

RESOLUTION NO. 1211

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FROM RA-1 TO PDR; APPROVING A STAGE I MASTER PLAN, INTERPRETATION OF PRIMARY OPEN SPACE BOUNDARY, AND STAGE II PRELIMINARY PLAT APPROVAL FOR A 119 LOT, SINGLE-FAMILY SUBDIVISION LOCATED ON 20.61 ACRES OF PROPERTY PROPOSED ON THE EAST SIDE OF CANYON CREEK ROAD, NORTH OF BOECKMAN ROAD AND EAST OF THE TEKTRONIX CAMPUS, AND IS SPECIFICALLY IDENTIFIED AS TAX LOTS 603 AND 604, SECTION 12D; AND TAX LOT 601, SECTION 12, T3S-R1W; CLACKAMAS COUNTY, OREGON (CANYON CREEK MEADOWS SUBDIVISION).

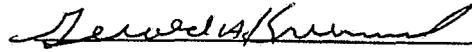
WHEREAS, upon due notice, a public hearing on Zoning Order No. 95PC16 has been scheduled and heard on August 7, 1995; which order proposes that the Council adopt the Planning Commission's Resolution recommending approval (with conditions) of the application of Venture Properties, Inc. for a zone change and order amending the official zoning map from Residential Agriculture 1-Acre (RA-1) to Planned Development Residential (PDR) for a 20.61 acre parcel identified as Tax Lots 603 and 604, Section 12D; and Tax Lot 601, Section 12; T3S-R1W; Clackamas County, Oregon; and for preliminary plat approval for a 119 lot single family subdivision named the Canyon Creek Meadows Subdivision.

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

1. Zoning Order No. 95PC16, a copy of which is marked as Exhibit A attached hereto and incorporated by reference as fully set forth herein, is adopted and so ordered;
2. The Planning Director is authorized to amend the official zoning map in keeping with the decision herein;

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

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 7th 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>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leo	<u>No</u>
Councilor Leahy	<u>Yes</u>



City of
WILSONVILLE
in OREGON

NOTICE OF DECISION

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

Project Name: Canyon Creek Meadows Subdivision

Appellant: Venture Properties - Christy Wiegel, Project Manager

Proposed Action: Zone change and order amending the Zoning Map from Residential Agriculture One Acre Minimum (RA-1) to Planned Development Residential (PDR); and approval of Stage I Master Plan and Stage II Preliminary Plat for a 117 lot single-family subdivision, with conditions.

Property Description:

Tax Lots 603 and 604 in Section 12D, Tax Lot 601 in Section 12, T3S, R1W, Clackamas County, Wilsonville, Oregon. 20.61 acres.

The property is generally located on the east side of Canyon Creek Road, north of Boeckman Road and east of the Tektronix Campus.

On August 21, 1995, at the meeting of the City Council, the following decision was made on the above-referenced Proposed Development Action:

Approval with Conditions

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 21st day of August, 1995. A copy of the decision is attached. The date of filing is the date of the decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197.

Written decision is on file and available for inspection and/or copying.

For further information, please contact the City Recorder at City Hall or phone 682-1011.

Attachments: Zoning Order 95PC16

95-PC16

ORIGINAL
ZONING ORDER

NOTICE OF DECISION

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95-PC16

BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON

In the Matter of the Application of)
VENTURE PROPERTIES, INC., for a)
rezoning of land and amendment of) ZONING ORDER 95PC16
the Wilsonville Zoning Map as set)
forth in Section 4.102 of the Code)

The above entitled matter came before the Wilsonville City Council on August 21, 1995, to consider the application and request of Venture Properties, Inc., 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 20.61 acres of land identified as Tax Lots 603 and 604; Section 12D; Tax Lot 601; Section 12; T3S-R1W; Clackamas County, Oregon. The property is generally located on the east side of Canyon Creek Road, north of Boeckman Road, and east of the Tektronix Campus. This application includes a request for the City Council to approve a State I Master Plan and a Stage II Preliminary Plat for a 117 lot single-family subdivision named CANYON CREEK MEADOWS Subdivision.

The Wilsonville Planning Commission held public hearings on this application on June 12, 1995, and July 10, 1995, and, after closing the July 10, 1995, hearing, adopted Resolution No. 95 PC 16, which recommends that the Council APPROVE the Zone Map Amendment; Master Plan and Preliminary Subdivision Plat subject to Conditions of Approval for the subdivision along with findings as proposed by Planning Staff and modified by the Commission.

