified as Tax Lot 600, Section 13A, T3S-R1W, Clackamas County, Oregon, from RA-1 to PDR on the official city zoning map; 2) modify the original Stage I Master Plan to add the Van/Sonnen parcel which is identified as Tax Lot 700, Section 13A, T3S-R1W, Clackamas County, Oregon, to the Wilsonville Meadows Master Plan; 3) modify the original Wilsonville Meadows Master Plan to include the two additional neighborhood parks at the locations approved by the Commission; 4) approve preliminary plats for the final two phases of the single family subdivision which consist of 19 single family lots generally located south of Boeckman Road and 9 single family lots generally located south of the Gessellschaft Well and east of Boeckman Creek; 5) approve Stage II Site Development Plans for the final phase of 338 apartments identified as "Hathaway Village"; and 6) modify Willow Creek Drive so that access is blocked to the remaining portion of Wilsonville Meadows located to the south; and

WHEREAS, after providing due notice, the Wilsonville City Council scheduled and held a public hearing on June 5, 1995, and continued certain matters to July 17, 1995, to consider adopting a Zoning Order and Resolution which implements the Planning Commission's recommendations to approve Robert Randall's requests; and

WHEREAS, the City Council adopts the Planning Commission's Resolution 95 PC 06 along with certain modifications to the findings, conclusions and conditions of approval and has directed staff to prepare this Resolution adopting Zone Order 95 PC 06 with the modifications outlined by the City Council in its decision of June 5, 1995, and to present it to Council for adoption.

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

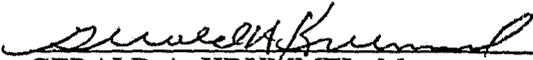
1. Zoning Order No. 95 PC 06, consistent with the modifications heretofore made of record and the decision set forth herein is adopted and so ordered. Staff shall conform Zoning Order No. 95 PC 06 so that it reflects the modifications and decision made and return the Zoning Order to the City Council at its next meeting so that it can be reviewed for conformance.

2. The Planning Director is authorized to amend the City's official zoning map in accordance with the Council's decision and direction;

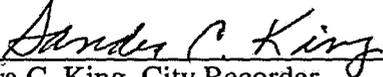
3. The Council **APPROVES, subject to modified conditions of approval and findings**, the requests of Robert Randall & Associates to: 1) change the zoning of a 2.78 acre parcel identified as Tax Lot 600, Section 13A, T3S-R1W, Clackamas County, Oregon, from RA-1 to PDR on the official city zoning map; 2) modify the original Stage I Master Plan to add the Van/Sonnen parcel which is identified as Tax Lot 700, Section 13A, T3S-R1W, Clackamas County, Oregon, to the Wilsonville Meadows Master Plan; 3) modify the original Wilsonville Meadows Master Plan to include the two additional neighborhood parks at the locations approved by the Commission; 4) approve preliminary plats for the final two phases of the single family subdivision which consist of 19 single family lots generally located south of Boeckman Road and 9 single family lots generally located south of the Gessellschaft Well and east of Boeckman Creek; 5) approve Stage II Site Development Plans for the final phase of 338 apartments identified as "Hathaway Village"; and 6) modify Willow Creek Drive so that access is temporarily blocked to the remaining portion of Wilsonville Meadows located to the south,

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

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 21st day of August 1995, and filed with the Wilsonville City Recorder this same date.


GERALD A. KRUMMEL, Mayor

ATTEST:


Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Krummel	<u>No.</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leo	<u>Absent</u>
Councilor Leahy	<u>Yes</u>

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

**In the Matter of the Application of)
Robert Randall & Associates for a)
rezoning of land and amendment of) ZONING ORDER 95PC06
the Wilsonville Zoning Map as set)
forth in Section 4.102 of the Code)**

The above entitled matter is before the Wilsonville City Council to consider the application and request of Robert Randall and Associates for a zone change and order amending the official Zoning Map from **RESIDENTIAL AGRICULTURE - One Acre Minimum (RA-1)** to **PLANNED DEVELOPMENT RESIDENTIAL (PDR)** for 2.78 acres of land identified as Tax Lot 600, Section 13A, T3S-R1W, Clackamas County, Oregon. The property is generally located south of Boeckman Road and west of the Frog Pond Church and Wilsonville Road. The complete application and the Planning Commission's record of proceedings includes the additional requests of interested Wilsonville Meadows property owners and Robert Randall & Associates to: 1) change the zoning of a 2.78 acre parcel identified as Tax Lot 600, Section 13A, T3S-R1W, Clackamas County, Oregon, from RA-1 to PDR on the official city zoning map; 2) modify the original Stage I Master Plan to add the Van/Sonnen parcel which is identified as Tax Lot 700, Section 13A, T3S-R1W, Clackamas County, Oregon, to the Wilsonville Meadows Master Plan; 3) modify the original Wilsonville Meadows Master Plan to include the two additional neighborhood parks at the locations approved by the Commission; 4) approve preliminary plats for the final two phases of the single family subdivision which consist of 19 single family lots generally located south of Boeckman Road and 9 single family lots generally located south of the Gessellschaft Well and east of Boeckman Creek; 5) approve Stage II Site Development Plans for the final phase of 338 apartments identified as "Hathaway Village"; and 6) modify Willow Creek Drive so that access is temporarily blocked to the remaining portion of Wilsonville Meadows located to the south; however, a public street and pathway connection(s) from Willow Creek Drive and the Landover Subdivision (located to the east) is required.

The Wilsonville Planning Commission held public hearings on this application on April 10, April 25 and May 8, 1995, and, after closing the public hearing and duly considering all the available testimony and evidence before the Commission, adopted Planning Commission Resolution No. 95 PC 06 which recommends that the City Council APPROVE the Zone Map Amendment, 2 Preliminary Plats for 28 single family lots and a modified Stage I Master Plan and Stage II Site Development Plans for two neighborhood parks, 28 single family lots and 338 apartments (Hathaway Village). The Commission's approval was subject to Findings, Conclusions and Conditions of Approval that were initially proposed by Planning Staff and these were subsequently reviewed and modified by the Commission.

It appears to the City Council that the Planning Commission's record of proceedings, along with the Commission's recommendations that have been forwarded to the Council, is complete and factual and the Council hereby adopts the Planning Commission's recommended Findings and Conclusions and incorporates them herein except as amended and modified by the Council's additional Findings, Conclusions and amended Conditions of Approval and, in doing so, the Wilsonville City Council finds that this application should be partially **APPROVED, with the remainder held over for further consideration.**

The Wilsonville City Council finds that

**ROBERT RANDALL COMPANY
ADOPTED FINDINGS
July 17, 1995**

1. Both the Planning Commission and City Council heard considerable public testimony regarding the proposed design of the multiple family portion of this development (i.e., Hathaway Village), including the proposed location of the public park in this area. Action on the multiple family portion of the development has been postponed for further consideration. The applicant has agreed to toll the 120-day time limit for action on the application in order to allow for such further consideration.

2. Both the Planning Commission and City Council received testimony regarding the impacts of the proposed development on public school facilities. The City of Wilsonville is subject to an intergovernmental agreement with the West Linn - Wilsonville School District that addresses the provision of school facilities. That agreement was approved by City Council resolution in 1993. Approval of the subject

development was anticipated and was within the scope of that agreement. The School District has made plans to accommodate the increased enrollment resulting from this development.

3. The Planning Commission finds that the City Council made its findings in 1988 (Case File 88PC15) and interpreted the zoning code on density and the balancing of housing to allow 1,281 units in the Randall planned unit development including a total of 900 multiple family units, and the proposed application is consistent with this interpretation as part of the allowable total number and mix of residential units.

Description of Approved Portion of Proposal

1. Proposed is the addition of 19 single family lots located on the North of the existing subdivision, 9 single family lots located centrally, along the Western border. A zone map amendment from RA-1 to PDR is proposed for one tax lot that is being added for the final phase the original Master Plan, and preliminary plat (Stage II).

Gross site area:	147.60 acres
Park and Open Space Area:	33.32 acres
Net site area:	128.38 acres

In Resolution No. 88PC15 the Planning Commission recommended that the City Council approve the following:

Stage I Zone Change from RA-1 to PDR for 21.5 acres of property located on the East side of Wilsonville Road, and Conceptual preliminary Master Plan and modification of Stage I zone Change applications for 123.3 acres located on the West side of Wilsonville Road.

In Ordinance CB-O-95-88, the City council approved an Ordinance amending the Zoning Map

2. A portion of the property (Tax lot 700) is currently zoned Residential Agriculture 1 acre minimum (RA-1) . The purpose of the RA-1 Zone is to set forth in Section 4.120 of Chapter 4 of the Wilsonville Code.

a. The purpose of this zone is to provide large lot residential areas, incidental agricultural use and small scale livestock raising within areas designated for 0-3 dwelling units per acre on the Comprehensive Plan.

b. It is further the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for industrial or more intensive residential development. This zone shall be applied to all urbanizable properties within the City which are planned for industrial and residential development greater than three units per acre and which have not been

previously zoned or preliminary planned in accordance with the Comprehensive Plan.

The remainder of the property is currently zoned PDR, Planned Development Residential.

Comprehensive Plan Designations:

3. The project site has several designations, including Suburban Low Density Residential (S.L.R.) (0-1 du/ac); Urban Medium Density Residential (U.M.R.)(5-7 & 7-12 du/ac). The purpose of the districts is to ensure an efficient use of urban land by providing for the development of low and medium density residential areas. There are two areas located in the North and the West of the property with a designation of Primary Open Space (POS). A fringe of Secondary Open Space borders the POS at each location. The Comprehensive Plan identifies a portion of the development as an "Area of Special Concern," however, that portion is in the area proposed for multiple family development and is not directly affected by this Zoning Order.

ZONE MAP AMENDMENT

4. The applicant's planning consultant has prepared findings in support of the subdivision request identified in Exhibit D. The zone map amendment is intended to serve as an administrative procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements.
5. 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 Section 4.187 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Planning Commission shall at a minimum, adopt findings addressing Criteria 1 - 7.

Criterion 1:

"The application is submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.138."