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

95PC16

CANYON CREEK MEADOWS
SUBDIVISION

DESIGN TEAM:

Owner: Venture Properties
Applicant: Same, Ms. Christy Wiegel, Project Manager
Civil Engineer: Mr. John Godsey, PE
Site Planner: Mr. Brian Ziegler / Mithun Partners, Seattle, WA.
Architect: Mr. Bill Kreager, AIA., M.I.R.M / Mithun Partners
Landscape Designer: Ms. Ann Nickerson
Arborist: Mr. Robert Mazany
Land Use Attorney: Mr. Andy Jordan / Tarlow, Jordan and Schrader
Marketing Consultant: Ms. Suzanne Britsch / Real Vision Research

Site Identification:

The 20.61 acre site is identified as Tax Lots 603 and 604 in Section 12D, Tax Lot 601 in Section 12, T3S, R1W, Clackamas County, Wilsonville, Oregon.

Vicinity Information:

This pristine site is at the northerly terminus of the gravel segment of Canyon Creek Road, north of Boeckman. Several 1 to 2 acre residential properties intervene the subject site and Boeckman Road on the east side of the same road. The site is within walking distance of the east side of the Tektronix campus and to the southeast the Mentor Graphics campus. To the north is undeveloped industrial property controlled by Tektronix Inc. Next to the east boundary is the Urban Growth Boundary and rural residential properties in Clackamas County. The property has diverse topography with slightly sloping grades on the west side then 12 to 15% slopes to the east and southeast. 12 to 15% slopes is Secondary Open Space. The east and south sides is a heavily wooded drainage way in Primary Open Space. The center of the property was once an old homestead located in a grove of Oregon White Oaks, Douglas Firs and orchard trees.

**CITY COUNCIL FINDINGS
ADOPTED AUGUST 7, 1995**

Description of Proposal

1. Proposed 117 single family lot subdivision involving a zone map amendment from RA-1 to PDR, Stage I master plan for an one phase master plan, and preliminary plat (Stage II). Interpret the Primary Open Space boundary.

Gross site area:	20.61 acres
Net Buildable Acres:	12.02 acres (minus Open Space and Streets)
Open Space Area:	6.01 acres @ 29.14 % Including POS
Primary Open Space:	4.59 acres
Density @ 119 du:	9.73 net du/ac

Zoning:

2. The property is currently zoned Residential Agriculture 1 acre minimum (RA-1). The purpose of the RA-1 Zone is 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.

Comprehensive Plan Designations

3. The project site is designated Urban Medium Density Residential (U.M.R) (Urban Medium Density Residential 7 - 12 du/ac). The purpose of this district is to ensure an efficient use of urban land by providing for the development of medium density single family residential areas. The south and east areas boundaries is designated Primary Open Space (POS). The east and southeast areas of the property is designated in Secondary Open Space. The Comprehensive Plan does not identify the property in an area of special concern.

Primary Open Space and Secondary Open Space

4. Within the Comprehensive Plan, a number of goal and policy statements address Open Space that applies 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.*

Primary Open Space Analysis:

5. *The Comprehensive Plan Map designates a drainage swale (upper Boeckman Creek) on the property as Primary Open Space. The location of the open space designation somewhat hinders the developer's ability to create the number of subdivision lots needed to meet the U.M.R. minimum density target. Thus proposed lots along the east and south edge of the subdivision have yards that will encroach POS. The developer intends to show that the Plan map designation is not in conformance with the Plan policy regarding Primary Open Space and that a slight adjustment to the POS boundary is warranted to fit the project design. Policy 4.5.1: b., of the Comprehensive Plan , defines the types of areas that constitute POS:*

- 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.*

6. The Comprehensive Plan at page 3 under "Procedures" recognizes a procedure to resolve conflicts between Plan Policies and the Plan Map.

"When any ambiguity or conflict appears to exist, Goals shall take precedence over objectives, policies, text and map; Objectives shall take precedence over policies, text and map; Policies shall take precedence over text and map. The land use map is only a visual illustration of the intent of the Plan."

This procedure acknowledges the ability of the City to resolve conflicts through the interpretation of the text and map, and allows adjustments when the policies of the plan are in conflict with the map. As a result, this procedure authorizes resolution through an interpretation and does not require an amendment to the Comprehensive Plan when a conflict exists. The Planning Commission would consider the above application and resolve the conflict at a public hearing. If the PC approved the proposed development and resolved the conflict through an interpretation, this would be forwarded to the City Council and be considered by them at a public meeting. This needs to occur since the Plan provides that the City Council shall have final authority for the interpretation of the Plan text and map. The above procedure provides an efficient resolution to the apparent conflict that presently exists without the necessary time and delay associated with the Plan amendment process.