Response Finding:

6. The submittal documents are consistent with the Stage I master plan requirements, preliminary plat (Stage II) site development review, and zone map amendment criteria.

Criterion 2:

"The proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives of the Comprehensive Plan."

Response Findings:

7. Regarding the above, City staff concurs with the applicant's findings in Exhibit D.

Criterion 3:

"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 Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text."

Response Findings:

8. Regarding the above, City staff concurs with the applicant's findings in Exhibit D.

Criterion 4:

That the existing primary facilities, i.e., roads and sidewalks, water, sewer and storm 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 shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

Response Finding:

9. Regarding the above, City staff concurs with the applicant's findings in Exhibit D.

Criterion 5:

That the proposed development does not have a significant adverse effect upon Primary Open Space or natural hazard, and/or geologic hazard. When Primary Open Space or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission shall use appropriate measure to mitigate and significantly reduce conflicts between the development and identified hazard or Primary Open Space.

Response Finding:

10. The subject site consists of Primary and Secondary Open Space. The developer intends to preserve all Primary Open Space on the property consistent with Criterion 5.

Criterion 6:

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.

Response Finding:

11. The developer intends to build the subdivision within the time frame established with the original Development Agreement which expires in 1998. A time extension conforming with the Development Agreement has been approved, as requested by the developer.

Criterion 7:

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.

Response Findings:

12. The proposed development can be developed in compliance with the applicable development standards or appropriate conditions are proposed to insure that the subdivision is developed equal or better than other housing projects in the City.

Policy 4.4.7. The Comprehensive Plan governs residential densities for new development in This policy states:

13. *"to provide variety and flexibility in site design and densities, residential lands shall be divided into land use planning districts with the following prescribed density ranges for each district:"*

Subsection 4.136(5) of the Wilsonville Code calculates density of planned development to include streets, dedications and mapped open space designated in the Comprehensive Plan up to 10% of the total land area. All the open space designated in the Comprehensive Plan can be outdoor living area. Definition No.18 further defines density as *"The number of residential units per acre of land"*. Proposed housing density for the entire Master Plan including property in Primary Open Space is approximately 5.67 units per gross acre. The overall density for the project is in compliance with each location on the Comprehensive Map that is designated 5-7 and 7-12 du/ac.

Objective 4.3.4 (Ordinance No. 318):

14. Balance ratios (targets) are to be set as follows; 40% single-family (including manufactured housing located in subdivisions and modular homes); and 10% for mobile homes and manufactured housing. 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 established for a five-year interval and will be allocated to vary by 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 traffic zone, and all adjacent traffic zones.

15. Ordinance 318 is intended to promote a balanced mix of housing. In this case, the subject property is in Traffic Zones 6 and 7. The applicant's findings summarizes current housing mix and a long term goal demonstrating that Traffic Zones 6 and 7 will have a balanced mix of housing. The balance targets are:

Units	1995 %	Target %	Total #
Single family	46%	40%	4415
Mobile homes	8%	10%	1104
Multi-family	45%	50%	5520
Total:	100%	100%	11,039 Total Buildout.

*(Source: Comprehensive Plan & December, 1994 monthly development summary.)

Objective 2.1.2: Allow urbanization to occur to provide adequate housing for employment within the City.

16. The number of acres allocated for future development, indicates that balanced jobs/housing does appear possible in Wilsonville. It is estimated that 11,113 people reside in Wilsonville. (5,169 du. x 2.15 people per household). Moreover, the employment level may actually exceed the City population.

Objective 2.1.6: Allow zoning to proceed when services are scheduled but actual development only when public services and facilities are available.

17. In this case, the developer is seeking a zone map amendment to convert a portion of the property from the RA-1 zone to Planned Development Residential (PDR). The purpose of the RA-1 zone, as it applies to the subject site, is to preserve it as a holding zone for intensified residential development and when urban services are available. Findings relative to public utilities speaks to the availability of public services.

PRELIMINARY SUBDIVISION PLAT REVIEW (Stage II)

18. The operable review criteria for Stage II site development including a preliminary subdivision plat is found in Subsection 4.139(4): *"A Planned development permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Sections 4.130 to 4.140."*

a. *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.*

b. *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.*

c. *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.*

Furthermore, Subsections 4.139(2)(b)(4 to 6) of the Stage I master plan criteria requires:

" A stage development schedule demonstrating that the developer intends to commence construction within one (1) year after the approval of the final development plan, and will proceed diligently to completion;

A commitment by the applicant to provide in the Final Approval(Stage II) a performance bond or other acceptable security for the capital improvements required by the project;

The subdivision plat shows this as the final phase of development which includes Phase 7 with 19 lots and Phase 8 with 9 lots. The entire subdivision design, including streets, open space, bikeways and sidewalks, and public utilities are shown on this final phase.

Response findings to Criterion "a"

19. Regarding Policy 4.4.3, the proposal is for diverse housing with both single family and a portion to eventually be developed as multi-family.
20. Regarding Objective 4.3.4, the City is divided into 20 traffic zones intended to balance housing types. In this case, the subject property is in traffic zones 6 and 7. City Council Ordinance No. 318 requires that no particular housing type shall not exceed the City wide, long range housing ratio of 50% multi-family, 40% of housing in single family subdivisions and 10% of housing in manufactured/mobile home parks. The project analysis balances housing types in each traffic zone. Traffic zones 6 and 7 comprises single family and multi-family residential properties. This development together with existing housing types maintains balanced housing types.

Response findings to Criterion "b"

21. The City requires traffic analysis for new development to appraise trip generation, capacity and level of service. The City's traffic consultant, DKS Associates, has prepared a detailed traffic report. The

Transportation Advisory Committee (TAC) approved the report at their regular scheduled meeting. The project has an acceptable traffic level and can be accommodated safely and without congestion for compliance with Subsection 4.139(4)(b) WC., up through the most probable intersections including the Wilsonville Interchange.

TRANSPORTATION

Policy 3.3.1:

22. The purpose of the Transportation Master Plan is to guide the City to fulfill its goals and objectives for implementation of improved transportation facilities into the 21st century. The planning process consisted of a technical analysis combined with input and review by the City's Transportation Advisory Commission (TAC) throughout the process.
23. The Street Master Plan (Map I) has been designed to meet projected year 2000 traffic volumes. It specifies standards for each arterial and collector street. The conceptual location of the proposed new major streets are also identified. However, actual alignments may vary from the conceptual alignments based on detailed engineering specifications and design considerations, provided that the intended function of the street is not altered. While local residential streets are considered a part of the Master Street System, they are not shown on the Master Plan. The alignment of local streets is evaluated on a project-by-project basis. Other streets are considered, if determined necessary for safe and convenient traffic circulation.

Furthermore, Section 4.167WC Street improvement standards requires:

"(1) Except as specifically approved by the Planning Commission, all street and access improvements shall conform to the Street System Master Plan, together with the following standards:

(a) All street improvement shall conform to the Public Works Standards and shall provide for the continuation of principal streets through specific developments to adjoining properties or subdivisions.

(b) All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

1. "Within a Planned Development the Planning Commission may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary."

24. Regarding Policy 4.4.4, proposed streets will be public. The developer intends to construct all the streets consistent with the Public Work Standards.

25. As set forth in Subsection 4.240(2)(a)WC:

"A subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical exception may be made. In the cases where the Planning Commission itself adopts a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan."

The project proposes access at Wilsonville Road and Boeckman Road. The location of subdivision streets is being coordinated with the City Engineering Department.

- Goal 3.1:** Plan for and provide adequate public facilities and services closely tied to the rate of development.

26. Full public facilities review is generally conducted in a zone map amendment or at Stage II site development reviews and governed by the Comprehensive Plan.
27. Regarding Objectives 4.3.8, 4.3.9 and Policy 4.4.1(a), the developer has retained Civil Engineering and Planning Consultants to coordinate public facilities and services to the property with the City Engineering Department. Public utilities are:

Water:

Public water service is immediately available for domestic and fire flows. The Developer has an agreement with the City to extend the Water line on Boeckman Road. The areas proposed in this final phase are adjacent to existing water lines and will have to be extended by the Developer to the work site.

Sanitary sewer:

The sanitary sewer master plan calls for this area to be served by a sewer trunk line that would extend along Wilsonville Road and connect to the main sewer line in Boeckman Creek. The subject property is in the area to be benefited by a lift station improvement in Memorial Park.

Storm water:

Storm water run off from streets, impervious surfaces and roofs would flow to the natural drainage swale on the Northern subdivision will be connected to an 18 storm sewer line to be located in Willow Creek. The remaining portion of the development will have catch basins and will flow into existing storm water system and drain into Boeckman Creek located to the West of the development. The Public Works Code requires that the storm drainage system be constructed to meet a 25 year storm frequency.

Residential Development Standards:

28. Subsections 4.122(7)(d) sets forth minimum residential development standards:

Lots between 5,000 and 7,000 SF:

- 1) *Minimum Width at Building Line: Sixty (60) feet.*
- 2) *Minimum Street Frontage:*
 - a) *Fifty (50) feet. However, street frontage may be reduced to 35' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.*
- 3) *Minimum Lot Depth:*
 - a) *Seventy-five (75) feet.*
- 4) *Minimum Front Yard Setback: Fifteen (15) feet. In the case of a corner lot, the side yard on the road side may be reduced to ten (10) feet. No street frontage shall be erected closer than fifty (50) feet from the center line of any public, county, or state road.*
- 5) *Minimum Rear Yard Setback: Fifteen (15) feet.*
- 6) *Minimum Side Yard Setback: Five (5) feet.*
- 7) *Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.*
- 8) *Maximum lot coverage: Twenty-five percent (25%) for all dwelling units, thirty percent (30%) for all buildings.*
- 9) *Off-Street Parking: There shall be provided at least two (2) spaces per dwelling or rental unit to be provided behind the front setback line.*

Lots between 7,000 and 10,000 SF:

- 1) *Minimum Width at Building Line: Sixty (60) feet.*
- 2) *Minimum Street Frontage:*
 - a) *Fifty (50) feet. However, street frontage may be reduced to 35' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.*