7. Criterion:

100-year floodway:

Response Finding:

Upper Boeckman Creek is not identified in a 100-year floodway.

8. Criterion:

Slopes greater than 20%.

Response Finding:

Slopes greater than 20% exist within upper the Boeckman Creek drainage way.

9. Criterion:

Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.

Response Finding:

The developer has provided a detailed tree survey and report prepared Mr. Mazany showing species, size and tree location on the site and along the fringe of the POS. It is clearly evident from the tree survey that there is well defined groups of significant trees in the current POS area.

10. Criterion:

Major natural drainage channels.

Response Findings:

Boeckman Creek is a major drainage way in Wilsonville. The developer has the responsibility to coordinate with Oregon Division of State Lands to obtain the appropriate permits for development that may impact wetlands.

On the basis of POS criteria 2, 3 and 4, the Boeckman Creek drainage way is Primary Open Space. Nonetheless, the developer has submitted substantial evidence demonstrating that a conflict exists and that proposed lots next to POS conforms to the Comprehensive Plan. Thus, the proposed POS area is a more accurate delineation of the it's boundary.

Secondary Open Space Analysis:

11. 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.

Criterion:

Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.

Response Finding:

12. *The subject property is not within the Willamette River Greenway.*

Criterion:

High voltage power line easement.

Response Finding:

13. *The subject property is not impacted by high voltage power line easements.*

Criterion:

The 100 year flood plain fringe.

Response Finding:

14. *The Federal Emergency Management Agency Flood Mapping indicates that the project site is not within a 100-year flood hazard.*

Criterion:

Slopes between 12% and 20%.

Response Finding:

15. The east side of the property has 12 to 15% slope.

Criterion:

Designated historic sites.

Response Finding:

16. The property is not a designated historic site.

Criterion:

Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

Response Findings:

17. The project site is proliferated with deciduous and conifer trees in groups and single stands. The developer has provided a tree survey showing species, size (greater than 6" caliper) and location. Several trees will be incorporated into the neighborhood park and in open space areas.

ZONE MAP AMENDMENT

18. The 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.
19. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in 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:

20. 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 Finding:

21. Regarding the above, City concurs with the applicant's findings in Exhibit D-1.

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:

22. Regarding the above, City concurs with the findings in Exhibit D-1.

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:

23. Regarding the above, City concurs with the findings in Exhibit D-1.

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:

24. The subject site comprises areas in Primary and Secondary Open Space. The developer intends to preserve Primary Open Space consistent with Criterion 5. However, a contour line should be established to delineate the boundaries of Primary Open Space so that protective conservation restrictions are recorded with the land sale contracts.

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:

25. The developer intends to develop the subdivision within 2 years of the initial approval of this application.

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:

26. The developer is seeking waivers from several development standards listed under Section 8 of the developer's report. The proposed development concept is not in compliance with the applicable development standards as it is totally different from typical subdivision design.

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

"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:"

Response Finding:

27. 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. Primary Open Space designated in the Comprehensive Plan can be applied towards the 25% outdoor living requirement. Definition No.18 further defines density as "The number of residential units per acre of land". Proposed housing density for the 117 lot subdivision is based upon net buildable acres which is the gross site area minus area in open space and streets. See Schedule V "Density Calculations and Site Analysis Data" of Exhibit D-1 for the developer's computation of density. On the basis of Schedule V, the net dwelling units per acre is 9.73 which is consistent with the U.M.R. 7-12 du/ac Plan designation. However, in order to obtain single family housing in basically what is a multi-family density range.

the developer is forced to create very small lots such with many below the minimum 5,000 SF lot size. In return, the developer is proposing an very innovative neo-traditional style subdivision to off-set reductions in minimum development standards.

Objective 4.3.4 (Ordinance No. 318):

28. *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.*
29. Ordinance 318 is intended to promote a balanced mix of housing. In this case, the subject property is in Traffic Zone 3. The applicant's findings summarizes current housing mix and a long term goal demonstrating that Traffic Zone 3 will have a balanced mix of housing. The balance targets are:

Units	* 1995 %	Target %	#
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 & March, 1995 monthly development summary.)

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

30. The number of acres allocated for future development, indicates that balanced jobs/housing does appear possible in Wilsonville. It is estimated that 11,146 people reside in Wilsonville. (5,184 du. x 2.15 people per household). The actual employment level may exceed the City's population.