- 3) *Minimum Lot Depth:*
 - a) *Eighty-five (85) feet.*
- 4) *Minimum Front Yard Setback: Twenty (20) feet. In the case of a corner lot not less than 100 feet in width abutting more than one street, the side yard on the road side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet. No structure shall be erected closer than (50) feet from center line of any public, county, or state road.*
- 5) *Minimum Rear Yard Setback: Twenty (20) feet.*
- 6) *Minimum Side Yard Setback: Five (5) feet.*
- 7) *Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.*
- 8) *Maximum lot coverage: Thirty percent (30%) for all dwelling units, thirty-five percent (35%) for all buildings.*
- 9) *Off-Street Parking: There shall be provided at least two (2) spaces per dwelling or rental unit to be provided behind the front setback line.*

** Fireplaces may encroach the side yard setback 2" for each foot of side yard. In this instance, 10".*

Lots between 10,000 and 20,000 SF:

- 1) *Minimum Width at Building Line:*
 - a) *Seventy (70) feet.*
- 2) *Minimum Street Frontage:*
 - a) *Fifty (60) feet. No street frontage is required when the lot fronts on an approved, platted private road.*
- 3) *Minimum Lot Depth:*
 - a) *Eighty-five (95) feet.*
- 4) *Minimum Front Yard Setback: Twenty-five (25) feet. Structures on a corner or through lots shall observe the minimum front yard setback on both streets. No structure shall be erected closer than (50) feet from center line of any public, county, or state road.*
- 5) *Minimum Rear Yard Setback: Twenty-five (25) feet.*
- 6) *Minimum Side Yard Setback: Seven (7) feet for one (1) story and ten (10) feet for two (2) stories.*

- 7) *Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.*

Maximum lot coverage is not specified.

Lots between 20,000 and less than 1-acre:

- 1) *Minimum Width at Building Line: Eighty (80) feet.*
- 2) *Minimum Street Frontage: Eighty (80) feet.*
- 3) *Minimum Lot Depth: One hundred (100) feet.*
- 4) *Minimum Front Yard Setback: Thirty (30) feet. In the case of a corner lot not less than 100 feet in width abutting more than one street, the side yard on the road side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet. No structure shall be erected closer than fifty-five (55) feet from center line of any public, county, or state road.*
- 5) *Minimum Rear Yard Setback: Thirty (30) feet.*
- 6) *Minimum Side Yard Setback: Ten (10) feet.*
- 7) *Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.*
- 8) *Maximum Lot Coverage: Twenty percent (20%) for all residential dwelling units; twenty-five (25%) for all buildings.*

Parking:

29. Subsection 4.150(2)(b)1 requires: *"each single-family dwelling unit provide two off-street parking spaces."*

Proposed streets are designed to public standards including on-street parking. Proposed two and three car garages satisfies the off-street parking requirement. A 20' front yard, garage setback must be maintained so that cars parked in driveways do not project into sidewalks.

Sidewalks / Bikeways:

30. Section 4.167 of the Zoning Code requires:

"All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

1. *"Within a Planned Development the Planning Commission may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary."*

Regarding the above, each lot owner or builder is typically responsible to construct their sidewalk segment. Curb side sidewalks are allowed provided that they meet ADA regulations. The detail for Wilsonville Road and Boeckman Road shows five (5) foot wide, concrete sidewalks.

31. The State Transportation Planning Rule recommends that local jurisdictions update or adopt bikeway and pedestrian plans. The TPR recommends that new development include bikeways and pedestrian ways free from hazards, particularly types or levels of automobile traffic that would interfere with or discourage pedestrian or bicycle travel for short trips. Finally, the TPR encourages subdivision streets to connect with other subdivision streets as opposed to dead end cul-de-sacs.
32. On December 20, 1993, the City Council approved the BICYCLE AND PEDESTRIAN MASTER PLAN. Key policies from the master plan that apply to this request are:

Policy:

"It shall be the policy of the City to discourage the excessive use of cul-de-sac street designs when feasible alternatives exist for establishing a system of connecting local streets."

The proposed plat shows cul-de-sac streets, and curvilinear streets that will connect the public streets with bicycle and pedestrian paths. Bicycle and pedestrian paths have a minimum width of twelve (12) feet within a public easement for multiple bicycle and pedestrian use.

Policy:

"It shall be the policy of the City to require pedestrian and bicycle connections within and between developments to provide convenience and safety for pedestrians and bicyclists. The purpose of this policy will be to provide alternative routes to the collector and arterial street system."

"Bike lane. This design includes 12 foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day."

Regarding the above, the Bicycle and Pedestrian Master Plan shows bicycle lanes and sidewalks in Boeckman Road and along Wilsonville Road. Regarding bike lanes, the collector and arterial streets (Wilsonville and Boeckman Roads) shown next to and through the subdivision requires 6' wide bike lane improvements. The developer proposes to construct bicycle and pedestrian pathways to connect cul-de-sacs with public roads. Bicycle and pedestrian paths in the Bicycle and Pedestrian Master Plan specifies minimum twelve (12) feet within a public easement for multiple bicycle and pedestrian use.

Landscaping:

33. Street tree plans, open space landscaping, fence systems and signs are reviewed by the Design Review Board.

Addressing:

34. The locations of mail box stations are not shown on the Preliminary Plat. The U.S. Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct the disabled. Moreover, the mail stations must be located in such a manor that no obstruction shall occur with pedestrian movement on sidewalks nor interfere with fire hydrants, public and private utilities.

Solar Access:

35. The City of Wilsonville has out-dated standards for solar access. Solar access ordinances generally require that 80% of the lots have a southerly orientation to maximize solar gain. The overall design of the subdivision responds to solar access. The high requirements in the building code for single family construction is a reasonable alternative to direct solar access, active and/or passive solar design in heating and air conditioning costs.

Primary Open Space and Preservation of Trees.

36. Subsection 4.161(1)(b) encourages site planning and development practices which protect and enhance natural features such as streams, swales, ridges, rock outcroppings, views, large trees and wooded areas.

Within the Comprehensive Plan, a number of goal and policy statements address Open Space and apply to the subject property. The major ones are:

Goal 3.2 Conserve and create open space throughout the City for specified problems.

Goal 3.3 Identify and encourage conservation of natural, scenic and historic areas within the City.

Goal 4.5 Conserve and create open spaces throughout the City for specified objectives.

- 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 exceptions of passive recreation and underground public facilities. These areas include the following:*

1. 100-year floodway
2. Slopes greater than 20%.
3. Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
4. Major natural drainage channels.

c. *Secondary open space is intended to serve as a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use and design review process, except when the proposal is a part of a planned development. These areas include the following:*

1. *Land within the Willamette River Greenway boundary, but beyond the 150-foot line.*
2. *High voltage power line easements.*
3. *The 100-year flood plain fringe.*
4. *Slopes between 12% and 20%.*
5. *Designated historic sites., Small stands of trees and heavily vegetated areas adjacent to primary open space areas.*

Policy 3.4.3: *Major drainage ways shall be established as the backbone of the drainage system and designated as open space. The integrity of these drainage ways shall be maintained as development occurs. Where possible on-site drainage systems should be designed to complement natural drainage ways and designate open space to create an attractive appearance. Alternations of minor drainage ways may be allowed provided that such alternations do not adversely impact stream flows and in-stream water quality of the major drainage ways and provide for more efficient use of the land. Such alternations must be approved by the City.*

Regarding the above, the drainage way shown on the Northern portion, flowing East/West traversing Willow Creek will remain in Secondary and/or Primary Open Space, and the associated land on the East side of Willow Creek will be dedicated as a neighborhood park. Along the Western boundary, Primary Open Space is preserved adjacent to Boeckman Creek, as shown on the Comprehensive Plan. The Secondary Open Space serves as a buffer adjacent to the Primary Open Space area.

Outdoor Living Area

37. The Wilsonville Code requires the creation of outdoor living area as stated in Subsection 4.136(e)(1 and 2):

" 1) In all residential developments or a in combination residential commercial developments, twenty-five percent (25%) of the area shall be devoted to outdoor living area, excluding streets."

"2) Outdoor living area required by Sections 4.130 to 4.140 may, at the discretion of the Commission, be dedicated to the City, either rights in fee or easement, without jeopardizing the density or development standards of the proposed development, provided the size and amount of the proposed dedication meets the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for outdoor living shall be deemed a part of the development site for the purpose of computing coverage density. The purpose of this Section is to provide adequate light, air, open space and recreational facilities to occupants of a such development."

Regarding the above, areas proposed in outdoor living are not identified as tracts but as open space. The open space represents 26% of the net site area. The net site area is the gross site area minus roads. The planning consultant has indicated that two small open space areas be developed into neighborhood parks. Virtually all of open space is natural drainage ways and ravines not usable for active recreational activities; however, it is utilized for passive activities.

WILSONVILLE CITY COUNCIL
ADOPTED CONDITIONS OF APPROVAL
FOR
ROBERT RANDALL & ASSOCIATES
WILSONVILLE MEADOWS
(CASE FILE NO. 95 PC 06)
Amended and Adopted July 17, 1995

1. The Planning Commission recommended to the City Council that the Stage II preliminary subdivision plat which amends the previously approved Master plan, (Phase 7), including 19 single family lots located in the northern portion of the Meadows Subdivision and 9 lots located south of Gessellschaft well, be approved. The Commission also recommended approval of the modified Stage I Master Plan together with a zone map amendment changing RA-1 to PDR on Tax Lot 600, Township 3 South, Range 1 West, Section 13A, Clackamas County, Oregon. Additionally, the Planning Commission recommended approval of the final apartment phase - 338 multi-family units (Phase 8).
2. The developer shall provide the Planning Department 15 copies of all submittal documents and accurate legal description(s) of the property being rezoned at least 20 days prior to the date of the scheduled City Council public hearing for the Stage I master plan, the Stage II Site Development Plan and the zone map amendment. The preliminary plat shall show all land proposed to be dedicated to the City of Wilsonville and shall specify the purpose for the dedication.
3. The developer shall comply with all requirements of the City Building Department's report and the Tualatin Valley Fire and Rescue District including, but not limited to: street circulation, location and installation of fire hydrants.