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

31. In this case, the developer is seeking a zone map amendment to convert 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)**

32. 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;

If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided."

Additionally, Subsection 4.244 (5)WC states;

"In subdividing tracts which at some future time are likely to be re-subdivided, the location of lot lines and other details of the layout shall be such that re-subdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restrictions of buildings within future street

locations shall be made a matter of record if the Planning Commission considers it necessary."

The subdivision plat shows an one phase development plan. It also showsthe entire subdivision design, including streets, open space, bikeways and sidewalks, and public utilities.

Response findings to Criterion "a"

33. Regarding Policy 4.4.3, Though the U.M.R 7-12 du/ac classification is intended for multi family development, the developer has creatively designed a small lot single family subdivision meeting Policy 4.4.3 and the prescribed housing density range.
34. 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 Zone 3. 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 Zone 3 generally comprises industrial development. Traffic Zone 3 records only 6 homes along Canyon Creek Road north of Boeckman Road. Thus this project together with existing single family housing will be balanced in Traffic Zone 3 and with the adjoining traffic zones.
35. As previously stated, property classified in Primary Open Space is intended to remain undeveloped.

Response findings to Criteria "b"

36. The City requires traffic analysis of all 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 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.
37. At the end of calendar year 1994, the Transportation Management Ordinance capacity tracking system chart shows 61 excess trips available to be carried over to 1995 for a total 348 vehicle trips. On the basis of the above the following table illustrates available vehicle trip capacity:

TMO Capacity Tracking System

287 trips available per year for a total 1435 trips for a 5-year period. 1148 trips remain in the TMO for the years 1995 to 1998. The following table tracks remaining vehicle trip capacity.

Calendar Year 1994

Project Name	Remain	TCLW & WV RD	Boones & WV RD	Recommend Capacity	
1 McDonald's Restaurant on TCLW		49	16	49	238
2 Shari's Restaurant		22	9	22	216
3 Chili's Restaurant		14	32	32	184
4 Hummelt's SF Development Phase I		12	82	82	102
5 Wood Middle School		4	11	11	91
6 Jack Martin Phase I&II & RV Park		5	16	16	75
7 WV Corp.Ctr Phase I		4	13	13	62
8 Faith Baptist Church Parsonage		1	0	1	61
			Total Excess		226 61

$$287+61=348$$

Calendar Year 1995

1. Hummelt's SF Phase II	6	39	39	309
2. Klein building			9	300
3. Landover Subdivision			48	252
4. Canyon Creek Meadows			25	227
5. Wilsonville Corporate Center Phase II			26	201

Regarding the TMO and including this project (227 total trips through the I 5/Wilsonville Interchange), there is trips remaining for 1995.

TRANSPORTATION

Policy 3.3.1:

38. The Transportation Master Plan guides the City to fulfill its goals and objectives for implementation of improved transportation facilities into the 21st century. Thus this review process consisted a technical analysis combined with input an review by the City's Transportation Advisory Commission (TAC).

39. 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 proposed 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."*

40. Regarding Policy 4.4.4, proposed streets will be public. Proposed alleys will be private.
41. In order to fulfill the objectives of improved transportation facilities in Wilsonville and to serve the subject site, dedication of sufficient right-of-way is necessary to extend Canyon Creek Road including bike lanes and utility easements to align along the west side of the subject property. The Transportation Master Plan identifies this segment of Canyon Creek Road adjacent to the property as a commercial-industrial, "CL-1" design classification. The Transportation Master Plan shows this road connecting Boeckman Road with SW Elligsen Road. Refer to Figure 20, of the Transportation Master Plan for a pictorial representation of existing and future City street alignments. The developer is coordinating with property owners between Boeckman and Elligsen Roads in forming a Local Improvement District to finance the construction of Canyon Creek Road. Thus an approval of this application is contingent on the successful formation of the LID. Further, the Transportation Master Plan requires: That a local residential street, designed for 1,200 vehicles per day, consist of 32 feet of pavement within a 52 foot right-of-way. Included in the ROW are (2) 5' public utility easements and (2) 5' sidewalks. The developer is requesting to allow a 28 foot paved area within a 34 foot

ROW. The 28 foot paved area would allow parking on one side. Included in the ROW are curbs on both sides and sidewalks on one side.

42. 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 primary two (2) access drives at proposed Canyon Creek Road extension. These access drives either align directly opposite of existing drives or are spaced to meet the Public Works Code.

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

43. Refer to Exhibit K for public facilities review.
44. 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 not immediately available for domestic and fire flows. The 24" water main is available for

Sanitary sewer:

The sanitary sewer master plan calls for this area to be served by a sewer trunk line that would be extended north from Boeckman Road in Boeckman as part of the Canyon Creek Road extension LID.

Storm water:

Storm water run off from streets and house roofs would flow to the Boeckman Creek drainage way on the East side of the property. The Public Works Code requires that the storm drainage system be constructed to meet a 25 year storm frequency.

Residential Development Standards:

45. The applicant is requesting several waivers from the development standards. Subsections 4.122(7)(d) sets forth the 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".*

Proposed Waivers

46. The following lot development standards and waivers listed in Supplement to Requested Waivers Canyon Creek Meadows with findings.
 - A. Allow accessory uses under Section 4.1222(5) with kitchen facilities for a maximum of ten (10) units in the subdivision.
 - B. Allow a minimum 2,850 sq.ft. lots per unit. Code minimum is 5,000 Sq.ft.
 - C. Allow no minimum width at building line. Code minimum is 60 feet.
 - D. Allow no minimum street frontage. Code minimum is 50 feet. (except for cul-de-sac lots).
 - E. Allow no minimum lot depth of 65 feet. Code minimum is 75 feet.
 - F. The minimum distance from center line of any structure is proposed to be no less than 30 feet. Code minimum is 15 feet from the front property line. Each individual house plan meets the minimum 15 foot setback. Allow a minimum 12 foot front yard setback as requested on Page 58 of 66.
 - G. All of the Wide/Shallow lots meet the minimum 15 foot rear yard setback; however the Alley lots, due to garages being rear loaded show a 4 foot setback.
 - H. Side yard setback - 5 foot in all cases.
 - I. Allow a 55% lot coverage due to the entry level home's bungalow configuration. 25% to 30% is Code maximum.

- J. Waive Section 4.137 for sun exposure planes.
- K. 2-off street parking spaces are required for all homes except 4-off street parking spaces are required for homes with granny flats.
- L. Allow a 28 foot paved street within a 34 foot ROW. The 28 foot paved street would allow parking on only one side.
- M. The Transportation Master Plan requires: A local residential street, designed for 1,200 vehicles per day, consist of 32 feet of pavement within a 52 foot right-of-way. Included in the ROW are (2) 5' public utility easements and (2) 5' sidewalks. Allow a 28 foot paved area within a 34 foot ROW. The 28 foot paved area would allow parking on one side. Included in the ROW are curbs on both sides and sidewalks on one side.
- N. Parking: Section (2)(b) requires each dwelling unit to have (2) off-street parking spaces. Allow (1) of-street parking space for the Alley lot Bungalow unit.

The overall design concept shows strong neo-traditional subdivision elements including narrow streets, small lots, reduced front yards, garages in rear yards, alleys, pedestrian pathways, etc. The developer's preference to design subdivision lots and streets to follow the natural boundaries of Primary Open Space utilizes a grid like street system. The grid system resembles a composition of street loops. Thus the environmental approach being applied on this property has the proper configuration and terrain to incorporate the loose geometry of this particular grid system.

Sidewalks / Bikeways:

- 47. 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.

- L. "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 responsible to construct their respective sidewalk segment. In this request, sidewalks are proposed on one side of the street only. The Planning Commission finds that sidewalk improvement on both sides of a street is excessive. Proposed alleys serve as pedestrian corridors where traffic volumes are generally very low, Curb side sidewalks are allowed provided that they meet ADA regulations. A five (5) foot wide sidewalk is required along the project site where it abuts Canyon Creek Road.

48. 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.

Furthermore, 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."

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."

49. Regarding the above, the Bicycle and Pedestrian Master Plan shows 6' wide bicycle lanes and sidewalks in Canyon Creek Road extension. The developer proposes to construct shared bicycle and pedestrian pathway facilities to connect narrow open space strips with public roads and adjoining properties. 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. However, the subject pathways showing ten (10) foot wide pathways should suffice.

Landscaping:

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

Addressing:

51. 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, mail stations must be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants, public and private utilities.

Primary Open Space and
Preservation of Trees.

52. 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.

The applicant has provided a very detailed tree survey and arborist report identifying trees to be preserved and trees to be removed. All significant

trees in Primary Open Space will be preserved. The developer intends to remove all existing orchard trees.

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 Boeckman Creek drainage way shown on the east side of the property will be preserved in Secondary and/or Primary Open Space.