4. The developer shall comply with the Engineering Department's conditions of approval (Exhibit E) which is referenced and incorporated herein.
5. The developer shall waive his right of remonstrance against any local improvement district (LID) that may be formed to provide public improvements to serve the subject site.
6. The subdivision lots shall not be sold or conveyed until such time that the final plat is recorded with Clackamas County.
7. The developer shall submit an application to the Design Review Board (DRB) for a street tree program, preliminary neighborhood park development plans, off-street bicycle and pedestrian pathway plans, landscape plans for outdoor living areas, proposed signs, and fence/wall details. See also Condition No. 19. This application must be approved by the DRB prior to final occupancy of any units or houses.
8. During construction, (i.e., streets, installing utilities, and/or excavation) in creating the lots, the developer shall install temporary fencing along the boundaries of the Primary Open Space along Boeckman Creek and the other natural drainage so that the POS areas are not disturbed.
9. The developer shall coordinate with U S Postal Service and the Building Official for the appropriate placement of mail box stations. The U S Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Further, the mail stations shall be located as to not obstruct pedestrian movement on sidewalks or interfere with fire hydrants, public and private utilities. The developer shall maintain a minimum of five feet clear area for pedestrian circulation around the mailboxes. This may require additional right-of-way dedication to accommodate the additional sidewalk width.
10. The applicants shall coordinate with the City Engineer and construct the storm inlet structure proposed on Lot 300 and the storm outlet structure proposed on Lot 282.
11. The applicant shall coordinate with the City Engineer to construct the center median or traffic circle that is located in Willow Creek Drive (if approved), this feature is close to lots 283, 286, 299 and 300 on the preliminary plat.
12. The applicant shall coordinate with the City Engineer to dedicate pedestrian access easements adjacent to lots 300 and 301 and any other pedestrian ways that are approved by the City.
13. The development of this site is subject to a development agreement entered into by the City and the Randall Company on September 6, 1988. That development agreement specifies that build-out of the site is to be completed prior to September 6, 1998.
14. The subdivision must be part of a homeowners' association as required in the PDR zoning regulations as stated below:

"Deed restrictions. A copy of all protective deed restrictions proposed for the subdivision(s) area shall accompany the final plat and specifications of all easements and dedications as required by the Planning Commission."

15. These conditions of approval shall be recorded in the deed records together with the final plat at Clackamas County. This condition is intended to provide full and complete disclosure of all of the conditions of approvals and should be reflected in the title reports.
16. The final subdivision plat mylars shall contain all information necessary to satisfy the requirements of the Planning Director, City Engineer and the County Surveyor, or his Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
17. The developer shall provide a public street connection from Willow Creek Drive to the Landover Subdivision development that is located to the east. This connection shall be coordinated with the City Engineer and shall conform to the City's Public Works Standards.
18. Willow Creek Drive is to be fully improved as shown on City Engineer's Alternative A1 - to city standards including the round-about.
19. All CC&Rs are to be submitted for review by the City Attorney. The final subdivision plat will not be accepted for review by the city until the CC&Rs have been approved by the City Attorney. The CC&R's must provide that open space areas, the neighborhood parks, landscaping and bicycle and pedestrian ways will be maintained through a homeowners' association. The Randall Company is still the controlling entity in the homeowners' association. However, the minority proportion of single family homeowners in the association is significant.
20. The applicant shall submit a final copy of the Master Plan as approved by the City Council. This shall show all significant features of the entire development. The Planning Director is to review and approve the Master Plan to assure substantial conformance with that approved by the City Council. The final subdivision plat will not be accepted for review by the City until the Master Plan submitted by the applicant has been accepted by the Planning Director.
21. No residential units are to be constructed within the area designated as Primary Open Space in the City's Comprehensive Plan, identified as Policy 4.5.1 (B) (1) (4), because of the concern about the steep slope on the west side.
22. The City Engineering Department and the Randall Company along with the Bartons and Kaliks have reached an agreement concerning access to the Barton property on Wilsonville Road. The Randall Company shall make, or cause to be made, the necessary improvements, subject to review and acceptance by the City Engineer.
23. The applicant is hereby granted an extension of one additional year beyond the two-year expiration date of final approval for the site development plan, provided that a warrant analysis is completed for a traffic signal at the intersection of Rose Lane and Wilsonville Road and further provided that, if a signal is warranted at that intersection, a proportionate share of the costs of that signal shall be paid by the Randall Company.

ENGINEERING DEPARTMENT CONDITIONS:

- PF1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line extensions. The materials, as proposed, show main line extensions that are to be used in conjunction with the construction of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities will be required.

No connection to any existing public utility will be permitted until all necessary permits have been obtained and the applicant notifies the Engineering Division a minimum of 24 hours in advance.

- PF2. The Engineering Division reserves the right to inspect the completed improvements to see if additional modifications or expansion of the site distance is required onto adjacent streets.

- PF3. All public improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville's Public Work's Standards. A title page will be required with a space in the lower right hand corner for an 8 1/2" x 11" informational sheet to be provided to the applicant by the City and affixed to the final as-built plans before final acceptance.

No construction on any public improvement shall begin until the applicant's plans are approved by the Engineering Division, all necessary fees have been paid, and any required permits, right-of-way and easements are obtained and approved by the Engineering Division.