Outdoor Living Area

53. 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, outdoor living areas are not identified in tracts. This open space represents 6.01 acres or 29.14% of the gross site area. Approximately 1.42 acres is proposed for a Village Park. In order to partially satisfy the minimum 25% open space requirement, proposed are several open space strips shown between lots along the north and west boundaries of the plat. Given the shape, area and location of these strip all open space.open space areas, they appear to provide more as lot separation than as useable open space. More likely, the strips will attract unintended uses such as storage of vehicles, boats, trailers, recreational vehicles, and materials. Thus, a home owners association must be formed to maintain these areas of the subdivision.

ADDITIONAL FINDINGS ADOPTED ON JULY 10, 1995

1. The market study prepared by Real Vision Research, dated March 9, 1995, indicates that there is a market and need for the proposed affordable housing in close proximity to employment centers and needed public facilities are available through the LID.
2. The above-noted market study supports the conclusion that there will be fewer cars within this development than in a comparable typical subdivision or apartment complex. For this reason, it is appropriate to allow a reduction in both the on-street and off-street parking below that which would ordinarily be required. In order to assure that purchasers of homes within this subdivision are notified that there will be less available parking than they might expect, a statement shall be included within the deed restrictions of the development clearly explaining this situation to prospective purchasers.
3. The subject property is bounded on the east side by the drainage way and open space area of Boeckman Creek. This creates at least a partial barrier or limitation to people who might otherwise trespass onto properties to the east. It is not appropriate to fence this area because a fence would create a barrier for wildlife depending on this corridor. Concerns raised by neighbors about trespassing by children are partly addressed by the conclusion of the above-noted market study, indicating that relatively few children are expected to live in the subdivision as compared to the number of children that would be expected in a more conventional housing development. If trespassing does occur, residents have recourse through other legal channels.
4. In order to approve the proposed development, a number of waivers to Zoning Code requirements must be approved. The waivers are appropriate for an innovative planned development design, as provided in Section 4.136 of the Code. No variances have been requested as part of this application.
5. The City's Comprehensive Plan specifies that the subject property is to be developed with residential uses at a density of between 7 and 12 units/acre. The State of Oregon, the Metropolitan Service District (Metro), and Clackamas County all require the City to support the development of housing at densities specified in the local Comprehensive Plan in order to assure that needed housing is provided to the public. The proposed development meets the housing densities specified in the City's Comprehensive Plan.

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

CONDITIONS OF APPROVAL

AMENDED AND ADOPTED ON AUGUST 21, 1995

1. The Planning Commission had recommended that the City Council approve the Stage II preliminary subdivision plat comprising 119 lots for single family and "Granny Flat" housing development. However, the applicant in following other Planning Commission recommendations has reduced the number of lots to 117, with a total of not more than 12 granny flat units. The City Council approved the Stage I Master Plan together with zone map amendment converting RA-1 to PDR for the 117 lot subdivision. This approval is contingent on the formation of the Local Improvement District designed to construct Canyon Creek Road extension, construction of Canyon Creek Road North of Boeckman Road to Elligsen Road and sanitary sewer improvements before any occupancy permit is given.
2. Provide the Planning Department 15 copies of all submittal documents and a legal description of the property being rezoned 20 days prior to the date of the City Council meeting hearing for the Stage I master plan and zone map amendment.
3. The developer shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
4. The subdivision lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
5. The developer shall submit an application to the Design Review Board for a street tree program, neighborhood park development plans, bicycle and pedestrian way design details, landscape plan for outdoor living, proposed signs, and fence/wall details. Demonstrate to the DRB that open space areas, the neighborhood park, landscaping and bicycle and pedestrian ways will be maintained through a home owners association. The application must be approved by the DRB prior to occupancy of any house in the subdivision.
6. Prior to site grading and tree removal over 6" caliper, the developer shall provide the Design Review Board a tree survey to determine what trees will be preserved and removed that are outside Primary and Secondary Open Space.
7. The City Council adopts the following lot development standards and waivers:

- A. Allow accessory uses under Section 4.122(5) with kitchen facilities for a maximum of twelve (12) units in the subdivision.
 - B. Allow a minimum 2,850 sq.ft. lots per unit. Code minimum is 5,000 Sq.ft.
 - C. Allow 38' minimum width at building line. Code minimum is 60 feet.
 - D. Allow 38' minimum street frontage. Code minimum is 50 feet. (except for cul-de-sac lots).
 - E. Allow a minimum lot depth of 65 feet. Code minimum is 75 feet.
 - F. The minimum distance from center line of any structure is proposed to be no less than 30 feet. Code minimum is 15 feet from the front property line. Allow minimum 12' front yard setback.
 - G. All of the Wide/Shallow lots meet the minimum 15 foot rear yard setback; however the Alley lots, due to garages being rear loaded show a 4 foot setback.
 - H. Side yard setback - 5 foot in all cases.
 - I. Allow 55% lot coverage.
 - J. Waive Section 4.137 for sun exposure planes.
 - K. Allow a 28 foot paved street within a 34 foot ROW. The 28 foot paved street would allow parking on only one side.
 - L. The Transportation Master Plan requires: A local residential street , designed for 1,200 vehicles per day, consist of 32 feet of pavement within a 52 foot right-of-way: Included in the ROW are (2) 5' public utility easements and (2) 5' sidewalks. Allow a 28 foot paved area within a 34 foot ROW. The 28 foot paved area would allow parking on one side. Included in the ROW are curbs on both sides and sidewalks on one side, as shown on the approved plat.
 - M. Parking: Section (2) (b) requires each dwelling unit to have (2) off-street parking spaces. Allow (1) off-street parking space for the alley lot bungalow unit.
8. Lots proposed within Primary Open Space shall be identified in a conservation easement. The applicants shall record the conservation easement in the final plat with the Clackamas County Clerk's office, and indicate the easement on the land sale deed for each affected lot. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City

Planning Department. Furthermore, the conservation easement shall be clearly delineated on all sales information for public/buyers inspection.

9. During construction, (i.e. streets, installing utilities, excavation) in creating the lots for sale, the developer shall install temporary fencing along the boundaries of the Primary Open Space so that the POS areas are not disturbed.
10. Each home builder or owner shall construct a five (5) foot wide, concrete sidewalk as shown on the approved plat. Each home builder or owner shall construct their sidewalk when each respective building permit is issued.
11. The developer shall construct a 5' wide concrete sidewalk along the entire west side of the subdivision fronting Canyon Creek Road extension. The sidewalk shall be constructed prior to any residential occupancy in the subdivision.
12. The developer shall coordinate with U.S. Postal Service about the locations of mail box stations. The U.S. Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants, public and private utilities.
13. The zone map amendment and Stage II approval will expire two years after final approval if no development has occurred on the property within that time; provided, however, upon good cause shown the Planning Commission shall extend such zone change for additional year. In the case of Planned Development Zones, the zone change will not expire if substantial development has occurred on part of the land initially zoned and if development was completed in phases.
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 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 disclose all of the conditions in the title reports.
16. The developer shall comply with the conditions identified in the City Building Department and City Engineering Department reports identifies in Exhibits E and K.
17. The alleys shall be maintained clear of any obstructions, including, but not limited to, trash containers, parked vehicles, boats, trailers, recreational vehicles, and storage of materials. The CC&R's shall notify the homeowners of this regulation.

18. Open space shall be maintained clear of any obstructions including, but not limited to, trash containers, parked vehicles, boats, trailers, recreational vehicles, and storage of materials. The CC&R's shall notify the homeowners of this regulation.
19. All alley lots shall have driveway access from the adjoining alley.
20. In order to provide more pathway and street redundancy (other than Canyon Creek Road), the developer shall coordinate with the City Engineering Department and with Tektronix Inc., to create pathways connecting the north and west sides of the project with the Tektronix campus and vacant Tektronix property to the north. Access easements shall be shown on the final subdivision plat.
21. The developer shall coordinate with the Southern Metropolitan Area Rapid Transit (SMART) Director in locating and providing a transit stop and bus shelter to serve Canyon Creek Meadows.
22. The applicant will construct a fence abutting the Choruby property to the east, specifically on lots #21, 22, 23, 24, and 25 inclusive.
23. Copies of the CC&R's will be provided to the City Planning Department.
24. The applicant shall minimize the impact of the sanitary sewer line if it is to be placed in the creek area and coordinate same with the planning staff as well as the engineering staff, taking into consideration the impact on the primary open space which is an area of special concern.
25. The applicant shall construct the proposed pathway through the open space, as shown on the approved preliminary plat.
26. In order to assure that purchasers of homes within this subdivision are notified that there will be less available parking than they might expect, a statement shall be included within the deed restrictions of the development clearly explaining this situation to prospective purchasers.
27. A Homeowners' Association shall be formed as specified in the CC & Rs for the development. The Association shall have responsibility for maintenance of all shared private drives, parks and open spaces within the development.