- PF4. As-built drawings are to be furnished by the applicant for all public improvements and shall be provided to the Engineering Division on 3 mil. mylar. The as-builts must be submitted and approved by the Engineering Division before the final Punch List Inspection will be performed.

- PF5. 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 applicant shall, at his 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 the Engineering Division.

- PF6. The final Public Improvement Plans submitted for review shall meet the following general format:

- A. Composite Utility Plan
- B. Detailed Utility Plan and Grading Plan.
- C. Public Utilities that are not contained within any public street shall be provided a maintenance access acceptable to the City and shall be centered in a 15 ft. wide public utility easement and shall be conveyed to the City on standard dedication form.

- D. Final design of any public utilities shall be approved at the time of the City's issuance of a Public Works Permit.
 - E. All proposed on and off-site utilities shall comply with the State of Oregon and the City of Wilsonville's requirements and any other applicable codes.
 - F. Final design plans for public improvements 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 public improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.
- PF7. The applicant shall comply with all recommendations and Conditions of Approval as contained within the Traffic Impact Analysis prepared by the city's Traffic Engineer, including any and all modifications to the access, construction, parking, and traffic maneuvering in and around the subject site.
- PF8. Sidewalks shall be installed adjacent to all public streets.
- PF9. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public utilities and building improvements until such time as permanent vegetative materials have been installed.
- PF10. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.
- PF11. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Said wells shall be properly abandoned in conformance with their standards.

Wilsonville Meadows No. 7

- PF12. The developer shall, at developer's sole expense, construct a fence along the entire frontage of Boeckman Road, of like size, location and materials as has been constructed along Wilsonville Road fronting the Wilsonville Meadows Subdivision.
- PF13. Applicant shall construct proper transition lanes on Boeckman Road for ingress and egress of Willow Creek Drive. Said transition shall conform to City of Wilsonville Public Works Standards.
- PF14. Applicant shall dedicate nine feet of right-of-way to the city of Wilsonville along its entire property fronting Boeckman Road to accommodate the half street improvement.
- PF15. Access to Lot 293 shall occur off of Willow Creek Drive at south west corner of lot.

- PF16. The applicant shall not fill in the existing drainage swale which crosses the subject property without provisions to adequately pass storm water collected by the drainage facility upstream.
- PF17. The applicant shall comply with all conditions pertaining the construction of public utilities as contained within the development agreement between the city and the Robert Randall Co. This specifically applies to the construction of the water line in SW Boeckman Road.
- PF18. The applicant shall plant native wetland grasses in any disturbed areas of the existing ditch and proposed ditches.
- PF19. The applicant shall provide protection for the existing drainage facility on Lots 293 - 300 and Lot 282 during the construction of the public improvements or buildings.
- PF20. The applicant shall provide the city a 30 ft. wide drainage easement to encompass the proposed ditch on the westerly side of the proposed development.
- PF21. The applicant shall submit, with construction plans for the public utilities, composite plans for the construction of the inlet structure proposed on Lot 300 and the outlet structure proposed on Lot 282, including but not limited to adequate protection to alleviate the possibility of any soil erosion.
- PF22. The proposed sanitary sewer line in SW Willow Creek Drive shall be extended northward to the intersection of said street and Boeckman Road.
- PF23. The applicant shall install fire hydrants at 500 ft. Intervals along the frontage portion of the proposed development on Boeckman Road.
- PF24. The applicant shall provide a 20 ft. Wide public pedestrian way easement between Lots 300 and 301.
- PF25. The applicant shall determine to the satisfaction of the City, an accurate estimate of the cost of a 24' wide concrete street improvement (including curbs, gutter, 5-foot sidewalks, pavement tapers and street trees) on Boeckman Road fronting the proposed development in conformance with the City's Transportation Master Plan. The applicant shall then deposit a like amount with the City to be used to construct the improvement at such time as the City determines.

Wilsonville Meadows No. 8

- PF26. Applicant shall abide by the 1988 Development Agreement as it applies to this development.
- PF27. Applicant shall construct a five foot curbside concrete sidewalk between Lots 304 and 305.

BUILDING DEPARTMENT CONDITIONS:

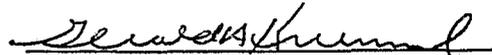
1. Fire Hydrants are required to be located so that no portion of a structure may be more than 250 feet from a hydrant, except for single family dwellings, where the distance may be increased to 500 feet.

2. A soils report will be required from a registered professional soils engineer.
3. All structures (except car ports) shall have their roof drains discharge into an approved storm water system.
4. All structures with a crawl space shall be provided with a low point drain that discharges into an approved storm water removal system.
5. All public facilities and sidewalks are required to meet ADA requirements.
7. Provide a lateral analysis on all buildings.
8. The single family dwellings shall be constructed using the CABO one and two family dwelling code.

IT IS THEREFORE ORDERED that the above-described property is hereby rezoned from RA-1 to PLANNED DEVELOPMENT RESIDENTIAL (PDR) and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

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

DATED this 21 day of August, 1995.


GERALD A. KRUMMEL, Mayor

ATTEST:

By Sandra C. King
Sandra C. King, City Recorder

Date: August 21, 1995