ADOPTED ENGINEERING DEPARTMENT CONDITIONS

- PF1. From the materials submitted, it appears that the storm drain, 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 Works 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. Five foot sidewalks shall be installed where required adjacent to all public streets.

- PF8. 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.
- PF9. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.
- PF10. 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.
- PF11. Applicant's Design Team shall investigate and assure that storm water being directed to the exiting drainage way located south and east of Canyon Creek Meadows site, does not adversely impact down stream property owners. Any easements/agreements shall be obtained by the applicant.
- PF12. The applicant shall provide a 6 ft. Public Utility Easement along both sides of Canyon Creek Road.
- PF13. Canyon Creek Road shall consist of a 50 foot concrete street section in conformance with the Transportation Master Plan (64 foot right-of-way). Said section shall extend from Boeckman Road north to Burns Way.
- PF14. Applicant shall submit street dedication for the alignment of Canyon Creek Road prior to final plat being approved.
- PF15. The applicant shall be responsible for the coordination of local utility companies for the purpose of installing necessary conduits, vaults and piping to serve subject site.
- PF16. No lots shall have direct access to Canyon Creek Road.
- PF17. Required site distance must be maintained at the intersection of Canyon Creek Road and Boeckman Road. There shall be no structures or plantings allowed that would obstruct vehicular sight distance as described in the city of Wilsonville's Public Works Standards.
- PF18. Applicant shall construct a 12 foot asphalt Bike/Pedestrian Way between Lots 25 and 26.
- PF19. The applicant shall extend 12" sanitary sewer to north property line of Canyon Creek Meadows.
- PF20. The applicant shall install a looped water system through the Canyon Creek Meadows subdivision.
- PF21. Applicant is proposing a 28 foot wide street section within a 34 foot wide right-of-way with 5 foot sidewalks on one side. Staff is recommending a 28 foot wide street section with 5 foot sidewalks on both sides within a minimum right-of-way width of 40 feet. Applicant shall dedicate a 5 foot utility easement adjacent to all interior streets. (This condition modified by adopted Condition of Approval 7 (M) to allow sidewalks on one side.).
- PF22. All alley way entrances shall be constructed to Washington County Standard Drawing DW-203.

PF23. Applicant shall provide an irrevocable offer of dedication of a 40 foot wide right-of-way within the open space area shown between lots 11 and 12 and extending north to the north property line from the proposed east/west street.

ADOPTED BUILDING DEPARTMENT CONDITIONS:

1. All fills in excess of 12" in depth are required to have a grading permit and a soils report from a registered soils engineer.
2. All lots shall be provided with storm water drainage to an approved location. All raindrain and foundation low point drains shall be run at proper grade as per code requirements.
3. All sidewalks and curb ramps are required to be handicap accessible.

EXHIBIT A

EXHIBITS

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

- A. Findings and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents
 - D-1 Project Plans, project findings.
 - D-2 Proposed waivers.
- E. Building Official memorandum.
- G. DKS Traffic Study
- H. Transportation Master Plan including Figure 20, Figure 19 and Table 5.
- I. Supplement to Requested Waivers Canyon Creek Meadows
- J. Memo: Glenn Milnor, Recreation Director
- K. Engineering Department memorandum.
- L. Transportation Advisory Committee minutes. (not provided)
- M. Affidavit of Mailing, Posting, Publication/Hearing Notice
- N. Applicant's comments on PC Department staff report
- O. Canyon Creek Meadows Market Study
- P. 17-color photo's of site taken by PC Dept. staff
- Q. Letter, Madrid Letter
- R. Architect's drawing of proposed sidewalks outlined in red
- S. Large site plan map indicated with "M" at top showing the correct alignment of six houses across the north side.
- T. Colored example of floor plan showing solid wall easement
- T.(1) Black and white copy of T.
- U. Proposed Additional Findings

EXHIBIT A

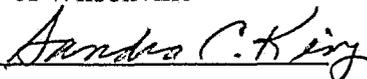
IT IS THEREFORE ORDERED that the property above-described is hereby rezoned from **RESIDENTIAL AGRICULTURE 1 ACRE (RA-1)** to **PLANNED DEVELOPMENT RESIDENTIAL (PDR)** and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order. This Zoning Order also approves the **Stage I, Master Plan, Stage II, Preliminary Plat, and the Primary Open Space boundary depicted on Exhibit D4-3.**

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

DATED this 21 st day of August, 1995.


GERALD A. KRUMMEL, Mayor

ATTEST:
City Recorder
City of Wilsonville

By 

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leo	<u>Absent</u>
Councilor Leahy	<u>Yes</u>